

**NORTHWEST TECHNOLOGY CENTER  
2020-2021 POLICY MANUAL  
TABLE OF CONTENTS**

<b>POLICY</b>	<b>PAGE NUMBER</b>
<b>SECTION 1 - INTRODUCTION</b>	
Introduction .....	1
Philosophy .....	2
Mission Statement .....	3
Safety .....	4
Code of Ethics .....	5
Relationship with the Foundation.....	8
<b>SECTION 2 – SCHOOL BOARD OPERATIONS</b>	
Board of Education Legal Status.....	1
Election of Board Members .....	2
Board Vacancies .....	3
Continuing Education for Board Members .....	4
Board Internal Organization .....	6
Board of Education Officers - President .....	7
Board of Education Officers - Vice-President .....	8
Board of Education Officers – Treasurer .....	9
Board of Education Officers – Clerk .....	10
Minutes Clerk .....	11
Encumbrance Clerk .....	12
Board Meetings .....	13
Board of Education Notification of Meetings .....	15
Quorum Board Meeting Procedure.....	17
Board of Education Meeting Public Participation.....	18
Board of Education Executive Officer – Superintendent .....	20
Board-Superintendent Relationship .....	22
Term of Office and Salary of Superintendent .....	23
Evaluation of the Superintendent.....	24
<b>SECTION 3 – BUSINESS and AUXILIARY SERVICES</b>	
Management and Investment of Funds .....	1
Public Gifts to the Technology Center .....	5
Annual Statistical/Financial Reports .....	6
Surety Bonds for Superintendents and Financial Officers .....	7
Activity Funds .....	8
Federal Programs .....	9
Federal Programs Complaints .....	17
Employee Fundraising .....	21
Employee Travel Expense Reimbursement.....	23
Reimbursement for Cocurricular Activity Expenses.....	27

**NORTHWEST TECHNOLOGY CENTER  
2020-2021 POLICY MANUAL  
TABLE OF CONTENTS**

<b>POLICY</b>	<b>PAGE NUMBER</b>
Auditor.....	30
Procurement/ Purchasing and Distribution .....	31
Selection of a Construction Manager .....	34
Substitute Instructors .....	35
Duplicate Checks .....	36
Electronic Records, Contracting and Signatures .....	37
Identity Theft Prevention .....	40
Phone Calls During Class Time .....	43
Transportation Management .....	44
Food Allergies Policy For Secondary Students .....	45
Safety Drills and Emergency Management .....	46
Distribution of Materials .....	48
Campus Safety and the Jeanne Clery Act .....	50
Interference with the Peaceful Conduct of Activities .....	52
Restrictions on Presence of Sex Offenders on School Property .....	54
Healthy and Fit School Advisory Committees .....	56
Workplace Wellness .....	57
Smoking, Vaping and the Use of Tobacco Products .....	58
Contagious Health Conditions .....	61
Communicable Diseases .....	62
Student Interviews and Interrogations .....	63
Custodial and Noncustodial Parental Rights (of Minor Students) .....	64
District Wide Parental Involvement (Secondary Students – Parent Bill of Rights) .....	65
Review of Instructional Materials .....	70
Medical Marijuana, Hemp & Cannabidiol (CBD) .....	71
Freedom of Expression.....	76
 <b>SECTION 4 – INSTRUCTION</b>	
Attendance/Activities .....	1
Classroom Visitation.....	2
United States Copyright Law .....	3
Constitution Day and Citizenship Day .....	4
Veterans Day .....	5
 <b>SECTION 5 – TECHNOLOGY CENTER PROPERTY</b>	
Use of Technology Center Facilities .....	1
Sale of Technology Center Surplus Property .....	7
Asbestos Inspection.....	9
Buildings and Grounds Maintenance .....	10
Loaning of Technology Center Equipment .....	11
Inventories.....	12
Intellectual Property .....	13

**NORTHWEST TECHNOLOGY CENTER  
2020-2021 POLICY MANUAL  
TABLE OF CONTENTS**

<b>POLICY</b>	<b>PAGE NUMBER</b>
---------------	------------------------

**SECTION 6 – EMPLOYEES – GENERAL**

HazCom Program .....	1
Bloodborne Pathogen Exposure Control Plan .....	2
Employee Safety Assurance Program .....	9
Health and Safety .....	13
Instructor Presence in the Shop/Lab or Classroom .....	15
Eye Protection Devices .....	16
Hiring .....	17
Employment of Family Members.....	19
Professional Credentials .....	20
Criminal Record Searches .....	21
Employee Appearance .....	29
Professional Conduct by Staff .....	32
Campaign Activities During Regular School Day .....	35
Drug and Alcohol Free Workplace .....	36
Reporting Student Substance Abuse.....	37
Abuse, Neglect and Exploitation: Reporting and Investigation .....	38
Professional Development .....	46
Educational Assistance .....	47
Evaluation of Staff .....	49
Employment References – Release of Information Regarding Employees .....	50
Fair Labor Standards Act Compliance .....	51
Employee Leave .....	54
Unused Sick Leave .....	58
Family and Medical Leave .....	59
Sick Leave Sharing Bank .....	65
Workers’ Compensation.....	68
Insurance Benefits .....	69
Assault and Battery Involving Technology Center Employees .....	70
Professional Organization Payroll Deductions.....	72
Reporting Threatening Behavior .....	73
Compliance with State and Federal Laws Regarding Employee Leave and Payroll Procedures.....	74

**SECTION 7 – CERTIFIED EMPLOYEES**

Suspension, Dismissal and Nonreemployment of Teachers.....	1
Reduction in Force of Certified Teaching Personnel .....	8
Resignation of Certified Personnel .....	12
Standards of Performance and Conduct for Teachers .....	13
Dyslexia Awareness Program.....	16

**NORTHWEST TECHNOLOGY CENTER  
2020-2021 POLICY MANUAL  
TABLE OF CONTENTS**

<b>POLICY</b>	<b>PAGE NUMBER</b>
<b>SECTION 8 – SUPPORT EMPLOYEES</b>	
Evaluation of Professional/Support Personnel.....	1
Reduction in Force of Support Personnel.....	2
Suspension, Demotion, Termination or Nonreemployment of Support Employees.....	4
Professional and Support Employee Rules for Conduct.....	9
Resignation of Professional/Support Employees .....	13
<b>SECTION 9 – RECORDS</b>	
Student Records.....	1
Notification of Rights Under FERPA.....	14
Directory Information Notice .....	16
Agreement for Receipt of Records .....	17
Document Retention .....	18
Transfer and Release of Confidential Information.....	21
Open Records.....	23
Open Records Act Schedule of Fees .....	26
<b>SECTION 10 – STUDENTS</b>	
Student Admission Policy and Procedures for Full-Time Programs.....	1
Enrollment for Those Convicted of Felonies.....	3
Minor Student Residency.....	5
Student Attendance .....	12
Physical Restraint of Students with Disabilities .....	15
Seclusion of Students with Disabilities .....	16
Direct Threat .....	18
Educational Services for Students Under Section 504 and Title II of the ADA .....	21
Adult Student Behavior .....	26
Secondary Student Behavior .....	34
Secondary Student Suspensions .....	39
Disciplinary Removal of Secondary Students with Disabilities .....	46
Gun-Free Schools Student Suspension or Removal.....	52
Student Bullying .....	54
Hazing.....	59
Student Possession of Dangerous Weapons .....	60
Students, Drugs, and Alcohol .....	63
Student Search and Seizure .....	65
Search and Seizure of Technology Center Property Assigned to Student .....	67
Administration of Medicine to Students .....	68
Student Diabetes Care and Management .....	73

**NORTHWEST TECHNOLOGY CENTER  
2020-2021 POLICY MANUAL  
TABLE OF CONTENTS**

<b>POLICY</b>	<b>PAGE NUMBER</b>
Food Allergies .....	76
Tuition Refund.....	77
Post Military Education.....	78
Student Grades .....	79
Work-Based Learning .....	82
Live Work .....	84
Student Organizations: Sponsorship and Closed Student Forums .....	87
 <b>SECTION 11 – DISCRIMINATION</b>	
Nondiscrimination .....	1
Discrimination, Harassment, and Retaliation .....	2
Grievance Procedure for Filing, Processing and Resolving Discrimination Complaints .....	6
Disability Accommodations .....	11
Service Animals .....	13
Title IX – Sex Discrimination and Sexual Harassment .....	18
 <b>SECTION 12 – TECHNOLOGY</b>	
Internet and Technology Safety Pursuant to the Children’s Internet Protection Act ....	1
Acceptable Use of Internet and Electronic and Digital Communications Devices.....	2
Cyber Bullying and Internet Safety Fact Sheet.....	7
Prohibited Use of District Issued Technology Equipment .....	8
Personal Wireless Devices and Electronic Accounts.....	9
Acceptable Use of File Sharing Technology .....	11
Social Media .....	13
Cybersecurity.....	16
 <b>SECTION 13 – PANDEMICS AND NATURAL DISASTERS</b>	
Board Meetings Held Via Videoconference or Teleconference .....	1
Distance Instruction .....	5
Leave Under the Families First Coronavirus Response Act .....	11
Telework During Extended Technology Center Closure or for Intermittent Use .....	15

### **Copyright Notice**

The attached document is copyrighted by Rosenstein, Fist & Ringold. As such, it cannot be reproduced, in whole or in part, without the express written permission of the copyright holder.

## **INTRODUCTION**

The technology center operates according to policies developed and established by the board of education. The board, which represents the local community, develops policies after careful study and deliberation. The board will regularly assess the effects of its policies and make revisions as necessary.

This manual contains the policies that govern the technology center. Policy development in a modern, progressive school system is a dynamic, on-going process. New problems, issues and needs create a continuing need to develop new policies and revise existing ones.

Each person or office should update his or her copy of this manual as new policies are distributed.

**PHILOSOPHY**

The educational program of the technology center will focus on the individual. In assisting each individual to become a responsible citizen, the technology center is contributing to the betterment of our nation and society as a whole. Education is essential to the development of character, physical and mental health, emotional security and provides the foundation for successful living in an ever changing world.



**MISSION STATEMENT**

Creating success in education, the workplace and life.

**SAFETY**

The board values technology center employees and is concerned for the safety of all employees. The board will establish, through the superintendent, healthful and safe working conditions, and insist on safe work practices and methods. Technology center employees are required to comply with all applicable regulations and laws concerning employee safety.

The superintendent is responsible for ensuring compliance with all applicable health and safety regulations, including establishing necessary procedures and positions to carry out this compliance.

## **CODE OF ETHICS**

We believe that the following statements are the core components of the ethical foundation for the Oklahoma CareerTech System – a system that helps prepare Oklahomans to succeed in the workplace, in education, and in life. To this end, we subscribe to the following statements as standards for the Northwest Technology Center Code of Ethics.

I (will):

1. Focus on the success of students and clients as the fundamental value upon which all decisions are made.
  - Provide a safe, supportive environment to include up-to-date facilities, equipment, instructional materials, and methods, as well as other appropriate student services to enhance the educational experiences and enable all students to achieve their full potential for success.
  - Ensure that all instructors are appropriately qualified to provide a high level of instruction to enable students to obtain realistic training and education for successful career and work place readiness.
2. Acknowledge that the system is accountable to the taxpayers and patrons of the local district and the State of Oklahoma.

The district will compile and make available an annual report or profile that identifies the standards by which the district measures program success. A copy of this report will also be published on the district website. The annual report or profile may measure standards such as teacher qualifications, cost per program, economic impact of programs and services, completion rates, sending school secondary service rate, positive placement of completers, percentage of completers who attain a state or national licensure or certification, etc.
3. Understand that the role of the board of education is to set policy and direction for the school district, and the role of the administration and staff is to implement the policies of the board in a fair and consistent manner.
  - The district will maintain and enforce an up-to-date manual of policies and procedures.
  - The district will utilize a strategic planning process that will include, at a minimum, the following components: core values and beliefs, vision statement, mission statement, and strategic goals.

- Adoption of policies not in conformity with the administrator's recommendations or beliefs is not just cause for refusal by the administration to support and implement those policies.
  - Administration must be impartial in the execution of the school policies and the enforcement of rules and regulations. It is a breach of ethics to give preferential consideration to any individual or group because of special status or position in the school system or the community.
4. Not use position or influence for any personal gain; and will avoid actions that create a conflict of interest and strive to avoid actions that might appear to create a conflict of interest.
- The term "conflict of interest" describes any circumstance that could cast doubt on a person's ability to act with total objectivity with regard to the district's interest. Conflicts of interest are prohibited.
  - It is improper for a board member or school administrator to profit financially from interest in any business which publishes, manufactures, sells, or in any way deals in goods or services which are, or may be expected to be, purchased by the school system they serve.
  - It is a breach of public trust for a board member or administrator to use confidential information concerning school affairs (such as the knowledge of the selection of specific school sites) for personal profit or to divulge such information to others who might profit.
  - Although it is impossible to list all potential conflict of interest situations, the following examples represent situations where a conflict of interest could arise:
    - A direct or indirect financial interest in any business or organization that is a district vendor or competitor, if the employee or board of education member can influence decisions with respect to the district's business.
    - Use of any district asset for the employee's personal business advantage (examples of such assets include not only equipment, tools, and supplies, but also valuable ideas, technical data, and other confidential information).
  - Relationships, including business, financial, personal, and family may give rise to conflicts of interest or the appearance of a conflict. Employees should carefully evaluate relationships as they relate to district business to avoid conflict or the appearance of a conflict.
5. Fulfill professional responsibilities with honesty and integrity.
- The board of education, superintendent, administration, faculty, and staff will fulfill their duties and responsibilities with honesty and

integrity and improve their professional effectiveness through continuing professional development.

- Board members will be diligent and well informed of issues surrounding board decisions and regularly attend board meetings.

6. Support the constitutions of the State of Oklahoma and the United States of America and obey all federal, state, and local laws.

- Board members will uphold the oath of office.
- Professional development will be held annually for board members, superintendent, administration, faculty, and staff to learn about new laws.

7. Encourage effective communication between the board, the students, the staff, and all elements of the community.

A communication plan will be developed to address internal and external audiences.

8. Improve professional effectiveness through continuing professional development.

In addition to meeting the minimum requirements for continuing education mandated by state law, board members, administration and staff have a professional obligation to attend conferences, seminars, and other learning activities that hold promise of contributing to their professional growth and development.

**RELATIONSHIP WITH THE  
NORTHWEST TECHNOLOGY CENTER EDUCATION FOUNDATION, INC.  
("FOUNDATION")**

Northwest Technology Center ("Northwest Tech"), recognizing the importance of the Foundation, as well as the financial benefits which it, as a "local foundation" provides to Northwest Tech, and further recognizing the distinct separateness of the Foundation as an entity separate and distinct from Northwest Tech, sets forth the following policy with respect to the interrelationship between the Foundation and Northwest Tech.

Pursuant to the provisions of applicable Oklahoma law,

- No employee of Northwest Tech shall serve as a voting member of the Foundation's Board of Directors.
- Employees of Northwest Tech may serve in an ex officio capacity on the Foundation's Board of Directors, if requested to do so by the Foundation, provided that (i) the total number of ex officio members of the Foundation's Board of Directors shall be less than the number of the voting members of the Foundation's Board of Directors, and (ii) no ex officio member of the Foundation's Board of Directors, nor any employee of Northwest Tech, shall receive any compensation from the Foundation for services.
- Members of the Northwest Tech's Board of Education may serve, at the request of the Foundation, on the Foundation's Board of Directors provided that such Board of Education members shall not at any time constitute a majority of the members of the Foundation's Board of Directors, nor shall any such individuals be compensated by the Foundation.
- No member of Northwest Tech's Board of Education nor any employee of Northwest Tech shall perform services for the Foundation unless such services are pursuant to a written contract between the Foundation and Northwest Tech and the Foundation makes adequate payment or reimbursement to Northwest Tech for the services so rendered.
- Northwest Tech shall not provide items of value (other than office space as set forth in this policy) to the Foundation without receiving documented adequate payment therefor, according to a written contract.
- Upon prior approval of the Board of Education, as noted in the minutes of the meeting at which approval is given, Northwest Tech may provide to the Foundation, space in any of Northwest Tech's buildings for any amount of rent (including \$1) as mutually agreed upon by Northwest Tech and the Foundation.

Appropriate members of Northwest Tech's administrative staff are encouraged to serve as liaisons to the Foundation so as to share information and ideas with the Foundation to assist the Foundation to fulfill its goals as a local foundation for the benefit of Northwest Tech.

No member of Northwest Tech's Board of Education nor any employee of Northwest Tech, including but not limited to administrative, certified and clerical employees shall direct the activities or functions of the Foundation.

No member of Northwest Tech's Board of Education nor any employee of Northwest Tech, including but not limited to administrative, certified and clerical employees, shall direct the activities or functions of the Foundation, nor unilaterally prepare or submit grant applications to philanthropic organizations. Any grant applications which are, at the request of the Foundation, prepared in whole or in part by a member of Northwest Tech's Board of Education, or an employee of Northwest Tech shall be reviewed and, if applicable, approved, signed and submitted by an officer of the Foundation.

**BOARD OF EDUCATION  
LEGAL STATUS**

The board of education is comprised of five (5) members elected by a vote of the legally registered voters residing in the technology center district. The board of education derives its authority from state law. The board's power is judicial and legislative, and the superintendent selected by the board serves as its chief executive officer. When not in legal session, a board member has no legal authority whatsoever – except as may be conferred by the board of education.

The legislative function of the board is to make plans and policies, select the superintendent and delegate to him/her the responsibility to place plans and policies into operation, and provide the financial means for their achievement.

The judicial function of the board is to hear and resolve hearings, grievances, disciplinary appeals, public complaints and other actions of a judicial nature.



**ELECTION OF BOARD MEMBERS**

Board members shall be elected to serve a term of five (5) years or until such time as their successors are duly appointed or elected and have qualified as prescribed by law. Terms of office shall be staggered so that one (1) member shall retire from the board each year.

**BOARD VACANCIES**

The board of education shall determine if and when a vacancy occurs on the board. Such vacancy shall be filled by appointment, and the appointee shall serve until the next regular election if the person is appointed to fill such vacancy in the first half of the term of office for the board position. If the person is appointed to fill such vacancy after the first half of the term of office for the board position, then the appointee shall serve for the balance of the unexpired term. If no one is appointed within sixty (60) days of the date the board declared the seat vacant, a special election shall be held and the elected member shall fill the vacancy for the unexpired term.

Each board member is expected to attend all board meetings. If an emergency situation should arise which will prevent a board member from attending a scheduled meeting, the board member should promptly notify the board president or the superintendent.

## **CONTINUING EDUCATION FOR BOARD MEMBERS**

### Instruction for New and Incumbent Board Members:

Except as provided below, at the time a school district elector files a notification and declaration of candidacy for the office of board of education membership, the elector shall agree and pledge in writing that, upon election or appointment as a member of the board, he or she will attend a two-day workshop to be held by the State Department of Education or, upon approval of the State Board of Education, attend 12 hours of other workshops held by another organization or association representing Oklahoma school district boards of education, for study and instruction concerning school finance, the Oklahoma School Code and related laws, and the ethics, duties and responsibilities of board of education members. If elected, the elector must complete the workshop(s) within 15 months following or preceding his or her election.

When an incumbent board member files a notification and declaration of candidacy for reelection to the board of education, the incumbent shall not be required to comply with the statutory requirement described above if the incumbent produces a certificate of completion showing that he or she has completed the workshop described above. However, the member will be required to agree and pledge in writing that, upon reelection, the member will complete six (6) hours of instruction, within 15 months of election, including one (1) hour of instruction in school finance, one (1) hour of instruction in the Oklahoma Open Records Act and the Oklahoma Open Meeting Act and one (1) hour of instruction in ethics. The remaining hours may be satisfied by attending a workshop, class or seminar addressing the education issues set forth in the Oklahoma State Statutes.

Upon completion of the workshop(s) described above, the member's certificate of completion will be included in the public records of the board's minutes.

Any member of the board or any individual elected, certified as the elected member by the county election board, but not sworn in and seated as a member of the board of education at the time of a workshop, who attends and successfully completes a workshop as required above, shall be reimbursed for expenses incurred that are itemized and documented for lodging, meals, registration fees and transportation to and from the place of the workshop.

### Continuing Educational Requirements

In addition to the workshop requirements described above, every member of the board shall be required to attend a minimum of 15 hours of continuing education during any full term of office of the member. The continuing education courses, local and state workshops, seminars, conferences and conventions that will satisfy these requirements will be held within the state and will be approved jointly by the State Department of Education and the State Department of Career and Technology Education. Failure by a board member to satisfy the continuing education requirements of this section shall result in the ineligibility of the member to run for reelection to the board of education. Any member of the board who attends and completes a

course that satisfies in part or in full the requirements of this policy shall be reimbursed by the district for expenses incurred. This paragraph shall not apply to those school board members who filed for reelection prior to July 1, 1991.

#### Failure to Meet the Educational Requirements

Upon receiving any notice by the State Board of Education that a board member has not completed their instructional or continuing educational requires, both the board member and the superintendent shall alert the board to such default.

Upon receiving a final certified notice by the State Board of Education, the board member shall have sixty (60) days in accordance with Oklahoma law to complete the requirements. Should a board member not complete the required instructional or continuing educational requirements within that time period, the board shall declare the board member's seat vacant in accordance with Oklahoma law. The board seat must be declared vacant within sixty (60) days of the last date the board member had to complete the instructional or continuing education requirements according to the final certified notice by the State Board of Education.

Any board member who does not obtain the required education will be ineligible, pursuant to Oklahoma law, to serve on the board of education for a period of 2 years.

Reference: OKLA. STAT. tit. 70 §§ 5-110, 5-110.2

**BOARD  
INTERNAL ORGANIZATION**

The term of office of newly elected board members shall begin at the first regular, special or emergency board meeting after the member has been certified as elected.

The board of education shall be organized at the beginning of the first regular, special, or emergency meeting following the annual school election and certification of election of new members. The board shall elect from its membership, a president and vice-president, each of whom shall serve for a term of one year and until a successor is elected and qualified. The board shall also elect a clerk and, in its discretion, a deputy clerk, either of whom may be one of the members of the board, each of whom shall hold office during the pleasure of the board and each of whom shall receive such compensation for services as the board and applicable law may allow.

**BOARD OF EDUCATION OFFICERS**  
**PRESIDENT**

The president of the board of education serves as the presiding officer and manages routine work of the board, signs all contracts, appoints all committees, signs all warrants ordered by the board of education to be drawn upon the treasurer of school money, certifies tax levies and defends them, serves as spokesperson, and performs other duties that are delegated to him/her by state law or by order of the board of education.

In addition to performing the duties specifically imposed by the board of education, the president shall have the authority to enforce all permanent rules and regulations adopted for the governance and control of the technology center, and shall at all times take such measures and employ such means as may be proper and lawful to enforce school laws within the technology center in the interim between meetings of the board.

The president shall have authority to appoint a member or members as ex officio representatives of the board of education to other organizations of the community that request such representation.

**BOARD OF EDUCATION OFFICERS**  
**VICE-PRESIDENT**

It shall be the duty of the vice-president to perform all of the duties of the president in case of the president's absence or disability.

**BOARD OF EDUCATION OFFICERS**  
**TREASURER**

It is the policy of the board of education to employ a treasurer for the technology center. The treasurer shall serve at the pleasure of the board and for such compensation as the board may determine, and shall perform those duties as the board may in its discretion confer upon the treasurer, including but not limited to the duty to maintain records and files as required by law or as instructed by the board or the superintendent. The board of education shall require a minimum bonding capacity of \$100,000.00 when using an independent treasurer and may increase that amount as circumstances warrant.



**BOARD OF EDUCATION OFFICERS  
CLERK**

The board of education has established the following duties for the clerk of the board of education:

1. Attend all meetings of the board, countersign all warrants for school monies drawn upon the treasurer by the board and perform such other duties as the board may direct.
2. In addition to performing the duties specifically imposed upon him/her by the school code, cooperate with the superintendent of schools, the board treasurer and the minutes/encumbrance clerk in the management of the business affairs of the school.
3. Attest, in writing, the execution of all deeds, contracts, reports and other instruments that are to be executed by the board of education.
4. Furnish, whenever requested, any and all reports concerning school affairs, on such forms and in such manner as the State Board of Education, Oklahoma Department of Career and Technology Education, or the Superintendent of Public Instruction may require.
5. Destroy all claims, warrants, contracts, purchase orders and any other financial records or documents, including those relating to school activity funds, on file or stored in the offices of the board of education of the district for a period of longer than five (5) years.
6. Maintain all required school board election related filings for a period of four (4) years, including coordinating efforts with the district's technology department for including the filings on the district's website.

Reference: OKLA. STAT. tit. 70 § 5-119

**MINUTES CLERK**

The board of education has established the following duties for the minute clerk:

1. Attend all meetings of the board and keep an accurate journal of the proceedings thereof.
2. List numbers of approved encumbrances in the minutes of the board meetings.
3. Furnish tentative minutes to newspapers requesting copies.
4. Perform such other duties as directed by the board of education.

The minute clerk will post a surety bond in the amount of \$1,000.00 before discharging any duties as minute/encumbrance clerk.

**ENCUMBRANCE CLERK**

The board of education has established the following responsibilities for the encumbrance clerk:

1. Keep technology center books and documents.
2. Enter authorized amounts of appropriations in the appropriate accounts.
3. Charge the correct appropriation account and credit the affected encumbrance outstanding accounts with approved encumbrances after first determining that the encumbrances do not exceed the balance of the appropriation charged.
4. Receive certification from the proper technology center employee that services or merchandise billed to the technology center have been received, file bills and invoices in official records, debit the outstanding account and credit the accounts payable account for the amount of the approved bills.
5. Pay the approved bills by issuing warrants against the designated funds, charge the warrants against the appropriate accounts payable accounts and credit them to the appropriate warrants issued accounts, notify the board treasurer when bills are approved for payment in lieu of issuing warrants so that the treasurer can record payments by check, wire transfer, direct payroll deposit or make other disbursement approved by the Federal Reserve System.
6. Receive all warrants, certificates of indebtedness or bonds after the treasurer has registered the warrants in numerical order.
7. Perform other duties as assigned by the board of education, which may include completing purchase order forms.

The encumbrance clerk will post a surety bond in the amount of \$1,000.00 before discharging any duties as encumbrance clerk.

## **BOARD MEETINGS**

The board of education shall transact all business at official meetings of the board. These may be regular, continued or reconvened, special or emergency meetings, defined as follows:

1. Regular Meeting – the usual, official legal action meeting held regularly.
2. Continued or Reconvened Meeting – a meeting assembled for the purpose of finishing business appearing on an agenda of a previous meeting.
3. Special Meeting – an official legal action meeting called between scheduled regular meetings to consider specific topics.
4. Emergency Meeting – an official legal action meeting held only for dealing with situations involving either injury to persons or injury or damage to public or personal property or immediate financial loss so severe that the 48-hour notice period for a special meeting would be impractical and increase the likelihood of injury or damage or immediate financial loss.

A “meeting” is defined as the gathering of a quorum of members of the technology center to propose or take legal action, including any deliberations with respect to such action.

No meetings will be held by teleconference. However, meetings may be held by videoconference as long as the meeting conforms to the requirements of Oklahoma’s Open Meeting Act. Accordingly, any meeting conducted by videoconference must meet the following requirements:

1. A quorum must be present in person.
2. The meeting notice and agenda prepared in advance of the meeting shall indicate that the meeting will include videoconferencing locations and shall state the location, address and telephone number of each available videoconference site, the identity of each member of the body and the specific site from which each member of the body shall be physically present and participating in the meeting.
3. After the meeting notice and agenda are prepared and posted, no member of the public body shall be allowed to participate in the meeting from any location other than the specific location posted on the agenda in advance of the meeting.
4. In order to allow the public to attend and observe each board member carrying out their duties, a member of the board desiring to participate in a meeting by videoconference shall participate from a site and room from within the technology center.

5. Public bodies may provide additional videoconference sites as a convenience to the public, but additional sites shall not be used to exclude or discourage public attendance at any video at any videoconference site.
6. The public shall be allowed to participate and speak, as allowed by rule or policy set by the public body.
7. Any materials shared electronically between members of the public body, before or during the videoconference, shall also be immediately available to the public in the same form and manner as shared with members of the public body.
8. All votes occurring during any meeting conducted using videoconferencing shall occur and be recorded by roll call vote.
9. Executive sessions by videoconference are prohibited.

The regular meeting of the board of education shall be on the first Monday of each month at five o'clock p.m. at the location indicated in the annual letter to the Woods County Clerk. The board may change the meeting place and hour of the meeting by agreement of a majority of the whole number elected.

Special meetings of the board may be called by the president at any time, and he/she shall call special meetings whenever so requested, in writing, by any member of the board. Business transacted at any special meeting may be for either a specific or a general purpose.

Reference: Okla. Stat. tit. 25, §§ 304; 307.1.

**BOARD OF EDUCATION  
NOTIFICATION OF MEETINGS**

Notice of all meetings of the board of education shall be made in accordance with the Oklahoma Open Meeting Act.

Notice to County clerk

Prior to December 15 each year, the board of education shall provide the County clerk a listing of the time, date and place of all regular meetings for the coming calendar year.

Any change in the date, time or place of a regular meeting shall be provided in writing to the County clerk at least ten days prior to implementing the change.

Notice of the time, date and place of a special meeting shall be provided to the county clerk in person, in writing, or by telephone at least forty-eight (48) hours prior to the meeting.

Emergency meetings may be held without the required public notice if it is reasonably believed that delay would increase the likelihood of personal injury, property damage or immediate financial loss to the district. The person calling an emergency meeting shall give as much advance notice as is possible in person or by telephone.

Posting of Agenda

At least twenty-four (24) hours prior to a regular or special meeting, a meeting agenda shall be posted which shall include the date, time and place of the meeting and the business to be undertaken at the meeting. The calculation of the twenty-four hour period shall exclude Saturdays, Sundays, and holidays.

Parties Requesting Notice

Written notice of the date, time and place of the meeting will be faxed, e-mailed, mailed or delivered to each person, newspaper, wire service, radio station and television station that has filed a written request for such notice.

Continuing Meetings

In the event any meeting of the board is to be continued or reconvened, public notice of the action, including the date, time and place of the continued meeting, shall be given by announcement at the original meeting. Only matters appearing on the agenda of the meeting which is continued may be discussed at the continued or reconvened meeting.

### Internet Website

Within six (6) months of the establishment of an internet website, the technology center shall make available on its website or on a general website, if a general website is used, a schedule and information about regularly scheduled meetings of the technology center's board of education. The information shall include the date, time, place and agenda of each board meeting. When reasonably possible, the technology center shall also provide information about the date, time, place and agenda of any special or emergency meeting of the technology center's board of education.

### Videoconference

In any instance in which the board, in accordance with the Open Meetings Act, will conduct a meeting by videoconference, its meeting notice and agenda shall indicate that the meeting will include videoconferencing locations and shall state the location, address, and telephone number of each available videoconference site. The notice and agenda shall also state the identity of each member of the board of education who shall participate in the board's meeting by videoconference and the specific site from which each member of the board shall be physically present and participating in the meeting.

References: Okla. Stat. tit. 25, § 311;  
Okla. Stat. tit. 74, § 3106.2

**QUORUM  
BOARD MEETING PROCEDURE**

A quorum consisting of a majority of the board membership shall be necessary to conduct business at a meeting of the board of education. In the event that a quorum is not present and a regularly scheduled board meeting cannot be convened, the meeting shall be cancelled. If a regularly scheduled board meeting is cancelled due to lack of a quorum, a notice of such cancellation shall be immediately prepared and posted with the original agenda of the cancelled meeting. A special meeting may then be called with the appropriate minimum of 48 hours' notice to the county clerk. The agenda for the special meeting shall include all of the items listed on the agenda of the regular meeting.

If a quorum is present, but the meeting needs to be relocated due to lack of space, building problem, etc., a motion to reconvene the meeting at another place will be made and voted upon. If the board decides to reconvene the meeting, the decision will be announced and a written notice will be posted with the original agenda showing the date, time and place of the reconvened meeting. The minutes of the original meeting will reflect the decision to reconvene and the full announcement.



**BOARD OF EDUCATION MEETING  
PUBLIC PARTICIPATION**

Philosophy

The board recognizes the value to school governance of public comment on educational issues and the importance of involving members of the public in board meetings. By this policy the board has established guidelines to govern public participation in board meetings necessary to conduct its meetings and to maintain order.

In order to permit fair and orderly expression of public comment, the board shall provide an opportunity at each regular meeting of the board for public comment on items listed on the agenda of the regular meeting for board action. Members of the public who wish to make public comments unrelated to items on the board agenda may also address the board by following the procedures outlined below.

Public Comments – General Guidelines

If the board determines there is not sufficient time at a meeting for public comments, the comment period may be deferred to the next regular meeting. In addition, the board has the right to expect that public discussion will be orderly and civil. If not, the board can, in its discretion, discontinue public comment.

Whenever issues identified by the participant are subject to remediation under policies and procedures of the board or district, they shall be dealt with in accordance with those policies and procedures. In particular, the board will not hear either positive or negative comments about staff members or persons connected with the district until those comments/complaints have reached the board through proper administrative procedures.

Board members will not respond to questions or comments during public participation.

No individual or group may use any agenda item as a forum for campaigning for or against a candidate for public office or ballot measure.

Public Comments on Agenda Items

Participants must be recognized by the president or other presiding officer and must preface their comments by an announcement of their name and group affiliation, if applicable.

Comments of the speaker must relate to an item on the meeting agenda. Generally, participants shall be limited to comment of a maximum of three (3) minutes duration unless altered by the presiding officer, with the approval of the board. All public comments during any one regular meeting shall be limited to no more than fifteen (15) minutes. No participant may speak more than once during a single meeting. All statements shall be directed to the presiding officer; no participant may address or question board members individually.

Individuals or groups wishing to speak during the public comment period of the meeting must check in with the board clerk at least fifteen minutes prior to the start of the board meeting. The individual must provide the following information, in writing, in order to speak before the board:

- Name and address of the individual
- The agenda action item(s) the individual wishes to address
- The organization the individual represents or is affiliated with, if applicable

#### Public Requests to be Added to the Board Agenda

Individuals who wish to address the board by having an item / issue added to the agenda must submit a written request to the superintendent at least seven business days in advance of a board meeting on the form available in the superintendent's office.

The superintendent and board president have final authority in determining whether to include an item on the board agenda. The superintendent will notify the potential speaker at least two business days prior to the meeting whether the requested item has been included on the agenda.

No speaker will be permitted to make comments on issues which are subject to remediation under policies and procedures of the board or district. In particular, the board will not hear either positive or negative comments about staff members or persons connected with the district until those comments/complaints have reached the board through proper administrative procedures. Further, no person will be allowed to speak regarding the following:

- An issue in a pending lawsuit, complaint or investigation filed with an outside agency, wherein the district, employee(s) or the board is a party;
- A pending grievance;
- A pending employee complaint filed with the district or an outside agency;
- A complaint against individual employee(s);
- An employee disciplinary action, including suspension or termination;
- A pending pupil disciplinary action including suspension or appeal that may reach the board

No individual or group may use the agenda item as a forum for campaigning for or against a candidate for public office or ballot measure.

Reference: Okla. Stat. tit. 25, §§ 303, 304

**BOARD OF EDUCATION  
EXECUTIVE OFFICER – SUPERINTENDENT**

The board of education recognizes that the superintendent is the executive officer of the board of education and the administrative head of the technology center. The superintendent must hold an administrator's certificate recognized by the Oklahoma Department of Career and Technology Education. If the superintendent is employed for the first time in Oklahoma, he or she must attend training seminars as required by the Oklahoma Department of Career and Technology Education. The following duties have been established for the office of the superintendent:

1. The superintendent is the executive officer of the board and the leader of the educational forces of the community. The board shall seek the superintendent's recommendation on technology center matters.
2. The superintendent shall attend the meetings of the board (except when his/her employment is being considered) and advise the board on all technology center matters.
3. The superintendent shall make recommendations to the board of candidates for teacher and supervisory positions, as well as other employees of the technology center as the need arises. The board shall not normally employ a technology center employee against the recommendation of the superintendent. The board will direct the superintendent to make additional recommendations if necessary.
4. The superintendent shall devote him/herself to the study of educational trends, keep the board informed on conditions of the campuses/sites of the technology center, and present recommendations for the determination of policy. The superintendent shall, once policies have been established, devise ways and means for their operation and make periodic reports on the success of such policies.
5. All purchases of supplies, materials or equipment shall be made on authority of a purchase order approved by the superintendent.
6. Responsibility for the operation and maintenance of the activity funds shall be delegated to the superintendent.
7. The superintendent shall be responsible for the administration of suspensions and student exclusions for any reason.
8. The superintendent shall be responsible for providing the ways and means for teaching the subjects, as may be designated or approved by the board of education.

9. The superintendent shall have all school accounts audited each year and a copy of the audit filed with the clerk of the board of education.
10. The superintendent shall carefully observe the methods of instruction and the discipline of instructors; suggest improvements; remedy defects in their management; advise as to the best methods of instruction and discipline; and pay special attention to the classification of students, the program of studies and the apportionment of time allotted to each of the prescribed subjects.
11. The superintendent shall secure adequate plant facilities; standardize supplies, equipment and other materials used in the technology center; and formulate standard procedures for purchasing equipment in all departments of the technology center.
12. The superintendent shall prepare a well-coordinated budget by requiring the various divisions of the technology center to participate in its development.
13. The superintendent shall have the authority to close the technology center in case of emergency.
14. The superintendent shall visit other technology centers to observe developing educational trends and to suggest appropriate means for the advancement of the technology center.

The renewal of the superintendent shall be considered by the board and announced at a board meeting each year. It is the duty of the board president to notify the superintendent as soon as possible following the board's decision.

**BOARD-SUPERINTENDENT RELATIONSHIP**

Delegation by the board of its executive powers to the superintendent provides freedom for the superintendent to manage the technology center within the board's policies and frees the board to devote its time to policy making and other governance functions.

The board holds the superintendent responsible for the administration of its policies, the execution of board decisions, the operation of the internal machinery designed to serve the technology center, and for keeping the board informed about technology center operations and problems.

The board as a whole, as individual members, shall:

1. Give the superintendent full administrative authority for properly discharging his or her professional duties, holding him or her responsible for acceptable results.
2. Except under extraordinary circumstances, act only upon the recommendation of the superintendent in matters of school personnel.
3. Hold all meetings of the board in the presence of the superintendent except when the superintendent's contract, salary, or employment is under consideration.
4. Refer all complaints to the superintendent and discuss them only at a board meeting after administrative solutions fail to resolve the complaints.
5. Strive to provide adequate safeguards around the superintendent and other staff members.
6. Present personal criticisms of any employee directly to the superintendent.

**TERM OF OFFICE AND SALARY  
OF SUPERINTENDENT**

The superintendent of the technology center shall be employed for a term specified by this board and will be employed on a twelve-month basis, with vacation time to be agreed upon. The salary of the superintendent, including all fringe benefits, if any, will be determined prior to the execution of an employment contract and shall be stated therein.

It is the policy of this board to consider the issuance of the superintendent's contract each year to insure continuity and stability in the office. The renewal of the contract shall be considered in January, each year, or at some other date as determined by the board. In its discretion, the board may contract with the superintendent for a term as mutually agreed upon, but not to exceed three (3) years beyond the fiscal year in which the contract is approved by the board and accepted by the superintendent.

Prior to considering the superintendent's contract for renewal, the board shall complete and present to the superintendent an evaluation form pertaining to the superintendent's performance. The superintendent shall provide evaluation forms at least thirty (30) days prior to the superintendent's scheduled evaluation session.

The superintendent's employment contract shall include terms and conditions as agreed upon in writing by the board and the superintendent and will be filed by the superintendent with the State Department of Career and Technology Education within fifteen (15) days after it is signed. The board may not pay any salary, benefits or other compensation not specified in the contract on file and may not pay any amounts for accumulated sick leave or vacation leave benefits not calculated on the same formula used for determining payments for such benefits for other full-time employees of the technology center.

### **EVALUATION OF THE SUPERINTENDENT**

The board of education, in recognition of its accountability to the community and its obligations under state law, will conduct an annual formal evaluation of the superintendent of the technology center. The evaluation shall be conducted toward the goal of improving the technology center through an improving superintendency.

Members of the board will first evaluate the superintendent independently, using a written form adopted by the board for this purpose. The board will convene to discuss the assessments and to prepare a composite evaluation. The composite evaluation will be discussed by the full board and the superintendent. The board and the superintendent will each retain a copy of the written evaluation report.

Evaluation of the superintendent shall be conducted in such manner as to:

1. Provide positive and constructive feedback to the superintendent that will support and promote the superintendent's professional growth and development;
2. Help the board evaluate its work in planning the educational program in this community; and
3. Strengthen the working relationship between the board and the superintendent by providing a comprehensive vehicle of communication.

### **MANAGEMENT AND INVESTMENT OF FUNDS**

This investment policy is adopted in accordance with the provisions of applicable law by the board of education of the technology center. This policy sets forth the investment policy for the management of the public funds of the technology center. The policy is designed to ensure prudent management of public funds, the availability of funds when needed, and reasonable investment returns.

Investment Authority:

The technology center treasurer is required by the board of education to invest technology center monies in the custody of the treasurer in those investments permitted by law. The treasurer shall, to the extent practicable, use competitive bids when purchasing direct obligations of the United States Government or other obligations of the United States Government, its agencies, or instrumentalities.

The technology center treasurer shall limit investments to:

1. Direct obligations of the United States Government to the payment of which the full faith and credit of the Government of the United States is pledged; provided the technology center treasurer, after completion of an investment education program in compliance with applicable law, may invest funds in the investment account in other obligations of the United States Government, its agencies or instrumentalities;
2. Obligations to the payment of which the full faith and credit of this state is pledged;
3. Certificates of deposits of banks when such certificates of deposit are secured by acceptable collateral as in the deposit of other public monies;
4. Savings accounts or savings certificates of savings and loan associations to the extent that such accounts or certificates are fully insured by the Federal Savings and Loan Insurance Corporation;
5. Repurchase agreements that have underlying collateral consisting of those items specified in paragraphs 1 and 2 above including obligations of the United States, its agencies and instrumentalities, and where the collateral has been deposited with a trustee or custodian bank in an irrevocable trust or escrow account established for such purposes;
6. County, municipal or technology center direct debt obligations for which an ad valorem tax may be levied or bond and revenue anticipation notes, money judgments against such county, municipality or technology center ordered by a court of record or bonds or bond and revenue anticipation notes issued by a public trust for which such county, municipality or technology center is a



beneficiary thereof. All collateral pledged to secure public funds shall be valued at no more than market value;

7. Money market mutual funds regulated by the Securities and Exchange Commission and which investments consist of obligations of the United States, its agencies and instrumentalities, and investments in those items and those restrictions specified in paragraphs 1 through 6 above;
8. Warrants, bonds or judgments of the technology center;
9. Qualified pooled investment programs through an interlocal cooperative agreement formed pursuant to applicable law and to which the board of education has voted to be a member, the investments of which consist of those items specified in paragraphs 1 through 8 above, as well as obligations of the United States agencies and instrumentalities;
10. Investment programs administered by the state treasurer; or
11. Any other investment that is authorized by law.

#### Investment Philosophy:

This policy shall be based upon a “prudent investor” standard. The board of education recognizes that those charged with the investment of public funds act as fiduciaries for the public, and, therefore the treasurer is directed to exercise the judgment and care that persons of ordinary prudence, discretion, and intelligence exercise in the management of their own affairs as to the permanent non-speculative disposition of their funds, with due consideration of probable income earnings and probable safety of capital. In investing the technology center’s funds, the treasurer shall place primary emphasis on safety and liquidity of principal and earnings thereon.

#### Liquidity:

Available funds will be invested to the fullest extent practicable in interest-bearing investments or accounts, with the investment portfolio remaining sufficiently liquid to meet reasonably anticipated operating requirements.

#### Diversification:

The investment portfolio will be reasonably diversified so as to avoid any one investment having a disproportionate impact on the portfolio. Provided this restriction will not apply to securities of the United States Treasury backed by the full faith and credit of the United States Government.

#### Safety of Principal:

Although investments are made to produce income for the technology center, investments will be made in a manner that preserves principal and liquidity.

Yield:

The portfolio will be designed to attain maximum yield within each class of investment instrument, consistent with the safety of the funds invested and taking into account investment risk and liquidity needs.

Maturity:

Investments may have maturities extending to twelve (12) months, provided sufficient liquidity is available to meet major outlays.

Quality of the Instrument and Capability of Investment Management:

The superintendent shall be responsible for seeing that the treasurer and any assistant treasurer are qualified and capable of managing the investment portfolio and satisfactorily complete any investment education programs required by state law or by the board of education.

Safekeeping and Custody:

The treasurer will maintain a list of the financial institutions and pooled investment programs governed by an interlocal cooperative agreement formed pursuant to OKLA. STAT. tit. 70 § 5-117b which are authorized to provide investment services, and will maintain a separate list of financial institutions with collateral pledged.

Securities purchased from a bank or dealer, including any collateral required by state law for a particular investment, shall be placed under an independent third party custodial agreement. The Trust Department of a financial institution will be considered to be independent from the financial institution.

All securities will be in book entry form, and physical delivery of securities will be avoided.

Telephone transactions may be conducted, but such transactions must be supported by written confirmation, which may be made by way of a facsimile on letterhead with authorized signatures of the safekeeping institution.

Written transactions and confirmations of transactions by computer connections will be kept in the treasurer's office.

Reporting and Review of Investments:

The treasurer will prepare an investment report to be submitted to the board of education on at least a monthly basis. The report will include:

1. A list of individual securities held at the end of the reporting period.
2. The purchase and maturity dates of these securities.
3. The name and fund for these securities.
4. The yield rate of these securities.

5. Any collateral pledged by a custodian.

The board of education shall review the treasurer's investment performance on a regular basis that is no less frequent than monthly.

Depositing of Interest:

Unless otherwise directed by the board of education through policy or by special directive, by the Oklahoma Constitution, or by the federal government, income earned from the investment of non-activity funds shall be deposited in the general fund, and income earned from the investment of activity funds shall be deposited as directed by the board of education.

**PUBLIC GIFTS TO THE TECHNOLOGY CENTER**

The board of education assumes responsibility, within its financial capabilities, for providing at public expense all items of equipment, supplies and services that may be required in the technology center under its jurisdiction. Gifts, grants or bequests will be accepted and the action recorded, provided the conditions of acceptance do not remove any degree of control of the technology center from the board and will not cause inequitable treatment of any student(s) or student group(s).

Propositions giving funds, equipment or materials to the technology center with a “matching agreement” or restriction are generally not acceptable. Acceptance of donated equipment or materials may depend upon compliance with the board’s policy of standardizing materials and equipment in the technology center. The acceptance of a gift for a particular campus, however, indicates the board’s approval of the use the benefactor specified.

Any person or organization desiring to give a gift or make a grant or a bequest to the board should contact the superintendent, who may accept the gift, thank the donor, and inform the board, except that offers of real property will be accepted only by the board. Also, where the appropriateness of a gift is in doubt, the superintendent will refer the matter to the board for its acceptance or rejection. For example, single gifts of considerable value exhibiting the donor’s name or business shall be considered on an individual basis by the board.

All conditional gifts must be approved by the board.

Any gift or grant accepted by the board or the superintendent as its executive officer will become the property of the board of education and will comply with all state and federal laws.

**ANNUAL STATISTICAL/FINANCIAL REPORTS**

The board of education will make annual statistical and financial reports to the Oklahoma Department of Career and Technology Education in a timely manner. The statistical report will be made as of June 30. Each of such reports will be filed with the Oklahoma Department of Career and Technology Education as soon as information is available following the effective date of such reports.

**SURETY BONDS FOR SUPERINTENDENT AND FINANCIAL OFFICERS**

Pursuant to Okla. Stat. tit. 70, § 5-116a (2009), the superintendent and any financial officer of the technology center are required to furnish a surety bond in the penal sum of not less than One Hundred Thousand Dollars (\$100,000.00) or an amount otherwise set by law to assure the faithful performance of the duties of the superintendent and financial officers.

The board finds that a reasonable definition of “financial officer” is any person whose job description or board policy or practice requires that he or she supervise or handle monetary receipts or disbursements on a reasonably consistent basis and any person who has oversight of funds or who actually transacts financial business on behalf of the technology center. In accord with this definition the board defines “financial officers” to include the individuals holding in whole or in part the following positions or their functional equivalent: chief financial or business officer, encumbrance clerk, payroll clerk, treasurer, assistant treasurer, or activity fund custodian. Provided however, the bonding requirements of this policy shall not apply to the treasurer which requirements are specifically governed by OKLA. STAT. tit. 70, § 5-115 (1991).

The requirement as to the terms, conditions, penalty, amount or quality or type of surety shall be deemed to mean the furnishing of a separate bond or surety contract for each individual officer or employee, or the furnishing of a “blanket bond”. The latter means a technology center officer and employees blanket position bond which covers all officers and employees up to the penalty of the bond for each officer and employee and the full penalty of the bond is always enforced during its term and no restoration is necessary and there is no additional premium after a loss is paid.

The surety bonds required by § 5-116a shall be furnished by a company duly qualified under the insurance laws of Oklahoma and shall be purchased by the technology center. Each surety bond shall be payable to the technology center and require “financial officers” and the superintendent to faithfully perform their duties during their employment or term of office and properly account for all monies and property received by virtue of their position or employment.

In the event of a conflict between this policy and any opinion of a court of competent jurisdiction or an opinion of the Oklahoma Attorney General regarding who constitutes a “financial officer” of the technology center, the opinion will be deemed to control over any contradictory definition in this policy.

### **ACTIVITY FUNDS**

The board of education will exercise complete control over all activity funds and will adopt appropriate rules and regulations for handling, expending and accounting for all such funds.

At the beginning of each fiscal year, the board will approve all activity fund subaccounts, all subaccount fund raising activities and all purposes for which the monies collected in each subaccount can be expended. The board will approve any activity fund raising events during the fiscal year.

The superintendent will cause the activity account to be audited annually by a certified public accountant who will be selected by the board. The audit will be furnished to the board, and the cost of the audit will be paid from the general fund.

No expenditures will be made from activity funds except by check and on the authorization of the sponsor of the group to whom the fund belongs. All such checks are to be issued and signed by the custodian of the activity fund and countersigned by a person designated by the board.

All activity monies will be deposited with the office of the campus administrator. The custodian of such funds will cause the funds to be deposited daily with the central office.

The superintendent will cause to be kept complete and accurate accounts of all activity funds and will see that monthly reports are made to appropriate parties.

The activity fund custodians will be appointed by the board of education. The custodians will provide a surety bond in an amount determined by the board, but not less than one thousand dollars (\$1,000.00).

These provisions will not apply to funds collected by student achievement programs that are sanctioned by the board of education.

## **FEDERAL PROGRAMS**

The technology center participates in a variety of federal programs and receives funding (“Awards”) through those programs. All district representatives will comply with all regulatory guidance and laws applicable to the individual programs.

The technology center will regularly monitor its compliance efforts and make appropriate information available to the federal awarding agency (“FAA”), state pass-through entity (“State Entity”), inspectors general, and/or US comptroller. The technology center will make required performance reports using OMB approved information collections reports.

### **Audits**

If the technology center expends \$750,000 or more in federal awards during the fiscal year, it will have an audit conducted.

### **Employee Compensation**

Regardless of the source of the funds, employees are paid pursuant to the technology center’s salary schedule for all work performed. If personnel costs are paid with Awards, those costs will be calculated as wages and fringe benefits permitted in 2 C.F.R. § 200.431 for services rendered during the relevant time period.

Employees who are paid with Award funds – in whole or in part - must maintain adequate records documenting the time spent performing each set of duties so that their compensation can be correctly allocated to the Award. 2 C.F.R. § 200.430

### **Travel and Conference Expenses**

The technology center will follow its standard travel reimbursement and professional development policies and procedures when spending Award funds, except when a federal requirement is more stringent, in which case the district will adhere to the more stringent requirement. Any travel, conference / professional development participation and expenses will be reasonable, necessary, and related to the federal program tied to the Award.

### **Conflict of Interest / Mandatory Disclosure Regarding Contracting**

The technology center will make written disclosure of any potential conflict of interest to the FAA or State Entity in accordance with the FAA’s policy.

All members of the board are expected to maintain high ethical standards and use good judgment in conducting school business. Members are also required to follow the same standards of professional conduct required of all district employees. Board members specifically agree to refrain from using their position for any unfair



personal or business advantage or engaging in any action which gives the appearance of such misconduct. Any board member who violates this policy will be referred to the Oklahoma State Ethics Commission.

### Business Arrangements and Financial Transactions

All board members are required to familiarize themselves with and comply with all the requirements of OKLA. STAT. tit. 70 § 5-124.

As required by law, the technology center will not contract with any member of the board or any company, individual or business concern in which any member of the board is directly or indirectly interested. A member of the board is considered to be interested in any contract with a company, individual or business concern if the member of the board or any member of the immediate family (including a partner) of the member of the board owns any substantial interest in the same, or if an organization employs or is about to employ one of these parties. The only exceptions will be those allowed by OKLA. STAT. tit. 70 § 5-124.

If a contract is allowed by an exception listed in OKLA. STAT. tit. 70 § 5-124, then the board will not give special consideration to any company based on its affiliation with a board member or a board member's family or partner. If the board is seeking to conduct business with a company affiliated with a board member (or a board member's family member or partner) that member will abstain from the contracting process unless a statutory exception applies.

### Gifts

Board members may not seek or accept gifts, payments, services, entertainment, travel, valuable privileges, etc. from individuals or vendors who do business or seek to do business with the district, although board members may accept common courtesies such as meals and promotional items as are customarily exchanged in the normal course of business. These courtesies must be of nominal value only. Board members are expected to use good judgment in accepting such courtesies and must avoid any conflict of interest or even the appearance of impropriety.

### Reporting Misconduct

In the event a board member engages in misconduct such as fraud, bribery, or gratuity violations, the board president, or the vice president if the president is the board member engaging in the misconduct, will report the violation to the FAA or State Entity in order to help prevent or prosecute waste, fraud, and abuse.

## **Financial Management Procedures**

### Internal Controls

The superintendent or superintendent's designee is responsible for implementing appropriate internal controls over Award funds which are consistent with 2 C.F.R. Part 200 Subpart E. This includes, but is not limited to, reviewing and comparing Awards, budgets, and allocations to determine whether the Awards are being expended appropriately and in compliance with relevant guidelines. The superintendent or superintendent's designee is also responsible for taking prompt

action if noncompliance is discovered. The superintendent or superintendent's designee is required to take reasonable measures to safeguard protected personally identifiable and protected information.

### General Recordkeeping

The technology center will expend all Awards and account for those Awards in accordance with all applicable laws and regulations. The superintendent or superintendent's designee is responsible for maintaining appropriate records, documentation, and oversight related to all Awards. This includes, but is not limited to the following:

- information to prepare all required reports
- compliance documentation to establish conformity with federal statutes, regulations, and the specific terms and conditions of an Award
- proof of the appropriate expenditure of Awards
- records of receipt / expenditure of Awards, including the federal program under which the Award was made, any applicable CFDA number, Award identification number and year, name of the FAA, and name of any applicable State Entity
- accurate, current, and complete disclosure of the financial results of all Awards in accordance with current OMB standards and the terms of the Award
- source documents showing the application for funds, authorizations, obligations, unobligated balances, assets, expenditures, and income and interest related to an Award
- evidence that all Award funds, property, and other assets have been safeguarded and are used solely for authorized purposes
- a comparison of Award expenditures and budgets
- the technology center's written procedures to minimize the elapsed time between the transfer of funds and disbursement by the technology center, when possible, to receive funds in advance from the FAA
- the technology center's written procedures for determining the allowability of costs in accordance with 2 CFR part 200 subpart E and the terms and conditions of the Award

### Records Retention Timeline

The technology center will maintain all records pertinent to any Awards it receives. All documents will be maintained a minimum of 3 years from the date of submission of the final expenditure report OR 3 years from the date of the quarterly or annual financial report UNLESS there are pending claims

related to project OR the FAA has notified the district the records should be maintained longer OR the records have been transferred to or are maintained by the FAA or State Entity. The technology center will retain records for real property and equipment maintained for 3 years after final disposition.

### Interest

The superintendent or superintendent's designee is responsible for maintaining advance Award payments in an interest bearing account unless:

- the technology center receives less than \$120,000 in Awards per year
- the technology center would earn less than \$500 per year in interest on federal cash balances
- the depository would require an unfeasible minimum balance
- the banking system prohibits interest bearing accounts

The superintendent or superintendent's designee is responsible for retaining up to \$500 per year of interest earned on Awards for the technology center to utilize for administrative expenses. The superintendent or superintendent's designee is responsible for remitting any additional earned interest to the Department of Health and Human Services Payment Management System.

### Budgeting

The superintendent or superintendent's designee is responsible for regularly reviewing budgets and expenses and making appropriate reports and requests for deviations in the budget or project scope.

### Real Property, Equipment, and Supplies

The technology center will appropriately insure all real property, equipment, and supplies ("Property") acquired or improved with Awards, and will take reasonable steps to safeguard and adequately maintain the Property. All Property will be labeled.

The technology center will not encumber Property acquired or improved with an Award without prior approval from the FAA.

The technology center will maintain appropriate records of the Property. These records will include, as applicable, a description, serial/identification number, source of funding (including the Federal Award Identification Number), name of title holder, acquisition date, cost, percentage of federal participation in the project's cost, location, use and condition, disposition data (including date of disposal and sale price).

The technology center will conduct an inventory of Property at least every 2 years, and will review/update the inventory annually. The technology center will include the following information on the inventory: fund source, description, serial number, acquisition date, acquisition cost, and location.

The technology center will use the Property as long as needed, and may make the Property available for other federal projects as long as this will not disrupt the intended use.

Once the Property is no longer needed, it will be disposed of in accordance with current federal standards.

Property purchased for a Title I, Part A Targeted Assistance program will be reserved only for identified students.

## **General Procurement Standards and Vendor Selection**

### **General Standards**

The technology center will follow its standard procurement policies and procedures when spending Award funds, except when a federal requirement is more stringent, in which case the technology center will adhere to the more stringent requirement. The superintendent or superintendent's designee is responsible for overseeing that contractors perform in accordance with the terms of their contracts / purchase orders.

Any employee who has oversight or compliance responsibilities for administering an Award will comply with the technology center's stated conflict of interest policy above.

The technology center will use processes and analysis designed to avoid acquiring unnecessary and duplicative items and will actively attempt to make economical purchases with Award funds. This may include, when appropriate, consideration of leases, shared service agreements, use of federal excess and surplus property, and value engineering clauses in construction contracts.

The technology center will only award contracts to responsible contractors possessing the ability to successfully perform. In determining whether a contractor is a responsible contractor, the technology center will consider integrity, compliance with public policy, record of past performance, and financial and technical resources.

The technology center will maintain adequate records detailing the history of procurement, including the rationale for the procurement method, selection of the contract type, contractor selection or rejection, and the basis for the contract price for all Awards.

In procurement with Awards, the technology center will only use time and material type contracts after determining that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. If such a contract is used, the technology center will utilize extra oversight on the project.

The technology center will utilize good practices and sound business judgment to settle all procurement issues related to Awards, including source evaluations, protests, disputes, and claims.

## Procurement Methods

For procurement processes with Award funds, the technology center will make technical specifications on proposed procurements available to the FAA or State Entity if requested.

All contracts connected with an Award will comply with 2 C.F.R. §§ 200.318-326.

For all procurements using funds from an Award, the technology center will utilize one of the procurement methods identified below:

- Micro-purchase will be utilized for purchases under \$10,00 (or \$2,000 if the purchase is subject to the Davis-Bacon Act). The technology center will attempt to distribute these purchases equitably among qualified suppliers, and the technology center will not solicit competitive quotations if the technology center believes a purchase price is reasonable.
- Small purchase procedures will be utilized for purchases under the Simplified Acquisition Threshold (\$250,000). When utilizing this procurement method the technology center will obtain quotes from an adequate number of qualified sources.
- Sealed bids will be utilized when complete, adequate, and realistic specifications are available, multiple bidders are willing and able to compete effectively for the business and the procurement lends itself to a firm fixed price and the successful bidder can be made principally on the basis of price. When utilizing this procurement method, the technology center will timely and publicly issue the invitation for bids - including adequate information about the project. All the bids will be publicly opened as prescribed in the invitation for bids, and the contract will be awarded in writing to the lowest responsible bidder. If a sealed bid is rejected, the technology center will document the reason for the rejection.
- Competitive proposals will be utilized when other procurement methods are not appropriate. The first step of the competitive proposal process is getting an independent estimate. When utilizing this procurement method, the technology center will publicize the evaluation factors and their relative importance to an adequate number of qualified sources and will consider all responses. The technology center will use an established, written method for conducting technical evaluations of the proposals (including receiving independent estimates before receiving bids or proposals) and award the project to the proposal which is most advantageous to the technology center.

The technology center may also use competitive proposals for qualifications-based procurement of architectural/engineering (A/E) services to award proposals to the most qualified competitor – subject to fair and reasonable compensation. The technology center will not use this type of procurement to purchase other types of services through A/E firms.

- Noncompetitive proposals will be utilized when an item is only available from a single source, there is an urgent situation which precludes the delays

associated with competitive selection, the FAA or State Entity has expressly authorized this method, or solicitation from multiple sources has yielded inadequate competition.

- Negotiating Profit will be negotiated as a separate element of the price for each contract if there is no price competition and in all cases where cost analysis is performed.

For all procurements using funds from an Award, the technology center:

- will not utilize a cost plus a percentage of cost or percentage of construction cost method of contracting
- will not accept bids or proposals from a contractor that develops or drafts specifications, requirements, statements of work, invitations for bids, or similar documents
- will not unnecessarily restrict bidders to a specific geographic area
- will ensure that if a list of prequalified persons, firms or products are used, that the list is current and includes enough qualified sources to ensure maximum open and free competition
- will take appropriate affirmative steps to ensure that small and minority businesses, women's business enterprises, and labor surplus area firms ("target groups") are included in its contracting process, including:
  - including target groups on the solicitation list and ensure that these target groups are solicited whenever they are potential sources
  - dividing total requirements, if economically feasible, to permit maximum participation by target groups
  - establishing delivery schedules, when possible, which encourage target groups to participate
  - utilizing groups which interface with the target groups (e.g., Small Business Administration, Minority Business Development Agency of the Department of Commerce, etc.)
  - requiring the prime contractor, if using subcontracts, to take these same affirmative steps to include target groups
  - ensuring the technology center and all its contractors comply with the with § 6002 of the Solid Waste Disposal Act, including procuring only items which contain the highest percentage of recovered materials practicable for purchases over \$10,000, procuring solid waste management services which maximize energy and resource recovery, and establishing an affirmative procurement program for procuring recovered materials identified in EPA guidelines

## Suspension and Debarment

The following language shall be included within the terms of any contract for goods and services that will be paid for using federal funding:

### Certification Regarding Debarment, Suspension and Ineligibility

To the best of its knowledge and belief, the contractor or any of its principals are not presently debarred, suspended, proposed for debarment or otherwise declared ineligible for the award of contracts by any Federal agency by the inclusion of the contractor or its principals in the current "LIST OF PARTIES EXCLUDED FROM FEDERAL PROCUREMENT OR NONPROCUREMENT PROGRAMS" published by the U.S. General Services Administration Office of Acquisition Policy.

- The prospective lower tier participant shall provide immediate written notice to the District if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances. Should the prospective lower tier participant enter into a covered transaction with another person at the next lower tier, the prospective lower tier participant agrees by accepting this agreement that it will verify that the person with show it intends to do business is not excluded or disqualified.

### **FEDERAL PROGRAMS COMPLAINTS**

The technology center receives federal funds and the board has established this policy to help ensure compliance with federal grant requirements. Any student, parent, community member or employee who believes the district has violated any regulation connected with the expenditure of federal funds should notify the technology center using the process outlined in the district's Grievance Policy.

#### Definitions

##### *Grievance Coordinator:*

The person designated to process complaints, moderate and keep records during hearings. The grievance coordinator is:

Assistant Superintendent  
Northwest Technology Center  
1801 11<sup>th</sup> Street  
Alva, OK 73717

##### *Grievant:*

The person making the complaint.

##### *Respondent:*

The person alleged to be responsible for the improper activity contained in the complaint. The term may be used to designate persons with responsibility for a particular action or those persons with supervisory responsibility for procedures and policies in those areas covered in the complaint.

##### *Day:*

Day means a working day when the technology center's main administrative offices are open. The calculation of days shall exclude Saturdays, Sundays and school holidays.

#### Procedural Steps

##### *Step 1:*

Address the problem informally. Prior to filing a written complaint, individuals are encouraged to visit with the responsible party or a school administrator and make reasonable efforts to resolve the problem. School employees are required to participate in this process.



*Step 2:*

If the problem was not resolved informally, or if a parent, student or patron believes informal resolution is not advisable, the grievant may submit a complaint to the grievance coordinator on the attached form. The form must contain all the requested information.

The grievance coordinator will conduct an impartial investigation within ten (10) days of receipt of the complaint (or as soon as reasonably possible given the circumstances, but not more than thirty (30) days). The investigation will include, but not be limited to, interviewing the grievant, respondent, and witnesses, and reviewing relevant documents. The grievance coordinator will specifically ask the respondent to confirm or deny facts, accept or reject the grievant's requested action, and outline alternatives.

After the investigation, the grievance coordinator will prepare a written decision regarding the results of the investigation. The decision will be mailed to the grievant, respondent, and superintendent within five (5) days of the conclusion of the investigation.

*Step 3:*

If either the grievant or respondent are dissatisfied with the step 2 decision, he or she may appeal. The grievance coordinator must receive a written notice of appeal within five (5) days of the appealing party's receipt of the step 2 decision or the matter is deemed resolved. The appeal notice must include a specific statement explaining the basis for the appeal.

Within five (5) days of receipt of a timely appeal, the grievance coordinator will refer the matter to the superintendent (or other impartial individual if the superintendent is the respondent).

The superintendent (or other impartial individual if the superintendent is the respondent) will conduct a hearing within ten (10) days of his/her receipt of the appeal. The grievant, respondent and grievance coordinator will all be invited to attend the appeal hearing, and relevant employees are required to participate in this process.

At the hearing, the superintendent (or other impartial individual if the superintendent is the respondent) will review the information collected through the investigation and may ask for additional oral or written evidence from the parties and any other individual he/she deems relevant. The grievance coordinator will make arrangements to audiotape any oral evidence presented.

After the investigation, the superintendent (or other impartial individual if the superintendent is the respondent) will prepare a written decision regarding his/her findings. The decision will be mailed to the grievant, respondent, and grievance coordinator within five (5) days of the conclusion of the appeal hearing.

#### *Step 4:*

If either the grievant or respondent are dissatisfied with the step 3 decision, he or she may appeal. The grievance coordinator must receive a written notice of appeal within five (5) days of the appealing party's receipt of the step 3 decision or the matter is deemed resolved. The appeal notice must include a specific statement explaining the basis for the appeal.

Within five (5) days of receipt of a timely appeal, the grievance coordinator will notify the board of education clerk. The board will conduct a hearing within thirty (30) days of the clerk's receipt of the appeal. The grievant, respondent and grievance coordinator will all be invited to attend the appeal hearing, and relevant employees are required to participate in this process.

At the hearing, the board may ask for oral and written evidence to be presented by both parties. The board clerk will make arrangements to audiotape any oral evidence presented.

After the hearing, the board clerk will prepare a written decision regarding the board's findings. The decision will be mailed to the grievant, respondent, grievance coordinator and general counsel of the Oklahoma State Department of Education / Department of CareerTech within five (5) days of the conclusion of the appeal hearing. The board's decision may be appealed by submitting a request to OSDE / ODCTE's general counsel within thirty-five (35) days of the board hearing.

#### General Provisions

##### *Extension of time:*

Any time limits set by these procedures may be extended by mutual consent of the parties involved, although the total number of days from the date the complaint is filed until the board of education issues a final decision shall not exceed one hundred twenty (120) days.

##### *Confidentiality of Records:*

Complaint records will remain confidential, to the extent allowed by law, unless permission is given by the parties involved to release such information. All complaint records will be kept separate from any other records of the district. No complaint record shall be entered in any personnel file unless adverse employment action is taken against an employee. Complaint records shall be maintained on file for three years after complaint resolution.

##### *Representation:*

The grievant and the respondent may have a representative assist them through the grievance process and accompany them to any hearing.

*Retaliation:*

The technology center prohibits retaliation, intimidation, threats, or coercion related to any aspect of the grievance process, including but not limited to: making a complaint, testifying, assisting, appealing, or participating in any other proceeding or hearing. The technology center will take steps to prevent retaliation. These steps include notifying students and employees that they are protected from retaliation, making sure grievants know how to report future problems and making follow-up inquiries to see if there have been any new incidents. If retaliation occurs, the technology center will take strong responsive action.

*Basis of Decision:*

At each step in the grievance procedure, the decisionmaker will take or recommend appropriate measures based on the facts taken as a whole, as revealed by the investigation and hearing, and the totality of the circumstances, such as the nature, extent, context and gravity of the activities or incidents.

### **EMPLOYEE FUNDRAISING**

The board prefers to limit fundraising and seeks to provide all necessary furniture and supplies for technology center use. This practice safeguards standardization throughout the district's programs, allows for appropriate oversight of activity funds, and ensures the technology center meets its obligations for equity in its programs.

The board also acknowledges that fundraising is a reasonable way to pay for special projects and activities. In order to ensure that fundraising efforts do not inadvertently impede the technology center's overall financial plans or create disorder within the technology center, the board will annually approve a fundraising schedule at the beginning of the school year. The board may also approve additional fundraising throughout the year as it deems appropriate.

Any employee who wishes to conduct fundraising apart from the master schedule must obtain prior approval from the board. This approval may be sought by submitting a request for board consideration to the assistant superintendent at each campus. The assistant superintendent at each campus has full discretion in determining whether to bring a fundraising request before the board.

Unless the board grants authorization, no employee may solicit donations for any purpose connected with the technology center. This prohibition includes, but is not limited to: raffles, any type of sale (bake sales, rummage sales, etc.), requests for donations, and/or the use of crowdfunding websites (GoFundMe.com, DonorsChoose.org, etc.).

Any employee who is granted authorization to engage in fundraising activities must adhere to all requirements established by the assistant superintendent of their campus. These requirements include but are not limited to identifying:

- the group or activity benefitting from the funds
- the individuals who will participate in the fundraiser, including the program involved
- the type of fundraiser, including specific products or services to be sold, auctioned, etc.
- the proposed dates for the fundraiser
- the employee who will oversee the fundraiser
- the estimated amount of revenue to be generated per unit and in total
- the procedural safeguards to be utilized to ensure the security of all funds

The assistant superintendents of the respective campuses are responsible for updating the board at each of its meetings regarding any fundraising activities apart from the board's master schedule.

## **EMPLOYEE TRAVEL EXPENSE REIMBURSEMENT**

### Statement of policy

Expenses incurred by individuals for travel on behalf of the technology center should be reimbursed by the technology center. Reimbursement to individuals should be made upon approval by the board of education after proper presentation of supporting documentation, as defined below.

### Definitions

Terms used in this policy are defined as follows:

"Travel" means transportation arrangements made or incurred by car, airplane, train, bus or other means or hotel accommodations and meals, for the purposes of advancing the interests of the technology center. Travel may be within or without the technology center. Travel does not mean transportation to and from the employee's residence or abode to the technology center for employment.

"Employee" means any person employed by the technology center or a member of the board, acting in his or her capacity as a board member, on behalf of the technology center district.

"Non-employee" travel and related expense reimbursement is limited to reimbursement of students and sponsors, engaged in approved technology center related activities. Students and sponsors seeking reimbursement must follow the procedures included in this policy or any reimbursement will be forfeited.

"Expenses" means any actual indebtedness incurred and paid by an individual employee on behalf of the technology center, for the benefit of the technology center or for the purpose of advancing the interests of the technology center, with the intention of being reimbursed by the technology center. Expenses may include, but are not limited to, these items:

1. air, bus, taxi or train fares and car rentals;
2. meals, unless payment is made on a per diem basis established by the board;
3. hotel or motel accommodations;
4. other travel related expenses when applicable, such as mileage; and
5. registration fees and meeting expenses.

"Receipt" means an invoice document issued by a vendor which has been paid as an expense by an employee. A receipt must contain the following information:

1. date indebtedness incurred;
2. date indebtedness paid;
3. amount paid;
4. amount of indebtedness;
5. who paid the indebtedness;
6. method of payment;
7. the purpose of the indebtedness including an itemized description of the goods or services purchased; and
8. the name, address and telephone number of the vendor.

A credit card slip alone is NOT a receipt.

"Supporting documentation" means a memorandum to the board containing a request for reimbursement and explanation of the reason for the expense. All receipts for which reimbursement is sought and a travel claim must be attached to the memorandum.

"Travel claim" is a document prepared by an employee who seeks reimbursement which contains the following information:

1. dates entering and ending travel status;
2. points of travel;
3. mileage to and from destination(s) when personally owned vehicle is used;
4. amount per mile reimbursed;
5. air, bus or train fares when public transportation is used;
6. parking fees, taxi fares, car rentals and turnpike fees;
7. meals or per diem rate established by the board of education, if any;
8. purpose, time, location and those in attendance for meals;
9. motel and hotel expenses;
10. registration fees and meeting expenses;
11. other technology center business expenses such as telephone calls, tips, etc., which properly occur during the time an employee is in travel status;
12. encumbrance to be charged for expense; and
13. by whom the travel activity was approved.

"Credit card slip" is the customer's copy of the credit card charge form. A credit card slip alone is NOT a receipt. To qualify as a receipt a credit card slip must be attached to a supporting invoice issued by the vendor which contains all the information required of a receipt.

"Vendor" means the individual or entity that provided the goods or services to the technology center for which reimbursement is sought and a receipt for payment has been issued.

"Meals" means actual food expenses incurred while traveling outside the technology center or within the technology center if allowed by other board policies.

### Procedure for Reimbursement

To obtain reimbursement for travel expenses the employee must:

1. Prepare supporting documentation with attached receipts and travel claims. Requests for reimbursement with insufficient or incomplete documentation will be denied.
2. Submit supporting documentation with attachments to the assistant superintendent of the respective campus. The assistant superintendent or his or her designee will review the memorandum and attachments for completeness and accuracy.
3. If the encumbrance for travel has been pre-approved by the board the travel claim will be paid at the next available pay cycle. If the travel has not yet been approved by the board it will be approved at the next board meeting.
4. The office of the business manager will issue the warrants for reimbursement authorized by the board as soon as is practicable following the board's action.

### Other Issues

A request for reimbursement should be made within thirty (30) days after the vendor's invoice is issued. Notwithstanding this time limitation, all requests for reimbursement must be made prior to the end of the fiscal year in which the vendor's invoice was issued and services rendered, and it must be submitted in sufficient time to allow the board to take action at its last regular meeting of the fiscal year. Reimbursement requests not complying with these requirements will be denied unless unusual circumstances are presented to and approved by the board.

Reimbursements issued by the board are only for the actual amount of out of pocket expenses paid by the employee. No additional charges may be added by the employee and the employee may not obtain a warrant for funds he or she expects to pay or incur in the future.

IRS rules will apply in regard to taxable meal reimbursement in regard to non-overnight meal reimbursement.



Any interpretation of this policy shall be made solely by the board of education and shall be binding in all respects.

Violation of any of the provisions of this policy may result in dismissal, nonrenewal, or other adverse action.

**REIMBURSEMENT FOR CO-CURRICULAR ACTIVITY EXPENSES**

Statement of policy

Expenses for necessary meal and lodging expenses incurred by technology center students and sponsors involved in authorized technology center-sponsored co-curricular activities should be reimbursed by the technology center.

Definitions

Terms used in this policy are defined as follows:

"Student" means any student of the technology center who is participating in an authorized technology center-sponsored co-curricular activity.

"Sponsor" mean an employee of the technology center or another person who has been authorized by the superintendent or the board of education to serve as a sponsor for an authorized technology center-sponsored co-curricular activity.

"Expenses" means any actual indebtedness incurred and paid by an individual student or sponsor for meals and hotel or motel accommodations associated with an authorized technology center-sponsored co-curricular activity with the intention of being reimbursed by the technology center.

"Receipt" means an invoice document issued by a vendor which has been paid as an expense by a student or sponsor. A receipt must contain the following information:

1. date indebtedness incurred;
2. date indebtedness paid;
3. amount paid;
4. amount of indebtedness;
5. who paid the indebtedness;
6. method of payment;
7. the purpose of the indebtedness including an itemized description of the goods or services purchased; and
8. the name, address and telephone number of the vendor.

A credit card slip alone is NOT a receipt.

"Supporting documentation" means a memorandum containing a request for reimbursement and explanation of the reason for the expense. All receipts for which reimbursement is sought and a claim must be attached to the memorandum.

"Claim" is a document prepared by a sponsor who seeks reimbursement which contains the following information:

1. a description of the authorized technology center-sponsored co-curricular activity;
2. date of authorization by the campus administrator
3. meals;
4. motel and hotel expenses; and
5. encumbrance to be charged for expense.

"Credit card slip" is the customer's copy of the credit card charge form. A credit card slip alone is NOT a receipt. To qualify as a receipt, a credit card slip must be attached to a supporting invoice issued by the vendor which contains all the information required of a receipt.

"Vendor" means the individual or entity that provided the goods or services to the sponsor or student for which reimbursement is sought and a receipt for payment has been issued.

"Meals" means actual food expenses incurred while participating in the authorized technology center-sponsored co-curricular activity.

"Authorized technology center-sponsored co-curricular activity" means participation in an event approved in advance by the administrator of the respective campus for a particular group of technology center students and their sponsor.

### **Procedure for Reimbursement**

To obtain reimbursement for expenses the sponsor must:

1. Prepare and maintain complete and accurate supporting documentation with attached receipts and claims for the sponsor(s) and students. Requests for reimbursement with insufficient or incomplete documentation will be denied.
2. Submit supporting documentation with attachments to the designated technology center employee/official.
3. The administrator has absolute discretion to deny the request or approve it in whole or in part.
4. The technology center will issue payment for reimbursement authorized as soon as practicable following the approval.

### **Other Issues**

A request for reimbursement must be made within thirty (30) days after the vendor's invoice is issued.

Reimbursements will be issued only for the actual amount of expenses paid by the sponsor(s) and the students. No additional charges will be reimbursed. The technology center will not issue payment for funds a student or sponsor anticipates incurring in the future.

Reimbursement for necessary meal and lodging expenses incurred by technology center students and sponsors involved in authorized technology center-sponsored co-curricular activities may be made from the appropriate activity fund sub-account or from the general fund, as determined appropriate by the board of education.

Any interpretation of this policy shall be made solely by the board of education and shall be binding in all respects.

Violation of any of the provisions of this policy by a technology center employee/sponsor may result in dismissal or nonrenewal. Violation of the provisions of this policy by a student may result in disciplinary action.

**AUDITOR**

The board of education will provide for and cause to be made an annual audit of the technology center for each fiscal year. The audit will include a financial audit and a compliance audit of all technology center funds. Audits will be made at the end of each fiscal year at a minimum and may be required by the board at more frequent intervals.

A written report of the audit will be furnished to the board by the auditor. The board will conduct a final exit interview with the auditor at an open board meeting.

**PROCUREMENT / PURCHASING AND DISTRIBUTION**

It is the policy of the board of education and purchasing and distribution shall be under the supervision of the superintendent. The board authorizes the superintendent or designated representative to approve expenditures and issue purchase orders within the authorized limited established by this policy.

Purchasing procedures shall adhere to all applicable laws of the State of Oklahoma.

Where feasible, consideration will be given to vendors within the district.

All purchases must be made with a purchase order. Before a purchase of goods or services is completed, a purchase order must be issued. Any employee who acquires goods or services without the approval of the board of education or the issuance of a purchase order may be personally obligated to pay for such goods or services, without reimbursement from the district.

All purchases should reflect an effort to find the lowest possible price taking into account the relative quality of the goods or services being purchased.

When purchasing goods or services with an anticipated cost of \$5,000 to \$7,500, the purchase requestor must attempt to obtain at least three (3) informal quotes. These quotes may be verbal, but all vendors from who quotes were requested and all quotes received must be documented in the description section of trends when submitting the requisition for approval.

When purchasing goods or services when the anticipated cost exceeds \$7,500, the purchase requestor must attempt to obtain at least three (3) written quotes. The request for quotes shall include written specifications, a date and time all quotes are due, and must be approved by the superintendent or designee prior to issuing the request. A copy of the request for quotes, the written quotes received, and tabulation sheet listing all vendors from whom quotes were requested, including those who did not submit quotes, must be forwarded to the business office before a purchase order will be issued.

When an invoice(s) exceeds the encumbered amount(s) of purchase order approved by the board of education by the greater of five percent (5%) or two hundred fifty dollars (\$250), it must be resubmitted to the board of education prior to payment. Norman freight charges are excluded from the provisions of this policy.

The following types of purchases are excluded from the requirement to solicit competitive quotations:

1. **Governmental Contract Purchases:** Products that are available to the district at prices established for governmental entities through a competitive purchasing process. Examples are items on a CSA or Oklahoma State Contract, University of

Oklahoma purchasing contract, etc. This district is not obligated to purchase from such a contract.

2. **Sole Source Purchases:** When only one supplier is available within the region for the product which meets the specifications required, that supplier is deemed to be "sole source." The "region" is normally defined as the State of Oklahoma, unless the manufacturer has identified more restrictive marketing regions. In the event of a sole source purchase, an affidavit from the vendor affirming its sole source status shall be on file prior to the issuance of a purchase order.
3. **Textbook/Publisher Purchases:** Purchases from publishers or textbooks or related curriculum products (including video/audio tapes and software).
4. **Professional, Technical & Personal Services Contracts:** These contracts may include, but are not limited to attorneys, auditors, architects, engineers, construction managers, municipal advisors, testing and evaluation services, insurances, consulting services, internet/WAN services, etc.
5. **Blanket Purchase Orders:** For administrative expediency, a blanket purchase order may be initiated to cover frequent purchases, which individually would not require competitive quotations. These purchase orders are typically assigned to a department for purchasing over the period of a year. These purchase orders are included on the monthly encumbrance list for board of education approval and do not required specific listing on the board agenda. In no case, may a blanket purchase order be used to circumvent established purchasing policies.
6. **Compatible Product Purchases:** Purchases that require compatibility with existing products or systems in a given application. This typically justifies declaring a "single product," but not necessarily a "sole source."
7. **Other Purchases as the Board Deems Appropriate:** Purchases that the board of education determines, due to specific circumstances, are in the best interest of the district not to solicit competitive quotations.

The board grants the superintendent the authority to approve payment of an invoice not to exceed \$5,000 for an item(s) purchases from a properly issued purchase order prior to board approval of said purchase order. Payment may only be authorized if the invoice due date is prior to the next regular or special board meeting and the non-payment would result in a service charge.

### Bids

No contract involving an expenditure of more than \$50,000 for the purpose of constructing a building or making any improvements or repairs to school buildings shall be made except upon sealed bids in accordance with the Public Competitive Bidding Act of 1974, OKLA. STAT. tit. 61, § 101 et seq. (the "Act"). The Act does not prohibit the district from erecting a building or making improvements on a force account basis. The term "force account" means the purchase of necessary materials and the use of the district's regularly employed staff to provide necessary labor. No contract involving sums in excess of \$50,000 shall be split into partial contracts involving sums below %50,000 for the purpose of avoiding the requirements of the Act.

### Promotion of the District

In furtherance of the District's mission and goals, the Superintendent is authorized to purchase food and/or beverages to serve at meetings, conference, banquets, or other events which promote the services offered by the district.

### District Owned Credit Cards and Purchase Cards

District-owned credit cards and purchase cards will be maintained by the Superintendent and/or designee (s) and shall be used for specific purposes to assist in the procurement of goods and services for the district.

### E-Rate Procurement

In selecting service providers for all eligible goods and/or services for which Universal Service fund (E-Rate support will be requested by the Administration/designee. All requests/awards will comply with applicable state and local procurement processes included in its documented policies and procedures for e-rate.

Reference: OKLA. STAT. tit. 61 § 103;  
OKLA. STAT. tit. 70 § 9-109



**SELECTION OF A CONSTRUCTION MANAGER**

Pursuant to Okla. Stat. tit. 61, § 62, the Board of Education authorizes the Superintendent or his or her designee to develop and maintain procedures for the selection of a construction manager for each project for which the technology center determines that the employment of a construction manager is permitted and desirable. This procedure shall, at a minimum:

1. Extend consideration only to construction managers recognized as qualified by the Department of Real Estate Services of the Office of Management and Enterprise Services;
2. Evaluate the candidates' professional qualifications, including but not limited to, licensing, registration, certifications, technical abilities and past experience relevant to the contemplated project; and
3. Select a construction manager based on professional qualifications and technical experience.

Upon selection of a construction manager, the technology center shall negotiate a contract with the highest qualified construction manager, provided that a fee can be negotiated that is fair and reasonable to both parties. In the event a reasonable fee cannot be negotiated with the selected construction manager, the technology center may negotiate with other construction managers in order of their qualifications.

**Reference:** Okla. Stat. tit. 61, § 62

### **SUBSTITUTE INSTRUCTORS**

The board of education employs substitute teachers to follow the daily lesson plan provided by a regular teacher who is unable to be present in his/her class. Individuals wishing to perform duties as a substitute teacher must be annually approved by the board or be subsequently approved by the board for inclusion on the school's master list of substitute teachers. Only substitute teachers included on the technology center's approved substitute list will be employed. All substitute teachers will be paid at the annual board approved substitute rate of pay.

Prior to employment with the technology center, a substitute teacher may be required to undergo a background check pursuant to the board's policy governing criminal records searches. General exceptions to the background check requirement relate to teachers of ten or more years who have retired from the technology center and individuals who have been full time Oklahoma teachers in the past five years at another district where a background check is already available.

The employment of an individual substitute teacher within the technology center shall be limited as follows:

- maximum of 135 days per school year if the substitute does not have a current or lapsed/expired teaching certificate or bachelor's degree, with a maximum of 135 days in the same assignment;
- maximum of 145 days if the substitute has a lapsed/expired certificate or possesses a bachelor's degree, with a maximum of 145 days in the same assignment; or
- no limit on the number of days within the district or in the same assignment if the substitute holds a valid certificate.

Reference: Okla. Stat. tit. 70, § 6-105

**DUPLICATE CHECKS**

The technology center may issue a second or duplicate check in lieu of any check issued and subsequently lost or destroyed by the payee. No second or duplicate check will be issued until the technology center has stopped payment on the check by the payor bank or, in the alternative, until an affidavit explaining the circumstances regarding how the original check was lost or destroyed has been submitted to the technology center by the payee. The appropriate administrator may use his/her discretion in determining which alternative to use to preclude any technology center loss, taking into account the technology center's past relationship with the payee, the amount of the original check, and other relevant factors.

## **ELECTRONIC RECORDS, CONTRACTING AND SIGNATURES**

Under certain conditions, electronic records and signatures satisfy the requirements of a written signature when transacting business. The technology center desires to promote effective and efficient use of electronic records to conduct business. The authenticity and reliability of electronic records and signatures relating to governmental transactions are dependent on the accompanying processes, supplemental records and the overall context in which records are created, transferred, signed and stored. The purpose of this policy is to provide guidelines for the use of electronic records and signatures in connection with the transaction of technology center business.

This policy does not mandate the use of an electronic signature or otherwise limit the right of a party to conduct a transaction on paper, nor does it apply to any situation where a written signature is required by law.

### **Definitions**

1. **Attribution** - An electronic record or electronic signature is attributable to a person if it was the act of the person. The act of the person may be shown in any manner, including a showing of the efficacy of any security procedure applied to determine the person to whom the electronic record or electronic signature was attributable.
2. **Electronic Signature** - An electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.
3. **Electronic Record** - Any information created, generated, sent, communicated, received or stored by electronic means.

### **Guidelines**

#### **Electronic Records**

Electronic records created or received by the technology center shall be appropriately attributed to the individual(s) responsible for their creation and/or authorization or approval. The technology center shall utilize available technology to implement reliable methods for generating and managing electronic records. Any electronic record filed with or issued by the technology center shall be given the full force and effect of a paper record if the following conditions are satisfied:

1. The record is an electronic filing or recording and the technology center agrees to accept or send such record electronically; and
2. If a signature is required on the record by any statute, rule or other applicable law or technology center policy, the electronic signature must conform to the

requirements set forth in this policy governing the use of electronic signatures. Signatures cannot be altered by ordinary means.

### Electronic Signature

An electronic signature may be used unless there is a specific statute, regulation, rule of law or technology center policy that requires records to be signed in manual (i.e., non-electronic) form. The issuance and/or acceptance of an electronic signature by the technology center shall be permitted in accordance with the provisions of this policy and all applicable state and federal laws. Such electronic signature shall have the full force and effect of a manual signature only if the signature satisfies all of the following requirements:

1. The electronic signature identifies the individual signing the document by his/her name and title;
2. The identity of the individual signing with an electronic signature is capable of being validated through the use of an audit trail;
3. The electronic signature and the document to which it is affixed cannot be altered once the electronic signature has been affixed
4. The electronic signature must be electronically encrypted or transmitted by technological means designed to protect and prevent access, alteration, manipulation or use by any unauthorized person; and
5. The electronic signature conforms to all other provisions of this policy.

### Authorized Technology Center Officers

The following positions are considered Authorized Officers/Employees:

Board of Education President  
Board of Education Vice President  
Board of Education Clerk  
Board of Education Treasurer  
Superintendent of Schools  
Superintendent's Designee  
Chief Financial Officer

Authorized Officers/Employees are the individuals delegated the authority to electronically sign documents on behalf of the technology center, where signatory authority has been granted for a specific transaction or purpose. **This policy is not intended to grant signatory authority to any person who does not have such authority by virtue of their position.**

Unless prohibited by law, Authorized Officers/Employees may, but are not required, to sign documents through an electronic signature on any record, including without limitation contracts, agreements, correspondence, certificates, reports, minutes or similar documents in those instances in which the Authorized Officer's/Employee's signature is required or permitted. Use of an electronic signature requires the approval of the Authorized Officer/Employee.

All electronic signatures are subject to the technology center's authentication procedures and Authorized Officers/Employees are required to comply with all security procedures established by the technology center and its software vendors.

**Prohibited Use – All Employees and Officers**

No employee or officer may use an electronic signature on any technology center document on behalf of any other employee or officer unless that person has been granted specific, written authorization to do so. Any unauthorized employee who uses electronic methods to sign documents, or falsifies electronic records or electronic signatures will be subject to disciplinary action up to and including dismissal. The technology center may also refer violations of this policy for possible criminal prosecution. All employees are required to immediately report any violations of this policy, suspected fraud, or other security concerns to the Superintendent.

**Employment Applications, Contracts and related Paperwork**

Any person applying for employment with the technology center or signing an employment contract with the technology center may be required by the technology center to electronically sign an employment application, contract of employment, or any other employment related paperwork. All electronic signatures are subject to the technology center's authentication procedures and applicants and employees are required to comply with all security procedures established by the technology center and its software vendors.

Reference: OKLA. STAT. tit. 12A, §§ 15-101 to 15-121.

## **IDENTITY THEFT PREVENTION**

This policy is adopted to ensure compliance with the Fair and Accurate Credit Transaction Act, 15 USC. §1601 et seq. and the Federal Trade Commission's rules regarding Identity Theft (the "Red Flag Rules"). The technology center is subject to the Red Flag rules if it is a "Creditor." The technology center is a Creditor if it provides any goods or services for a fee *and* as a matter of course extends credit to its customers by offering them the ability to pay for those goods and services *after* they are provided as opposed to requiring prepayment or contemporaneous payment. The technology center is a creditor with respect to limited areas involving a low risk of identity theft. Areas in which the technology center allows a debtor to defer payment owed the technology center include, but are not limited to, adult education tuition, facility use charges, and similar accounts. The technology center must review all of its "Accounts" to determine whether any of those accounts are "Covered Accounts." As to "Covered Accounts," it must develop an Identity Theft Program (herein referred to as the "Program") designed to detect, prevent, and mitigate identity theft in connection with a Covered Account.

### Definitions

For purposes of this policy, the following definitions apply.<sup>1</sup>

"Account" means a continuing relationship established by a person with the technology center to obtain a product or service for personal, family, household, or business purposes. Note that the requirements of the federal rules apply not only to existing accounts but also to new account openings, when a relationship has not yet been established.

"Technology center" means Northwest Technology Center.

"Covered Account" pertains to accounts which involve prepayment or contemporaneous payment as well as payment in arrears and means (i) an account that the technology center offers or maintains, primarily for personal, family or household purposes, that involves or is designed to permit multiple payments or transactions, such as a child care account, cafeteria account, tuition account, or facility rental account and similar accounts; and (ii) any other account that the technology center offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the technology center from identify theft, including financial, operational, compliance, reputation, or litigation risks. This category of Accounts includes the technology center's small business accounts, sole proprietorship accounts, and accounts for which the risk of identity theft is reasonably foreseeable because of how they are opened and accessed (i.e., the accounts can be accessed without face-to-face contact, such as through the Internet or by telephone).

---

<sup>1</sup> Other than technology center and "personal identifying information", definitions provided in this section are based upon the definitions provided in 16 C.F.R. § 681.1.

“Credit” means the right granted by the technology center to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefore.

“Creditor” means a business or organization that regularly defers payment for goods or services or provides goods or services and bills customers later (as opposed to requiring prepayment or contemporaneous payment).

“Customer” means a person that has a covered account with the technology center.

“Identity Theft” means fraud committed or attempted using identifying information of another person without authority.

“Person” means a natural person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.

“Personal Identifying Information” means a person’s credit card account information, debit card information, bank, bank account information, and driver’s license information and for a natural person includes the individual’s social security number, mother’s birth name, and date of birth.

“Red Flag” means a pattern, practice, or specific activity that indicates the possible existence of identity theft.

“Service Provider” means a person that provides a service directly to the technology center.

#### Creation of Identity Theft Program

The technology center shall create an Identity Theft Program to protect Covered Accounts. At a minimum, the Program will:

1. Identify and list the Covered Accounts.
2. Identify and list the red flags indicating that someone might be attempting to obtain services, products or information surreptitiously by claiming to be someone they are not.
3. Explain how the technology center will detect red flags that have been identified.
4. Explain how the technology center will respond if a red flag is detected.
5. Designate a senior administrative employee to administer the program.
6. Describe the technology center staff who need to be trained on how to detect and respond to identity theft and the training they should receive.
7. To ensure the protection of the technology center clients from identity theft via the technology center contracted service providers, identify the categories of service providers that should be required via contract to assist the technology center in detecting red flags and must therefore either have



their own red flags program or ensure compliance with the technology center's red flags program.

8. Identify how the technology center will periodically reassess its operations to ensure that its red flag program reflects the current risks of identity theft to its clients (including, but not limited to, the types of records/accounts that are subject to the Red Flag Rules as Covered Accounts and the activities or occurrences that should be designated as a red flag for identity theft).
9. Be submitted to the technology center's board for approval.
10. Be annually re-evaluated to determine whether material changes have occurred warranting changes to the technology center's identity theft policy and program.

#### Updating the Program

Upon the recommendation of the superintendent, the board of education shall annually review and, as deemed necessary by the board, update the technology center's identity theft prevention program along with any relevant red flags in order to reflect changes in risks to customers or to the safety and soundness of the technology center and its covered accounts from identity theft. In so doing, the board shall consider the following factors and exercise its discretion in amending the program:

1. The technology center's experiences with identity theft;
2. Updates and methods of identity theft;
3. Updates and customary methods used to detect, prevent, and mitigate identity theft;
4. Updates on the types of accounts that the technology center offers or maintains; and
5. Updates in service provider arrangements.

**PHONE CALLS DURING CLASS TIME**

The board of education recognizes that phone calls involving staff and students are occasionally necessary. However, classes must not be interrupted for routine calls. Students or staff may be called from the classroom only for urgent or emergency calls.

Personal calls are discouraged; however, students may obtain permission from office personnel to use the office telephones for business use only during class breaks. Incoming messages will be accepted and delivered during class breaks, if time permits.

Teaching staff may use office telephones, if necessary. Long distance calls will not be made without permission from the campus director. When personal long distance calls are made, arrangements must be made to promptly reimburse the technology center for the cost.

Cell phones may be used with the instructor's approval and supervision during normal class time and break periods (the ringer must be turned off while students and/or instructors are in class).

### **TRANSPORTATION MANAGEMENT**

The board of education recognizes that transportation is a necessary element of educational opportunity and, therefore, the board shall grant appropriations for transportation. Transportation is a privilege extended to technology center students only when necessary for the accomplishment of one of the following purposes:

1. To provide transportation for any student who is participating in a program of the technology center.
2. To allow, when practicable, the use of school buses for the transportation of students to activities and on field trips that have been approved by the superintendent.
3. To provide adequate education facilities and opportunities which otherwise would not be available.

In-district secondary students enrolled in a three-period block of instruction during the school day will be provided transportation. The technology center will contract with one or more of the local school districts to transport students to and from the technology center and/or related auxiliary activities. In the event normal bus route transportation is unavailable, the technology may contract with parents of sending school secondary students for transportation. All vehicles shall operate under the current school laws of Oklahoma and, in the case of transportation in a private vehicle, the sending school, parents and the technology center must approve the agreement in writing.

Upon approval by the technology center assistant superintendent and the sending school principal, postsecondary students enrolled in technology center programs (including auxiliary activities) may be transported, as space is available, on established bus routes. Arrangements for postsecondary student transportation must be approved in advance through the technology center assistant superintendent's office and the sending school's principal's office.

### **FOOD ALLERGIES POLICY FOR SECONDARY STUDENTS**

The technology center is committed to ensuring equal access to its programs for all students, including students with food allergies. Reasonable accommodations will be made to allow students with food allergies to participate in all its programs. The technology center will not tolerate any retaliatory or bullying conduct toward a student due to a food allergy.

#### Food Allergy and Anaphylaxis Action Plan

A Food Allergy and Anaphylaxis Action Plan (“Plan”) will be developed for each student who has a food allergy. The Plan will be based on an interactive meeting between the parent/guardian (or adult student) and the assistant superintendent and will be supported by medical documentation provided by the student’s healthcare provider. The Plan will include, at a minimum, the following information:

- specific allergens / ingredients to be avoided
- preventative measures
- method by which employees can easily identify the student
- type of reaction to the allergen
- actions to be taken in case of suspected exposure when no reaction is observed
- actions to be taken when symptoms are present
- reasonable accommodations which will be provided for the student

If the student is a secondary student, the Plan and procedures will be jointly developed by the technology center and the sending school. If a plan exists, the technology center will review the plan and coordinate any changes necessary with the parent(s).

Reasonable accommodations may include actions such as an alternative meal which is as nutritionally comparable as reasonably possible, a meal prepared in a separate area of the kitchen, a meal served at a separate table in the cafeteria, etc. The reasonable accommodations identified during the interactive development of the student’s Plan are subject to final approval by school officials. In the event the parent/guardian (or adult student) is not satisfied with the results of the interactive meeting or the established Plan, the parent/guardian (or adult student) may request a review of the accommodations and/or the Plan by contacting the superintendent in writing within five (5) school days of the development of the Plan.

The Plan will be reviewed/updated through the interactive process at least once per school year.

## **SAFETY DRILLS AND EMERGENCY MANAGEMENT**

The board of education has appointed a committee composed of the NWTC Administrators and other designated personnel for the purpose of developing and maintaining the technology center's emergency plans. A crisis plan will be developed by local officials to provide guidance for those responsible for the safety of students and property. This plan will be evaluated regularly to ensure it meets the school's safety needs. Although the complete plan will only be available to those with a legitimate need to know the information, the technology center will make an overview of its plan containing all pertinent information available to all students and employees.

A minimum of 10 safety drill activities per year will be planned and implemented by the superintendent, the fire marshal, or other civil authorities, to ensure orderly movement of students to the safest available space(s) should an emergency occur. Whenever drills occur, all individuals on campus will fully participate in the drills. The following drills will be conducted each school year:

- Security (4 drills per year at different times of day; 1 drill within the first 15 days of the start of each semester and 1 other drill per semester)
- Fire (1 drill within the first 15 days of the start of each semester)
- Tornado (1 drill in September and 1 drill in March)
- Other drills such as security, fire, tornado, terrorism, suicide, weapons, etc. (2 drills per year)

The superintendent will maintain communication with other community agencies in order to share information on preparedness and planned procedures. It is the responsibility of the superintendent to ensure that the technology center work in cooperation with these other agencies during such emergencies. Campus directors are responsible for documenting each of the safety drills which are conducted and filing a copy of the documentation in the campus office, with the technology center's main administrative office, and with the Oklahoma School Security Institute

Emergency preparedness will be discussed with employees and students at least once per semester or as deemed necessary by the campus director. Each classroom shall post a copy of rules, evacuation signals, evacuation routes and emergency procedures. Instructors will discuss these procedures with each class using the room during the first day(s) of the school year.

All teachers and staff members shall make themselves familiar with safety procedures. During an actual emergency or a safety drill, teachers are responsible for following all procedures, including ensuring that doors and windows are closed appropriately, electrical circuits and gas jets are turned off, order is maintained, and all students are either accounted for or promptly reported missing to the campus director.

In the case of building evacuations, all meeting areas will be at least 50 feet away from buildings and driveways.

In addition to other notification actions deemed appropriate to the situation, the technology center may also send texts and/or email alerts related to significant emergencies or dangerous situations if there is a threat to the health or safety of students or employees.

All decisions related to such notifications and alerts will be made by the campus administrator or his/her designee based on the totality of the circumstances at the time of the decision. Information on how to sign up for the alert system will be provided to students and employees at the beginning of each semester.

The administration will also issue timely warnings for situations which are not emergency situations but which warrant campus wide notifications. These timely warnings will be disseminated through e-mail, website updates and text messages

Students and patrons with information about a crime at the technology center should report that information to any a campus administrator.

Any employee who receives information about a crime is required to promptly notify the campus administrator.

### **DISTRIBUTION OF MATERIALS**

In order to ensure student safety and the orderly operation of the technology center, non-school materials (fliers, booklets, magazines, buttons, announcements, signs, etc.) will only be distributed to district students under limited circumstances. All campuses will provide notice of the proper procedures for the distribution of materials. Permission to distribute materials is not an endorsement of the content of the materials either by the individual granting the permission or the board of education.

This policy does not apply to official technology center publications, such as yearbooks or student newspapers, and does not apply to signs posted for school events.

#### Authorized Groups

Authorized Groups include technology center recognized organizations and school sponsored student organizations, programs, and activities. These Authorized Groups may distribute materials to students as long as these materials are related to the Authorized Group's mission.

#### Other Individuals and Groups

Other Individuals and Groups (Others) may distribute materials directly to students with the superintendent's prior approval. Others may also request that the technology center distribute materials to students by contacting the superintendent. The superintendent has final authority in determining whether the materials are appropriate for distribution and the terms and conditions for the distribution. The following criteria will be used in the superintendent's consideration of the request:

- Materials which are of educational value to students should be considered for distribution;
- Materials which provide notice of a community service or event likely to be of value to students and families may be considered for distribution;
- Materials which are of a political or commercial nature will generally not be considered for distribution, unless there is a compelling reason that the material should be distributed;
- Materials which are inappropriate for the education environment will not be considered for distribution, including materials which:
  - Are obscene to minors - (a) material which, taken as a whole, lacks serious literary, artistic, political or scientific value for minors and, (b) when an average person, applying contemporary community standards, would find that the material, taken as a whole, appeals to an obsessive interest in sex by minors of the age to whom distribution is directed;

- Are libelous - a false and unprivileged statement about a specific individual which tends to harm the individual's reputation;
- Are vulgar, lewd or indecent - material which, taken as a whole, an average person would deem improper for presentation to minors because of sexual connotations or profane language;
- Display or promote unlawful products or services - material which advertises or advocates the use of products or services prohibited by law from being sold or provided to minors;
- Defames any group - material which disparages a group or a member of a group on the basis of race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information – including racial and religious epithets, “slurs,” insults and abuse;
- Disrupts school operations - material which, on the basis of past experience or based on specific instances of actual or threatened disruptions relating to the written material in question, is likely to cause a material and substantial disruption of the proper and orderly operation of school activities or school discipline.

If distribution is approved the superintendent or his/her designee shall designate the appropriate time, method, and location of distribution of the materials.

#### Students

Students may distribute materials at building entrances and exits 30 minutes before the start of the school day and 30 minutes after the conclusion of the day, and in the cafeteria during typical meal periods. Students may also distribute materials at the entrances and exits of school facilities (auditoriums, etc.) when those facilities are being used for a school sponsored activity. The content of any student distributed materials must be appropriate, as outlined above.

Students may not distribute the materials in a manner which is disruptive, and may not pressure or force individuals to accept materials. Students who distribute materials are responsible for removing all discarded and leftover copies from the facilities prior to leaving the premises after distribution. Students who violate this policy shall be subject to disciplinary action in accordance with the district's policies on student behavior.

#### Information Tables at Open House Events

The superintendent may, but is not required, to designate an open house event up to one (1) time per semester to allow Authorized Groups and Others to set up information tables and meet with parents and students. Authorized Groups may also have additional opportunities and preferential locations for providing materials and information to parents and students. Others will not be excluded solely because of political, religious, or philosophical beliefs.



**CAMPUS SAFETY AND THE  
JEANNE CLERY ACT**

The technology center has taken steps toward improving the safety and well-being of students, employees and visitors. The technology center engages in comprehensive violence prevention efforts, including education programs which seek to increase awareness and reduce incidents of misconduct such as bullying, harassment, intimidation, retaliation, and criminal acts including sex offenses. The technology center will not tolerate these acts on its campus, or off campus if such conduct impacts the education environment.

Bullying, Harassment, Intimidation and Retaliation

These forms of misconduct will be investigated and responded to under the technology center's policies and procedures related to such misconduct. Copies of these policies and procedures are available at each campus in the office of the assistant superintendent.

Criminal Activity and Sex Offenses

Criminal activity is defined as any conduct which violates a local, state or federal law. Examples include, but are not limited to, all forms of homicide, assault, battery, robbery, theft, arson, property crimes, hate crimes, weapons violations, and drug/alcohol violations.

Sex offenses are a type of criminal activity and are defined as unwelcome conduct of a sexual nature. Sex offenses commonly include stalking, rape, and acquaintance rape. Sex offenses may include other misconduct, whether violent or nonviolent, if the conduct is unwelcome and is of a sexual nature.

Reporting Criminal Activity and Sex Offenses

Any individual who has witnessed or been the victim of criminal activity, including sex offenses, should immediately report the incident to the assistant superintendent of the respective campus or local law enforcement (911). This will increase safety and allow for critical evidence to be preserved. Any member of the technology center's administrative team will help students report sex offenses to law enforcement upon the student's request.

Sex offenses should also be promptly reported to the technology center's Title IX Coordinator so the technology center can conduct an appropriate investigation and take the necessary remedial actions. Reports can be made to:

Title IX Coordinator  
Northwest Technology Center  
1801 11<sup>th</sup> Street  
Alva, OK 73717

Or

Title IX Coordinator  
Northwest Technology Center  
801 Vo-Tech Drive  
Fairview, OK 73737

### Investigations

All criminal activity and sex offenses alleged to have occurred on campus, whether involving a visitor, employee or student, will be promptly investigated. All sex offenses alleged to have occurred off campus but involving a technology center student will be investigated to determine if the incident has impacted the education environment. Although this investigation may be conducted in conjunction with local law enforcement, the technology center will independently determine whether student or employee disciplinary consequences are appropriate and what, if any, victim supportive services should be offered.

### Disciplinary Procedures and Consequences

Both the accused and the accuser have the right to be present and/or represented at any formal disciplinary hearing, and both shall be informed of the outcome of the investigation.

Any student or employee who is determined to have committed a sex offense or other crime on campus will face severe disciplinary consequences, up to and including termination for employees and expulsion for students. A full statement of the technology center's disciplinary procedures can be found in policies regarding student behavior (for students) and professional conduct (for employees). These technology center sanctions are independent of other civil or criminal penalties through law enforcement.

### Supportive Services for Victims of Sex Offenses

Any individual who is the victim of a an on-campus sex offense, and any student who is the victim of an off-campus sex offense impacting the education environment may receive information on community resources such as mental health care, victim advocacy and housing referrals. Technology center administrators will work with these individuals to assess the need and craft appropriate interventions to ensure continued student and employee success.

### Statistical Information

Prior to October 1<sup>st</sup> of each year, the technology center will disseminate a campus crime report to all current students and employees via e-mail when available or by individual paper copy as well as by posting on the technology center's website after individually notifying employees and students of the availability of the report. The report will comply with all aspects of the Clery Act. Applicants and members of the public may view the report on the technology center's website or may request a copy of this report from the financial aid office.

The district will maintain all statistical data on Clery Act crimes for seven (7) years.

**INTERFERENCE WITH THE  
PEACEFUL CONDUCT OF ACTIVITIES  
AND PROTECTION FROM WORKPLACE HARASSMENT AND VIOLENCE**

1. Technology Center Power to Maintain Order:

The superintendent or anyone designated by the superintendent or the board of education to maintain order in/at technology center sites shall have the authority and power to direct any person to leave property or any school activity when students are present, who is not a student, officer or employee thereof, and who:

1. Interferes with the peaceful conduct of activities on school property;
2. Interferes with the peaceful conduct of school activities off school property when students are present;
3. Commits an act that interferes with the peaceful conduct of activities on school property;
4. Commits an act that interferes with the peaceful conduct of school activities off school property when students are present;
5. Enters school property for the purpose of committing an act that may interfere with the peaceful conduct of activities on school property;
6. Enters non-school property when students are present for the purpose of committing an act that may interfere with the peaceful conduct of school activities

For purposes of this policy, the term “interferes with the peaceful conduct” includes, but is not limited to, actions that directly interfere with any student activities, classes, study, student or faculty safety, housing or parking areas or extracurricular activities or any lawful activity; threatening or stalking any person; damaging or causing waste to any property belonging to another person or the technology center; or direct interference with administration, maintenance or security of property belonging to the technology center.

Any person to whom this policy applies, who fails to leave the premises as directed or returns within six (6) months thereafter, without first obtaining written permission from the superintendent or anyone designated by the superintendent or the board of education, shall be guilty of a misdemeanor.

Appeal Process

After receiving a directive under this policy to leave the premises, the person issued the directive may request reconsideration by taking the following steps:

**First Level of Appeal:** The person may request review of the initial decision by letter to the superintendent. If no written request is received within five (5) calendar days of the person's receipt of written notification of the directive to leave the premises, the directive will be final and nonappealable. If the superintendent issued the initial directive to leave the premises, the person issued the directive may proceed directly to the final level of appeal.

**Final Level of Appeal:** The person may request review of the superintendent's decision by letter to the superintendent or the clerk of the board of education. If no written request is received within five (5) calendar days of the person's receipt of the superintendent's written notification of the directive to leave the premises, the superintendent's decision will be final and nonappealable. The person will be notified in writing of the date, time and place of the board meeting at which the decision will be reviewed. The board's decision will be final and nonappealable.

The superintendent or person who issues the directive to leave the premises will give the person to whom the directive is issued a copy of this policy within a reasonable amount of time after issuing the directive. During any appeal process, the person given the directive to leave the premises must remain off school property and away from school activities, whether on technology center property or not, unless the superintendent, in writing, instructs that the directive is to be stayed pending the appeal process.

**2. Technology Center Power to Petition the District Court Regarding Workplace Harassment and Violence:**

Workplace harassment and violence are unacceptable and should not be tolerated. Pursuant to OKLA. STAT. tit. 12 § 1398, the board of education of the technology center may authorize the initiation of an action in a District Court of Oklahoma seeking injunctive and other available relief to address workplace harassment and/or violence. Seeking an injunction pursuant to § 1398 shall not limit any other action or recourse the Superintendent and technology center may have under law and technology center policy.

**Reference:** OKLA. STAT. tit. 21, §§ 1375, 1376  
OKLA. STAT. tit. 70, §§ 24-131, 24-131.1  
OKLA. STAT. tit. 12, § 1398

**RESTRICTIONS ON PRESENCE OF  
SEX OFFENDERS ON SCHOOL PROPERTY**

Purpose

The purpose of this policy is to identify the circumstances under which registered sex offenders are permitted by law to come within 300 feet of a campus and to identify the technology center's procedures when such an exemption applies.

Policy

By law, a person who has been convicted of a crime that requires the person to register pursuant to the Oklahoma Sex Offenders Registration Act and when the victim was a child under the age of 13 at the time of the offense is prohibited from loitering within 300 feet of any campus of the technology center. The same prohibition applies to a person who has been convicted of an offense in another jurisdiction, which offense, if committed or attempted in Oklahoma, would have been punishable as an offense listed in OKLA. STAT. tit. 57, § 582 and the victim was a child under the age of 13 at the time of the offense. Persons convicted of sex offenses in the State of Oklahoma prior to the effective date of the Oklahoma Sex Offenders Registration Act, which is November 1, 1989, are not subject to this prohibition.

By law, the only exemption to this prohibition occurs when:

- The person is the custodial parent or legal guardian of a child enrolled in the school and
- The person is enrolling, delivering or retrieving that child at the school during regular school hours or for school-sanctioned extracurricular activities.

The technology center intends to enforce the legal prohibition and to strictly construe the exemption. The legal prohibition does not apply to sex offenses committed against children 13 and over.

To enter a campus building to enroll his or her student, the person must first confer with the campus director. The person must comply with the director's instructions for the student's enrollment.

To deliver or retrieve his or her enrolled student from school during regular school hours or for a school-sanctioned extracurricular activity, the person must remain in his or her vehicle at all times unless the person has obtained prior written approval from the campus director to leave the vehicle to deliver or retrieve the student at a designated location.

If the person desires to enter a campus site for a matter concerning his or her enrolled student that is not covered by the legal exemption, he or she must first confer with the campus director. Some examples might be to review records, to attend a parent-teacher

conference or to attend an IEP team meeting for the student. The campus director will attempt to work with the person to provide the desired information at a non-school site, via telephone or through some other medium.

Any person who violates this policy may be barred from all technology center property. Violators may also be subject to criminal penalties.

**HEALTHY AND FIT SCHOOL ADVISORY COMMITTEES**

The technology center has established a Fit School Advisory Committee which shall be composed of no fewer than six (6) individuals. The composition of the committee may include teachers, administrators, parents of students, health care professionals and business community representatives.

The committee at each school site shall study and make recommendations to the campus director regarding:

1. Health education;
2. Physical education and physical activity; and
3. Nutrition and health services.

Campus directors shall give consideration to the recommendations of the committee.

### **WORKPLACE WELLNESS**

The technology center cares about the health and well-being of employees and strives to create an environment that supports and encourages healthy living. It is acknowledged that persons who are inactive, overweight, or obese have a higher risk for many serious health conditions, including diabetes, heart disease, stroke, certain types of cancer, and premature death.

The improvement of the health and wellness of employees will be promoted by creating a workplace environment that is conducive to employee wellness by providing:

1. Physical activity opportunities;
2. Healthy food and drink options in the workplace;
3. Health and wellness informational programs;
4. Health and wellness check on campus by medical staff;
5. Tobacco free environment;
6. Hosting and/or sponsoring community health events;
7. Support of employee-generated events such as weight-loss challenges, healthy eating classes, programs that promote stress-relieving activities.
8. An incentive of payment for unused sick leave days (See Unused Sick Leave policy).

Workplace wellness will be encouraged through employee involvement on committees on each campus. Membership on workplace wellness committees will be on a volunteer basis; committees will be responsible to plan and to recommend annual wellness activities to the administration.



## **SMOKING, VAPING, AND THE USE OF TOBACCO PRODUCTS**

The board is dedicated to providing a healthy, comfortable, and productive environment for staff, students, and citizens. The board believes that education has a central role in establishing patterns of behavior related to good health and that measures are necessary to help its students to resist tobacco use. The board is concerned about the health of its employees and also recognizes the importance of adult role-modeling for students. Therefore, the board shall discourage the use of tobacco products by its staff and students. The Technology Center will refer employees, parents/guardians, family members, and students (13 and older) interested in quitting tobacco use to the Oklahoma Tobacco Helpline and other available cessation resources.

### Tobacco on Campus

Smoking, vaping and the use of tobacco products or vapor products in any form is prohibited on technology center property by all persons. This prohibition includes school buildings, grounds, and school-owned vehicles. Possession of tobacco products or vapor products by minor students on school property is prohibited. This policy also applies to students and staff at any off-site, school sponsored meeting or event, including, but not limited to, field trips and athletic events.

### Marijuana on Campus

Smoking, vaping, or possessing marijuana (as defined in Board of Education Policy, *Medical Marijuana, Hemp & Cannabidiol (CBD)*) on technology center property is strictly prohibited. Refer to the technology center's policy on *Medical Marijuana, Hemp & Cannabidiol (CBD)* for further information.

### Posting Signs Pursuant to this Policy

At or near each entrance of every technology center building the following sign shall be conspicuously posted: Tobacco or Marijuana Smoking or Marijuana Vaping is Prohibited.

### Definitions

“Smoking” means the carrying by a person or having access to a lighted cigar, cigarette, pipe or other lighted smoking article, expressly including lighted marijuana and active vaporizing devices. Smoking also includes using products which mimic or simulate smoking behavior, regardless of whether such products actually contain tobacco. This prohibition includes but is not limited to vapor products as defined in this policy.

“Tobacco products” includes, but is not limited to: cigarettes, cigars, loose tobacco, rolling papers, chewing tobacco, snuff, matches, and lighters.

“Vapor product” includes noncombustible products that may or may not contain nicotine, that employ a mechanical heating element, battery, electronic circuit or other mechanism,

regardless of shape or size, that can be used to produce a vapor in a solution or other form. "Vapor product" shall also include any vapor cartridge or other container with or without nicotine or other form that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device and any vapor cartridge or other container of a solution, that may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo or electronic device. "Vapor product" does not include any products regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.

### Enforcement

The success of this policy will depend upon the thoughtfulness, consideration, and cooperation of smokers and non-smokers. All individuals on school premises share in the responsibility for adhering to and enforcing this policy. Any individual who observes a violation on school property may report it in accordance with the procedures listed below.

### Students

Any student using, possessing or distributing tobacco products or vapor products in violation of this policy will be subject to appropriate disciplinary measures, including removal from the program for adult students or out-of-school suspension for secondary students, pursuant to the board's policies regarding student discipline.

### Staff

Any violation of this policy by staff will be referred to the appropriate supervisor. One written warning will be issued to the staff member with a copy placed in his or her personnel file. Further violations will be considered willful neglect of duty and will be dealt with accordingly based on established policies and procedures for suspension, demotion, dismissal and non-renewal of staff.

### Citizens

Citizens who are observed smoking or using tobacco products or vapor products on district property in violation of this policy will be asked to refrain from using these products on technology center property. If the individual fails to comply with the request, his or her violation of policy may be referred to the campus director or other supervisory personnel responsible for the area or program during which the violation occurred. The supervisor shall make a decision on further action which may include a directive to leave technology center property. Repeated violations may result in a recommendation to the superintendent or board of education to prohibit the individual from entering technology center property for a specified period of time. If deemed necessary by the school administration or the board of education, local law enforcement officials may be called upon to assist with enforcement of this policy.

### Designated Smoking Areas

Notwithstanding the provisions above, the technology center, at its discretion, may designate tobacco smoking areas outside of buildings, away from general traffic areas, and completely out of sight of children under eighteen (18) years of age, for use by (1) adults attending training courses, sessions, meetings or seminars or (2) adults during certain

activities or functions, including, but not limited to athletic contests. Such area shall not permit smoking within twenty-five (25) feet of the entrance or exit of any campus building.

Adults may smoke or vape tobacco (nicotine) in this area. Under no circumstances will the use of other tobacco products be permitted.

In no circumstances will marijuana smoking or vaping be permitted.

Reference: Okla. Stat. tit. 70, §§ 1210.212, 1210.213

### **CONTAGIOUS HEALTH CONDITIONS**

The technology center 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.

Any student or employee who is determined to be afflicted with a contagious health condition such as head lice or bed bugs—in all stages/forms of life—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.

Students and employees who have had a fever, diarrhea or vomiting must be symptom free for 24 hours, without the use of symptom reducing medication, prior to returning to school.

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.

### **COMMUNICABLE DISEASES**

Many communicable diseases, including Human Immunodeficiency Virus (HIV) and/or Acquired Immune Deficiency Syndrome (AIDS), require special consideration in the school environment. The board of education seeks to provide an environment which is safe for all students and employees, while maintaining the dignity and privacy of individuals infected with communicable diseases.

Current research indicates that the risk of transmitting HIV/AIDS and other communicable diseases is low in the school setting when appropriate procedures are followed. All school employees are required to follow the district's Bloodborne Pathogen Exposure Control Plan at all times when there is a potential for exposure to any bodily fluid. Parents/guardians will be notified in the event a minor student has been exposed to a potentially infectious agent.

Information regarding an individual's communicable disease status will be maintained in a separate confidential file and will only be disclosed:

- in compliance with Oklahoma law; or
- with the express approval of the superintendent.

Information about an individual's communicable disease status will not be included in the individual's regular school or health records. Any individual who discloses another person's communicable disease status without the superintendent's express authorization will face disciplinary action.

#### Student Admission

No student will be denied an education or participation in the activities of the district based solely on his/her status as a student infected with a communicable disease. In the event the school administration learns that a student may have a communicable disease, the superintendent or designee will consult with the Oklahoma State Department of Health regarding an appropriate educational environment for the student. All decisions regarding an appropriate educational setting for the student will be made on a case-by-case basis following established policies and procedures for students with chronic health problems or other disabilities. The placement decision will be periodically reviewed, and will also be reviewed at any time a staff member observes behavior which might pose a reasonable risk of transmitting the communicable disease.

#### Employment

No individual will be denied employment or have his/her contract nonrenewed based solely on his/her status as an individual infected with a communicable disease.

### **STUDENT INTERVIEWS AND INTERROGATIONS**

Should it become necessary for a member of a law enforcement agency or a social service agency to talk with a student and/or school personnel during the school day, the following procedures shall be observed to protect the rights of all parties involved.

In the event of an emergency which necessitates that law enforcement be contacted, law enforcement personnel may use whatever legal means are necessary to ensure the safety of all district students, patrons and employees.

In non-emergency situations, such as when law enforcement personnel wish to question a student or employee, law enforcement personnel must coordinate their business through the campus director's office. The director or designee is authorized to summon the student or employee to a private area so that law enforcement personnel may conduct a private interview. If the interview involves a minor student, an administrator will attempt to contact the student's parent or guardian prior to the interview. However, the inability to reach the student's parent or guardian will not prevent the interview from being conducted. A school employee may remain present during the interview of a minor student to ensure compliance with the child's rights but may not participate in the interview. Students will not be removed from campus unless the student is being arrested or being placed in protective custody.

Child welfare workers wishing to interview minor students about suspected abuse or neglect must also coordinate their business through the campus director's office. The director or designee is authorized to summon the student to a private area so that the child welfare personnel may conduct a private interview. The director or designee will ask the child welfare worker whether a parent/guardian may be contacted and/or whether a school official may be present for the interview, and school officials must comply with those instructions. Child welfare workers wishing to remove any student from school property must have a properly signed court order or be accompanied by local law enforcement for the removal of the child.

Reference: OKLA. STAT. tit. 10A, § 1-2-105

**CUSTODIAL AND NON-CUSTODIAL PARENTAL RIGHTS  
OF MINOR STUDENTS**

It is the policy of the board of education that a parent who is awarded legal custody of a minor student by court action shall file a copy of the court decree awarding such custody with the technology center. If the custodial parent does not wish the minor student to be released to the non-custodial parent, an appropriate written instruction should also be filed with the technology center.

All staff members are instructed to refer any questions to the appropriate campus director or the superintendent.

Absent a court order to the contrary, both natural parents have the right to view the minor student's school records; to receive school progress reports; and to visit the minor student briefly at school.

**DISTRICT WIDE PARENTAL INVOLVEMENT**  
**(Secondary Students - Parent Bill of Rights)**

The board supports parents' efforts to be involved in the technology center's education programs. This policy outlines the technology center's efforts to educate parents and support parent involvement in response to the 2014 Parents' Bill of Rights.

Parents have the right be involved in their minor child's education, including directing that education. Parents are encouraged to exercise their rights in conjunction with technology center guidance so as not to inadvertently impede their minor child's compliance with federal and state mandated requirements – including requirements related to graduation or program completion. Parents also have the right to review school records related to their minor child.

Parents generally have the right to consent prior to an audio or video recording being made of their minor child. This right does not preempt the technology center's right to make recordings (without specific parental approval) related to:

- safety, general order and discipline
- academic or extracurricular activities
- classroom instruction
- security/surveillance of the buildings or grounds
- photo ID cards

Parents have the right to receive prompt notice if their minor child is believed to be the victim of a crime perpetrated by someone other than the parent, unless law enforcement or DHS officials have determined that parental notification would impede the related investigation. These notice provisions do not apply to matters which involve routine misconduct typically addressed through student discipline procedures. School personnel will not attempt to encourage or coerce a child to withhold information from parents.

1. The technology center will promote parent participation with the goal of improving parent and teacher cooperation in areas such as homework, attendance and discipline. This will be accomplished through activities such as:

- Parent teacher conferences
- Back to school / meet the teacher nights
- School sponsored webpages with class information available to parents
- Social Media posts

2. The technology center will inform parents about their child's course of study by disseminating this information:

- During annual enrollment
- In student handbooks



- On the district's webpage
- Social Media posts

Parents may review learning materials affecting their minor children's course of study, including supplemental materials, by making a request through the campus director.

3. Parents who object to a learning material or activity may withdraw their minor child from the class or program in which the material is used. In order to withdraw a student, the parent must submit a written request, signed and dated by a parent, to the campus director. Parents who choose to withdraw their minor child from a class are responsible for making alternate arrangements for the child to earn credit for the work missed.
4. If a teacher is going to provide instruction or presentations regarding sexuality in a course, the teacher will send written notice home to parents 5 days in advance of the presentation. Parents who object to their minor child's participation in such instruction may send a written request to the campus director to have the student excused from the presentation. Any such student will be permitted to study in the office during the presentation.
5. Parents may learn about the nature and purpose of clubs and activities which are part of the technology center's curriculum by reviewing student handbooks and the technology center's website. The school's extracurricular clubs and activities are also published in student handbooks, the policy manual, and are available on the district's website.
6. Parents have numerous rights and decision making responsibilities concerning their minor children. To assist parents in meeting these responsibilities and to fulfill its obligations under the 2014 Parent Bill of Rights, the district has compiled the following information for parents:
  - A. The technology center does not provide sex education, but relies on sending schools to meet this requirement. Parents may opt their student out of the relevant program by following the procedures established by the sending district.
  - B. Parents who are not residents of the technology center district may enroll their minor children in accordance with board policy. A copy of that policy is available in the assistant superintendent's office.
  - C. The district utilizes a number of resources to educate students. Parents who object to an assignment based on sex, morality or religion may opt their minor child out of the assignment by following the procedures established in item 3 above.
  - D. Students are generally required to receive a predetermined set of immunizations prior to enrolling in any Oklahoma school. This requirement may be waived if the parent submits a note from the minor child's physician stating that the child should be excused from the immunization for health reasons or if the parent submits a note objecting to the immunization of the child.

- E. Students are required to meet certain obligations in order to be promoted to a subsequent grade at their sending school, particularly with regard to learning to read. Parents can learn about those requirements – including efforts the sending district takes in order to help students become successful readers – by reviewing the sending district’s policies on Reading Sufficiency Act testing, and student promotion. Copies of those policies are available from the sending district.
- F. Students are required to meet certain obligations in order to graduate from high school and/or complete their technology center course of study. Parents can learn about these requirements each year during course enrollment or by talking with a technology center enrollment counselor. This information is also available in student handbooks and on the Oklahoma State Department of Education’s website ([www.ok.gov/sde/](http://www.ok.gov/sde/)).
- G. The technology center does not provide AIDS education but instead relies on the sending school to complete this task. Parents may opt their minor student out of this education by following the procedures established by their child’s sending school.
- H. Parents have the right to review student test results related to their minor student. Parents may review the results of classroom exams by contacting their child’s teacher. Parents may review the results of state-wide testing at the child’s sending school by following the procedures established by their child’s sending school.
- I. Qualifying students have the right to participate in their sending school’s gifted and talented program in accordance with the sending district’s policy regarding the program. A copy of the policy is available through the sending district.
- J. Parents have the right to review teachers’ manuals, films, tapes or other supplementary instructional material if the materials are being used in connection with a research or experimentation program or project. In order to review these materials, the parent should contact the campus director.
- K. Parents have the right to receive a school report card related to their child’s sending school. Information regarding these report cards will be provided through the sending district.
- L. Students are required to attend school regularly, and the technology center will notify parents of any student absence unless the parent has already contacted the technology center to report the absence. The technology center will send a written notice to parents if their minor student appears to be in danger of exceeding the maximum allowable number of absences and will notify the district attorney and the parent if a child may be considered truant. Parents may contact the campus director for additional information regarding student absences.

- M. Parents have the right to review the technology center's courses of study and textbooks. Arrangements for this review can be made through the campus director.
- N. Students may be excused from school for religious purposes provided the parent contacts the campus director to request such an absence.
- O. Parents have the right to review all technology center policies, including parental involvement policies. Copies of these policies are available through the assistant superintendent's office.
- P. Parents have the right to participate in parent-teacher organizations through their child's sending school. Information regarding these groups will be made available through the sending school.
- Q. Parents may opt out of selected data collection related to state longitudinal student data system reporting. Parents may not opt out of necessary and essential record collecting. Parents may file an opt out request through the superintendent's office.
- R. The technology center will not procure, solicit to perform, arrange for the performance of, perform surgical procedures or perform a physical examination upon a minor student or prescribe any prescription drugs to a minor student without first obtaining a written consent for the proposed assessment or treatment. The written consent will be effective for the school year for which it was granted, and must be renewed each subsequent school year. If the assessment or treatment for which the written consent is provided is performed through telemedicine at a school site, and if the written consent is provided by the Parent and is currently effective, the health professional shall not be required to verify that the parent is at the school site.
- S. The technology center will not procure, solicit to perform, arrange of the performance of or perform an assessment for mental health therapy on a minor student without first obtaining consent of a parent or legal guardian of the minor. The written consent will be effective for the school year for which it was granted, and must be renewed each subsequent school year. If the assessment or treatment for which the written consent is provided is performed through telemedicine at a school site, and if the written consent is provided by the Parent and is currently effective, the health professional shall not be required to verify that the parent is at the school site. However, a student shall not be seen without consent.
- T. A student shall not be vaccinated at school or on school grounds or receive a vaccine as part of the mobile vaccination effort without prior written authorization, including the signature of the parent or legal guardian of the student for the vaccine or group of vaccines to be administered during a single visit.

Parents requesting information outlined in this policy should submit written requests for information through the campus director or superintendent, as noted in the respective section. Appropriate school personnel will either make the information available or provide a written explanation of why the information is being withheld within ten (10) days of the

request. Any parent whose request is denied or who does not receive a response within fifteen (15) days may submit a written request for the information to the board of education. The board will include an item on its next public meeting agenda (or the following meeting, if time does not permit inclusion of the item on the agenda) to allow the board to formally consider the parent's request.

REFERENCE: OKLA. STAT. tit. 25, § 2001  
OKLA. STAT. tit. 25, § 2004, *et seq.*  
Okla. Stat. tit. 70, § 1-116.2

**REVIEW OF INSTRUCTIONAL MATERIAL**

In order to promote transparency in the education process, the technology center's instructional materials will be available for review by parents of minor children. Instructional materials include items such as teacher manuals, films, tapes and other supplementary materials regardless of format.

In order to review these materials, a parent should submit a written request to the campus director. The request must specify the class/subject, teacher, student's name, and the types of items being requested for review. Within ten (10) days the campus director will arrange for a mutually convenient time for the review or will notify the parent that a review cannot be permitted. If the campus director declines to allow a parent to review the materials, the director will provide the parent with an explanation of why the material is not available. All reviews will be conducted between the hours 8:00 a.m. and 4:00 p.m. in the campus administrator's office. Instructional materials may not be removed from the campus administrator's office.

In the event the requested review is denied or after fifteen (15) days with no response from the campus director, the parent may request this information through the board of education in accordance with the technology center's policy regarding parent rights.

OKLA. STAT. tit. 70, § 11-106.1

**MEDICAL MARIJUANA, HEMP & CANNABIDIOL (CBD)**

Regardless of a student, employee, parent or any individual's status as a medical marijuana license holder, marijuana is not allowed on the premises of the technology center or in any school vehicle or in any personal vehicle transporting a student under any circumstances. While the use of medical marijuana in conjunction with the possession of a medical marijuana license is legal in the State of Oklahoma, marijuana is a prohibited controlled substance under federal law regardless of the use being for medical purposes. Accordingly, possession of marijuana by a student, employee, parent or any individual, notwithstanding the possession of a medical marijuana license, is strictly prohibited while on the premises of the technology center and in school vehicles; going to and from and attending technology center sponsored functions and events, including those technology center sponsored functions and/or events which occur in a location other than the premises of the technology center; utilizing technology center equipment or transportation; and in any other instance in connection with the technology center where the technology center reasonably deems the possession of marijuana to be illegal.

In the event that a student, employee, parent or any individual is found to possess or to have possessed marijuana in any of the instances stated above, the technology center will proceed with all actions and consequences that are afforded to the technology center under any state or federal law, employment contract, technology center policy, student handbook provision, or any other authority applicable to or adopted by the technology center.

**A. Definitions**

The following definitions shall apply:

1. Marijuana: all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or resin (except cannabidiol made from hemp which meets the definition of "Hemp Cannabidiol" as defined below). The term "marijuana" shall not include any federal Food and Drug Administration-approved cannabidiol medication.
2. Hemp Cannabidiol ("Hemp CBD"): a nonpsychoactive cannabinoid made from hemp that has a tetrahydrocannabinol concentration of not more than three-tenths of one percent (0.3%).
3. Hemp: the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis.
4. THC: tetrahydrocannabinol.

The terms "marijuana" and "possession of marijuana" will be interpreted by the technology center in accordance with state and federal law. Any conflict between state

and federal law as to the definition or treatment of “marijuana,” “possession of marijuana,” “Hemp” or “cannabidiol” will be interpreted in accordance with the circumstances and proper legal authority.

B. Nondiscrimination

There will be no discrimination in the technology center because of an individual’s status as a medical marijuana license holder.

C. Hemp and Hemp Cannabidiol (Hemp CBD)

1. Regulation: Hemp CBD is regulated differently than marijuana under both state and federal law. Possession and administration of Hemp CBD shall be treated differently based on the concentration of THC in the Hemp CBD. In no instance will this section be construed to apply to a substance that (1) is not made from hemp or (2) contains more than 0.3% THC.

a. Hemp CBD Containing 0.0% THC

(1) Employees and other Non-Student Individuals: Employees and individuals who are not students of the technology center may possess and self-administer Hemp CBD containing 0.0% THC on the premises of the technology center. However, employees or non-student individuals must be able to certify, upon request, that the Hemp CBD contains 0.0% THC at the time of possession and/or self-administration via a reliable product label. Employees and non-student individuals are not permitted to self-administer Hemp CBD in the presence of students.

(2) Students: A parent or legal guardian of a student may administer Hemp CBD containing 0.0% THC to the student in accordance with this policy. Hemp CBD containing 0.0% THC may only be administered to a student in an area designated by the technology center’s personnel. The parent, legal guardian must certify that the Hemp CBD contains 0.0% THC via a declaration given under penalty of perjury prior to administering such Hemp CBD to the student in the technology center’s designated administration area. Such declaration shall be effective for the semester in which it is given. A new declaration must be provided by a parent or legal guardian each semester. After the parent or legal guardian of the student has administered the Hemp CBD containing 0.0% THC to the student, the parent or legal guardian must remove the Hemp CBD from the technology center’s premises.

b. Hemp CBD Containing 0.3% THC

(1) Employees and other Non-Student Individuals: Employees and individuals who are not students of the technology center may possess and self-administer Hemp CBD containing up to a maximum of three-tenths of one percent (0.3%) THC on the premises of the technology center provided they meet one of the following:

(a) The employee or individual who is not a student is a medical marijuana license holder; or

(b) The employee or individual who is not a student has a written certification from a physician licensed in Oklahoma that the employee or individual that is not a student has been diagnosed by a licensed physician as having one of the following:

- i. Lennox-Gastaut Syndrome;
- ii. Dravet Syndrome, also known as Sever Myoclonic Epilepsy of Infancy;
- iii. Any other severe form of epilepsy that is not adequately treated by traditional medical therapies;
- iv. Spasticity due to multiple sclerosis or due to paraplegia;
- v. Intractable nausea and vomiting; or
- vi. Appetite stimulation with chronic wasting diseases.

Employees or non-student individuals must be able to verify, upon request, (1) that they meet an exception listed above, and (2) that the Hemp CBD contains no more than 0.3% THC at the time of possession and/or self-administration, via a reliable product label or a physician's certification. Employees and non-student individuals are not permitted to self-administer Hemp CBD in the presence of students.

(2) Students: Students of the technology center may not possess and/or self-administer Hemp CBD containing THC in an amount no greater than 0.3%. However, the parent, legal guardian or caregiver (as defined in 63 O.S. § 420A) of the student may administer Hemp CBD containing THC in an amount no greater than 0.3% on technology center premises in accordance with this policy if the student meets one of the following exceptions:

(a) The student is a medical marijuana license holder; or  
(b) The parent, legal guardian, or caregiver of the student has a written certification from a physician licensed in Oklahoma that the student has been diagnosed by a licensed physician as having one of the following:

- i. Lennox-Gastaut Syndrome;
- ii. Dravet Syndrome, also known as Sever Myoclonic Epilepsy of Infancy;
- iii. Any other severe form of epilepsy that is not adequately treated by traditional medical therapies;
- iv. Spasticity due to multiple sclerosis or due to paraplegia;
- v. Intractable nausea and vomiting; or
- vi. Appetite stimulation with chronic wasting diseases.

The physician's written certification must also provide that the Hemp CBD being administered to the student has a THC level of not more than 0.3% and the Hemp CBD was delivered to the student, parent, or legal guardian in a liquid form.

The parent, legal guardian, or caregiver may administer Hemp CBD containing THC in an amount no greater than 0.3% to the student in an area designated by the technology center's personnel. The parent, legal guardian, or caregiver must certify that the Hemp CBD contains THC in an amount no greater than 0.3% via a declaration given under penalty of perjury prior to



administering such Hemp CBD to the student in the technology center's designated administration area. Such declaration shall be effective for the semester in which it is given. A new declaration must be provided by the parent, legal guardian, or caregiver each semester. After the parent, legal guardian or caregiver of the student has administered the Hemp CBD to the student, the parent, legal guardian or caregiver must remove the Hemp CBD from the technology center's premises.

2. Administration by School Personnel and Storage: In no instance will a technology center employee administer Hemp CBD to a student, unless they are the parent, legal guardian, or caretaker for that student. The technology center will not maintain or store a student's Hemp CBD for any length of time.
3. Violations: In the event that a student, employee, parent or any individual is found to have violated the technology center's policy regarding Hemp CBD possession and/or self-administration, the technology center will proceed with all actions and consequences that are afforded to the technology center under any state or federal law, employment contract, technology center policy, student handbook provision, or any other authority applicable to or adopted by the technology center.

#### D. Overlap with Other Technology center Policies

The technology center recognizes that the legal aspects and consequences of medical marijuana, cannabidiol, and hemp are new and possibly subject to change. These legal aspects and consequences of medical marijuana, cannabidiol, and hemp effect many areas of the technology center's current policies regarding employees, students, parents and individuals on technology center premises or attending technology center events. The technology center will continue to enforce its current adopted policies. As the need arises with changes in state and/or federal law, the technology center will consider and/or examine technology center policies in order to assess whether revisions, if any, may be needed to a technology center policy in order to comply with state and federal law.

#### E. Employees

Employees of the technology center are expected to comply with state and federal law at all times as a term of their continued employment with the technology center. In that regard, employees are hereby notified that any person who uses or is addicted to marijuana, regardless of whether his or her state has passed legislation authorizing marijuana use for medicinal or recreational purposes, is an unlawful user of or addicted to a controlled substance and is prohibited by federal law from possessing firearms or ammunition. See 18 U.S.C. § 922(g)(3); see also Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") open letter to all federal firearms licensees (<https://www.atf.gov/file/60211/download>). Employees are expected to adhere to any and all open letters, formal opinions, directives, or any other instruction provided by federal or state agencies regarding state and/or federal law.

#### F. Prescription Medications

This policy does not apply to any federal Food and Drug Administration-approved cannabidiol medication. Such medication may not be possessed or self-administered by students. These medications must be stored in technology center offices and may be

administered by the school nurse or other designated technology center personnel in accordance with the technology center's policy on Administration of Medicine.

## **FREEDOM OF EXPRESSION**

Northwest Technology Center respects and values student activism. The technology center takes pride in our students' interactions with social and political issues, viewing it as a desirable, if not essential, component of civic engagement and, therefore, adopts the following policy.

### **Policy**

The outdoor areas of any campus of the technology center are deemed public forums for the campus community, and the technology center will not create "free speech zones" or other designated areas of campus outside of which expressive activities are prohibited. The technology center may maintain and enforce reasonable time, place and manner restrictions narrowly tailored in service of a significant institutional interest when the restrictions employ clear, published, content- and viewpoint-neutral criteria and provide for ample alternative means of expression. Any such restrictions shall allow for members of the campus community to spontaneously and contemporaneously assemble and distribute literature. Nothing in this paragraph shall be interpreted as applying to student expression taking place elsewhere on campus.

Any person who wishes to engage in noncommercial expressive activity on campus shall be permitted to do so freely, as long as the person's conduct is not unlawful and does not materially and substantially disrupt the functioning of the technology center.

Nothing in this policy shall be interpreted as preventing the technology center from prohibiting, limiting or restricting expression that the First Amendment does not protect or prohibiting harassment as defined in this policy.

Nothing in this policy shall enable individuals to engage in conduct that intentionally, materially and substantially disrupts another person's expressive activity if that activity is occurring in a campus space reserved for that activity under the exclusive use or control of a particular group.

Nothing in this policy shall prohibit the technology center from maintaining and enforcing reasonable time, place and manner restrictions that are narrowly tailored to serve a significant institutional interest only when such restrictions employ clear, published, content- and viewpoint-neutral criteria. Any such restrictions shall allow for members of the campus community to spontaneously and contemporaneously assemble, speak and distribute literature.

The technology center will make public in its Student Handbook on its websites and through its orientation programs for students the policies, regulations and expectations of students regarding free expression on campus consistent with this policy.

The technology center will develop materials, programs and procedures to ensure that those persons who have responsibility for discipline or education of students, including but

not limited to administrators, campus police officers, and instructors, understand the policies, regulations and duties of the technology center regarding free expression on campus.

### **Reporting Requirement**

By December 31st each year, the technology center will public post on its website and submit to the Governor and Legislature a report that details the course of action implemented to comply with the provisions a report which details the course of action implemented to be in compliance with the requirements of 70 O.S. §2120. A report shall also be submitted in the instance of any changes or updates to the chosen course of action. The report provided on the website shall be:

- a. Accessible from the technology center's website home page by use of not more than three links;
- b. Searchable by key words and phrases; and
- c. Accessible to the public without requiring registration or use of a user name, password or another user identification.

The technology center's report will include the following information:

- a. a description of any barriers to or incidents of disruption of free expression occurring on campus, including but not limited to attempts to block or prohibit speakers and investigations into students or student organizations for their speech. The description shall include the nature of each barrier or incident, as well as what disciplinary action, if any, was taken against members of the campus community determined to be responsible for those specific barriers or incidents involving students without revealing those students' personally identifiable information, and
- b. any other information the technology center deems valuable for the public to evaluate whether free expression rights for all members of the campus community have been equally protected and enforced.

In the event the technology center is sued for an alleged violation of First Amendment rights, a supplementary report, with a copy of the complaint or amended complaint, will be submitted to the Governor and the Legislature within thirty (30) days.

### **Definitions**

"Campus community" means students, administrators, faculty and staff at the technology center and their invited guests;

"Expressive activities" include, but are not limited to, any lawful verbal, written, audio-visual or electronic means by which individuals may communicate ideas to one another, including all forms of peaceful assembly, protests, speeches and guest speakers, distribution of literature, carrying signs and circulating petitions.

"Harassment" means only that expression that is unwelcome, so severe, pervasive and subjectively and objectively offensive that a student is effectively denied equal access to educational opportunities or benefits provided by the technology center.

"Materially and substantially disrupts" means when a person, with the intent to or with knowledge of doing so, significantly hinders another person's or group's expressive activity, prevents the communication of the message or prevents the transaction of the business of a lawful meeting, gathering or procession by:

- a. engaging in fighting, violent or other unlawful behavior, or
- b. physically blocking or using threats of violence to prevent any person from attending, listening to, viewing or otherwise participating in an expressive activity. Conduct that "materially disrupts" shall not include conduct that is protected under the First Amendment to the United States Constitution or Section 22 of Article 2 of the Oklahoma Constitution. Such protected conduct includes but is not limited to lawful protests in the outdoor areas of campus generally accessible to the members of the public, except during times when those areas have been reserved in advance for other events, or minor, brief or fleeting nonviolent disruptions of events that are isolated and short in duration;

"Outdoor areas of campus" means the generally accessible outside areas of campus where members of the campus community are commonly allowed, such as grassy areas, walkways or other similar common areas and does not include outdoor areas where access is restricted from a majority of the campus community.

"Student organization" means an officially recognized group at the technology center, or a group seeking official recognition, comprised of admitted students that receive or are seeking to receive benefits at the technology center.

Reference: Okla. Stat. tit. 70, § 2120

**ATTENDANCE/ACTIVITIES**

The board of education believes that attendance in regularly scheduled classes is a key factor in student achievement. Thus, any absence from those classes represents an educational loss to the student. The board recognizes, however, that the cocurricular program of the technology center also has educational benefit. Therefore, it shall be the policy of this board to minimize absenteeism from regular classes while providing students the opportunity to participate in cocurricular activities.

### **CLASSROOM VISITATION**

In order to provide students with a reasonable opportunity to study and learn, it is the policy of the board of education to restrict classroom visitation to a minimum.

Any person who needs to visit a classroom or other technology center facility must obtain permission from the superintendent or campus director's office. Visitors on technology center property without permission may be asked to leave the premises.

The superintendent shall establish appropriate procedures to provide for a safe environment for students, staff members and patrons. Such procedures will include posting notices at the entrances to the technology center building. The notices will require visitors to report to the building administration's office before visiting any classroom or other facility.

Building administrators are authorized discretion in permitting visitation.

Classroom visitors will respect classroom decorum and will not interrupt the class in any way. Visitors who disrupt the classroom or the campus in any manner will be required to leave the technology center grounds.

### **UNITED STATES COPYRIGHT LAW**

The technology center does not condone, and will not allow, violations of the United States copyright laws. Subject to certain specific exceptions, the owner of a copyright has the exclusive right to reproduce, distribute, perform, or display the copyrighted work or to authorize such reproduction, distribution, performance, or display. An exception to the exclusive rights is the Doctrine of Fair Use. The fair use of a copyrighted work for purposes of teaching, scholarship, or research is not an infringement of copyright. The following factors shall be considered in determining fair use for all works other than broadcast programming:

1. Purpose and nature of the use; whether the use is of a commercial nature or for non-profit educational purposes.
2. The nature of the copyrighted work.
3. The amount and importance of the portion used in relation to the copyrighted works as a whole.
4. The effect of the use upon the potential market for, or the value of, the copyrighted work.

#### Broadcast Programs

A “broadcast program” is any television program transmitted by a television station without charge to the general public.

Staff members may record a broadcast program for the staff member’s one time instructional use. The broadcast program must be used within ten (10) school days of the recording and must be destroyed within forty-five (45) calendar days of recording. Staff members may also view a program to determine whether to purchase the program and add it to the curriculum.

The technology center will not record multiple copies of the same broadcast program for an individual staff member, and will not record broadcast programs without first receiving a request to record.

#### Exceptions

A further exception to the copyright law includes the performance or display of a work by instructors or students in the course of face-to-face teaching activities in a classroom or other place devoted to instruction.

Reference: 17 U.S.C. § 107



**CONSTITUTION DAY AND CITIZENSHIP DAY**

Constitution Day and Citizenship Day shall, in accordance with federal law, be held each year on September 17. The purpose of Constitution Day and Citizenship Day is to commemorate the formation and signing on September 17, 1787, of the United States Constitution and recognize all who, by coming of age or by naturalization, have become citizens.

The technology center shall hold an educational program on the United States Constitution on September 17 of each year for the students served by the district in observation of Constitution Day and Citizenship Day. When September 17 falls on a weekend or holiday, the day shall be observed on a school day just before or after September 17. The manner in which the day shall be commemorated shall be within the superintendent's discretion.

Reference: 36 U.S.C. § 106; Public Law 108-447.

**VETERANS DAY**

It shall be the policy of the district that “Veterans Day,” November 11<sup>th</sup>, will be observed with an appropriate ceremony/activity.

In any year in which the date of November 11<sup>th</sup> is a Saturday or Sunday or classes are not in regular session, the district shall observe the previous school day as “Veterans Day.”

## **USE OF TECHNOLOGY CENTER FACILITIES**

### Standards for Use of School Facilities

The technology center will permit use of school facilities by educational, political, literary, cultural, religious, scientific, civic or recreational community organizations provided that:

1. The intended use of the facility by the organization meets certain established criteria; and
2. When required, a previously established fee is paid by the organization.

Providing every student with the best education possible is the primary function and responsibility of the board. Therefore, school-related functions will be given priority when it is necessary to use school facilities. However, the board is also vitally interested in helping out-of-school activities which support and supplement the efforts of this district.

School facilities are often useful in carrying on the activities of various non-school organizations. Since many constructive educational activities take place outside the classroom, the administration should do as much as possible to encourage and aid the commendable efforts of many parents and citizens who work with youth to attain objectives which are similar to the goals of this district.

### Procedures for Use of School Facilities

All organizations must make application in writing on a provided application form to the campus administrator or superintendent's office at least ten (10) days prior to the date of the meeting requested.

If the organization's request is one with regularly occurring dates, approval may be given for the entire schedule. Should a conflict develop with a school activity, the technology center reserves the right to cancel the permission granted or to require a change to a mutually satisfactory date and time.

Although application by a minor is not acceptable, this does not prohibit the use of school premises by them, provided the application is made by a competent adult who will supervise and be responsible for the group.

### Permitted Use

Permission for use of school facilities belonging to this district may be granted to educational, political, literary, cultural, religious, scientific, civic or recreational organizations for purposes and programs which:

1. Are beneficial to the youth of the district and to the programs of the district; and

2. Do not result in an increased monetary burden on the citizens of the district.

### Priority Use

The superintendent or his/her designee is to determine whether the proposed use of the building will conflict with scheduled school programs and is to monitor the building for signs of misuse or abuse.

### Prohibited Use

School facilities will not be used for:

1. Meetings which promote subversive teachings and doctrines contrary to the spirit of American institutions;
2. Activities tending to cause unrest in the community or which reflect upon or promote discrimination against citizens of the United States because of race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information;
3. Any activity that may be destructive or injurious to the buildings, grounds or equipment; or
4. Any purpose in conflict with school objectives.

### Payment in Advance

All payments for the use of school facilities must be received at the office of the superintendent at least 72 hours in advance of the meeting time.

### Responsibility of Applicant

The applicant and his/her organization will be held responsible for the proper use of the building, for payment for the use of school facilities, for the conduct of persons attending the meeting, and will see to it that activities are confined to the areas requested and to the hours agreed upon in the application. The applicant will indemnify the technology center for any theft, loss or damage to school property over and above normal wear which might be expected from his/her use thereof, and will make prompt payment for such theft, loss or damage. An indemnity bond or a deposit may be required if circumstances warrant. It is required that users of school facilities will see that the activities are conducted at all times under competent adult supervision. The superintendent or his/her designee will be the judge of unwarranted damages to the school property.

All rooms or areas will be left in as good condition as they were found, except the usual accumulation resulting from normal building use. No applicant may sublet any part of the building area named in the application request. All applications for repetitious use of the school facilities will be renewed at the beginning of each school year and are subject to review by the superintendent.

Users of school property must assume responsibility for the safety and protection of the audience, workmen and participants to the extent required by law. The superintendent has the right to require minimum limits of public liability and property damage insurance for all groups using any school facility, and to require that there be evidence presented to the superintendent in the form of a certificate of insurance, showing Northwest Technology Center, School District No. 10 of Woods County, Oklahoma, as an additional named insured.

#### Time Limits

The campus administrator or superintendent of schools shall approve times for all meetings on school property.

#### Cancellations

Requests for cancellation of the use of school facilities must be received at least 24 hours in advance of the meeting time. Failure to do so will obligate the applicant and his/her organization to pay for all custodial and such other expenses as are incurred in opening the building for his/her use.

Cancellation of permission may be ordered whenever such action is deemed in the best interest of the district. However, such cancellations will not be made except when unforeseen emergencies arise, and then with as much advance notice as possible. Permission may be canceled by the superintendent if conduct or infraction of regulations warrant.

#### Holidays

As a general rule school properties will not be available for use by outside organizations on school or national holidays. Should one or more meetings approved as a series of meetings fall on such days, such meeting dates will be automatically canceled for these days only. The superintendent may, in his/her best judgment, authorize limited exceptions to this rule for good cause shown.

#### Non-School Days

School facilities will be available on non-school days, such as weekends and summer months, provided proper application is made and approved by the superintendent and provided such use is not a conflict with use of the facilities by school organizations or students.

#### Charges

Charges made for use of school facilities are not rentals as that term is generally used, but are based on the cost of operating expenses that would not otherwise have been incurred, such as utilities, supplies, maintenance of facilities, custodial and cafeteria services, as well as clerical services necessary to process each application. Such reimbursement charges are subject to change as the superintendent may deem necessary. A fee in excess of operating expenses may be charged to a facilities user if such user is using school property as a part of a profit-making operation.

### Building Use Without Charge

School organizations such as student organizations, school employee groups and educational organizations, school board organizations, etc., are granted building use without charge as long as such use does not conflict with regular school sessions.

No fee will be assessed against school-affiliated and youth-serving organizations for their regularly scheduled meetings. Other groups may present information to the superintendent so that he/she can establish whether they are school-affiliated and youth-serving organizations for whom fees will be waived for periodic meetings. If there should be additional meetings of the above-mentioned or other school-affiliated and youth-serving organizations, they will be charged for custodial services and/or cafeteria employee services as required, according to the regular fee as determined by the superintendent.

Organizations which qualify for use of meeting space without charge on weekdays will be charged regular rates for meetings held on Saturdays and Sundays, for weekday meetings which extend beyond regular NWTC staff working hours, for use of recreational facilities such as gymnasiums and for all fund-raising activity meetings.

### Custodial Care

A school custodian is assigned for continuous duty during the time the group will be using the school facility. The custodian will return to open the building prior to the time set for the meeting, arrange the requested facilities and serve as the official representative of the technology center. No one except the qualified custodian will be allowed to operate or adjust equipment in the building. Upon conclusion of the meeting the custodian will clean, properly arrange the facilities and carefully inspect the premises before locking the building. For situations in which the meeting does not materialize and has not been previously canceled, the custodian will remain on duty for one hour after the requested starting time of the meeting and, if no word is received within that period indicating a later starting time, he/she will lock the building.

Custodians are instructed not to open any areas other than those required in the application. Additional space may be arranged by filing an additional application. Emergency needs may be requested by telephone.

### Security

Uniformed officers must be on duty when so directed by the superintendent.

### Alcohol, Drugs, Tobacco and Dangerous Weapons

The use or possession of alcoholic beverages, low-point beer or controlled substances (drugs) will not be permitted on school property. Organizations using school property for any purpose are expected to comply with technology center policy concerning the use of tobacco. Dangerous weapons are prohibited on school property. Individuals must comply with applicable state and federal laws applicable to possession and storage of a firearm, machete, blackjack, loaded cane, hand chains and metal knuckle on school property. Firearms, machetes, blackjacks, loaded canes, hand chains and metal knuckles are restricted to the school parking lot and must not be brought onto any other school property or into school buildings, offices or other structures, absent the written consent of the school's superintendent.

## Apparatus and Equipment

Requests to use public address systems, projection equipment and screens, spotlights, stage sceneries, pianos and so forth will be included in the application. The costs of transparencies, gelatins, special scenery, and special lighting effects are to be paid by the using groups. All such equipment and properties will be operated, moved and controlled only by persons specifically designated by the superintendent.

As a precaution against fire, no request will be granted for the use of lighted candles or other actual flame equipment in connection with building usage.

Classroom apparatus, such as shop, science, physical education, home-making, music, business education, art laboratory, data processing equipment and athletic equipment which is regularly used for school instruction will not be available for use by non-school groups.

School equipment is not available for use off school premises unless it is beneficial to the district in carrying forward its programs.

## Parking Lots

Parking lots are provided with the use of most school buildings. If use of only a parking lot is desired, application will be made as for use of any school facility. Parking areas are not reserved exclusively for groups using school buildings.

## Use of School Grounds and Recreational Facilities

School grounds will be made available to the general public at times when they are not being used for school purposes. The general public has a responsibility not to cause damage to the property or become a nuisance to adjoining property owners and others in the neighborhood.

The board realizes that each case should be dealt with separately. However, the following regulations will serve as a guide:

1. School grounds may be used by organized athletic leagues when not in conflict with school programs, upon approval of application to use such facilities;
2. Approval of such application does not include uses of any building facilities. Application for use of restrooms may be made subject to advance payment of a standard charge;
3. No automobiles, motor scooters, motor bikes or other such licensed vehicles are to be driven on the lawns; and
4. Sporting activities will be permitted as long as there is no damage to neighboring or school property.

### Use of School Buildings in Times of Emergency

At times when the district's facilities are already open, school buildings will be available to community members for shelter in the event of severe weather. Any individual wishing to seek shelter during an emergency weather situation must report to the principal's office.

### Church Services

Church services by established religious groups may be scheduled in school facilities on a temporary basis due to emergency situations or to early organizational efforts of such groups to build or expand a church facility. The superintendent will determine a time of maximum of usage.

### Concessions

Concession rights at all school facilities are reserved for this technology center. These may be assigned to school organizations upon request or may be contracted by outside vendors.

### Interpretation of the Policy and Procedures

The superintendent shall interpret and enforce all provisions of this policy and procedures. The superintendent's interpretation shall be final unless one board member directs that the issue be brought to the board of education for review.

Reference: OKLA. STAT. tit. 21, § 1277



**SALE OF TECHNOLOGY CENTER SURPLUS PROPERTY**

Real Property

When technology center-owned real estate is no longer needed for purposes of the technology center, the board of education will declare the property to be surplus to the needs of the technology center. Following such a declaration, surplus real estate may be sold at any time using the following procedure:

1. Prior to requesting bids for a property, the technology center will have the property appraised by at least two (2) disinterested, qualified independent appraisers chosen by the superintendent. If the superintendent deems it appropriate, additional appraisals may be obtained. All appraisals will be confidential until after the property is sold. When the property is sold, all appraisals will be made available for public inspection. Any appraisal must be made within six (6) months of the date on which the property is offered for public bid.
2. The superintendent will prepare a notice to bidders advising that sealed bids for the purchase of a property will be received by the technology center at a time and place designated in the bid notice. The bid notice will require each bidder to state, in his or her bid, the intended use of the property. This use may be a factor in determining the successful bidder.
3. The bid notice will be published at least ten (10) days prior to the bid opening in at least one (1) issue of a newspaper of general circulation in the county in which the property is located. The bid notice may be published in additional newspapers or advertised by additional means at the discretion of the superintendent or by direction of the board of education.
4. The bids will be opened at the time and place specified in the bid notice and the bids will be referred to the board of education for acceptance or rejection. The board of education will reserve the right to reject any and all bids or to accept any particular bid. The surplus real property will not be sold for less than the appraised value.
5. Surplus real estate will not be sold at private sale unless the real estate has first been offered for sale by public sale or public bid and all such bids have been rejected.
6. Surplus real estate will not be sold at a public or private sale for less than 75% of the appraised value as determined by averaging the property appraisals.
7. Any conveyance of real estate by private sale to a non-profit organization, association, or corporation to be used for public purposes, unless for

exchange, will contain a reversionary clause which returns the real estate to the technology center upon cessation of the use without profit or for public purposes by the purchaser or the assigns of the purchaser.

### Personal Property

District owned property, other than real estate, is considered school personal property (equipment, furniture, etc.). When district-owned personal property is no longer needed, the board may declare the property to be surplus to the needs of the district. Following such a declaration, surplus personal property may be disposed of using the following procedure:

1. The board must declare the property surplus during a regular or special board meeting. The meeting agenda (or an attachment to the agenda) must contain a description of all property to be declared surplus.
2. After the board has declared the property surplus, the superintendent is authorized to use the most economical and beneficial means to dispose of the property. These methods may include sale (public auction, written bids, online services, etc.), trade, salvage/scrap, discard, or any other means the superintendent determines to be appropriate based on the condition of the property and the totality of the circumstances. If property is sold or traded, the district must receive reasonable compensation.
3. The superintendent or designee will maintain records regarding disposition of surplus property for five years from disposition of the property.
4. Surplus computers, copiers, and other electronics that store data must be either electronically wiped clean or have the hard drive destroyed so that any sensitive or confidential information (social security numbers, health information, personal identification information, school financial information, licensed software, etc.) cannot be recovered from the equipment.
5. Partner school districts may be given an opportunity to take any needed surplus personal property.
6. School board members (and their second-degree relatives) are prohibited by state law from purchasing property from the district.
7. District employees (and members of their immediate families) who recommend that property be declared surplus are prohibited from obtaining the surplus property either directly or indirectly.

Reference: 70 OKLA. STAT. § 5-117(11)  
60 OKLA. STAT. § 812

**ASBESTOS INSPECTION**

In accordance with the federal Asbestos Hazard Emergency Response Act (AHERA), the technology center has identified all asbestos materials present within the district and has developed appropriate plans related to asbestos within the district. The technology center complies with all AHERA regulations, including periodic public advertisements and walk-through inspections. The technology center has selected the superintendent to be its "AHERA Designated Person" for each site within the district. The AHERA Designated Person can be contacted at (580)327-0344.

All required documentation for an individual site is on file and available for inspection in the campus director's office. A copy of the documentation for each site in the district is on file and available for inspection in the superintendent's office.

Reference: 15 U.S.C. § 2643

### **BUILDINGS AND GROUNDS MAINTENANCE**

The board of education believes that adequate maintenance of buildings, grounds and property is essential to efficient management of the technology center.

The board directs a continuous program of inspection and preventative maintenance of technology center buildings and equipment.

The superintendent shall develop and implement a maintenance program that will include:

- A regular program of repair and conditioning;
- Critical spare parts inventory;
- An equipment replacement program; and
- A long-range program of building modernization and conditioning.

The superintendent shall develop such guidelines as may be necessary for the maintenance and repair of the physical plant.

The superintendent shall develop a checklist that will be applicable to all buildings in the technology center. Each campus director, in conjunction with the maintenance director, shall conduct a physical inspection of each building on a monthly basis and submit a written report to the superintendent annually.

The superintendent shall report to the board regarding the current maintenance and improvement program.

### **LOANING OF TECHNOLOGY CENTER EQUIPMENT**

Loaning of technology center equipment is prohibited by all technology center employees, other than the superintendent. When a staff member is requested by individuals or groups to loan technology center-owned equipment, such individuals or groups will be referred to the superintendent.

Individuals or groups borrowing technology center equipment will sign a request form stating:

1. The item and quantity borrowed;
2. When the borrowed item or items will be returned;
3. The condition of the item or items borrowed;
4. An assurance statement that the borrower will reimburse the technology center for any damages incurred while the item or items are on loan; and
5. An assurance that the borrower will accept the superintendent's appraisal of the dollar value of the damages incurred while on loan.

### **INVENTORIES**

Inventories must be maintained by all personnel of the technology center should it become necessary to file claims arising from fire, theft or storm damage.

A separate furniture and equipment list must be used for each room of the building, listing all items of furniture and equipment that are movable or portable.

Building/site inventories are the responsibility of the superintendent; classroom/lab inventories are the responsibility of the instructors.

## **INTELLECTUAL PROPERTY**

The Northwest Technology Center (“District”) respects the intellectual property of others, including students, patrons and employees. The purpose of this policy is to provide the necessary protections and incentives to encourage both the discovery and development of new knowledge and its transfer for public benefit. The ownership rights to all intellectual property that is created in whole or part at the District or under District sponsorship or with the use of District course materials, facilities, funds, equipment or any other resources of whatever nature or kind owned or controlled by the District shall be determined generally as set forth in this policy.

### **I. Definitions**

1. “Author” and “member” are defined as the individual or as part of a group of other “authors” that invents, authors, discovers, or otherwise creates or helps to create intellectual property.
2. “Course materials” are defined as any and all materials prepared for use in teaching, fixed or unfixed, in any form, including, but not limited to, digital, print, audio, visual, or any combination thereof. Course materials include, but are not limited to, lectures, lecture notes, and materials, syllabi, study guides, bibliographies, visual aids, images, diagrams, multimedia presentations, and educational software.
3. “Creator” is defined as being synonymous with and can be used interchangeably with “author” and “member” as used in this policy.
4. “District facilities” are defined to include, but are not limited to, buildings, equipment, and other facilities under the control of the District.
5. “District funds” are defined as funds under the control and responsibility, or authority of the District, regardless of source.
6. “District resources” are defined as all tangible resources including, but not limited to, buildings, equipment, facilities, computers, software, personnel, and funding.
7. “Employee” is, unless there is a written agreement providing otherwise, an individual employed by the District in a full-time or part-time position, including certified and support staff, appointed personnel, persons with “no salary” appointments, volunteers, contractors, persons on an extra duty or supplemental contract.
8. “Intellectual property” is defined as any works, products, processes, tangible research property, copyrightable subject matter, works of art, trade secrets, know how, inventions and other creations the ownership of which are

recognized and protected from unauthorized exploitation by law. Examples of intellectual property include, but are not limited to, scholarly, artistic, and instructional materials.

9. "Invention" is defined as all discoveries, conceptions, ideas, improvements, innovations, problem solutions and/or technological developments.
10. "Patent" is defined as both United States and foreign patents and patent applications, and the rights conferred upon the patent holder by applicable law.
11. "Student" is defined as any individual who is attending or who has attended any schools within the District.
12. "Trademark" is defined as any mark that identifies an item of intellectual property or an educational or training service.
13. "Work" is defined as any "original work of authorship fixed in a tangible medium" as used in the federal Copyright Act.

## II. Patents

All discoveries and inventions, whether patentable or un-patentable, and including any and all patents based thereon and applications for such patents, which are made or conceived by any member of the faculty, staff, or student of the District, either in the course and/or scope of employment with the District or that is created in whole or part with the use of District course materials, facilities, funds, employees, or any other resources of the District shall be owned by and be the sole property of the District and the member will assign and by participating in any activity which leads to any discovery and invention does hereby assign all of member's rights in and to the discoveries and inventions to the District.

## III. Trademarks

The District owns all rights and titles to any trademarks related to any item of intellectual property owned by the District.

## IV. Copyright

Except as specifically provided herein, copyright rights to works developed by an employee either in the course and/or scope of employment with the District are the sole property of the District. Ownership of copyrights to works of artistry or scholarship in the creator's professional field such as textbooks, course materials, scholarly papers and articles, software and other computer materials when they are works of artistry or scholarship, novels, poems, paintings, musical compositions or other such works of artistic imagination produced by District employees who have a general obligation to produce such works where the specific choice, content, course, and direction of the effort is determined by the employee without direct assignment or supervision by the District ("Artistic or Scholarly Works") shall reside in the creators and the works shall not be deemed "works made for hire" under this policy unless they are also sponsored/contracted works or specifically assigned by the District.



Upon request by the District, an employee who creates an Artistic or Scholarly Work while acting in the course and/or scope of his or her employment or with the use of District course materials, facilities, funds, or any other resources of the District shall grant the District a nonexclusive, free of cost, world wide right and license to exercise all copyright rights in and to such Artistic or Scholarly Work, except the right to commercially display, use, perform, or distribute copies of the Work, unless to do so would impair the ability of the creator to have the Work published or distributed.

V. Authority to Reference District

The District shall have the right and sole authority to determine whether or not to put its name on a work. If so requested by the District, the author agrees to credit the District, in a manner satisfactory to the Board or its designee, in any way to the creation of such work. Similarly, the author agrees upon request to remove any reference to the District in the work.

VI. Marketing Decisions

The Superintendent of the District or his/her designee will be responsible for all marketing decisions involving patentable inventions. This includes all patents to which the District has ownership rights under this policy.

VII. Release of Liability

Any student or employee who creates or participates in the creation of a work in whole or part at the District or under District sponsorship or with the use of District course materials, facilities, funds, employees, or any other resources agrees to indemnify and hold harmless the District against any loss, damage, liability, or expense that it may incur as a result of the preparation, production, or distribution of such work, including but not limited to, any material in such work that infringes or violates any copyright, right of privacy, or any other right of any person, or is libelous, obscene, or contrary to law.

**HAZCOM PROGRAM**

The board of education values the health and safety of its employees and students, and the technology center will comply with all state and federal laws regarding the presence of hazardous chemicals at school. The board expects all individuals to use non-hazardous materials at school when feasible, to follow established safety procedures at all times, and to promptly report any suspected violations of this commitment to the technology center's BIS Directors.

The technology center's BIS Directors will develop, implement and maintain a comprehensive HazCom Program for use throughout the district. All technology center employees are required to participate in appropriate training on the new HazCom Program.

Reference: 29 C.F.R. 1910.1200

## **BLOODBORNE PATHOGEN EXPOSURE CONTROL PLAN**

This plan delineates specific rules and procedures relating to protecting employees of the technology center from occupational exposure to bloodborne pathogens (e.g., Hepatitis B Virus ("HBV"), Human Immunodeficiency Virus ("HIV"), etc.) as required by law.

Employees who are occupationally exposed to bloodborne pathogens include those who are reasonably anticipated to have skin, eye, mucous membrane or parenteral contact with blood or other potentially infectious materials during the performance of their duties. Other infectious materials include: (1) the following human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid and any body fluid that is visibly contaminated with blood or where it is difficult or impossible to differentiate between body fluids; (2) any unfixed tissue or organ from a human, living or dead; (3) HIV-containing cell or tissue culture, organ culture and HIV-or HBV-containing culture medium or other solutions; and blood, organs or tissues from experimental animals infected with HIV or HBV. Any exposure to feces, nasal secretions, breast milk, sputum, sweat, tears, urine, vomitus or saliva, which is not visibly contaminated with blood, does not routinely constitute a risk of transmission of HBV or HIV. Saliva, if injected through a human bite, may pose a risk of HBV transmission.

This Exposure Control Plan delineates rules and procedures to be followed by employees to comply with the OSHA Bloodborne Pathogens Regulation previously cited. Appendix A defines the terms used throughout this Plan.

### Employee Exposure Determination

The likelihood of exposure to bloodborne pathogens among employees of the technology center varies among divisions and job classifications. Most job classifications within the technology center have no increased potential for occupational exposure to blood or potentially infectious materials as defined by the OSHA Bloodborne Pathogens Regulation.

Appendix B lists all technology center employee exposures to bloodborne pathogens by job classification and specific groups of occupational tasks. All potential exposures to blood and potentially infectious materials listed in the tasks shown in Appendix B are based upon risks incurred without the use of personal protective equipment. Based upon this analysis, the technology center has determined that the following groups of employees are likely to have occupational exposure to bloodborne pathogens: custodians and instructors of health care related clinic. These employees will receive the training and will be offered the Hepatitis B vaccinations as required by the OSHA Bloodborne Pathogens Regulation. The technology center will review this Exposure Control Plan and the exposure potential for specific jobs and occupational tasks shown in Appendix B annually or when new or modified tasks or procedures for job positions within the technology center alter potential occupational exposures.

## Methods of Compliance with Regulation

Because some tasks present the potential for employee exposure to blood and other potentially infectious materials, a number of engineering and work-practice controls have been adopted to minimize such exposures. Universal precautions are observed throughout the technology center to prevent contact with potentially infectious materials. Employees should consider all body fluids as potentially infectious because it is often difficult to differentiate between body fluid types. Where occupational exposure exists despite compliance with engineering and work practice controls, the use of appropriate personal protective equipment is required, which varies with the specific work tasks involved.

Engineering controls, including handwashing facilities, are maintained and replaced appropriately to insure their effectiveness. Any employee who observes an ineffective or malfunctioning control item or equipment should take immediate appropriate action to replace, discontinue use of and/or seek repair of the item or equipment.

### Handwashing

Handwashing by all exposed employees is required. The importance of handwashing as the primary prevention of contamination cannot be overemphasized. It is the single most important means of preventing the spread of infection. Handwashing facilities are interspersed throughout each technology center building.

All employees of the technology center who have routine occupational exposure are provided with antiseptic hand cleaner for disinfection purposes when handwashing is not immediately feasible. However, hand cleaners are not provided with the intent of substituting for handwashing. Employees should wash hands with soap and water as soon as possible following use of such antiseptic hand cleaners. Employees are also required to wash their hands immediately after removing gloves or other personal protective equipment. Employees must insure that hands and any other skin which becomes contaminated with blood or other potentially infectious material are immediately washed with soap and water and that any mucous membrane exposed to blood or other potentially infectious material is flushed with water as soon as possible.

### Protection of Food, Drink, Etc.

Eating, drinking, smoking, applying cosmetics or lip balm and handling contact lenses is prohibited in work areas of the technology center where any risk of occupational exposure exists. The storage of food and drink in refrigerators, freezers or cabinets or on shelves, countertops or benchtops where blood or other potentially infectious materials are present is also prohibited.

### Personal Protective Equipment

The technology center provides appropriate personal protective equipment, including gloves, gowns and other appropriate devices, at no cost to any employee with occupational exposure. Appropriate personal protective equipment is that equipment which does not permit blood or other potentially infectious materials to pass through to the employee's work clothes, street clothes, skin, eyes, mouth or other mucous membranes under normal use and for the duration of time the protective equipment is in use.

All occupationally exposed employees of the technology center are required to use appropriate personal protective equipment. The only exception to this requirement allowed by the OSHA Bloodborne Pathogens Regulation might occur when the employee temporarily and briefly declines use of the equipment when "under rare and extraordinary circumstances, it [is] the employee's professional judgment that in the specific instance its use would have prevented the delivery of health care or public safety service or would have posed an increased risk to the safety of the worker or co-worker." When such a judgment is made, the circumstances will be investigated and documented to determine whether changes should be instituted to prevent future recurrence.

Personal protective equipment appropriate for the work tasks in each division are readily accessible at the work site for all employees. Cleaning and laundering of reusable personal protective equipment is provided by the technology center through an outside vendor. Contaminated laundry is disposed of in the appropriate biohazard laundry containers provided by that vendor. Disposable personal protective equipment (e.g., disposable gloves) are discarded in sealed plastic bags.

If a garment becomes penetrated by blood or other potentially infectious materials during the course of its use, it should be removed immediately, or as soon as feasible, and disposed of appropriately. All personal protective equipment must be removed prior to leaving the work area.

### Gloves

Latex or vinyl gloves will be worn when it is reasonably anticipated that the employee will have hand contact with blood or other potentially infectious materials, mucous membranes or non-intact skin and when touching contaminated items or surfaces. Disposable (single use) gloves must be replaced as soon as practical when contaminated or when they are torn, punctured or their ability to function as a barrier is compromised. Disposable gloves are not to be washed or decontaminated for reuse.

Utility gloves, such as those used in housekeeping, sterilization and clean-up activities, may be decontaminated for reuse if the integrity of the glove is not compromised, but they must be discarded if they are cracked, torn, punctured or exhibit signs of deterioration. Hypoallergenic gloves or glove liners or powderless gloves are provided to employees who are allergic to the gloves normally provided. Employees with contact dermatitis caused by gloves may find protective skin creams helpful in preventing further irritation.

### Protective Body Clothing

Appropriate body clothing must be worn in occupational exposure situations. The types and characteristics of the protective clothing depend upon the task and degree of exposure anticipated. The need for protective body clothing will be rare in the school environment.

### Masks, Eye Protection and Face Shields

Because no employees engage in occupational activities in which splashes, spray, splatter or droplets of blood or other potentially infectious materials are likely to be generated and eye, nose or mouth contamination can be reasonably anticipated, masks, eye protection and face shields are not provided.

## Housekeeping

Worksites which are subject to contamination by blood and other potentially infectious materials are maintained in clean and sanitary condition by the designated custodial staff who have cleanup responsibility. Appendix C presents the written cleaning and decontamination schedules for the nurse's office.

All equipment, environmental and working surfaces are cleaned and decontaminated after contact with blood or other potentially infectious materials upon completion of procedures and immediately, or as soon as feasible, when surfaces are overtly contaminated or following any spill of blood or other potentially infectious materials. All work surfaces are cleaned and decontaminated at the end of each workshift if the surfaces have become contaminated since the last cleaning. One or more of the following solutions are to be used in disinfection of work surfaces, countertops and equipment: commercially-prepared germicidal disinfectants; commercially prepared disinfectants with an isopropyl alcohol content of 40% to 70%; commercially-prepared disinfectants with a hydrogen peroxide content of 3%; or an individually-prepared solution of one part chlorine bleach to ten parts water. Cleaning and disinfection of floors and walls may be accomplished using commercial cleaning formulations containing quaternary ammonia.

Bins, pails, cans and other similar receptacles intended for re-use that have a potential for becoming contaminated with blood or other potentially infectious materials are inspected and decontaminated on a regular basis and immediately, or as soon as feasible, upon visible contamination.

## Spill Cleanup

Spill cleanup requires the use of appropriate protective equipment including gloves, as appropriate. Spills are cleaned up by the individual responsible for the spill in most cases. Appendix D details specific procedures for biological spills cleaning and decontamination.

Broken glassware which may be contaminated is not picked up directly with the hands. Cleanup is effected using mechanical means such as a brush and dust pan. Contaminated broken glassware is discarded in sealed plastic bags.

## Waste Disposal

Disposal of waste contaminated with blood or other potentially infectious materials is in sealed plastic bags with the technology center's other non-regulated waste.

## Laundry

All contaminated laundry generated by exposed employees of the technology center is bagged or containerized at the location where it is used in appropriately labeled containers. Heavily soiled laundry is bagged in leak-proof plastic bags before being placed in laundry containers, if appropriate. The technology center contracts with an off-site commercial laundry company for laundry services. Laundry is not sorted, rinsed or processed in any other manner on site. Employees who have contact with contaminated laundry wear protective gloves and other appropriate personal protective equipment.

## Hepatitis B Vaccination

Each technology center employee who has occupational exposure is offered the Hepatitis B vaccine series within ten (10) days of initial work assignment and after he or she has received the required training unless the employee has previously received the vaccination series, antibody testing has revealed immunity or the vaccination is contraindicated for medical reasons. The technology center will provide the health care professional responsible for the employee's Hepatitis B vaccination with a copy of the OSHA Bloodborne Pathogens Regulation. Vaccinations are performed by or under the supervision of a licensed physician or by or under the supervision of another licensed health care professional in accordance with U.S. Public Health Service recommendations during normal working hours, at a reasonable location and at no cost to the employee. Participation in a prescreening program is not a prerequisite for receiving the Hepatitis B vaccination. Employees who decline to accept the Hepatitis B vaccination are required to sign the declination statement included as Appendix E to this Plan.

Any employee who initially declines the Hepatitis B vaccination, but at a later date decides to accept the vaccination, is provided the vaccination at that time without cost. Any future recommended routine booster, dose or doses of Hepatitis vaccine recommended by the U.S. Public Health Service will also be provided to exposed employees without cost.

The Hepatitis B vaccination record or signed declination statement is maintained in each employee's confidential medical record in the office of the superintendent (see Recordkeeping-Medical Records).

## Post-Exposure Evaluation and Follow-Up

All technology center employees who experience an occupational exposure incident will complete the Incident Report attached as Appendix F immediately after the exposure, or as soon thereafter as feasible.

Each exposed employee is provided a confidential medical evaluation and follow-up, including prophylaxis, at no cost to the employee, by a licensed health care professional of the technology center's choice. As part of the post-exposure evaluation and follow-up, the routes of exposure and the circumstances under which the incident occurred is documented, including identification and documentation of the source individual, unless infeasible or prohibited by law, and testing of the source individual's blood and the exposed employee's blood is completed, as soon as feasible and after consent is obtained. Completion of the Record of Occupational Exposure to Blood or Potentially Infectious Body Fluids included as Appendix G to this Plan satisfies the Regulation's documentation requirements.

The technology center will provide the licensed health care professional who evaluates the exposed employee with the following information: a copy of the OSHA Bloodborne Pathogens Regulation; a description of the exposed employee's duties as they relate to the exposure incident; documentation of the route(s) of exposure and circumstances under which exposure occurred; results of the source individual's blood testing, if available; and all medical records relevant to the appropriate treatment of the employee, including vaccination status, that are the technology center's responsibility to maintain.

The licensed health care professional's written opinion of the post-exposure evaluation is to be provided to the employee within fifteen (15) days of completion of the evaluation and is

to be limited to the following: whether Hepatitis B vaccination is indicated for the employee and if the employee has received such vaccination, that the employee has been informed of the results of the evaluation and that the employee has been told about any medical condition resulting from exposure to blood or other potentially infectious materials that require further evaluation or treatment. All other findings or diagnoses are to remain confidential and are not to be included in the written report.

Confidential medical records relating to post-exposure evaluation and follow-up are maintained in the office of the superintendent (see Recordkeeping -Medical Records).

### Labels and Signs

To the extent required, the technology center uses red color coding and/or fluorescent orange or orange-red biohazard labels to mark all hazardous items. The standard biohazard label and symbol is used for this purpose. Items contaminated with blood or other potentially infectious body fluids which are color coded or posted with biohazard labels include the following: contaminated laundry.

### Recordkeeping

1. **Medical Records.** Confidential medical records are kept on all technology center employees with occupational exposure to blood or other potentially infectious materials in the office of the superintendent. Each record includes the employee's name, Social Security number, Hepatitis B vaccination record (or declination form), copies of all results of examinations, medical testing and follow-up procedures relating to any exposure incidents and a copy of the health care professional's consultation and written opinion relating to any exposures.

All employee medical records are kept for the duration of employment, plus thirty (30) years in accordance with the OSHA Bloodborne Pathogens Regulation.

2. **Training Records.** Records documenting the provision of information and training relating to occupational exposure to bloodborne pathogens are maintained for three (3) years from the date of training by the technology center's training coordinator. These records include the dates of training sessions, a summary of the training session, names and qualifications of the persons conducting the training sessions and the names and job titles of all persons attending the training sessions. An outline of the technology center's Bloodborne Pathogens Training Program is included as Appendix H to this Plan. A Training Record form is attached as Appendix I.

### Information and Training

Information and training pertaining to bloodborne pathogens is provided to all technology center employees with occupational exposure without cost and during normal working hours. This training is provided within ten (10) days of initial assignment to tasks where occupational exposures occur and annually thereafter or whenever modifications of tasks or procedures or the institution of new tasks or procedures affect an employee's occupational exposure to the extent that additional training is indicated and appropriate. Routine training of new employees is arranged on an as-needed basis through the technology center's training coordinator. Training is presented by qualified staff members.

Training material is appropriate in content and vocabulary to the educational level, literacy and language of employees. The training program is designed to fulfill the requirements for bloodborne pathogen training outlined in the OSHA Bloodborne Pathogens Regulation. A



detailed outline of the training program is kept on file with the technology center's training coordinator.

## **EMPLOYEE SAFETY ASSURANCE PROGRAM**

This document establishes the “Employee Safety Assurance Program” (ESAP) requirements for the technology center. It is the policy of the technology center to comply with the applicable regulations governing the safety of our employees and the protection of the environment. The minimum requirements for the technology center are set forth below.

### Responsibility

It will be the responsibility of the superintendent to establish and maintain the appropriate policies, procedures, and practices to achieve and maintain compliance.

### Minimum Requirements

1. “Employee Safety Assurance Program” (ESAP) training

The technology center will be responsible for conducting training to a level necessary to satisfy legal requirements and to provide a safe environment for its employees. This training will be facilitated by the superintendent or designee. The records of such training will include at a minimum:

- A. Date and time of training;
- B. Name of trainee;
- C. Name of trainer; and
- D. Outline of training content.

2. First Responder Safety Teams (FRST)

The technology center will establish First Responder Safety Teams (FRST) to provide for the following conditions:

- A. Incipient fire response;
- B. Major fire response;
- C. Evacuation to the outside;
- D. Evacuation to designated shelter areas;
- E. First aid;
- F. Hazard material incidents; and
- G. Facility security following an incident.

A sufficient number of employees will be trained to ensure coverage at times of building occupancy.

3. Evacuation

The technology center will establish procedures for safe and orderly evacuation in the event of a hazardous situation:

- A. Emergency routes must be identified;
- B. Training on the procedures must be conducted and documented; and
- C. Practice drills must be conducted at least annually. (The technology center will adhere to applicable local and state laws and policies.)

Special evacuation plans will be established for the needs of employees with mobility, visual, hearing impairment or other special needs.

4. Safety Data Sheets (SDS formerly MSDS – material safety data sheets)

The technology center will have Safety Data Sheets (SDS) for all materials used in its facilities. Employees will be required to read the SDS for any materials required for their jobs. Sufficient sets of SDS sheets will be maintained in an accessible location to allow their use as necessary.

5. Minimum Equipment Lists

The technology center will have an equipment list for the items required to respond to any hazards or incidents which may reasonably be anticipated in its workplace.

6. Protective Equipment

Where protective equipment is found to be required to protect employee safety, the use of the equipment will be mandatory as a condition of employment. Proper training will be provided and documented. Such equipment will be maintained in good condition and inspected on a regular basis. Any applicable OSHA requirements for such equipment will be followed.

7. Safety Auditing

The technology center will establish audit procedures to monitor the conditions of the workplace, equipment and compliance with their established procedures. Findings and corrective action will be documented. Checklists will be developed to facilitate these audits. Such audits will be accomplished as needed or required by law and/or policy.

8. Accident Investigation

Each accident resulting in an injury or hazardous condition will be analyzed to determine the root cause, and action will be taken to prevent recurrence. This analysis and action will be documented.

9. Government Agencies

It is the policy of the technology center to cooperate fully with any audits or investigations by governmental authorities.

10. Unsafe Condition Reporting Process

If any employee believes an unsafe condition is present, he/she should first report the condition to the superintendent. This action will be without prejudice to the employee.

11. Video Surveillance

In order to assist in efforts to promote a safe and secure environment, video surveillance equipment is utilized at both campuses of NWTC. Video surveillance equipment will be used to promote student and staff safety, deter acts of harassment or assault, deter theft and vandalism, and assist with identification of individuals who commit damage to personal or district property, and assist law enforcement agencies with regard to the investigation of any crime that may be depicted.

12. Privacy

Authorized individuals within the district may monitor live video feeds or review recorded video at any time. Under no circumstances shall the contents of any captured video recording be exploited for purposes of profit or commercial publication, nor shall recordings be publicly distributed except as required by law. If video surveillance recordings of students are determined to be educational records then the requirements of state law and FERPA will be followed.

13. Building Security

Use of properly trained and certified law enforcement staff will be used intermittently to enhance building security and a safe environment.

14. Emergency Drills

Emergency Drills are conducted periodically following guidelines provided by the Oklahoma State Department of Education. Although these guidelines are mandated for student safety, all NWTC Staff members also participate in the drills. The drills include:

- Fire Drills
- Tornado Drills
- Earthquake Drills
- Lockdown Drills
- Intruder Drills

The NWTC administrators review the drills and procedures periodically to make needed changes.

All of the assurances listed in the policy are also included in the following documents:

- NWTC Occupational Safety and Health Program
- NWTC Emergency Management Plan

Please refer to these documents for specific details.

## **HEALTH AND SAFETY**

It is the policy of the technology center board of education to provide healthful and safe facilities, surroundings and activities for employees, students, clients and patrons. The board and administration are committed to this policy and will make every reasonable effort to comply with applicable laws and recognized standards of good safety practice, and initiate safety programs as may be warranted. Temporary expediency shall not take precedence over recognized and established safety procedures in any activity.

All employees shall observe and help to enforce compliance with technology center safety procedures and established rules.

All students shall follow recognized good safety practices and established rules and shall not take short cuts that jeopardize themselves or others.

The health and safety programs shall cover/include, but not be limited to, the following:

1. Requirements of the Occupational Safety and Health Administration (OSHA) Safety and Health Standards, Workers Compensation Law, and the Environmental Protection Agency (EPA) and its affiliates.
2. Maintenance of safe equipment, facilities and surroundings.
3. Safe methods and practices.
4. Safety Equipment.
5. Safety inspections including environmental monitoring of noise and fumes within the facilities.
6. Safety training for employees and students.
7. Procedures to be followed in case of an accident/injury including medical treatment and reporting requirements.
8. Accident investigation.
9. Accident record system.
10. Monitoring accident and loss records.

The superintendent and/or his/her designee(s) shall annually evaluate the technology center's health and safety programs and procedures, revise those that are not adequate and establish additional ones if necessary.

### Procedures and Standard Practices

Procedures and standard practices will be developed and maintained by the technology center's health/safety department in compliance with this policy and all applicable law. All technology center department and campus personnel will subscribe to these procedures and standard practices once developed. These procedures and standard practices will include the following activities and topics:

1. Accident reporting
2. Defensive driving
3. Hazard communication

4. Bloodborne pathogens/infectious diseases
5. Forklift training
6. Hearing conservation
7. Hotwork/welding
8. Laboratory safety
9. Hazardous material generation and disposal
10. Respiratory protection
11. Lock-out/tag-out
12. Electrical safety
13. Asbestos awareness
14. Fire protection
15. First aid and cardiopulmonary resuscitation (CPR)
16. Recordkeeping
17. Required safety training
18. Personal protective equipment
19. Other related topics as may be required by law, regulation and board policy

### Workers' Compensation

The purpose of workers' compensation temporary disability benefit payments is to provide income to the injured or ill employee during the time he/she is unable to work due to a work-related injury or illness. All accidents involving injury to the employee shall be reported to Human Resources by the morning of the workday following the event.

The technology center has a legal obligation to provide the employee with reasonable and necessary medical treatment and to initiate the temporary compensation in the event that the employee is disabled and unable to return to work for more than three (3) calendar days. No compensation shall be allowed for the first three (3) calendar days of disability. The weekly amount of worker's compensation benefits paid to an injured or ill employee for temporary total disability is set by law. Temporary total disability checks are issued by the carrier of the technology center's workers' compensation insurance and mailed directly to the home address of the injured or ill employee.

Filing a fraudulent worker's compensation claim is a felony and, upon conviction, is punishable by imprisonment in the State Penitentiary or a fine, or both. The technology center will report to the proper authorities any suspected fraudulent claim of workplace injury.

An employee who has accrued sufficient sick leave days may elect to receive sick leave pay for some or all of the days he/she is disabled due to a work-related injury or illness. However, to receive sick leave pay, the employee must request leave from his/her supervisor indicating the number of eligible sick leave days that he/she wishes to receive. An employee can receive temporary total worker's compensation benefits and sick leave pay simultaneously. Any technology center-provided leave benefits requested to be paid simultaneously with worker's compensation benefits will be coordinated with the worker's compensation benefits. Coordination means that the total of all benefit payments received by the employee during any pay period will not be greater than 100% of the employees' normal wages. The "Sick Leave Sharing Program" cannot be used for days of disability due to a work-related injury or illness.

**INSTRUCTOR PRESENCE IN THE SHOP/LAB OR CLASSROOM**

It is the policy of the board of education that for instructional, safety and legal purposes, an instructor must be present or within unobstructed sight of the shop/lab or classroom when the students are present. Under no circumstances should classes be left unattended whether or not equipment is being operated.

In the event that an instructor must temporarily leave the shop/lab or classroom, the authorized campus administrator or supervisor may assign another technology center employee (i.e. counselor, office staff) to be present in the shop/lab or classroom until the instructor returns.



### **EYE PROTECTION DEVICES**

It is the policy of the board of education of the technology center that every student, instructor, employee and visitor participating in or observing any course of instruction or activity involving, but not limited to, the following items shall be required to wear appropriate industrial quality eye protective devices at all times:

1. Hot liquids, hot molten metals, or other molten materials;
2. Milling, sawing, turning, shaping, cutting, grinding or stamping of any solid materials;
3. Heat treatment, tempering, or kiln firing of any metal or other materials;
4. Gas or electric arc welding, or other forms of welding processes;
5. Repair or servicing of any vehicle where there is danger of injury to the eyes;
6. Caustic or explosive materials;
7. Injurious radiation; or
8. Other hazards not enumerated.

Such devices may be furnished for all students and teachers, or made available for a moderate rental fee, and shall be furnished for all visitors to such shops and laboratories when entering working areas.

“Industrial quality eye protective devices,” as used in this policy, means devices meeting the standards of the USA practice for Occupational and Educational Eye and Face Protection, Z87.1-1968, and subsequent revisions thereof, approved by the United States of America Standards Institutes Inc.

Reference: OKLA. STAT. tit. 70, § 1210.182

## **HIRING**

The technology center does not discriminate on the basis of race, color, sex, national origin, religion, disability, veteran status, sexual orientation, or age in the operation of its educational programs, activities, recruitment, admissions, or employment practices. In order to ensure against discrimination, established procedures for advertising full-time employment vacancies have been developed. They are described below.

The technology center will advertise all job openings both internally and externally with the following exceptions:

1. When there is an internal qualified candidate for a new or existing position and the superintendent and/or board of education wishes to voluntarily transfer or promote the internal candidate to the position—no internal or external posting of the position is required.
2. When reorganization within the technology center creates new positions that can be filled through transfer of an existing qualified school employee—no internal or external posting of the position is required.
3. When there are qualified candidates employed by the technology center and the superintendent and/or board of education have concluded that the position should be filled through promotion or transfer of an existing employee, the position may be advertised internally only.

In the above instances, the superintendent and/or board of education may determine that although the center has one or more individuals qualified for a vacancy, the technology center would be best served by seeking a broader applicant pool from which to fill the position and may advertise internally, externally or both.

When vacancies are advertised externally, the following procedure will be followed:

1. Certified personnel:
  - A. A notice of the vacancy will be placed in a newspaper of local circulation.
  - B. A notice will be posted on various websites including nwtech.edu.
2. Support personnel:
  - A. A notice of the vacancy will be placed in a newspaper of local circulation.
  - B. A notice of vacancy may be placed with various websites and with local employment agencies.

Upon receipt of the applications for an advertised position, the superintendent or superintendent's designee will review the submissions to ensure that the applicants have met the stated qualifications. Interviews will be conducted to select the individual who is best matched to the responsibilities listed in the job description for each position vacancy.

The final decision regarding *recommendation* for employment is made by the superintendent. The superintendent will recommend one or more applicants to the board of education at the next regularly scheduled meeting.

Notification will be made to all unsuccessful applicants.

The technology center is under no obligation to consider unsolicited applications. In the event the superintendent receives an application prior to posting a vacancy he or she *may* contact the applicant and inform him or her that there are no openings currently available but that an opening *may* be available in the immediate future and encourage the applicant to check back with the district for opportunities.

**EMPLOYMENT OF FAMILY MEMBERS**

The board will follow the requirements of OKLA. STAT. tit. 70, §§ 5-113 and 113.1, and will not employ individuals who are related to board members in the second degree either by consanguinity or affinity.

**PROFESSIONAL CREDENTIALS**

Each technology center employee is responsible for obtaining and maintaining the proper and necessary certification or licensure for the position to which he/she is assigned. Employees must provide a current copy of all credentials to the superintendent's office at the time of hire and promptly upon any renewal, retesting, achievement, etc.

### **CRIMINAL RECORDS SEARCHES**

It shall be the policy of the technology center that a National Criminal History Record Check (NCHRC), as defined by OKLA. STAT. tit. 74, §150.9, will be conducted of every prospective employee and an annual search of the Oklahoma Sex Offender and Mary Rippy Violent Crime Offender Registries for current employees who offer or provide services to children, including but not limited to secondary students. The law authorizes the Oklahoma State Department of Education to request criminal history information from the OSBI and/or FBI on applicants for school employment on behalf of a local school district. The technology center board of education is responsible for researching any arrests, charges and/or convictions that may appear on the reports received by the OSBI and/or FBI, and for making hiring decisions based on the information received.

The provisions of this policy also apply to employees hired on a part-time or temporary basis for the instruction of adult students at the discretion of the Superintendent.

#### National Felony Record Search of Prospective Employees

During the first interview with each employment applicant, the technology center will advise the applicant that:

1. The technology center requires a national criminal history record check of every prospective employee as a condition of employment; the technology center also requires an Oklahoma criminal history record check for every fulltime prospective teacher.
2. To enable technology center to request the search and obtain the results, the applicant must complete and sign an authorization and release form provided by the technology center.
3. The technology center will only request a felony record search if the superintendent recommends employment of the applicant. If the superintendent recommends employment of the applicant, the applicant must permit himself/herself to be fingerprinted if applicable, provide a social security number and provide any other information necessary to facilitate the felony record search.
4. The technology center reserves the right to do a preliminary background search of national crime databases while the NCHRC is underway with the OSBI/FBI.
5. The applicant will be placed on duty as a temporary employee prior to receiving the OSBI/FBI search results. All felony record searches will be made in compliance with the Federal Fair Credit Reporting Act. The technology center will pay for all search fees.

If the results of the OSBI/FBI record check are not received by the technology center within sixty (60) days, if the record check reveals a prior felony offense conviction(s) within the past ten (10) years, or at any time if the conviction shows a tendency to be a danger to the health/safety of students or if the conviction indicates a potential conflict with the duties to be performed by the applicant, or if the record check reveals a false response to one or more of the questions on the authorization and release, the applicant shall be deemed to have resigned his or her employment. The administration will review the facts and circumstances of each situation and decide whether to recommend the resignation be accepted. Such resignation may be accepted by the board of education at any time. Under these circumstances, the applicant waives any due process procedures which might be available under federal and state law and technology center policies and procedures. The sixty (60) day temporary employment period shall begin on the first day the prospective employee reports for duty at the technology center.

The technology center may waive the requirement to obtain an initial national criminal record check for any prospective employee who has obtained certification from the Oklahoma State Department of Education within the past twelve (12) months.

The technology center may waive the requirement to obtain a new records search if the applicant for a full-time teaching position has been employed as a full-time or substitute teacher in another Oklahoma school district, produces a copy of an existing national criminal history record check from within the past five (5) years, and produces an original letter from the former district stating that the employee left in good standing.

#### Felony Record Searches of Current Employees

The technology center may also request a record check of the name, fingerprints, social security number or other relevant information of any current technology center employee if the board or superintendent requests a search of that employee's felony record.

The following rules apply to requests for record checks regarding current employees of the technology center:

##### A. General Rules

When the technology center seeks to obtain a record check regarding a current technology center employee pursuant to the terms of this policy, the employee who is the subject of that record check must complete and sign an authorization and release form provided by the technology center. The employee shall permit himself/herself to be fingerprinted, if applicable, provide a social security number and provide any other information necessary to facilitate the record check. The technology center shall be responsible for the payment of fees associated with record checks regarding current technology center employees.

##### B. Current Teachers Not Eligible for Retirement

The technology center will review the personnel records of all certified teachers currently employed by the technology center who (1) were employed by the technology center as of May 19, 2020, and (2) **are not** eligible for retirement through the Oklahoma Teachers' Retirement System, in order to determine whether the technology center has both an Oklahoma criminal history record check from the Oklahoma State Bureau of Investigation (the "OSBI") and a national criminal history record check on file for each teacher. In the event that the technology center does not have both of the above-referenced record checks on file regarding a teacher, the technology center will obtain the record check(s) it did not

previously have on file for that teacher prior to the deadline for that teacher to renew his or her teaching certificate.

#### C. Current Teachers Eligible for Retirement

The technology center will review the personnel records of all certified teachers currently employed by the technology center who (1) were employed by the technology center as of May 19, 2020, and (2) **are** eligible for retirement through the Oklahoma Teachers' Retirement System, in order to determine whether the technology center has both an Oklahoma criminal history record check from the OSBI and a national criminal history record check on file for each teacher. In the event that the technology center does not have both of the above-referenced record checks on file regarding a teacher, the technology center will obtain the record check(s) it did not previously have on file for that teacher no later than the earlier of (1) July 1, 2022, or (2) the deadline for the renewal of the teacher's teaching certificate.

#### D. Other Current Fulltime Employees

The technology center will review the personnel records of all other current fulltime employees of the technology center who were employed by the technology center as of May 19, 2020, in order to determine whether the technology center has both an Oklahoma criminal history record check from the OSBI and a national criminal history record check on file for each employee. In the event that the technology center does not have both of the above-referenced record checks on file regarding an employee, the technology center will obtain the record check(s) it did not previously have on file for that employee no later than July 1, 2022.

#### E. Record Checks Upon Request of the Board or Superintendent.

The technology center will request an Oklahoma criminal history record check and/or national criminal history record check regarding any current technology center employee if the board of education or superintendent requests a search of that employee's felony record.

#### Felony Record Searches of Substitutes

Any person applying for employment as a substitute teacher shall be required to have an NCHRC using the same standards applicable to prospective employees, or it may obtain a current records search, if available, from a school district that employed the substitute in the year preceding prospective employment by the technology center. Likewise, any person seeking employment as a substitute who has been employed as a full-time teacher by a school district in the State of Oklahoma in the five (5) years immediately preceding application for employment as a substitute, is not required to obtain a national criminal history record check if the teacher produces a copy of a national criminal history record check completed within the preceding five (5) years and a letter from the district in which the teacher was last employed stating the teacher left in good standing. Similarly, any person seeking employment as a substitute who has been employed as a full-time teacher by a school district for ten (10) or more consecutive years immediately preceding application for employment as a substitute and who left full-time employment with the school district in good standing is not be required to have a national criminal history record check for as long as the person remains employed as a substitute for consecutive years by the technology center.



### Felony Record Searches of Volunteers

The technology center may, in its discretion, require a national criminal history record search for any volunteer, who has substantive contact with minor students, of the same type and using the same standards applicable to prospective employees or some other national criminal history records search that uses social security numbers instead of fingerprints. All felony record searches will be made in compliance with the Federal Fair Credit Reporting Act.

### Annual Search of Sex Offender and Violent Crime Offender Registries

Pursuant to OKLA. STAT. tit. 57, § 589, the technology shall conduct an annual name search against the Oklahoma Sex Offenders Registry and the Mary Rippey Violent Crime Offenders Registry of all employees who provide or offer services to secondary students and children.

**AUTHORIZATION AND RELEASE**

This Authorization and Release is executed under penalty of perjury on the \_\_\_ day of \_\_\_\_\_, 20\_\_ by \_\_\_\_\_, an applicant for employment ("Applicant") with Northwest Technology Center ("Technology Center").

Applicant understands that Technology Center's receipt of a national criminal history record check is a condition of employment with Technology Center, and that the record check must reveal that the applicant has not had any felony conviction(s) within the past ten (10) years, or at any time if the conviction shows a tendency to be a danger to the health/safety of students or if the conviction indicates a potential conflict with the duties to be performed by the applicant, unless after review of the facts and circumstances of each situation the administration decides to recommend employment. Because Applicant desires employment with Technology Center, Applicant authorizes Technology Center to request and obtain the results of a national felony record search of Applicant's name, fingerprints, if applicable, social security number and any other lawful means of obtaining such results. Applicant hereby releases Applicant's record check results to Technology Center. Applicant also releases Technology Center of any and all liability relating to its request for, receipt and use of the search results.

**APPLICANT ACKNOWLEDGES THAT APPLICANT HAS BEEN FURNISHED AND UNDERSTANDS ALL OF THE REQUIREMENTS OF TECHNOLOGY CENTER'S FELONY RECORD CHECK POLICY AND AGREES TO BE BOUND BY ALL OF ITS TERMS AND CONDITIONS.**

Applicant also agrees to truthfully answer the following questions:

Have you ever:

	Yes	No
Entered a plea of guilty or nolo contendere to a state (any state) or federal felony charge? (This question includes non-sealed criminal records involving a "deferred sentence" or "deferred judgment.")		
Been convicted of a state (any state) or federal felony offense?		
Been charged with a state (any state) or federal felony offense which was reduced to a misdemeanor offense to which you entered a plea of guilty or nolo contendere? (This question includes non-sealed criminal records involving a "deferred sentence" or "deferred judgment.")		
Entered a plea of guilty or nolo contendere to, or been convicted of, a state (any state) or federal misdemeanor charge involving illegal chemical substances or illegal sexual activity? (This question includes non-sealed criminal records involving a "deferred sentence" or "deferred judgment.")		
Entered into a deferred prosecution agreement with a state (any state) or federal prosecutor?		

Applicant understands that if Applicant is hired by Technology Center prior to receipt of the results of the national criminal history record check, Applicant will be classified as a temporary employee until notified otherwise by the superintendent. Furthermore, Applicant understands that if Technology Center does not receive the results of the national criminal history record



**[FOR CURRENT EMPLOYEES]  
AUTHORIZATION AND RELEASE**

This Authorization and Release is executed under penalty of perjury on the \_\_\_ day of \_\_\_\_\_, 20\_\_ by \_\_\_\_\_ an employee ("Employee") with Northwest Technology Center ("Technology Center").

Employee understands that Technology Center's receipt of a clear national criminal history record check has been requested by the superintendent and/or board of education. Employee hereby releases his/her felony record check results of his/her name, fingerprints, social security number and any other lawful means of obtaining such results to Technology Center. Employee also releases Technology Center of any and all liability relating to its request for, receipt and use of the search results.

Employee acknowledges that he/she has been furnished and understands all of the requirements of Technology Center's Felony Record Search Policy and agrees to be bound by all of its terms and conditions.

Employee also agrees to truthfully answer the following questions and to promptly report to the Human Resources Director any change in Employee's criminal history occurring after the answers to questions below are made:

Have you ever:

	Yes	No
Entered a plea of guilty or nolo contendere to a state (any state) or federal felony charge? (This question includes non-sealed criminal records involving a "deferred sentence" or "deferred judgment.")		
Been convicted of a state (any state) or federal felony offense?		
Been charged with a state (any state) or federal felony offense which was reduced to a misdemeanor offense to which you entered a plea of guilty or nolo contendere? (This question includes non-sealed criminal records involving a "deferred sentence" or "deferred judgment.")		
Entered a plea of guilty or nolo contendere to, or been convicted of, a state (any state) or federal misdemeanor charge involving illegal chemical substances or illegal sexual activity? (This question includes non-sealed criminal records involving a "deferred sentence" or "deferred judgment.")		
Entered into a deferred prosecution agreement with a state (any state) or federal prosecutor?		

Employee understands that if the felony record search reveals a prior felony offense conviction(s) within the past ten (10) years, or at any time if the conviction shows a tendency to be a danger to the health/safety of students or if the conviction indicates a potential conflict with the duties to be performed by the applicant, or if Employee has provided a false response to one or more of the above questions, then Employee's employment by Technology Center will be reviewed to determine whether there is a basis for non-reemployment or dismissal. In any event, the board of education may accept Employee's

resignation at any time within thirty (30) days after the date Technology Center was notified of either the unsatisfactory search results or the false response, whichever is later.

\_\_\_\_\_  
"Employee"

**VERIFICATION**

STATE OF OKLAHOMA        )  
  ) ss.  
COUNTY OF \_\_\_\_\_)

\_\_\_\_\_, Employee, of lawful age and being first duly sworn upon oath, deposes and states: that Employee is familiar with the statements set forth above; that Employee has read and fully understood the foregoing Authorization and Release; and Employee states that all the matters therein set forth are true and correct.

\_\_\_\_\_  
"Employee"

SUBSCRIBED AND SWORN to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

My Commission expires:

\_\_\_\_\_  
(SEAL)

## **EMPLOYEE APPEARANCE**

The technology center board of education considers it important that each employee is well groomed, neat, and dressed appropriately for his or her job function. Our employees create the value proposition we offer, and collectively are the face we present to the communities we serve. Just as the appearance of our buildings and facilities communicate to our stakeholders the quality and commitment of the technology center in educating students, so does the appearance of our most important resource, our people.

Appropriate dress and hygiene are important in promoting the technology center brand and a positive image to our students, clients, visitors, tax payers and each other. The technology center has adopted a casual business dress code but it must be recognized that some positions and some situations may call for more formal business attire. This policy defines what the technology center considers to be appropriate appearance standards for all employees. This policy is consistent with the terms of the employment contract all employees are expected to sign.

### Employees Working Primarily in an Office Environment

The technology center observes a casual business dress environment. However, there may be situations requiring more formal business attire. An employee conducting or attending meetings, seminars, roundtables, in contact with other educational or business professionals or acting as a point of contact with customers and visitors to our facilities, is expected to represent the technology center in a professional manner and dress appropriately for conducting such business.

### Employees Working in the Field, Warehouses, Labs/Shops and Facilities Maintenance Environment

The technology center does not require uniforms in the workplace, but a standard of dress is required to promote a safe and productive working environment. As in an office environment, a field or facilities maintenance employee conducting or attending meetings, seminars, roundtables, in contact with other business professionals, or acting as a point of contact with customers and visitors to our facilities, is expected to represent the technology center in a professional manner and dress appropriately for the required job duties.

### General Guidelines for Everyone

The technology center wishes to provide a work environment that is free of safety hazards, offensive behavior and harassment of any kind. Any item of clothing or apparel that is judged by the technology center to be unsafe, potentially offensive or harassing, provocative or distracting may be prohibited.

### Regular Workday Clothing

Shoes should be in good repair and appropriate for the environment. An office environment work place suggests that shoes may be dressy or business casual. Permitted shoes for men

include dress shoes, boots, deck shoes, and for women are high heels, flats, dressy sandals or other shoes compliant with accepted business decorum. Employees whose primary work site includes instructional labs or shops, or employees whose job is in the field or facilities maintenance may wear safety shoes, or other foot wear approved by their supervisor. In shop or lab areas, closed-toe or safety shoes may be required. In any case, employees should select footwear with concern for safety and appropriateness to the environment in which they will be working.

Shirts and tops should be neat, laundered and without obvious signs of wear and tear. Shirts and other tops should be worn in a neat professional manner, cover the midriff and not allow for excessive exposure of the back, shoulders or chest of the employee. For men working in an office or indoor environment, shirts should have a collar; or if collarless, be suitable for wear with a sports coat or suit jacket. No top may feature an excessive number of, or excessively sized imprinted or embroidered words, logos or pictures. Shirts and tops bearing the technology center emblem are permitted.

Skirts, pants, and other like clothing should be neat, laundered and in reasonably good condition. All pants, trousers and similar clothing for men and women should fit properly and not include tags, designs, slogans, decorative openings or gaps, straps or other distracting features. Dress slacks, "Dockers", corduroy pants, are permitted. Employees whose primary work site includes instructional labs or shops, or employees whose regular work site is in the field, a warehouse or shop, or in facilities maintenance may wear laundered jeans (denim pants) that are in good repair.

Hats, caps and head coverings are permitted in the classroom, labs or other office workplaces when appropriate to the situation. Exceptions are made for safety equipment (hard hats), work primarily conducted outdoors, and facilities maintenance work. Head coverings (hats, caps, scarves) related to personal religious beliefs are permitted in all work places where safety would not be compromised. It is the policy of the technology center to make reasonable workplace accommodations for any employee's faith-based requirements.

Employees in certain roles may be permitted to wear other attire. Specific examples include instructors in health careers, cosmetology, or other appropriate programs who may wear surgical "scrubs" or similar career specific apparel. Instructors should look professional in all programs, including automotive, aviation, machining and related shop-based programs. Instructors in these type programs are encouraged to wear lab coats or other approved protective outer wear in those areas.

Facilities employees engaged in mowing or other groundskeeping work, vehicle maintenance, construction activities in out-of-service areas, and other duties where dust, dirt, chemicals and environmental extremes are present, are permitted exceptions to the dress requirements of this policy by the appropriate supervisor during the time such work is being performed. In the conduct of such duties, the wearing of T-shirts, sweat shirts, and other normally prohibited apparel may be authorized. Facilities employees are not relieved from the requirements of appropriate dress and grooming when working in a manner or area where close contact with students, clients and visitors may occur.

Except as provided above, the following items are not acceptable in the technology center workplace at any time: bare feet, "flip flops" and any other style of footwear that cannot be described as business appropriate; shirtlessness, tee shirts (T-shirts), halter tops, tube tops, muscle shirts, sleeveless shirts (for men), sweat shirts, tank tops, spaghetti straps, athletic apparel (i.e. exercise suits); any shirt or blouse worn in a fashion contrary to usual and accepted business fashion; shorts, sweat pants, athletic pants, and excessively tight fitting or excessively baggy pants or trousers; "cut-offs" and clothing with frayed cuffs/hems; pajama

bottoms; “sagging”; pants and skirts worn in a fashion contrary to usual and accepted business fashion; form-fitting spandex clothing; pants or skirts worn in a fashion where the midriff is exposed; sexually provocative clothing; clothing with profanity, slogans, jokes or intended humorous statements or pictures; nude or semi-nude pictures; sexually suggestive slogans, cartoons, or drawings; the observable lack of undergarments and exposed undergarments.

Supervisors are permitted to make exceptions to the requirements of this policy and procedure in light of a specific situation and need. As an example, if an office employee is required to participate in an unusual task, such as taking inventory of records stored in a warehouse, the supervisor may permit the employee to wear jeans and a tee shirt to work in order to accomplish that task.

### Grooming

Employees are expected to take care in personal grooming to present a professional, intentional, and groomed appearance. While length of hair is not a subject of this policy, an employee’s hair should be clean and maintained in a style not radically different from commonly accepted fashion or local standards of professional appearance. Facial hair should be trimmed and not be unkempt or otherwise create an appearance of neglect or excessiveness. Exceptions regarding employee hair and grooming are permitted based on religious beliefs held by the employee or legitimate recognized customs of the employee’s particular culture or ethnicity. It is the policy of the technology center to respect cultural differences as far as practical for the technology center, and to make reasonable workplace accommodations for an employee’s faith-based requirements.

Employees should be considerate of co-workers, students and visitors. Good personal hygiene is a must. The use of perfume and cologne should be limited out of courtesy to those who may have a sensitivity, such as an allergy, to these odors.

### Body Modifications

Similar to attire, body art and other modifications should not be excessive, significantly prominent or overly distracting in appearance. When possible, an attempt to minimize the display of body modifications (prominent tattoos and piercings other than earlobes) should be undertaken in order to be consistent with community customs and standards of professional appearance.

### Enforcement

Employees who are uncertain if an article of clothing or grooming standard is compliant with this policy should seek the guidance of the supervisor prior to wearing or otherwise exhibiting the clothing item or grooming style at work. Supervisors are responsible for the enforcement of this policy. Apparent violations of this policy should be handled discreetly and consist of a “closed door” meeting between the supervisor and the offending employee. The purpose of this meeting is to serve as a courtesy notice to the employee of an apparent violation of policy and preserve the employee’s dignity, as well as allowing the employee a reasonable opportunity to ultimately remedy the violation. Supervisors should consult first with the next level of management before initiating or undertaking any disciplinary action resulting from apparent employee noncompliance with any provision of this policy and procedure.



### **PROFESSIONAL CONDUCT BY STAFF**

The board of education counts on staff to adhere at all times to recognized standards of professional conduct. Teachers, administrators, and support employees are role models and must exemplify ethical behavior in their relationships with students, patrons, and other staff members. The board expects staff to be mindful that they are professionals and their conduct, particularly in relation to students, patrons, and other staff, must be consistent with professional standards. Staff members must never engage in conduct which detracts from a safe, positive, or appropriate learning environment.

The board of education believes that all staff members have a responsibility and professional obligation to be familiar with and abide by the laws of Oklahoma, the policies of the board, and the administrative regulations designed to implement them – as they affect the employee’s job and commitments to students and others.

The OSDE *Standards of Performance and Conduct* set forth standards for the professional conduct of teachers. The board, like the State Department of Education, requires teachers to adhere to this code. It expects its administrators also to adhere to requirements for administrators. In addition, the board approves specific ethical standards that must guide the conduct of all staff members.

#### Specific Responsibilities

Essential to the success of ongoing technology center operations and the instructional program are the following responsibilities, required of all personnel:

1. Support and enforcement of policies of the board and regulations of the administration in regard to students.
2. Concern and attention toward their own and the technology center’s legal responsibilities for the safety and welfare of students, including the need to assure that students are reasonably supervised within the constraints presented.
3. Avoidance of exploitation of relationships with students, other staff members, or school patrons.
4. Consistency and promptness in attendance at work.
5. Diligence in submitting required reports promptly at the times specified.
6. Care and protection of technology center property.

## Staff - Student Relationships

Exploitation of staff-student relationships is inconsistent with obligations owed to students. Commercial and business dealings between students and staff members are prohibited. A staff member may not use a teacher/administrator or similar relationship with a student for personal gain. Likewise, staff members may not use student property for personal use or benefit. Staff members who suspect or recognize an inappropriate relationship between a student or staff member or observe inappropriate conduct toward or contact with a student are required to report this in writing to their supervisor, the superintendent, or other administrator.

### Exploitation of a Student

Exploitation of a student may result from an improper personal relationship encouraged by a teacher, administrator, or support employee. Staff members should be aware that gestures and physical conduct, even though innocent and properly motivated, may be misinterpreted by students or parents. Therefore, teachers, administrators, and support employees must avoid any conduct that might be characterized as evidencing an improper or unprofessional personal attachment toward a student. Sponsors or chaperones shall not sleep in the same rooms with students on overnight activity trips unless the sponsor or chaperone is the parent or legal guardian of the student. Likewise, instructors, sponsors or chaperones shall not accompany a single student on a trip or activity unless written approval is received from parents or legal guardian of the student and the superintendent or superintendent's designee. Sexual or romantic involvement with a student and sexual harassment by any employee, regardless of the student's age or the student's placement in or out of the teacher's class, is prohibited. School officials will seek criminal investigation and prosecution of any employee suspected of engaging in child exploitation.

### Standards of Behavior

Staff is expected, in their capacity as role models, to establish an example of acceptable behavior for students in connection with classes and extracurricular activities. Teachers, administrators, and support employees must refrain from the use of vulgar or obscene language and conduct in the presence of students. Similarly, discussion with students of issues personal to the staff member, such as divorce, sexual issues, or similar highly personal subjects, is inappropriate. The use of alcohol by any staff member in the presence of students is prohibited. Likewise, the use of illegal or illicit drugs by employees, in or outside the presence of students, is prohibited and grounds for disciplinary action, including dismissal.

The technology center has adopted policies relating to employee and student use of wireless telecommunication devices and social networking sites and employees must adhere to these provisions.

Staff members are expected to refrain from comments or statements, even in jest, reflecting adversely on any person or group with reference to race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information. Racial, ethnic, or sexual slurs in the presence of students or during work or work related activities or programs constitute unprofessional conduct.

### Exploitation by Supervisors of Subordinate Employees

The exploitation by supervisors of subordinate employees is improper and prohibited. In particular, any employee who supervises, directs, evaluates, or makes any employment recommendations with regard to any other employee (i.e. acts as a supervisor) is prohibited from engaging in any commercial, business, romantic, sexual, or other similar type of personal relationship with any employee who is or may be subordinate to the supervisor.

### Fiscal Management

It is imperative that sound fiscal management procedures be followed by staff to ensure maximum benefit for each dollar expended. Accordingly, misuse of technology center property and/or funds constitutes unacceptable behavior. Employees must adhere to accepted procedures of sound accounting, reporting, business, and purchasing practices.

**Every employee of the technology center has the duty to abide by this professional conduct policy in all respects. Failure to do so may lead to disciplinary action including dismissal or non-renewal from employment, referral to law enforcement authorities for prosecution, or other action appropriate to the nature, gravity, and effect of the relationship on students, other staff members, or school operations.**

**CAMPAIGN ACTIVITIES  
DURING REGULAR SCHOOL DAY**

The board of education recognizes and supports the right of its employees to be involved in political activities and to campaign for candidates and issues. However, the exercise of this right must not interfere with the educational process -- the delivery of educational services to the students of this technology center. Campaign activities should not be conducted by employees on scheduled duty time and employees who are on duty should not be distracted from their duties by campaign activities conducted by employees who are not on duty. The Board has determined that the following regulations are necessary to prevent such disruptions and to ensure that employees are properly performing their duties during the school day:

1. Employees may not engage in campaign activities during scheduled duty time.
2. "Campaign activities" include lobbying other employees for their support or contributions, circulating petitions, distributing literature, and planning or preparing for such activities, whether done individually or with other employees and any of which is done in regard to national, state, or local elections for offices or on referenda questions, including school board, millage levy, and bond issue elections, or in regard to elections for recognition or decertification of any employees' organization or for officers or any such organization.
3. "Scheduled duty time" means all times at which the employee is scheduled to engage in activities to fulfill his or her obligations under the employment contract, including but not limited to classroom instruction, lesson preparation, parent-teacher conferences, supervision of halls, classes and labs, or in the case of non-professional staff, their assigned duties in the administrative, food service, transportation, maintenance, or other non-educational support area.
4. Campaign activities may be conducted outside of employees' scheduled duty time only in those areas of the school facilities which are set aside for employees' use during other than scheduled duty times.
5. Employees may not direct campaign activities toward other employees who are performing scheduled duties.
6. The use of threats, duress, coercion, or intimidation in campaign activities directed at other employees is prohibited and constitutes grounds for immediate disciplinary action, including dismissal.
7. School bulletin boards and mail boxes may not be used to post or distribute campaign materials.
8. Campaign materials may not be posted on school property.
9. Violation of this policy by any employee is grounds for disciplinary action, including but not limited to dismissal.

**EMPLOYEES -  
DRUG AND ALCOHOL FREE WORKPLACE**

In order to maintain a healthy educational and working environment in the technology center facilities, and to comply with the requirements of the Drug-Free Workplace Act of 1988 for purposes of receiving federal assistance, the board of education adopts the following policies and regulations:

1. Use, possession, dispensing, manufacture, sale, or distribution; or conspiring to sell, distribute, or possess; or being in the chain of sale or distribution; or being under the influence of a controlled substance, alcoholic beverage, or low-point beer (as defined by Oklahoma law, i.e., 3.2 beer) in any of the technology center facilities, on technology center property (including vehicles), or at a technology center sponsored function or event by an employee is prohibited. Violation of this prohibition shall result in disciplinary action, which may include dismissal or nonrenewal of employment. Violations which constitute criminal acts will be referred for prosecution.
2. Employees who are engaged in the performance of work under the terms of a federal grant must, as a condition of their employment, notify a technology center administrator in writing of any drug conviction (including a plea of nolo contendere) for a violation of a criminal drug statute which occurred at a technology center workplace within five (5) calendar days after the conviction. The conviction shall result in dismissal or nonrenewal.
3. The conviction shall be reported in writing by the technology center's grant administrator to the relevant federal granting agency within ten (10) calendar days of the notification by the employee or other actual notice of the conviction.
4. This policy statement shall be included in the technology center's employee manual, and shall be distributed to all employees at the commencement of each school year.
5. The employee in-service training period prior to the commencement of each school year shall include a review and discussion of the dangers of drug and alcohol abuse in the workplace, the technology center's policy for a drug- and alcohol-free workplace, the penalties for violating the policy, and available sources of information, counseling, rehabilitation, and re-entry programs regarding drug and alcohol use.

Reference: Drug Free Workplace Act of 1988

**REPORTING STUDENT SUBSTANCE ABUSE**

The board recognizes the complexity of problems which may be associated with student substance abuse. The concern is for the well-being and best interests of students at all times. Therefore, the following procedure will be utilized by instructors and/or all employees in reporting students who appear to be under the influence, as defined by law, of: low-point beer, alcoholic beverages, or controlled dangerous substances.

When it appears to an employee that a student may be under the influence of low-point beer, alcoholic beverages, or controlled dangerous substances (drugs), the employee will report the matter in writing to the superintendent's designee (the assistant superintendent/campus administrator). Whenever possible, the employee should attempt to obtain a corroborative observation from an instructor or administrator.

The report of the employee will state the date, time, and place of the incident. It will also describe the actions of the student or other circumstances from which the employee concluded that the student appeared to be under the influence of low-point beer, alcoholic beverages, or controlled dangerous substances.

The assistant superintendent/campus administrator or his/her designee will also immediately meet with the student, and if the student is a minor, notify the student's parent or legal guardian of the report. The notification to the student's parent or legal guardian may be verbal, but will be promptly confirmed in writing. Law enforcement authorities may be notified.

**ABUSE, NEGLECT, EXPLOITATION AND TRAFFICKING:  
REPORTING AND INVESTIGATION**

Introduction

Under Oklahoma law, the technology center employees have varying legal obligations to report abuse, neglect and exploitation. In addition, employees have an obligation to report suspected abuse, neglect, exploitation or trafficking affecting students to school officials to ensure the student's safety and welfare while at school or participating in school activities. The purpose of this policy is to provide directives and guidelines to assist employees in fulfilling their legal responsibility.

Definitions

Certain terms used in this policy have the following definitions:

1. "Abuse, neglect or exploitation" shall include, but is not limited to all of the following:
  - a. "Abuse" is defined as:
    - i. harm or threatened harm through action or inaction to a child's health or welfare, including non-accidental physical pain or injury, or mental injury or safety, sexual abuse, sexual exploitation, or negligent treatment or maltreatment, including but not limited to the failure or omission to provide adequate food, clothing, shelter or medical care or protection from harm or threatened harm, by a person responsible for the child's health or welfare. (10A OKLA. STAT. § 1-1-105);
    - ii. willful or malicious harm or threatened harm or failure to protect from harm or threatened harm to the health, safety, or welfare of a child under eighteen (18) years of age by another, or the act of willfully or maliciously injuring, torturing or maiming a child under eighteen (18) years of age by another. (21 OKLA. STAT. § 843.5); or
    - iii. the intentional infliction of physical pain, injury, or mental anguish or the deprivation of food, clothing, shelter, or medical care to an incapacitated person, partially incapacitated person, or a minor by a guardian or other person responsible for providing these services. (30 OKLA. STAT. § 1-111).
  - b. "Neglect" is defined as any of the following:
    - i. the failure or omission to provide any of the following:
      1. adequate nurturance and affection, food, clothing, shelter, sanitation, hygiene, or appropriate education,
      2. medical, dental, or behavioral health care,
      3. supervision or appropriate caretakers, or
      4. special care made necessary by the physical or mental condition of the child,
    - ii. the failure or omission to protect a child from exposure to any of the following:

1. the use, possession, sale, or manufacture of illegal drugs,
  2. illegal activities, or
  3. sexual acts or materials that are not age-appropriate;
- iii. abandonment. (10A Okla. Stat. § 1-1-105); or
  - iv. the failure to provide protection, adequate shelter or clothing; or the harming or threatening with harm through action or inaction by either another individual or through the person's own action or inaction because of a lack of awareness, incompetence, or incapacity, which has resulted or may result in physical or mental injury. (30 Okla. Stat. § 1-111).
- c. "Sexual abuse" is defined as behavior that includes but is not limited to rape, incest and lewd or indecent acts or proposals, made to a child, as defined by law, by a person responsible for the health, safety, or welfare of the child. (10A OKLA. STAT. § 1-1-105).
  - d. "Sexual exploitation" is defined as behavior that includes but is not limited to allowing, permitting, encouraging, or forcing a child to engage in prostitution, as defined by law, by any person eighteen (18) years of age or older or by a person responsible for the health, safety, or welfare of a child, or allowing, permitting, encouraging or engaging in the lewd, obscene or pornographic photographing, filming or depicting of a child in those acts by a person responsible for the health, safety, and welfare of the child. (10A Okla. Stat. § 1-1-105).
  - e. "Contributing to the delinquency of a minor" is defined as behavior that knowingly or willfully causes, aids, abets or encourages a minor to be, to remain, or to become a delinquent child or a runaway child. (21 OKLA. STAT. § 856).
  - f. "Incest" is defined as marrying, committing adultery or fornicating with a person within the degrees of consanguinity within which marriages are by the laws of the state declared incestuous and void. (21 OKLA. STAT. § 885).
  - g. "Forcible Sodomy" is defined as sodomy committed:
    - i. By a person over eighteen (18) years of age upon a person under sixteen (16) years of age;
    - ii. Upon a person incapable through mental illness or any unsoundness of mind of giving legal consent regardless of the age of the person committing the crime;
    - iii. With any person by means of force, violence, or threats of force or violence accompanied by apparent power of execution regardless of the age of the victim or the person committing the crime;
    - iv. By a state, county, municipal or political subdivision employee or a contractor or an employee of a contractor of the state, a county, a municipality or political subdivision of this state upon a person who is under the legal custody, supervision or authority of a state agency, a county, a municipality or a political subdivision of this state, or the subcontractor or employee of a subcontractor of the contractor of the state or federal government, a county, a municipality or a political subdivision of this state;
    - v. Upon a person who is at least sixteen (16) years of age but less than twenty (20) years of age and is a student of any public or private secondary school, junior high or high school, or public vocational school, with a person who is eighteen (18) years of age or older and is employed by the same school system;



- vi. Upon a person who is at the time unconscious of the nature of the act, and this fact should be known to the accused;
  - vii. Upon a person where the person is intoxicated by a narcotic or anesthetic agent administered by or with the privity of the accused as a means of forcing the person to submit; or
  - viii. Upon a person who is at least sixteen (16) years of age but less than eighteen (18) years of age by a person responsible for the child's health, safety or welfare. (21 OKLA. STAT. § 888).
- h. “Maliciously, forcibly or fraudulently taking or enticing a child away” is defined as maliciously, forcibly or fraudulently taking or enticing away any child under the age of sixteen (16) years, with intent to detain or conceal such child from its parent, guardian or other person having the lawful charge of such child or to transport such child from the jurisdiction of this state or the United States without the consent of the person having lawful charge of such child. (21 OKLA. STAT. § 891).
- i. “Soliciting or aiding a minor child to perform or showing, exhibiting, loaning or distributing obscene material or child pornography” is defined as:
- i. Willfully solicits or aids a minor child to perform any of the following actions:
    - 1. Lewdly exposing his or her person or genitals in any public place, or in any place where there are present other persons to be offended or annoyed thereby;
    - 2. Procuring, counseling, or assisting any person to expose such person, or to make any other exhibition of such person to public view or to the view of any number of persons, for the purpose of sexual stimulation of the viewer;
    - 3. Writing, composing, stereotyping, printing, photographing, designing, copying, drawing, engraving, painting, molding, cutting, or otherwise preparing, publishing, selling, distributing, keeping for sale, knowingly downloading on a computer, or exhibiting any obscene material or child pornography; or
    - 4. Making, preparing, cutting, selling, giving, loaning, distributing, keeping for sale, or exhibiting any disc record, metal, plastic, or wax, wire or tape recording, or any type of obscene material or child pornography; or
  - ii. Shows, exhibits, loans, or distributes to a minor child any obscene material or child pornography for the purpose of inducing said minor to participate in:
    - 1. Lewdly exposing his or her person or genitals in any public place, or in any place where there are present other persons to be offended or annoyed thereby;
    - 2. Procuring, counseling, or assisting any person to expose such person, or to make any other exhibition of such person to public view or to the view of any number of persons, for the purpose of sexual stimulation of the viewer;
    - 3. Writing, composing, stereotyping, printing, photographing, designing, copying, drawing, engraving, painting, molding, cutting, or otherwise preparing, publishing, selling, distributing, keeping for sale, knowingly downloading on a computer, or exhibiting any obscene material or child pornography; or

4. Making, preparing, cutting, selling, giving, loaning, distributing, keeping for sale, or exhibiting any disc record, metal, plastic, or wax, wire or tape recording, or any type of obscene material or child pornography. (21 OKLA. STAT. § 1021).
- j. “Procuring or causing the participation of any minor child in any child pornography or knowingly possessing, procuring or manufacturing child pornography” is defined as procuring or causing the participation of any minor under the age of eighteen (18) years in any child pornography or who knowingly possesses, procures, or manufactures, or causes to be sold or distributed any child pornography. (21 OKLA. STAT. § 1021.2).
- k. “Permitting or consenting the participation of a minor child in any child pornography” is defined as a parent, guardian or individual having custody of a minor under the age of eighteen (18) years who knowingly permits or consents to the participation of a minor in any child pornography. (21 OKLA. STAT. § 1021.3).
- l. “Facilitating, encouraging, offering or soliciting sexual conduct with a minor” is defined as facilitating, encouraging, offering or soliciting sexual conduct with a minor, or other individual the person believes to be a minor, by use of any technology, or engaging in any communication for sexual or prurient interest with any minor, or other individual the person believes to be a minor, by use of any technology. (21 OKLA. STAT. § 1040.13a).
- m. “Offering or offering to secure a minor child for the purposes of prostitution or any other lewd or indecent act” is defined as:
  - i. Offering, or offering to secure, a child under eighteen (18) years of age for the purpose of prostitution, or for any other lewd or indecent act, or procure or offer to procure a child for, or a place for a child as an inmate in, a house of prostitution or other place where prostitution is practiced;
  - ii. Receiving or to offering or agreeing to receive any child under eighteen (18) years of age into any house, place, building, other structure, vehicle, trailer, or other conveyance for the purpose of prostitution, lewdness, or assignation, or to permit any person to remain there for such purpose; or
  - iii. Directing, taking, or transporting, or to offering or agreeing to take or transport, or aid or assist in transporting, any child under eighteen (18) years of age to any house, place, building, other structure, vehicle, trailer, or other conveyance, or to any other person with knowledge or having reasonable cause to believe that the purpose of such directing, taking, or transporting is prostitution, lewdness, or assignation. (21 OKLA. STAT. § 1087).
- n. “Causing, inducing, persuading or encouraging a minor child to engage or continue to engage in prostitution” is defined as:
  - i. By promise, threats, violence, or by any device or scheme, including but not limited to the use of any prohibited controlled dangerous substance causing, inducing, persuading, or encouraging a child under eighteen (18) years of age to engage or continue to engage in prostitution or to become or remain an inmate of a house of prostitution or other place where prostitution is practiced;
  - ii. Keeping, holding, detaining, restraining, or compelling against his or her will, any child under eighteen (18) years of age to engage in the practice of prostitution or in a house of prostitution or other place where prostitution is practiced or allowed; or

- iii. Directly or indirectly keeping, holding, detaining, restraining, or compelling or attempting to keep, hold, detain, restrain, or compel a child under eighteen (18) years of age to engage in the practice of prostitution or in a house of prostitution or any place where prostitution is practiced or allowed for the purpose of compelling such child to directly or indirectly pay, liquidate, or cancel any debt, dues, or obligations incurred, or said to have been incurred by such child. (21 OKLA. STAT. § 1088).
- o. **“Rape”** is defined as sexual intercourse involving vaginal or anal penetration accomplished with a male or female who is not the spouse of the perpetrator and who may be of the same or the opposite sex as the perpetrator under any of the following circumstances:
  - i. Where the victim is under sixteen (16) years of age;
  - ii. Where the victim is incapable through mental illness or any other unsoundness of mind, whether temporary or permanent, of giving legal consent;
  - iii. Where force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person;
  - iv. Where the victim is intoxicated by a narcotic or anesthetic agent, administered by or with the privity of the accused as a means of forcing the victim to submit;
  - v. Where the victim is at the time unconscious of the nature of the act and this fact is known to the accused;
  - vi. Where the victim submits to sexual intercourse under the belief that the person committing the act is a spouse, and this belief is induced by artifice, pretense, or concealment practiced by the accused or by the accused in collusion with the spouse with intent to induce that belief. In all cases of collusion between the accused and the spouse to accomplish such act, both the spouse and the accused, upon conviction, shall be deemed guilty of rape;
  - vii. Where the victim is under the legal custody or supervision of a state agency, a federal agency, a county, a municipality or a political subdivision and engages in sexual intercourse with a state, federal, county, municipal or political subdivision employee or an employee of a contractor of the state, the federal government, a county, a municipality or a political subdivision that exercises authority over the victim, or the subcontractor or employee of a subcontractor of the contractor of the state or federal government, a county, a municipality or a political subdivision that exercises authority over the victim;
  - viii. Where the victim is at least sixteen (16) years of age and is less than twenty (20) years of age and is a student, or under the legal custody or supervision of any public or private elementary or secondary school, junior high or high school, or public vocational school, and engages in sexual intercourse with a person who is eighteen (18) years of age or older and is an employee of the same school system; or
  - ix. Where the victim is nineteen (19) years of age or younger and is in the legal custody of a state agency, federal agency or tribal court and engages in sexual intercourse with a foster parent or foster parent applicant. (21 OKLA. STAT. § 1111).
- p. **“Rape”** is defined as an act of sexual intercourse accomplished with a male or female who is the spouse of the perpetrator if force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person. (21 OKLA. STAT. § 1111).

- q. “Rape by instrumentation” is defined as an act within or without the bonds of matrimony in which any inanimate object or any part of the human body, not amounting to sexual intercourse is used in the carnal knowledge of another person without his or her consent and penetration of the anus or vagina occurs to that person. Provided further that (1) where the victim is at least sixteen (16) years of age and is less than twenty (20) years of age and is a student, or under the legal custody or supervision of any public or private elementary or secondary school, junior high or high school, or public vocational school, and engages in conduct prohibited by this section of law with a person who is eighteen (18) years of age or older and is an employee of the same school system, or where the victim is under the legal custody or supervision of a state or federal agency, county, municipal or a political subdivision and engages in conduct prohibited by this section of law with a federal, state, county, municipal or political subdivision employee or an employee of a contractor of the state, the federal government, a county, a municipality or a political subdivision that exercises authority over the victim, or (2) where the victim is nineteen (19) years of age or younger and in the legal custody of a state agency, federal agency or tribal court and engages in conduct prohibited by this section of law with a foster parent or foster parent applicant, consent is not an element. (21 OKLA. STAT. § 1111.1).
- r. “Making any oral, written or electronically or computer-generated lewd or indecent proposals to a minor child under the age of sixteen (16)” is defined as making any oral, written or electronically or computer-generated lewd or indecent proposal to any child under sixteen (16) years of age, or other individual the person believes to be a child under sixteen (16) years of age, for the child to have unlawful sexual relations or sexual intercourse with any person. (21 OKLA. STAT. § 1123).
- s. “Exploitation” is defined as an unjust or improper use of the resources of an incapacitated person, a partially incapacitated person, or a minor for the profit or advantage, pecuniary or otherwise, of a person other than an incapacitated person, a partially incapacitated person, or a minor through the use of undue influence, coercion, harassment, duress, deception, false representation or false pretenses (30 OKLA. STAT. § 1-111).
- t. “Child Trafficking” as defined below.
2. “Child Trafficking” includes, but is not limited to behavior that consists of the acceptance, solicitation, offer, payment or transfer of any compensation, in money, property or other thing of value, at any time, by any person in connection with the acquisition or transfer of the legal or physical custody or adoption of a minor child, except as ordered by the court or except as otherwise provided by Section 7505-3.2 of Title 10 of the Oklahoma Statutes. (21 OKLA. STAT. § 866).
3. A “person responsible for a child's health, safety or welfare” includes a parent, a legal guardian, a custodian, a foster parent, a person 18 years of age or older with whom the child's parent cohabitates or any other adult residing in the home of the child, an agent or employee of a public or private residential home, institution or facility, or an owner, operator or employee of a child care facility as defined by OKLA. STAT. tit. 10 § 402.
4. “Parent” refers to parents, guardians or others who have legal responsibilities for specific children.

## Reporting Suspected Abuse, Neglect Exploitation or Trafficking

Any technology center employee having reasonable cause to believe that any student under the age of eighteen (18) years is **a victim of abuse, neglect or exploitation** shall immediately report this matter to:

- (1) Oklahoma Department of Human Services (“DHS”) through the hotline designated for this purpose (1-800-522-3511), AND
- (2) local law enforcement.

Any district employee having reasonable cause to believe that any student **eighteen (18) years of older is a victim of abuse, neglect or exploitation** shall immediately report this matter to local law enforcement.

Additionally, any district employee must report **suspected child trafficking** to:

- (1) Oklahoma Bureau of Narcotics and Dangerous Drugs Control (“OBNDCC”) at 1-800-522-8031,
- (2) DHS through the hotline designated for this purpose (1-800-522-3511), AND
- (3) local law enforcement.

After a report is made to DHS or OBNDCC via the hotline or to law enforcement, the reporting party will prepare a written report which contains the confirmation number of the report (if applicable), the date and time of the telephone contact, the name of the person to whom the employee made the oral report, the names and addresses of the student, the parents, and any other responsible persons, the student’s age, the nature and extent of injuries, any previous incidents, and any other helpful information. A copy of this report will be furnished to the campus director or, if the reporter believes the director is not an appropriate individual, to the superintendent.

Local law enforcement shall keep confidential and redact any information identifying the reporting technology center employee unless otherwise ordered by the court. A technology center employee with knowledge of a report made to DHS and/or local law enforcement shall not disclose information identifying the reporting technology center employee unless otherwise ordered by the court or as part of an investigation by local law enforcement or DHS.

## Investigating Abuse, Neglect or Exploitation

At the request of appropriately identified investigators of DHS, OBNDCC or the district attorney's office or local law enforcement, the superintendent or other school official shall permit the investigators access to the student about whom the agency received a report. The interview will be arranged in a manner that minimizes embarrassment to the student. The superintendent will not contact the parent, guardian or other person responsible for the student’s health or welfare prior to or following the interview, unless permission for parent contact is provided by DHS, OBNDCC or the district attorney's office<sup>1</sup> or law enforcement authorities. No technology center employee will be present during the interview. However,

---

1 10A OKLA. STAT. § 1-6-103(B)(3)(b)

an 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 technology center employee during the interview.

#### Reports to Campus Director or Other School Officials

Suspected instances of abuse, neglect, exploitation or trafficking, whether the result of circumstances at home, school or at other locations, affects the student while he or she is at school or participating in school activities. Consequently, employees are required to report any suspicion of abuse, neglect, exploitation or trafficking by any individual, whether the identity is known or unknown, to the administration. This reporting obligation exists in all instances, including circumstances suggestive of this conduct at school or connected with school activities. Accordingly, this policy includes an obligation to notify the campus director or other technology center official, if for any reason the employee has a reasonable belief that the campus director or other technology center official should not be notified, in any instance involving suspected abuse, neglect, exploitation or trafficking of a student.

#### Immunity for Good Faith Reports

Oklahoma law provides that any technology center employee who in good faith and exercising due care makes a report to DHS or another appropriate law enforcement office, allows access to a student by persons authorized to investigate a report concerning the student or participates in any judicial proceeding resulting from a report, shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed.

Neither the board of education nor any employee will discharge or in any manner discriminate or retaliate against the person who in good faith provides such reports or information, testifies, or is about to testify in any proceeding involving child abuse, neglect, exploitation, or trafficking, provided that the person did not perpetrate or inflict the abuse, neglect, exploitation or trafficking.

#### Information Concerning Child Abuse, Neglect or Exploitation

In any instance in which the technology center receives a report from DHS regarding any confirmed report of sexual abuse or severe physical abuse concerning the student, the superintendent will forward to a subsequent school in which the student enrolls all confirmed reports of sexual abuse and severe physical abuse received from DHS, and the superintendent will notify DHS of the student's new school and address, if known.

All information or documents generated or received by the technology center in regard to the matter are confidential and shall not be disclosed except to investigators of DHS, the district's attorneys, the district attorney's office, a subsequent district in which the student enrolls, a person designated to assist in the treatment of or with services provided to the student or other state or federal officials in connection with the performance of their official duties. The information or documents shall be maintained and transmitted by the technology center in the same manner as special education records.

Reference: 10A OKLA. STAT. § 1-2-101 *et seq.*,  
30 OKLA. STAT. § 4-903,  
70 OKLA. STAT. § 1210.163

**PROFESSIONAL DEVELOPMENT**

The technology center's personnel must accumulate a minimum of seventy-five (75) points during a five-year period, with some points completed each year. These points will be authorized by prior approval of the activity by the superintendent of the technology center and will follow the guidelines as established by the professional development committee and the board of education of the technology center. The technology center shall keep a record of each professional development activity at each campus.

The technology center shall require the assistant superintendent/campus administrator (or designee) to inform employees that are deficient in their point status at the end of the first semester of school, so that any deficiencies in in-service points may be corrected. The Professional Development Committee will give the assistant superintendent/campus administrator this total of individual points.

At the end of the school year, employees will receive copies of total points earned for that year. They will also sign their record sheet.

For accounting purposes, professional development requirements by the local professional development plan, points must be in, on or before the last day of the current school year. A re-employment contract is contingent upon successful completion of the requirements of the local professional development policy. Points earned while teaching at another school may be transferred for credit at this institution.

Employees must attend all meetings called or approved by the superintendent or individual building administrators. Instructors are expected to attend those professional meetings for which they are given days off from instruction to attend. Instructor meetings will be called as needed by the assistant superintendent/campus administrator.

## **EDUCATIONAL ASSISTANCE**

Northwest Technology Center recognizes the importance of continuing education and provides financial assistance to employees by reimbursement for approved job-related educational courses provided by accredited colleges and universities. This policy is intended to serve as an incentive to improve professional capabilities, encourage educational growth, and promote professional growth and development. This policy is intended to be an “educational assistance program” under Section 12 of the Internal Revenue Code (“Code”).

### Qualifications/Requirements

- A. Full-time employees (eligible immediately upon employment).
- B. Provide to the Human Resources Director a degree plan related to employment along with a completed application found on the NWTC Staff Forms page at [www.nwtech.edu](http://www.nwtech.edu).
- C. Obtain the Superintendent’s approval of the bachelor, master’s or doctorate degree plan *prior* to the start of the semester in which reimbursable courses will be completed. (The Superintendent will determine whether the degree plan is in alignment with the intent of this policy. The Superintendent’s decision is final and non-appealable.)
- D. Submit proof of completion of course(s) with a minimum course grade of “C” (2.0) or higher within sixty (60) calendar days of completion of the course to the Human Resources Director.
- E. Submit itemized proof of tuition and fees payment within sixty (60) calendars days of completion of the course(s) to the Human Resources Director.
- F. Other financial assistance options that may be available, including ODCTE Lottery Funds and Career Tech Foundation Scholarships, must be applied for prior to NWTC funds being disbursed. Reimbursement cannot be requested for course expenses paid for by other scholarships. Proof of application for alternative funding and rejection or partial rejection of application must be submitted.

### Reimbursement Guidelines

- A. Reimbursement is only available for courses on the approved certificate and/or degree plan.
- B. The maximum reimbursement rate is: \$200/credit hour for undergraduate courses; \$250/credit hour for graduate courses.



- C. Limit of NWTC funds per fiscal year per employee: -\$3,000/year for undergraduate credit hours and -\$3,750/year for graduate credit hours. NWTC funds can be used to reimburse employee for tuition and fees not covered by other financial assistance. Tools or supplies which may be retained by the employee after completion of a course of instruction, meals, lodging, transportation, and travel expenses are specifically excluded as items that are subject to reimbursement. Additionally, all expenses with respect to a course or education involving sports, games, or hobbies are specifically excluded as items that are subject to reimbursement.
- D. Total reimbursement from all Career Tech related financial assistance programs (NWTC funds, ODCTE Lottery Funds, Career Tech Foundation Scholarships, etc.) cannot exceed the actual educational expenses incurred.
- E. The reimbursement process stated above will be in effect for new applications beginning July 1, 2018.

#### Funding & Evaluation of the Educational Assistance Policy

The annual budget approved by the Board of Education will include an amount budgeted each fiscal year for this program. The policy will be evaluated annually to determine the number of NWTC employees that successfully utilized the reimbursement procedures, the total amount of school funds expended, and the certificate/degree completion progress of the employees. Continuation of the policy and/or budget adjustment and other considerations will be determined on an annual basis from the results of the evaluation.

## **EVALUATION OF STAFF**

Evaluation of staff is a continuous process; however, formal evaluation will be administered according to the following schedule:

### Teachers/Instructors

For purposes of this policy, teachers/instructors are those individuals who are OSDE certified in accordance with Oklahoma Statute Title 70 who are employed in an instructional capacity or as a counselor, student services specialist or instructional media specialist.

Teachers with three (3) or more consecutive complete school years of service at the technology center shall be evaluated at least once each school year.

Teachers with less than three (3) consecutive complete school years of service at the technology center will be evaluated at least once per school year. At a minimum, these teachers will receive formative feedback at least twice per school year, once during the fall semester and once during the spring semester of each school year.

### Administrators

The superintendent shall be evaluated by the board of education annually pursuant to the district's policy governing the evaluation of the superintendent. Other certified school administrators shall be evaluated annually by the superintendent or personnel designated by the superintendent. A written copy of the evaluation will be provided to the administrator.

Noncertified administrators are not covered by this policy. Noncertified administrators will be evaluated in accordance with the district's practices governing the evaluation of support employees.

### Other – Professional & Support

Employees that are not "Teachers" or "Administrators" will be evaluated at least once during the fiscal year by an administrator or designee. Nothing in this policy shall prevent a formal written evaluation of any professional employee on occasions more often than set forth herein. All evaluations shall be in writing and the evaluation documents and responses thereto will be maintained in the employee's personnel file.

This policy and the evaluation form utilized to effectuate this policy shall promptly be made available to all persons subject to this policy. Nothing in this policy shall require as a condition precedent to dismissal of any administrator that a prior written evaluation be made of the employee; provided, however, no action to nonreemploy a certified or noncertified administrator shall occur without a written evaluation of the employee.

Reference: OKLA. STAT. tit. 70 § 6-101.3

**EMPLOYMENT REFERENCES - RELEASE  
OF INFORMATION REGARDING EMPLOYEES**

The technology center will respond promptly and professionally to reference requests regarding current and former employees. The Business Manager is the district's representative authorized to handle all such responses.

Unless an appropriate written release is submitted, the Business Manager is only authorized to release public records related to employment, to confirm an employee's dates of employment, and identify the position(s) held by the employee.

If an appropriate written release is submitted, the Business Manager will provide whatever information is authorized.

**ESSA Mandate Compliance**

All technology center employees are required to comply with the Every Student Succeeds Act's requirements related to employment references.

No employee may assist a technology center employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual knew or has probable cause to believe, that such employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law.

Reference: 40 OKLA. STAT. § 61  
20 USC § 8546

## **FAIR LABOR STANDARDS ACT COMPLIANCE**

The district will comply with all aspects of the Fair Labor Standards Act (FLSA). Any employee who has questions regarding overtime or believes that the FLSA is not being correctly followed should immediately report this to a district administrator.

The penalties for even inadvertent FLSA violations are severe. Any employee, regardless of position, who violates any aspect of this policy will be subject to disciplinary sanctions up to and including termination.

### Employee Classification

Employees will be notified of their FLSA classification as a part of their job description, but any employee who believes that a misclassification has occurred must immediately notify his/her supervisor of the suspected error.

*Exempt employees.* Exempt employees are not entitled to overtime or comp time for working more than forty (40) hours in a workweek. Exempt employees generally include positions such as superintendents and assistant superintendents, campus directors and assistant directors, certified counselors and psychologists, technology directors, CPAs, RNs, librarians, and teachers.

*Non-exempt employee.* Non-exempt employees are entitled to overtime or comp time for working more than forty (40) hours in a workweek. Non-exempt employees generally include positions such as custodians, maintenance employees, secretarial and clerical assistants, security personnel, and nurses who are not RNs.

*Noncovered positions.* Board members and volunteers are not covered by the FLSA. Due to FLSA regulations, non-exempt employees may only volunteer as a parent/grandparent/etc. in a role typically assigned to volunteers. Additionally, those volunteer services must be unrelated to the employee's compensated duties.

### Multiple Assignments

Non-exempt employees are permitted to work multiple assignments as long as the combination of those assignments does not make it likely that the employee will work more than forty (40) hours per week. Non-exempt employees who work multiple positions at different hourly rates will be paid for authorized overtime at a blended rate.

Employment benefits for non-exempt employees will be granted based on the employee's primary position unless otherwise provided by law. The primary position is the position in which the employee works the most hours.

Exempt employees will not be employed in multiple positions if such employment would jeopardize the employee's exempt status. Exempt employees may be assigned an extra

duty (coaching, activity sponsor, etc.) and receive a stipend in accordance with the terms of an extra duty contract.

### Time Keeping

Non-exempt employees are required to accurately track work hours in accordance with established district procedures. These employees must “clock in” and “clock out” within seven (7) minutes of their scheduled shifts. Time periods in excess of twenty (20) minutes during which the employee is not actually performing job duties will not be included as “hours worked” if the time can effectively be used for the employee’s own purposes.

Employees must contact their supervisors if they notice an error on their time records. Falsifying time records, including under-reporting hours worked, is strictly prohibited.

### Required Pre-Authorization

No employee may work overtime without prior authorization. Supervisors are required to strictly enforce the district’s prohibition on working unauthorized overtime.

### Paying Overtime and Comp Time

The FLSA extends flexibility to school districts in adopting arrangements that provide compensatory time off in lieu of monetary overtime compensation. Accordingly, the District will provide, within reasonable limits, compensatory time off. The calculation used to determine the amount of compensatory time available to a non-exempt employee is one and one-half hours of compensatory time for each hour of overtime worked. Compensatory time received by an eligible employee extinguishes the employee’s entitlement to monetary overtime compensation. Compensatory time off is subject to all of the conditions provided in this policy. The district’s administration shall, at all times, retain the authority to make the decision to permit an employee to accumulate and use compensatory time or to pay the employee for overtime worked; however, the standard of time and one-half for overtime hours worked shall apply in either instance. The district’s policy and applicable procedures concerning compensatory time are more fully detailed below.

#### *Prior Approval of Overtime Required*

Except in the rare event of a bona fide emergency, overtime will not be allowed to any non-exempt support employee unless prior approval has been given, in writing, by the employee’s supervisor or his/her designee. Non-exempt support employees working in excess of forty (40) hours per work week without prior written approval may be subject to appropriate disciplinary action, up to and including the possibility of dismissal.

#### *Calculation of Compensatory Time*

If a non-exempt support employee is properly assigned to work more than forty (40) hours in a work week, the district may provide compensatory time (“comp time”) off in lieu of monetary overtime compensation at a rate of not less than one and one-half (1 1/2) hours of compensatory time for each hour of overtime worked. It shall be the responsibility of the employee and the employee’s supervisor to maintain accurate records of all comp time accrued. All overtime recorded to be accrued as comp time must be initialed by the employee and the immediate supervisor or his or her designee by the end of the week following the week in which the overtime is worked.

### *Scheduling Use of Compensatory Time*

Any non-exempt employee who has accrued comp time and who requests the use of the comp time shall be permitted to use the comp time within a reasonable period, after making the request, as long as use of the comp time does not unduly disrupt district operations. Supervisors are encouraged to limit the accumulation of comp time to eight (8) hours per pay period, but special circumstances may justify a greater accumulation. All requests to use comp time must be in writing. If the request is denied, then the employee and supervisor are to arrange an alternate date for the comp time to be used. If no agreement can be reached, then a meeting will be conducted with the superintendent or designee to schedule a date for the comp time to be taken. The district, at its sole option, may require an employee to use accrued comp time at certain times.

### *Maximum Accrual of Time*

Employees may accrue up to 240 hours of comp time if they qualify for comp time and the employee followed the proper pre-approval procedures before working comp time. (Because comp time is accumulated at time and one-half, this is 160 hours of actual overtime work.) Employees who work in a public safety activity, emergency response activity, or seasonal activity may accumulate up to 480 hours of comp time (320 actual overtime hours).

### *When Hours are Not Considered Work Hours*

Time periods in excess of twenty (20) minutes during which the employee is not actually performing job duties will not be included as "hours worked" if the time can effectively be used for the employee's own purpose.

### *Payment for Comp Time Upon End of Employment*

Any non-exempt support employee whose employment with the district terminates and who has accrued but not used comp time shall be paid at his or her regular hourly or salary rate in effect at the time the employee receives the payment. The District reserves the right, at any time, to substitute a cash payment, in whole or in part, for comp time.

### *Notice of Policy to Non-Exempt Employees*

A copy of this policy will be provided to all of the district's non-exempt employees along with a compensatory time agreement that employees will sign and that the employee's supervisor will sign. The agreement, unless withdrawn by the district, will remain in effect while the employee works for the district. This compensatory time off policy shall be considered as a condition of employment for all non-exempt support employees of the district.

## **EMPLOYEE LEAVE**

### Sick Leave

The board grants sick leave with full pay to all full-time employees. This is to give an employee financial protection in case of personal illness. Any absence for illness shall be certified by the assistant superintendent/campus administrator, who shall be responsible for its validity.

Personnel on ten-month contracts will receive ten (10) days sick leave. Personnel on eleven-month contracts will receive eleven (11) days sick leave and personnel on twelve-month contracts will receive twelve (12) days sick leave. Sick leave will be vested at the beginning of each school year, cumulative to sixty (60) days.

Sick leave is interpreted as the time when personal illness, accidental injury or pregnancy or personal illness in the immediate family keeps an employee from being present to conduct his/her regular daily work. Immediate family is defined as spouse, child, parent, sibling, grandparent or grandchild. This also includes dental, physical and eye examinations for employee and dependents in the immediate family. Any misuse or use of sick leave for other purposes may result in disciplinary action or termination.

When sick leave is exhausted by a certified instructor, the instructor shall receive full contract pay less the amount actually paid his/her substitute instructor for an additional twenty (20) days.

### Jury Leave

The technology center shall grant employees leave for jury duty and shall pay him or her during such service the full current salary. The technology center may deduct any compensation received for serving as a juror from the employee's salary during such service.

### Emergency, Personal Business and Bereavement Leave

Full-time personnel will be allowed up to five (5) days per school year of leave to use for emergencies, personal business or bereavement.

Emergency leave is interpreted as a sudden, generally unexpected occurrence or unavoidable set of circumstances demanding immediate action which takes the employee from his/her duties. Employees wishing to use emergency leave must contact their supervisor as soon as they know of the need to use emergency leave. Emergency leave will be approved by the superintendent or campus director.

Personal business leave is interpreted as business matters that cannot be conducted after school hours or on the weekend. Types of situations that may qualify for personal business are varied and numerous. The following examples serve as guidelines:

1. Family illness other than immediate family
2. Urgent business transactions
  - A. Loan closings
  - B. Other banking matters
  - C. IRS reviews
3. Legal matters
  - A. Meetings with attorney for personal, spouse or children's business
  - B. Court appearances when subpoenaed as a witness
  - C. Settling of estates
4. Miscellaneous
  - A. Attend business convention with spouse

Bereavement leave is interpreted as making funeral arrangements, attending funerals and travel time in connection with a death. Employees needing to use bereavement leave must contact their immediate supervisor as soon as they become aware of the need to use this type of leave.

Full time employees may use these five (5) days in any leave combination. Any misuse of the leave policy with the technology center could result in loss or compensation or termination of employment. This leave is non-cumulative.

#### Breastfeeding – Support Employees Only

For up to one (1) year after a child's birth, any employee who is breastfeeding her child will be provided reasonable break time each day to express breast milk for her child. The break time, if possible, shall run concurrently with any break time, paid or unpaid, already provided to the employee.

Each building administrator will designate a private area, other than a restroom, where an employee can express breast milk. The designated area shall be a space where intrusion from co-workers, students and the public can be prevented, and one where an employee who is using this area can be shielded from view.

Time required for breastfeeding breaks is considered unpaid time under the Fair Labor Standards Act. An employee may make up the time taken for such breaks by designating a lunch period as a breastfeeding break, adjusting her work schedule with the approval for her supervisor to make up the time taken for breastfeeding breaks, using personal leave for time used for breastfeeding breaks, or opting for leave without pay for time used for breastfeeding breaks.



Military Leave

It is the policy of the technology center to provide employees who are a component of the armed forces in the United States, including the members of the National Guard, leave when that employee is ordered by proper authorities to active duty or service. Military leave shall be without loss of status, efficiency rating pay or benefits during the first thirty (30) working days of such leave.

Vacation/Annual Leave

New twelve (12) month employees under contract with the board of education will be granted an annual vacation with pay up to 10 days per contract year at the discretion of the superintendent.

The following will serve as a guide:

Completed Months of Employment During Fiscal Year	Days of Vacation Allowance
12	10
11	9
10	8
9	7
8	6
7	5
6	4
5	3
4	2
3	1
2	0
1	0

Twelve (12) month employees employed in consecutive contract years will be considered vested for employee vacation purposes and will be granted annual vacation with pay for 10 days per contract year.

Longevity Vacation Leave

Twelve (12) month employees under contract with the board of education will be granted additional annual vacation with pay above the standard 10 days per 12 months of employment under these terms.

Completed Years of Service at NWTC	Additional Days of Vacation Allowance
5 years completed service	1
7 years completed service	2
9 years completed service	3
11 years completed service	4
14 years completed service	5

Vacation will be scheduled through the assistant superintendent of each campus, with due consideration given to staffing requirements, employee length of service and employee preferences, in the order listed.

A maximum of five (5) days' vacation time can be accumulated or carried over from one fiscal year to the next fiscal year. When any amount of vacation (also referred to as annual leave) is carried over from one fiscal year to the new fiscal year, it must be used no later than August 31 of the new fiscal year. Vacation shall be taken on a workday basis. Holidays falling within a period of annual leave shall not be charged to vacation leave. All vacation leave shall be documented on a leave request form.

#### Epidemics/Pandemics – Certified Personnel Only

Technology Center instructors and administrators shall be entitled to pay for any time lost when the Center is closed on account of epidemics or otherwise when an order for such closing has been issued by a health officer authorized by law to issue the order. Instructors and Administrators are not required to use leave for time lost in these circumstances if the campus is closed and no work is assigned.

This provision does not prevent the Center from requiring instructors and administrators to telework from home or another site when the Center campus is closed due to an epidemic. Instructors or administrators who have been directed to telework who are unable to work from home or another site due to illness or another reason should utilize their accrued leave to cover their absence.

Reference: 70 Okla. Stat. §6-101, 70 OKLA. STAT. §6-104, 70 OKLA. STAT. §6-104.1, 70 OKLA. STAT. §6-104.5, 70 OKLA. STAT. §6-105, Atty. Gen. Op. No. 76-161.

## **UNUSED SICK LEAVE**

### Payment for Unused Sick Leave

As an incentive to promote the health and well-being of employees, payment of unused sick leave can be earned under the following conditions:

Full-time employees who have worked ten (10) consecutive years at the technology center can elect to receive payment for unused sick leave, up to a maximum of sixty (60) days at the existing pay of the employee, upon retirement or termination of employment. In the event of death, payment for sick leave will be paid to the beneficiary or beneficiaries as named on OTRS records. Eligible employees must notify the superintendent in writing at least ninety (90) days prior to the intended retirement date or intent to terminate employment. The superintendent can waive the notification for extenuating circumstances. This incentive will only be paid one (1) time to the employee. Days paid under this policy will be considered extinguished and will not be transferred to another district or certified to OTRS as available.

### Crediting Unused Sick Leave to an OTRS Account

In accordance with Section 17-116.2, the total creditable service of a member who retires or terminates employment and elects a vested benefit shall include, not to exceed, 120 days of unused sick leave accumulated subsequent to August 1, 1959, during the member's membership with OTRS. The board of education will maintain records for the purpose of assisting each employee to account for unused sick leave days for retirement purposes. The board will account for and certify unused sick leave days for each year for which an employee has exceeded sixty (60) days of accumulated sick leave. This provision will apply to employees who have participated in OTRS subsequent to August 1, 1959 and who have accumulated the maximum sixty (60) days of sick leave.

Upon retirement with OTRS accumulated sick leave days and the unused sick leave days may be certified to OTRS to add creditable service for retirement purposes at a rate of one month of credit for each twenty (20) days of accumulated sick leave up to a total of one hundred twenty (120) days; or the member may add days of sick leave to days worked during a school year to make a partial year count as a full year. However, the technology center shall not certify more than one day of unused sick leave per each day of accumulated sick leave for the purpose of adding creditable service for retirement purposes. Days which the employee uses for the purpose of adding creditable service to an OTRS account are considered used days and cannot also be paid by the district at retirement.

Sick leave credits cannot be counted to vest an account.

## **FAMILY AND MEDICAL LEAVE**

It is the policy of the technology center to comply fully with the requirements of the Family and Medical Leave Act of 1993 (FMLA) and all its related revisions, including the National Defense Authorization Act (NDAA), collectively referred to in this policy as "FMLA." The technology center is a covered employer and, accordingly, will provide up to 12 weeks of unpaid leave to eligible employees. This leave must run concurrently with any paid leave the eligible employee has available. Eligible employees may also be entitled to 14 additional weeks of leave (26 weeks total) for servicemember family leave.

Any employee utilizing FMLA leave is required to cooperate in matters of scheduling, providing prompt notice of the need to use leave and availability for return to work, completing paperwork, etc.

This policy is not intended to create any leave obligations for the technology center in addition to those provided under the FMLA. In the event any conflict exists between this policy and the FMLA, the FMLA will be the final authority.

### Definitions

- "Eligible employees" are those employees who:
  - have been employed for at least one year by the technology center; and
  - worked at least 1,250 hours during the previous 12 month period; and
  - have requested leave for a reason covered by the FMLA; and
  - there are at least 50 employees within a 75 mile radius.

Full-time instructional employees are deemed to have met the 1,250 hours of employment requirement if they worked full time during the prior year.

- A "child" means a biological, adopted, foster or step child, a legal ward, an individual with an in loco parentis relationship with the employee or military member, and adult children who are physically or mentally incapable of self-care.
- A "serious health condition" is one which requires either in-patient care or continuing treatment by a health care provider. This includes conditions or illnesses affecting health to the extent that in-patient care is required, or absences are necessary on a recurring basis or for more than just a few days. A "serious health condition" does not include short-term conditions for which treatment and recovery are very brief as such conditions would normally be covered by the technology center's sick leave policies.

- A “year” means a rolling 12-month period measured backward from the date an employee uses any leave.
- A “week” means 5 business days.
- A “covered military member” (for purposes of active duty leave) is an individual serving in the Regular Armed Forces or the National Guard and Reserves and who has been called to active duty. Veterans receiving treatment or therapy, or those who are recuperating and were discharged or released for any reason other than dishonorable discharge within the 5 years preceding the employee’s request for leave are also included in this definition.
- A “covered military member” (for purposes of servicemember family leave) is an individual serving in the Regular Armed Forces or the National Guard and Reserves who is undergoing treatment or therapy for a serious injury or illness incurred or exacerbated while on active duty.
- A “serious injury or illness” is an injury or illness incurred (or exacerbated) by the servicemember in the line of duty in the Armed Forces or National Guard and Reserves which:
  - may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating; or
  - resulted in the member receiving a VA Service Related Disability Rating of 50% or more; or
  - substantially impairs the veterans’ ability to be gainful employed; or
  - resulted in the member’s enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

Reasons for Leave

All eligible employees who meet FMLA requirements may be granted leave as provided in this policy and required by law for the following reasons:

1. for the birth of a child and to care for such child, or placement for adoption or foster care of a child;
  - If both parents are employed by the technology center, the combined amount of FMLA leave cannot exceed 12 weeks
2. to care for a spouse, child or parent with a serious health condition;
3. for a serious health condition of the employee that makes the employee unable to perform his or her job functions;
4. for covered active duty leave with one or more of the following exigencies:
  - Short-notice deployment: employees can take up to 7 calendar days leave to address issues that arise from servicemembers’ call or order to active duty seven calendar days or less prior to the date of deployment;

- Military events and related activities: employees can take leave to attend official ceremonies, programs, or events sponsored by the military that are related to servicemembers' active duty or call to active duty or attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to servicemembers' active duty or call to active duty;
  - Childcare and school activities: employees can take leave to arrange alternative childcare, provide childcare on an urgent, immediate need (but not every day) basis, enroll in or transfer a child to a new school or day care facility, or attend meetings with school or day care staff (such as parent-teacher conferences) due to servicemembers' active duty or call to active duty;
  - Financial and legal arrangements: employees can take leave to make or update financial or legal arrangements to address servicemembers' absence while on active duty or call to active duty, such as executing powers of attorney, transferring bank account signature authority, enrolling in the Defense Enrollment Eligibility Reporting System, or obtaining military identification cards and to act as the servicemembers' representative before governmental agencies to obtain, arrange, or appeal military service benefits while servicemembers are on active duty or called to active duty and for 90 days following termination of active duty status;
  - Counseling: employees can take leave to attend counseling that is provided by someone other than a healthcare provider for servicemembers or their children for needs arising from servicemembers' active duty or call to active duty;
  - Rest and recuperation: employees can take up to 15 days leave to spend time with servicemembers on short-term, temporary rest and recuperation leave during a period of deployment;
  - Post-deployment activities: employees can take leave to attend arrival ceremonies, reintegration briefings and events and other official ceremony or program sponsored by the military that occurs within 90 days following termination of servicemembers' active duty status or to address issues arising from servicemembers' death while on active duty, including meeting and recovering the body and making funeral arrangements; and
  - Additional activities: employees can take leave to address any other events that arise from servicemembers' active duty or call to active duty when the technology center and employee agree that such leave qualifies as an exigency and agree upon the timing and duration of the leave.
5. for servicemember family caregiver leave, provided that the leave (when combined with other forms of FMLA leave) does not exceed 26 workweeks during a 12-month period;

6. for parental care leave to care for (including making arrangements for care, patient transfer and meetings with staff at a care facility) a parent-in-law who is unable to care for him/herself while the servicemember is on active duty.

### Application for Leave

Employees who wish to utilize FMLA leave must submit an application for leave (with all required supporting documentation) on the forms available through the superintendent's office (the technology center will utilize all required forms as provided by the US Department of Labor. The forms are available at <http://www.dol.gov/whd/fmla/index.htm#Forms>). The technology center requests that, when practical, FMLA requests be submitted at least 30 days prior to the use of the leave. In emergency circumstances, the technology center may provisionally place an employee on FMLA leave if conditions appear to warrant such action. The employee is ultimately responsible for completing the necessary paperwork to finalize the use of FMLA leave at least 15 days in advance.

### Medical Documentation (for Leave Related to a Serious Medical Condition)

In addition to all medical documentation required pursuant to the FMLA, the technology center may, in its sole discretion and at its own expense, require a second opinion related to the need for FMLA leave. If the first and second opinions differ regarding the need for FMLA leave, the technology center and the employee shall mutually agree upon a provider to conduct a third opinion of the employee's need for leave. The cost of this third opinion will be paid for by the employer.

The technology center may also require supplemental certifications of the employee's continuing need for leave. These certifications may not be more than one time per month unless the employee requests an extension of leave, changes circumstances regarding the illness or injury, or the technology center receives information that casts doubt on the validity of an existing certification.

In the event an employee wishes to request an extension of leave, such request must be promptly submitted to his/her supervisor with supporting documentation from the health care provider regarding the reason for the extension. The extension is only available as long as the employee does not exceed the maximum leave permitted by the FMLA.

### Right to Conduct Surveillance

In an effort to combat misuse of leave permitted by the FMLA, an employee may be surveilled to determine if the employee is not using the FMLA leave for the purpose for which it was granted. The district may conduct non-workplace (off-site) surveillance of an employee based on an honest belief or suspicion that the employee is misusing the FMLA leave granted. If the employee is found to be misusing the FMLA leave, the employee will be subject to all disciplinary action allowed by law, including but not limited to dismissal or nonrenewal. Circumstances which may give rise to an honest belief or suspicion of FMLA leave misuse include, but are not limited to, an employee providing inconsistent reasons for the FMLA leave, an employee engaging in a suspicious pattern of absences over a short period of time, verifiable information from co-workers evidencing misuse by an employee and significant changes in the frequency or duration of an employee's absences.

### Intermittent Leave Or Leave On A Reduced Leave Schedule

Eligible employees may request to use their available leave on an intermittent basis by following the same application and certification process as described above and under the following conditions:

- intermittent leave in connection with the arrival of a new child must be approved by the technology center;
- employees must coordinate the intermittent leave with their supervisor to attempt to reduce the negative impact of the leave on school operations;
- the technology center reserves the right to transfer the employee to a position better suited to intermittent leave;
- if an instructional employee will be absent more than 20% of the total working days in the period in which the leave will be used, the technology center may require the employee to either:
  - take leave for a "particular duration" or time which is not greater than the duration of the planned treatment, or
  - be transferred to an alternative position.

#### Leave Taken Near the End of an Academic Term

If an instructional employee begins any type of covered leave more than 5 weeks before the end of a semester, and if the leave will last at least 3 weeks and the employee would otherwise return to work during the 3 weeks before the end of the semester, the technology center may require the employee to continue taking leave until the end of the semester.

If an instructional employee takes leave (for a reason other than the employee's own serious health condition) which commences during the 5 weeks before the end of the semester, and if the leave will last more than 2 weeks and the employee would otherwise return to work during the last 2 weeks of the semester, the technology center may require the employee to continue taking leave until the end of the semester.

If an instructional employee takes leave (for a reason other than the employee's own serious health condition) which begins during the last 3 weeks of the semester, and if the leave will last more than 5 working days, the technology center may require the employee to take leave until the end of the semester.

#### The Effect of Leave on Benefits

During a period of FMLA leave, an employee will be retained on the technology center's medical insurance plan under the same conditions that applied before leave began, including making any payments the employee previously made. An employee's failure to timely pay his/her share of the medical premium may result in loss of coverage. The employee is required to pay all of the premiums for any other type of insurance coverage which may exist.

If the employee fails to return to work after the expiration of the leave, the employee will be required to reimburse the technology center for payment of health insurance premiums during the FMLA leave, unless the reason for the failure to return to work are due to circumstances beyond the employee's control.



Employees do not accrue or lose any seniority or employment benefits during a period of FMLA leave.

#### Return to Work

Employees must update their supervisor regarding the intent to return to work, including providing all necessary releases and paperwork, at least 5 business days in advance of the expected return date.

Although the technology center cannot guarantee that an employee will be returned to his/her original position, employees will generally be restored to an equivalent position and employment conditions upon return from FMLA leave. Highly compensated employees are those individuals who are salaried and are among the highest paid 10% of the employees employed within 75 miles of the employee's worksite. A highly compensated employee may not be returned to work if it is necessary to prevent substantial and grievous economic injury to the operations of the technology center. The technology center will make all determinations regarding job duties upon an employee's return from FMLA leave.

#### Failure to Return from Leave

Employees who fail to return to work when scheduled (absent an approved extension) are subject to immediate termination for cause, subject to applicable due process hearing rights.

### **SICK LEAVE SHARING BANK**

This policy is established pursuant to Title 70, Section 6-104.6M of the Oklahoma Statutes. A sick leave sharing bank (the "Bank") for all full-time technology center employees consisting of sick leave days donated by any technology center employee will be created under the following guidelines:

1. Permission to receive donations will be granted only for a technology center employee (a) who is pregnant or recovering from childbirth or who is suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment or physical or mental condition (b) that has caused or will cause the employee to exhaust all accumulated sick leave earned pursuant to Title 70, Section 6-104 of the Oklahoma Statutes and (c) that has caused or is likely to cause the employee to take leave without pay or to terminate employment.
2. The Bank will be administered by a committee (the "Committee") consisting of three (3) staff members appointed by the superintendent and may include the superintendent. Vacancies on the Committee shall immediately be filled in the same manner. Committee members shall serve for one fiscal year and shall be appointed no later than September 1 of each year. The Committee shall elect a chairman from its members.
3. For purposes of this policy, the following definitions apply:
  - "Relative of the employee" means a spouse, child, stepchild, grandchild, grandparent, stepparent or parent of the employee.
  - "Household members" means those persons who reside in the same home, who have reciprocal duties to and do provide financial support for one another, including foster children and legal wards, even if they do not live in the household. This term does not include persons merely sharing the same general house.
  - "Severe" or "extraordinary" means serious, extreme or life-threatening, including temporary disability resulting from pregnancy, miscarriage, childbirth and recovery therefrom.
  - "Technology center employee" means any employee of the technology center.
  - "Full-time employee" means a full-time employee of the technology center as determined by the standard period of labor which is customarily understood to constitute full-time employment for the type of services performed by the

employee and who is employed a minimum of one hundred seventy-two (172) work days.

4. An employee's request for permission to receive sick leave donations from the Bank must be made to the Committee Chairman, in writing, and may be presented to the Committee Chairman by the employee or another employee (acting with the affected employee's permission) in his or her behalf. The Committee will meet and make a determination by a majority vote of the Committee members present and voting as to whether: (a) the employee is eligible to receive sick leave days from the Bank and (b) the total number of sick leave days to be given to the employee from the Bank. At least two Committee members must be present in order for the Committee to act. A technology center employee may be eligible to receive sick leave donations from the Bank if the Committee determines that the employee meets the criteria described in this policy and the employee has followed technology center policies regarding the use of sick leave. To allow the Committee to determine whether the employee meets the criteria described in this policy, the employee may be required to first submit a medical certificate from a licensed physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the condition. Within five (5) business days of the Committee's approval of a technology center employee to receive sick leave day donations from the Bank, the Committee Chairman shall notify the superintendent of the name of the employee and the number of sick leave days authorized by the Committee to be received by the employee from the Bank. If approval is denied, the Committee Chairman shall notify the superintendent of that fact. The superintendent shall notify any requesting employee of the Committee's approval or denial of his/her request. On or before December 31 and June 1 of each fiscal year the Committee Chairman shall notify the superintendent of the number of sick leave days in the Bank as of the date of the report.
5. An employee may not request any sick leave from the Bank until his or her own sick leave earned pursuant to Title 70, Section 6-104 of the Oklahoma Statutes has been exhausted or is within fifteen (15) calendar days of full exhaustion. An employee may use donated sick leave only for the purposes specified in this policy.
6. Sick leave received from the Bank will be paid at the daily rate of the receiving employee. The sick leave received by an employee from the Bank will be designated as donated sick leave and will be maintained separately from all other sick leave balances.
7. Sick leave donated to the Bank by any employee becomes the property of the Bank and may no longer be counted by the donor employee toward current or accumulated sick leave. Sick leave days donated will remain in the Bank until exhausted.
8. The maximum total number of sick leave days that may be received from the Bank by any employee is sixty (60) days during his/her total employment. Employees may only be approved for up to fifteen (15) days per fiscal year.
9. An employee may donate to the Bank only sick leave days that are earned and accumulated. An employee may donate any amount of sick leave provided the donation does not cause his/her sick leave balance to fall below sixty (60) days.

10. Any donation of sick leave days by an employee to the Bank is strictly voluntary. No employee shall be coerced, threatened, intimidated or financially induced into donating sick leave under this policy. A contribution of sick leave to the Bank must be confirmed, in writing, by the Committee Chairman to the superintendent within five (5) business days of the date of the donation stating the name of the donor employee and the number of sick leave days donated to the Bank. The number of sick leave days of the donor employee shall be appropriately reduced in the technology center's records by the donated amount.

### **WORKERS' COMPENSATION**

The technology center provides benefits established under the Oklahoma Workers' Compensation Act (Act) to all technology center employees who are injured in on-the-job accidents.

All regular employees who are injured in on-the-job accidents shall receive statutory benefits including medical expenses, temporary compensation and benefits for permanent disability or death as required by the Act.

At the option of the employee, temporary total disability benefits shall be supplemented by any sick leave or personal leave, or fractional use thereof, available to the injured employee, to the extent that the injured employee shall receive full wages during the employee's temporary absence. The sum of all temporary total disability payments and any sick leave or personal leave shall in no case combine to exceed one hundred percent (100%) of the employee's net pay as it existed prior to injury. An appropriate election form will be given to every employee as soon as possible after an on-the-job injury. No supplemental payment shall be made until such time as the employee returns the election form to the technology center. If the election for supplemental pay is made sick leave shall be used and exhausted before personal leave unless different instructions are directed by the employee, in writing, to the technology center.

## **INSURANCE BENEFITS**

### Health Insurance

Group health and dental insurance is available to each full-time employee. The technology center pays for employee coverage for all certified professional staff, full-time professional non-certified staff and full-time support personnel. Premiums are payable in advance.

The superintendent is responsible for the insurance plan for the district. Completed claim forms are to be submitted directly to the insurance company.

Any changes in address, marital status or dependent status must be promptly communicated to the Human Resources Manager.

### Life Insurance

The technology center purchases life insurance for full-time certified employees, full-time professional non-certified staff and full-time support personnel. The insurance is an amount equal to the employee's salary and is rounded up to the nearest one thousand dollar amount. Enrollment shall be at the time of employment at the technology center.

**ASSAULT AND BATTERY  
INVOLVING TECHNOLOGY CENTER EMPLOYEES**

Any technology center employee upon whom an assault, battery, assault and battery, aggravated battery or aggravated assault and battery is committed while in the performance of any duties as a technology center employee shall immediately notify the campus director and superintendent. If the technology center employee seeks emergency medical treatment as a result of the incident, the employee may make the report after obtaining such treatment or through a designee. All such reports must state the name of the person who committed the offense, the person upon whom the offense was committed, the nature, context and extent of the offense, the date(s) and time(s) of the offense and any other information necessary to a full report and investigation of the matter. The report may be made orally or in writing. The campus director or superintendent or his/her designee will deliver a copy of this policy to the technology center employee upon receipt of the report. The campus director or superintendent will investigate the incident and take appropriate action based upon the results of that investigation. The technology center employee must cooperate in the investigation. The campus director or superintendent will notify the State Department of Education in writing of all such incidents for the previous year on July 1 of each year or the first business day thereafter if July 1 falls on a weekend or legal holiday. The report must include a description of the incident and the final disposition of the incident.

The technology center will also refer appropriate incidents to law enforcement for investigation and prosecution. The technology center's decision to report or not to report a particular incident to law enforcement does not preclude the technology center employee from making a report to law enforcement. To the extent permitted by law, the technology center will share information and cooperate with law enforcement in the conduct of its investigation and in any subsequent prosecution.

No technology center employee will be subject to any civil liability for any statement, report or action taken in reporting or assisting in reporting a battery or assault and battery committed upon the technology center employee while in the performance of any duties unless such report or assistance was made in bad faith or with malicious purpose.

The technology center will post in a prominent place at each technology center site the following notice: "Felony charges may be filed against any person(s) committing an aggravated assault or battery upon any technology center employee."

For purposes of this policy, a "technology center employee" means an instructor or any duly appointed person employed by the technology center or employees of a firm contracting with the technology center for any purpose, including any personnel not directly related to the instruction process, and members of the board of education during board meetings.

For purposes of this policy, the terms "assault," "battery" and "aggravated assault and battery" are defined as follows: An "assault" means any willful and unlawful attempt or offer with force or violence to do a corporal hurt to another. A "battery" is any willful and unlawful use of force or violence upon the person of another. An "assault and battery" becomes "aggravated" when committed under any of the following circumstances: (1)

when great bodily injury is inflicted upon the person assaulted; or (2) when committed by a person of robust health or strength upon one who is aged, decrepit or incapacitated, as defined by law.



**PROFESSIONAL ORGANIZATION PAYROLL DEDUCTIONS**

Any employee may request the District to make payroll deductions for either or both professional organization dues and political contributions. The District shall transmit deducted funds to the designated organization. Deductions shall be on a ten-month basis unless otherwise designated by the employee organization.

An employee may request in writing at any time for the District to immediately terminate or initiate payroll deductions to a professional organization. A written request expressly includes communications sent pursuant to email or facsimile. For administrative convenience, such notices should be given to:

Gina Kendrick  
Business Manager  
1801 11<sup>th</sup> Street  
Alva, OK 73717  
(580) 327-0344 ext. 2016

After such request, the District will initiate or terminate deductions within five (5) business days or by the next pay period, whichever is earlier, and will notify the professional organization of the initiation or termination within fifteen (15) business days. If the request is to terminate a deduction, the District shall not make any advance payments to any professional organization of any future dues on behalf of the school employee.

This policy cannot be altered or changed by a negotiated agreement provision.

Violation of this policy will result in monetary penalties for the school district.

Reference: 70 O.S. § 5-139

## **REPORTING THREATENING BEHAVIOR**

### Reports to Law Enforcement

All district officers, employees and school board members have a legal obligation under Oklahoma law to report to law enforcement verbal threats or acts of threatening behavior which reasonably have the potential to endanger students, school personnel or school property. Under this policy, "Threatening Behavior" means any verbal threat or threatening behavior, whether or not it is directed at another person, which indicates potential for future harm to students, school personnel or school property. If a District official, employee or school board member reasonably believes that a person has made a verbal threat or exhibited threatening behavior which has the potential to endanger students, school personnel or school property, and—given the immediacy of the behavior—it is reasonable to do so, the individual should first report the matter to school administration.

### Reports to Principal or Other School Officials

Instances of verbal threats or acts of threatening behavior which reasonably have the potential to endanger students, school personnel or school property should also be reported to the principal or other school official. This reporting obligation exists in all instances, including conduct at school or connected with school activities and conduct that happens off of school property. Accordingly, all employees have an obligation to notify the principal or other school official, if for any reason the employee believes that verbal threats or acts of threatening behavior have been made which reasonably have the potential to endanger students, school personnel or school property.

### Immunity for Good Faith Reports

Oklahoma law provides that any district employee who in good faith makes a report to an appropriate law enforcement office has immunity from civil liability and employment discipline that might otherwise be incurred or imposed if the employee reasonably believes a person is making verbal threats or exhibiting threatening behavior.

Reference: 70 OKLA. STAT. § 24-100.8

**COMPLIANCE WITH STATE AND FEDERAL LAWS  
REGARDING EMPLOYEE LEAVE AND PAYROLL PROCEDURES**

The board of education recognizes that the state or federal government may enact new laws and regulations that effect the technology center's leave policies for employees. The technology center will comply with such laws and regulations applicable to its employees.

To the greatest extent possible, the technology center will construe additional leave granted by a state or federal act to run concurrently with leave granted to employees under existing policies, procedures, and/or contracts. The technology center will implement any new mandated employee leave provisions consistent with any regulations or guidelines issued by the governing authority granting such leave.

Further, the technology center will comply with any state or federal laws applicable to the pay of its employees, including those applicable to the garnishment of wages.

When appropriate, the technology center will seek advice from local, state, or federal authorities and/or its legal counsel as to any obligations under newly issued laws and regulations.

**SUSPENSION, DISMISSAL  
AND NONREEMPLOYMENT OF TEACHERS**

1. Definitions and Scope

- A. "Teacher" means a duly certified or licensed person who is employed to serve as a counselor, librarian, school nurse, or any instructional capacity. An administrator shall be considered a "teacher" only with regard to service in an instructional, nonadministrative capacity.
- B. "Dismissal" means the discontinuance of the teaching service of a teacher during the term of a written contract.
- C. "Nonreemployment" means the nonrenewal of a teacher's contract upon expiration of the contract.
- D. "Suspension" means the temporary discontinuance of a teacher's services during the term of a contract pending dismissal or nonreemployment.
- E. "Career teacher" means a teacher who:
- i. was employed by the technology center prior to full implementation of the district's Teacher and Leader Effectiveness Evaluation System ("TLE") and has completed three (3) or more consecutive complete school years in such capacity in the technology center under a written teaching contract; or
  - ii. was first employed by the technology center on or after full implementation of TLE under a written continuing or temporary teaching contract and:
    - completed three (3) consecutive, complete school years in the district under a written continuing or temporary teaching contract with qualitative and quantitative ratings of "superior" for at least two (2) of those years with no rating below "effective" - as measured pursuant to the district's TLE; or
    - completed four (4) consecutive, complete school years in the district under a written continuing or temporary teaching contract with averaged qualitative and quantitative ratings of "effective" or higher for the four (4) year period with qualitative and quantitative ratings of at least "effective" for the last two (2) of the four (4) years - as measured pursuant to the district's TLE; or

- completed four (4) consecutive, complete school years in the district under a written continuing or temporary teaching contract and was granted career status by the board of education after the applicable administrator and superintendent petitioned the board to grant the teacher career status. (The administrator must specify in the petition the underlying facts supporting the granting of career status.)

F. "Probationary teacher" means a teacher who:

- i. was employed by the district prior to full implementation of TLE and has completed fewer than three (3) consecutive, complete school years in such capacity in the technology center under a written teaching contract; or
- ii. was employed by the district on or after the full implementation of TLE under a written teaching contract and has not met the requirements to be a career teacher as described above.

G. "Abandonment of contract" means the failure of a teacher to report at the beginning of the contract term or otherwise perform the duties of a contract of employment when the teacher has accepted other employment or is performing work for another employer that prevents the teacher from fulfilling the obligations of the contract of employment.

H. This policy does not apply to:

- i. substitute teachers,
- ii. adult education teachers or instructors,
- iii. nonrenewal of teachers employed on temporary contracts for a complete year;
- iv. nonrenewal and dismissal of teachers employed on temporary contracts for less than a complete school year.
- v. administrators, except with regard to service in an instructional, non-administrative position.

I. This policy does apply to teachers employed in positions *fully funded* by federal or private categorical grants in regard to dismissals or suspensions during the term of employment under the grant, but not in regard to "nonreemployment" at the expiration of the grant.

## 2. Grounds for Dismissal or Nonreemployment

A. A career teacher may be dismissed or not reemployed for:

- i. willful neglect of duty,
- ii. repeated negligence in performance of duty,

- iii. incompetency,
- iv. unsatisfactory teaching performance,
- v. instructional ineffectiveness, including but not limited to:
  - a qualitative or quantitative rating of “ineffective” for two (2) consecutive school years after full implementation of TLE
  - a qualitative or quantitative rating of “needs improvement” or lower for three (3) consecutive school years after full implementation of TLE
  - an averaged qualitative or quantitative rating of less than “effective” for a five (5) year period after full implementation of TLE
- vi. mental or physical abuse to a child,
- vii. commission of an act of moral turpitude,
- viii. abandonment of contract,
- ix. criminal sexual activity or sexual misconduct (as those terms are defined by law) which has impeded the effectiveness of the teacher's performance of school duties,
- x. failure to meet local school board staff development requirements (non-reemployment only), and
- xi. any other grounds hereafter allowed by law.

B. A career teacher shall be dismissed or not reemployed for

- i. conviction of a felony,
- ii. conviction of any sex offense subject to Oklahoma's Sex Offenders Registration Act or another state's or the Federal Sex Offender Registration Provisions,
- iii. instructional ineffectiveness, including:
  - a qualitative and quantitative rating of “ineffective” for two (2) consecutive school years after full implementation of TLE
  - a qualitative and quantitative rating of “needs improvement” or lower for three (3) consecutive school years after full implementation of TLE

- an averaged qualitative and quantitative rating of less than “effective” for a five (5) year period after full implementation of TLE
- C. A probationary teacher may be dismissed or not reemployed for cause, including but not limited to receiving a qualitative or quantitative rating of “ineffective” for two (2) consecutive school years after full implementation of TLE.
- D. A probationary teacher shall be dismissed or not reemployed for
- i. conviction of a felony,
  - ii. conviction of any sex offense subject to Oklahoma’s Sex Offenders Registration Act or another state’s or the Federal Sex Offender Registration Provisions,
  - iii. receiving a qualitative and quantitative rating of “ineffective”, as measured pursuant to the district’s TLE, for two (2) consecutive school years, after full implementation of TLE,
  - iv. failure to attain career teacher status within a four-year period, after full implementation of TLE.
- E. A cause listed 2A(i) - (v) for a career teacher, or any cause related to inadequate teaching performance for a probationary teacher, shall not be a basis for a recommendation to dismiss or not reemploy a teacher unless corrective action procedures involving admonishment / plan for improvement have been followed. Dismissal or nonreemployment for any cause not listed in 2A(i) - (v) for a career teacher, or not related to inadequate teaching performance for a probationary teacher, shall not require corrective action procedures (i.e. admonishment) to be followed.
- F. Corrective Action – Admonishment / Plan for Improvement
- i. When the administrator who has evaluated a teacher pursuant to technology center policy identifies poor performance, conduct or a TLE evaluation rating that the administrator believes may lead to a recommendation for the teacher’s dismissal or nonreemployment, the administrator shall:
    - admonish the teacher, in writing, and make a reasonable effort to assist the teacher in correcting the poor performance or conduct; and
    - establish a reasonable time for improvement, not to exceed two (2) months, taking into consideration the rating on the evaluation or the nature and gravity of the teacher’s performance or conduct.
  - ii. Whenever a member of the board of education, superintendent, or other administrator identifies poor performance or conduct that may

lead to a recommendation for dismissal or nonreemployment of a teacher, the administrator who has responsibility for evaluation of the teacher shall be informed and shall admonish the teacher as described above. If the administrator fails or refuses to admonish the teacher within ten (10) days after being informed of the problem, the board, superintendent or other administrator who identified the problem shall admonish the teacher.

- iii. If the teacher does not correct the poor performance or conduct cited in the admonition within the time specified, the administrator (or other admonishing official) shall make a recommendation to the superintendent for the dismissal or nonreemployment of the teacher. The superintendent shall furnish a copy of the recommendation to the board of education.
- iv. The District will not prohibit, or take disciplinary action against, a teacher for:
  - a. Disclosing public information to correct what the teacher reasonably believes evidences a violation of the Oklahoma Constitution or law or rule promulgated pursuant to law;
  - b. Reporting a violation of the Oklahoma Constitution, or state or federal law; or
  - c. Taking any of the above actions without giving prior notice to the teacher's supervisor or anyone else in the teacher's chain of command.

Reporting means providing a spoken or written account to a supervising teacher, administrator, school board member, representative from the State Department of Education, law enforcement official, district attorney and/or parent or legal guardian of a student directly impacted by the actions.

The District may discipline any teacher who violates a student or parent/legal guardian's confidentiality rights and protections pursuant to the Family Educational Rights and Privacy Act (FERPA) and any other state or federal law which requires confidentiality of information concerning students.

### 3. Procedures for Dismissal or Nonreemployment

#### A. Commencement of Action

- i. Whenever the superintendent determines that cause exists for the dismissal or nonreemployment of a teacher employed within the technology center, the superintendent shall submit a recommendation in writing to the board of education. The recommendation shall state the one or more specific grounds (statutory grounds, in the case of a career teacher) and specify the underlying facts on which the recommended dismissal or nonreemployment is based.
- ii. In the absence of a recommendation from the superintendent pursuant to this section, or when the board of education chooses not to accept the superintendent's recommendation as to reemployment of a teacher, the board may initiate dismissal or nonreemployment action



without a recommendation provided that it adheres to the other provisions of this policy and that the corrective action procedures, if applicable, have been followed.

B. Suspension

Whenever the superintendent has reason to believe that cause exists for the dismissal of a teacher and is of the opinion that the immediate suspension of the teacher would be in the best interests of the students in the district, the superintendent, or the board of education on the recommendation of the superintendent, may suspend the teacher without notice or hearing. The suspension shall not deprive the teacher of any teaching compensation or other benefits to which he/she would otherwise be entitled under the teaching contract or pursuant to law. Within ten (10) days after the suspension becomes effective, the board of education shall initiate a hearing for dismissal pursuant to this policy. However, in a case involving a criminal charge or indictment, such suspension may extend to such time as the teacher's case is finally adjudicated, except such extension shall not include any appeal process.

C. Notice and Hearing

- i. Prior to the time that the board of education takes any action to dismiss or nonreemploy a teacher, whether the board is acting on its own volition or on a recommendation of the superintendent, the clerk of the board or other individual designated by the board shall deliver to the teacher a copy of the recommendation (or a comparable statement of grounds and underlying facts, if the board is acting on its own volition), and a notice that the teacher has a right to a hearing before the board stating the date, time and place set by the board for the teacher hearing. Delivery of the recommendation shall be by any of the following: (1) certified mail, restricted delivery, return receipt requested; (2) personal delivery to the teacher with a signed acknowledgment of receipt; or (3) process server. In the same manner the board or individual designated by the board shall notify the teacher of the right to a hearing before the board and the date, time and place for the hearing. The hearing shall be held no fewer than 20 days and no more than 60 days after the receipt of the notice by the teacher, or after the date on the personal receipt by hand-delivery to the teacher, or after the date of delivery by process server. Notice of a recommendation of nonreemployment or possible nonreemployment action by the board acting on its own volition shall be given to the teacher prior to the first Monday in June.
- ii. The teacher hearing before the board of education shall be conducted pursuant to procedures established by the State Department of Education. In the absence of or to the extent not inconsistent with those procedures, the hearing shall be conducted as prescribed in the paragraphs below.
- iii. The hearing shall commence with a statement to the teacher of the teacher's rights at the hearing. Following this statement, the school

administration shall present facts showing the cause for the teacher's dismissal or nonreemployment. The teacher shall then have the right to present the teacher's side of the matter. After both the school administration and the teacher have fully presented their respective positions, the board of education shall deliberate on the evidence regarding the teacher's dismissal or nonreemployment in executive session.

- iv. At the hearing, the teacher shall be entitled to be represented by counsel, to cross-examine witnesses presented by the school administration, to present witnesses on the teacher's behalf and to present any relevant evidence or statement which the teacher desires to offer. The burden of proof for any dismissal or nonreemployment shall be on the superintendent (or designee), and the standard of proof shall be a preponderance of the evidence.
- v. After due consideration of the evidence and testimony presented at the teacher's hearing, the board shall vote, in open session, on the following: (1) findings of fact based on the evidence submitted and (2) whether to dismiss or nonreemploy the teacher. The decision shall be made by a majority of the board of education members present at the meeting and shall be final and nonappealable

The motion to dismiss or nonreemploy the teacher should state the specific cause for dismissal or nonreemployment, although such cause need not be a statutory cause for a probationary teacher.

- vi. The teacher shall be sent notice of the board's decision by certified mail, restricted delivery, return receipt requested, or substitute process. The notice shall state the basis for the board's decision.
- vii. The teacher shall receive any compensation or benefits to which the teacher is entitled until such time as the board's decision is final. If the teacher's hearing is for nonreemployment, and not for dismissal, the teacher's compensation and benefits may continue only until the end of the teacher's current contract.

#### D. Criminal Matters

Whenever the superintendent (or board) makes a recommendation for a teacher's termination based on conduct which could form the basis of criminal charges sufficient to warrant revocation of the teacher's certificate, the superintendent shall forward a copy of the recommendation to the Oklahoma State Department of Education and the teacher at the conclusion of any due process provided to the teacher or upon acceptance of the teacher's resignation.

Reference: 70 O.S. § 6-101,  
OAC 210-1-5-8

**REDUCTION IN FORCE  
CERTIFIED TEACHER PERSONNEL**

1. General Matters

- A. Reasons for a Reduction in Force. A teacher may be dismissed or nonreemployed when the board decides that due to (i) a financial exigency or (ii) a program change for institutional reasons or (iii) a decline in enrollment or (iv) other business necessity as determined by the board, a reduction in teaching staff is necessary.
- B. Definitions. For the purpose of this policy, the following terms have the stated meanings:
1. "Financial exigency" means a reduction in the technology center's financial resources resulting from declining enrollment or any other action or event that in the sole judgment of the board of education will result in a reduction in the technology center's current or future operating budget.
  2. "Program change" means any elimination, curtailment or reorganization of a curriculum offering, program or school operation or a reorganization or closing of a school or consolidation of two or more individual schools or districts that is unrelated to financial exigency.
  3. "Declining enrollment" means a decrease in the technology center's total enrollment or enrollment in a particular program or curriculum offering which in the sole judgment of the board of education may adversely affect the technology center's current or future allocation of funds and/or the necessity of maintaining certain current or future class sections or curriculum offerings.
- C. Criteria for Eliminating Positions. The primary criterion in effectuating any reduction in force shall be the maintenance of a sound and balanced educational program that is consistent with the functions and responsibilities of the technology center. In evaluating its program, the superintendent and the board will consider the elimination of teaching positions, not the teachers occupying those positions. In deciding which positions to eliminate, the superintendent and the board will consider the curriculum, the needs of students and those extra duty assignments that require special skill or expertise.
- D. Priority. In determining which teacher(s) will be dismissed or nonreemployed when one or more of a number of identical positions is eliminated, the following criteria, **in this order**, shall govern:

1. The technology center will dismiss or nonreemploy the teacher(s) who has the lowest composite rating under the technology center's Teacher and Leader Effectiveness Evaluation System (TLE) in the position being eliminated. Ratings will be calculated by averaging the past three (3) years' ratings (or fewer if 3 years are not available) and will be measured to the nearest hundredth of a decimal point.
  2. If the teachers are equal under the above criteria, then the teacher(s) who has the most seniority in the technology center will be retained.
  3. If the teachers are equal under the above criteria, then the technology center will retain the teacher(s) who currently holds a contracted extra duty assignment, IF, after the reduction in force, that teacher will continue to be assigned such extra duty assignment.
  4. If no contracted extra duty assignment exists, the technology center will retain the teacher who meets any federal requirements, such as "highly qualified" under No Child Left Behind, for the courses assigned to that teacher.
  5. If the teachers are equal under the above criteria, the technology center will retain the teacher with the most advanced academic degree status.
  6. If degree status is equal, the technology center will retain the teacher having the most versatile certificate in order to enable the technology center to have flexibility in planning future curriculum.
  7. If versatility of certificates is equal, the technology center will retain the teacher chosen by lot through a process determined by the Superintendent or the Superintendent's designee.
- E. Bumping. If a teacher's position is eliminated and the teacher scheduled to be dismissed or nonreemployed (after going through the criteria in section "D" above) has a composite TLE score of effective, as defined by the district's TLE model, then in the administration's sole discretion, that teacher may be placed in another position for which the teacher is certified to teach, if the other position is currently held by a teacher who has a composite TLE score that is below effective. Under those circumstances, the teacher with the TLE composite below effective will be dismissed or nonreemployed. If two (2) or more teachers in a specific position have the same composite scores, then the process of section (D) will be used to determine who is dismissed or nonreemployed.
- F. Adult Education Teachers. The dismissal and nonreemployment provisions of the Teacher Due Process Act of 1990 do not apply to adult education teachers. Accordingly, adult education teachers are not covered by the protections of this policy and, unless otherwise required by law, are subject to a reduction in force without notice and without compliance with this policy.

## 2. Procedures

- A. Action by Superintendent. The superintendent, upon receipt of the board's preliminary determination of the necessity for a reduction in force, or upon the superintendent's own volition, shall submit to the board the superintendent's written recommendations for terminating particular teaching positions. In making recommendations, the superintendent (i) shall not be limited to considering only positions in the areas or programs designated by the board and (ii) shall consult with each principal or other administrator in whose school or unit a position elimination/termination is proposed and (iii) shall take into consideration the criteria set out herein.
- B. Action by Board. In the absence of a recommendation from the superintendent pursuant to this section, or when the board of education chooses not to accept the superintendent's recommendation, the board may initiate action without such recommendation provided that it adheres to the other provisions of this policy.
- C. Notice and Hearing Procedures. Prior to taking any action to nonreemploy or dismiss a teacher due to a reduction in force, whether acting on a recommendation of the superintendent or on its own volition, the board shall provide notice and an opportunity for hearing to the affected teacher; provided, however, because the law does not provide nonrenewal hearings for teachers on temporary contracts, no hearing opportunity shall be afforded any teacher on a temporary contract with notice of the expiration of the temporary teacher's contract at the end of the school year being provided to the temporary teacher. The notice and board hearing procedures shall be the same as those provided by Oklahoma law and board policy regarding dismissal and nonreemployment of teachers for cause. Notice of a recommendation of nonreemployment shall be given to the teacher prior to the 1<sup>st</sup> Monday in June.
- D. Hearing. At the hearing, evidence may be presented by the administration and the teacher, as to (i) whether a reduction in force is reasonably necessary and is being made in good faith and for the best interests of the technology center and (ii) whether the recommendation to not renew (or dismiss) the specific teacher is being made in good faith and pursuant to the process set out herein.
- E. Effect of Board Decision. The decision of the board based on the evidence presented at the hearing shall be final and unappealable.

## 3. Reemployment or Other Employment After Reduction in Force

- A. Recall. The recall provisions in this process will only apply and be available to a teacher who had a composite TLE score of at least effective at the time of his/her nonreemployment (or dismissal). For one school year after the effective date of nonreemployment (or dismissal) due to a reduction in force, the board of education shall not fill the specific position previously held by a teacher who was nonreemployed (or dismissed) due to a reduction in force without first offering such position to the nonreemployed (or dismissed)

teacher. If more than one nonreemployed (or dismissed) teacher is both certified and qualified for a position which the teachers previously held with the technology center and which becomes available, the board, after receiving the superintendent's advice, shall select the teacher it believes will best fill the position. Nothing in this policy shall give to any nonreemployed (or dismissed) teacher priority rights to fill a vacancy which becomes available and for which they are certified and qualified unless such position is identical to the position which they previously held with the technology center.

- B. Recall Procedures. The offer of reemployment shall be made personally or by certified mail, return receipt requested, and the teacher shall be notified that if he/she wishes to accept, he/she must do so in writing within five (5) calendar days of receipt of notice or within ten (10) calendar days of the postmark on the envelope in which the offer is mailed, whichever is shorter. Failure to receive timely acceptance of the offer of reemployment eliminates all reemployment rights of the teacher.
- C. Status After Recall. A career teacher who has been nonreemployed (or dismissed) and who is then reemployed within one school year shall be reinstated as a career teacher. A probationary teacher who is nonreemployed (or dismissed) but is then reemployed within one school year shall be given credit for the time already served as a probationary teacher for the purpose of determining eligibility for career teacher status.

#### 4. Interpretation and Application

The interpretation and application of any provision of this policy shall be the exclusive province of the Board of Education.

**RESIGNATION OF CERTIFIED PERSONNEL**

Resignations must be dated and submitted in writing to the superintendent stating the effective date of resignation. Equivocal resignations will not be accepted. A resignation to be effective at the conclusion of a school year must be received prior to fifteen (15) days after the first Monday in June of that school year. A resignation to be effective at any other time or to be effective at the conclusion of the school year but received after fifteen (15) days after the first Monday in June does not sever the employment relationship for the subsequent school year unless and until approved by the board.

Resignations offered during the course of the school year will not be accepted unless the superintendent determines that arrangements can be made to avoid a detrimental impact on efficient operation of the school and the board of education concurs.

A resignation may not be withdrawn after it has been accepted by the superintendent and will be considered irrevocable from that date.

Upon receipt of a written resignation from a certified employee, the superintendent shall:

1. Make a record of the date upon which the written resignation was submitted either by reference to a certified mail receipt or by writing on the face of the resignation the date of receipt and his/her initials.
2. If the written resignation is to be effective at the conclusion of the current school year and it is received prior to fifteen (15) days after the first Monday in June, notify the employee that his/her resignation is accepted.
3. If the written resignation is to be effective at any time other than the conclusion of the current school year or to be effective at the end of the school year but is not received until after fifteen (15) days after the first Monday in June, notify the employee that his/her resignation will be considered by the board of education.
4. Place upon the agenda of the next board of education meeting an agenda item for consideration and action on the resignation received.

The board of education may accept or decline to accept the resignation of a certified employee. Provided, that the board of education, by adoption of this policy, authorizes the superintendent to accept the resignation of those employees submitting resignations prior to fifteen (15) days after the first Monday in June to be effective at the conclusion of the then current school year.

Payment of final compensation shall be processed and disbursed at the scheduled times.

## **STANDARDS OF PERFORMANCE AND CONDUCT FOR TEACHERS**

Teachers are charged with the education of the youth of this state. In order to perform effectively, teachers must demonstrate a belief in the worth and dignity of each human being, recognizing the supreme importance of the pursuit of truth, devotion to excellence, and the nurture of democratic principles.

In recognition of the magnitude of the responsibility inherent in the teaching process and by virtue of the desire for the respect and confidence of their colleagues, students, parents and the community, teachers are to be guided in their conduct by their commitment to their students and their profession.

### **PRINCIPLE I**

#### **Commitment to the Students**

*Oklahoma Administrative Code (OAC) 210:20-29-3 – Effective June 25, 1993*

The teacher must strive to help each student realize his or her potential as a worthy and effective member of society. The teacher must work to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals.

In fulfillment of the obligation to the student, the teacher:

1. Shall not unreasonably restrain the student from independent action in the pursuit of learning;
2. Shall not unreasonably deny the student access to varying points of view;
3. Shall not deliberately suppress or distort subject matter relevant to the student's progress;
4. Shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety;
5. Shall not intentionally expose the student to embarrassment or disparagement;
6. Shall not on the basis of race, color, creed, sex, national origin, marital status, political or religious beliefs, family, social or cultural background, or sexual orientation, unfairly:
  - A. Exclude any student from participation in any program;
  - B. Deny benefits to any students;
  - C. Grant any advantage to any student.



7. Shall not use professional relationships with students for private advantage; and
8. Shall not disclose information about students obtained in the course of professional service, unless disclosure serves a compelling professional purpose and is permitted by law or is required by law.

## **PRINCIPLE II**

### **Commitment to the Profession**

***Oklahoma Administrative Code (OAC) 210:20-29-4 – Effective June 25, 1993***

The teaching profession is vested by the public with a trust and responsibility requiring the highest ideals of professional service.

In order to assure that the quality of the services of the teaching profession meets the expectations of the state and its citizens, the teacher shall exert every effort to raise professional standards, fulfill professional responsibilities with honor and integrity, promote a climate that encourages and exercise of professional judgment, achieve conditions which attract persons worthy of the trust to careers in education, and assist in preventing the practice of the profession by unqualified persons.

In fulfillment of the obligation to the profession, the educator:

1. Shall not in an application for a professional position deliberately make a false statement, or fail to disclose a material fact related to competency and qualifications.
2. Shall not misrepresent his/her professional qualifications.
3. Shall not assist any entry into the profession of a person known to be unqualified in respect to character, education or other relevant attribute.
4. Shall not knowingly make a false statement concerning the qualifications of a candidate for a professional position.
5. Shall not assist an unqualified person in the unauthorized practice of the profession.
6. Shall not disclose information about colleagues obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law.
7. Shall not knowingly make false or malicious statements about a colleague.
8. Shall not accept any gratuity, gift, or favor that might impair or appear to influence professional decisions or actions.

## **PRINCIPLE III**

1. Subject to the provisions of the Teacher Due Process Act of 1990, a career teacher may be dismissed or not reemployed for:

- A. Willful neglect of duty.
  - B. Repeated negligence in performance of duty.
  - C. Mental or physical abuse to a child.
  - D. Incompetency.
  - E. Instructional ineffectiveness.
  - F. Unsatisfactory teaching performance.
  - G. Commission of an act of moral turpitude.
  - H. Abandonment of contract.
2. Subject to the provisions of the Teacher Due Process Act, a probationary teacher may be dismissed or not reemployed for cause.
3. A teacher shall be dismissed or not reemployed unless a presidential or gubernatorial pardon has been issued, if during the term of employment the teacher is convicted in this state, the United States, or another state of:
- A. Any sex offense subject to the Sex Offender Registration Act in this state or subject to another state's or the federal sex offender registration provisions; or
  - B. Any felony offense.
4. A teacher may be dismissed, refused employment, or not reemployed after a finding that such person engaged in criminal sexual activity or sexual misconduct that has impeded the effectiveness of the individual's performance of school duties. As used in this subsection:
- A. "Criminal sexual activity" means the commission of an act defined in Section 886 of Title 21 of the Oklahoma Statutes, which is the act of sodomy; and
  - B. "Sexual misconduct" means the soliciting or imposing of criminal sexual activity

As used in this section, "abandonment of contract" means the failure of a teacher to report at the beginning of the contract term or otherwise perform the duties of a contract of employment when the teacher has accepted other employment or is performing work for another employer that prevents the teacher from fulfilling the obligations of the contract of employment.

**DYSLEXIA AWARENESS PROGRAM**

The technology center recognizes that many students suffer from dyslexia and may require further assistance in the classroom. Accordingly, starting with the 2020-2021 school year, the technology center will offer an annual dyslexia awareness program to provide teachers with training and resources on dyslexia and to foster a better learning environment for affected students.

Beginning with the 2020-2021 school year, the annual dyslexia awareness program will, at a minimum, include:

1. Training in awareness of dyslexia characteristics in students;
2. Training in effective classroom instruction to meet the needs of students with dyslexia; and
3. Available dyslexia resources for teachers, students and parents.

Reference: Okla. Stat. tit. 70, § 6-194 (F)

**EVALUATION OF PROFESSIONAL & SUPPORT PERSONNEL**

An approved evaluation instrument will be used to evaluate professional/support personnel on the basis of job performance as listed on their job description. A copy of the evaluation will be given to the employee and a copy will be placed in the employee's personnel file. Evaluations of professional/support employees will be completed no later than April 1<sup>st</sup> of each year.

**REDUCTION IN FORCE OF  
PROFESSIONAL AND SUPPORT PERSONNEL  
(All full-time Employees other than Certified Teachers)**

The technology center believes that every reasonable effort should be made to avoid a reduction in force at any level. However, if it should become necessary to reduce the number of full-time professional/support employees due to lack of funds or lack of work in a particular area or due to a reorganization, the position or program will be the determining factor and not the individuals who occupy the position or serve the program.

An employee is considered to be a full-time employee if the number of hours worked are the number of hours customarily worked in that position and if that position is designated as a full-time position by the board.

A reduction in force may occur for lack of funds, lack of work because of a decline in enrollment, consolidation of programs or positions, elimination of positions, or other circumstances as determined by the board.

If termination of employment should become necessary, notices of such terminations will be made as set forth in the policy governing suspension, demotion, or termination of professional/support employees found elsewhere in this manual.

Any necessary terminations shall begin by dismissing temporary, seasonal, or part-time employees within the job category affected. These employees shall be terminated at the discretion of the board or the board's designee.

If normal attrition and the release of temporary and part-time employees does not sufficiently reduce the professional/support staff, the following items will be considered in the reduction process in the order listed:

1. Performance history;
2. Job qualification by training and experience;
3. Attendance and punctuality; and
4. In the event that two or more employees in the affected category are equal in the above factors, termination shall be made on the basis of seniority within each general job category.

Supervisors and directors shall serve at the pleasure of the board and shall not be subject to the prescribed seniority order for reductions in force. Personnel whose positions are eliminated in one category may be considered for a position in another category.

Seniority shall be defined as the total length of continuous service as a professional/support employee within this technology center. Employees who are terminated and subsequently

reinstated shall retain cumulative seniority for all periods worked except for the period of termination.

Demotions in position, due to a reduction in force, shall follow the same procedure as terminations.

**SUSPENSION, DEMOTION, TERMINATION OR NONREEMPLOYMENT OF  
PROFESSIONAL AND SUPPORT EMPLOYEES**

1. Definitions

- A. "Professional/Support Employee" shall mean an employee of the technology center who provides those services, not performed by certified educators or licensed teachers, which are necessary for the efficient and satisfactory functioning of the technology center. At NWTC this includes Professional Staff as well as Support Staff.
- B. "Full-time Professional/Support Employee" shall mean a professional/support employee who regularly works the standard period of labor which is generally understood to constitute full-time employment for the type of services performed by the employee and who is employed by the technology center for a minimum of 172 days per year.
- C. "Suspension without pay" shall mean the temporary denial of a professional/support employee's right to work and receive any pay and other benefits during the term of the suspension. "Suspension without pay" may be as a disciplinary measure as provided in paragraph 4.B(1), below or as a suspension pending investigation as provided in paragraph 4.B(2), below. If a final decision is made under the procedures stated below that a suspension without pay was improper, the professional/support employee shall receive full pay and other benefits for the period of suspension.
- D. "Suspension with pay" may occur in those situations in which the superintendent or his or her designee, or a supervisor of the professional/support employee perceives a significant hazard in keeping the support employee on the job, in which event the professional/support employee may be asked to immediately leave the technology center's premises and the professional/support employee is temporarily relieved of his or her duties pending a hearing under paragraph 4, below.
- E. "Demotion" shall mean a reduction in pay during the term of the professional/support employee's contract. "Demotion" shall not mean a change in job description or work assignment or duties.
- F. "Termination" shall mean the discharge of the professional/support employee from his/her employment with the technology center during the term of his/her contract and does not include the cessation of employment upon expiration of the professional/support employee's contract.
- G. "Non-reemployment" shall mean the failure to offer a professional/support employee a new contract for the next successive school year after the contact

under which the professional/support employee is presently employed has expired.

2. Policy On Suspension, Demotion, Termination Or Non-Reemployment Of Full-Time Professional and Support Employees

A full time professional/support employee who has been employed by the technology center for more than one year shall be suspended, demoted, terminated or non-reemployed during the term of his/her contract only for cause as provided in this policy. In addition to the definition of cause stated in section 3 of this policy, "cause" shall also specifically include lack of funds or lack of work. Any professional/support employee who has been employed by the technology center for less than one year (12 months) is not entitled to invoke the procedures of this policy and such employee's contract can be terminated at any time without cause.

3. Cause For Suspension, Demotion, Termination Or Nonreemployment

A. A professional/support employee may be suspended, demoted, terminated or non-reemployed during the term of his/her contract for any of the following:

- i. Violation of any rule, regulation or requirement issued by the office of the superintendent or board of education of the technology center; or
- ii. Conduct not otherwise specified in the above rules, regulations or requirements which constitutes insubordination, neglect of duty, incompetency in job performance, dishonesty, or causing or allowing damage, destruction or theft of technology center property.

B. The rules, regulations and requirements referred to above and the Rules for Conduct shall be furnished to each professional/support employee at the time of his/her initial employment. In the event these rules are updated, a copy shall be timely distributed to professional/support employees.

4. Procedures For Suspensions Without Pay, Terminations And Demotions

A. Any full-time professional/support employee is subject to disciplinary action in the form of a suspension without pay, demotion or termination. Prior to instituting any such disciplinary action the full-time professional/support employee shall receive the following hearing rights:

- i. The superintendent or his or her designee shall orally advise the professional/support employee of the cause or basis for the proposed disciplinary action;
- ii. The superintendent of the technology center or his or her designee shall explain to the professional/support employee the evidence against the professional/support employee;
- iii. The superintendent of the technology center or his or her designee shall allow the professional/support employee an opportunity to present his or her side of the matter.



- B. After the professional/support employee is afforded the above hearing rights the superintendent of the technology center or his or her designee may take any of the following actions:
  - i. Suspension without pay for ten (10) working days or less as a disciplinary measure;
  - ii. Suspension without pay pending investigation as to whether cause exists for the termination of the professional/support employee;
  - iii. Demotion of the professional/support employee;
  - iv. Termination of the professional/support employee;
  - v. Conclude that no disciplinary action is appropriate.
- C. The professional/support employee shall have the right to appeal to the board of education a suspension without pay as a disciplinary measure, a demotion or a termination as set forth in the Procedures for Appeal to the board of education in section 6 below.

5. Procedures For Non-Reemployment

Prior to being non-reemployed, a full-time professional/support employee who has been employed by the technology center for more than one (1) year shall be entitled to the following hearing rights:

- A. The board of education or the superintendent of the technology center or his or her designee shall advise the professional/support employee, in writing, of the board's intention to consider and act on the non-reemployment of the professional/support employee for the subsequent fiscal year;
- B. The written notification shall set out the cause(s) for such action;
- C. The professional/support employee shall have the right to contest his or her non-reemployment before the board of education as set forth in the Procedures for Appeal to the board of education in section 6 below.

6. Procedures For Appeal To The Board Of Education

- A. After any suspension without pay as a disciplinary measure, or prior to the effective date of any demotion, termination during the term of his/her contract or non-reemployment, the professional/support employee shall receive notice of his/her right to a hearing before the board of education as herein provided.
- B. All notices shall be sent to the professional/support employee by certified mail at the address of the professional/support employee shown on the school records. If the professional/support employee refuses to accept the notice or fails or refuses to pick up the notice after being notified by the post office to do so, then the professional/support employee shall be deemed to have

received the notice on the date that the notice was postmarked. The postmark shall be used to determine the timeliness of the notice.

- C. A professional/support employee who has been notified in writing of his/her suspension without pay as a disciplinary measure, demotion or termination during the term of his/her contract or non-reemployment may notify the clerk of the board of education of the technology center within ten (10) working days of the postmark on the notice if the professional/support employee desires a hearing before the board of education. If the professional/support employee fails to notify the clerk of the board of education of the technology center in writing within ten (10) working days of the postmark on the notice that the professional/support employee requests a hearing, the professional/support employee shall be deemed to have waived the right to a hearing and the suspension without pay as a disciplinary measure, demotion or termination action shall be final and, in the case of a non-reemployment, the board may take final action to non-reemploy the employee without further notice or hearing rights.
- D. Hearing before board of education:
- i. Upon timely notice as set forth above, the professional/support employee shall be entitled to a hearing before the board of education. The hearing shall be conducted at the next, or next succeeding, regularly scheduled meeting of the board of education if the request for the hearing was received at least ten (10) days prior to the next, or next succeeding, regularly scheduled board of education meeting. At the request of the professional/support employee or at the discretion of the board of education, the board of education shall call a special meeting to conduct the requested hearing, which special meeting shall be held no earlier than ten (10) days nor later than thirty (30) days after receipt of the professional/support employee's request.
  - ii. At the hearing before the board of education, the professional/support employee shall be entitled to be represented by counsel, to cross-examine witnesses presented by the technology center, to present witnesses on his/her behalf and to present any relevant evidence or statement which the professional/support employee desires to offer. The hearing shall be conducted in "open" session. The hearing shall commence with a statement to the professional/support employee of his or her rights at the hearing. Following this statement, the technology center administration shall present facts showing the cause for the professional/support employee's suspension without pay as a disciplinary measure, demotion, termination or non-reemployment. The burden of proof shall be upon the technology center administration. The professional/support employee shall then have the right to present his/her side of the matter. After both the technology center administration and the professional/support employee have fully presented their respective positions, the board of education shall deliberate on the evidence in executive session. The board of education shall announce its findings and decision immediately in open session by individual voice vote. The decision

shall be made by a majority of the board of education members present at the meeting.

- iii. As to suspension as a disciplinary measure, demotion or termination, the board of education may affirm, modify or reverse the action taken against the professional/support employee, including increasing or decreasing the severity of the original action. As to non-reemployment, the board may reemploy or non-reemploy the employee for the subsequent fiscal year.
- iv. The decision of the board of education at the hearing shall be final and non-appealable.

7. Miscellaneous

This policy shall be effective immediately upon adoption by the board of education and shall supersede all previous policies regarding the subject matter contained herein. The board of education reserves the right to modify or amend this policy from time to time in any manner consistent with applicable law.

Nothing contained in this policy shall prevent the board of education from acting on its own volition in matters pertaining to suspension, demotion, dismissal or non-renewal of professional/support employees.

**PROFESSIONAL AND SUPPORT EMPLOYEE RULES FOR CONDUCT**

A support employee may be suspended, demoted, terminated or nonreemployed for violation of any of the following Rules for Conduct, as well as other standards of conduct included in school district policies:

1. Falsification of personnel or other records.
2. Unexcused failure to be at work station at starting time.
3. Leaving work station without authorization prior to lunch periods, or end of work day.
4. Abandonment of job (3 or more consecutive or non-consecutive absences in a rolling 6 month period without following the proper reporting procedures).
5. Unapproved or excessive absenteeism.
6. Chronic absenteeism for any reason.
7. Unapproved or excessive tardiness.
8. Chronic tardiness.
9. Wasting time or loitering during working hours.
10. Leaving work area during work hours, without permission, for any reason.
11. Possession of weapons on school premises<sup>1</sup>, in school district vehicles or while on duty.
12. Removing technology center property or records from the premises without proper authority.
13. Willful abuse, misuse, defacing, or destruction of technology center property, including tools, equipment, or property of other employees.
14. Theft or misappropriation of property of employees or students of the technology center.
15. Sabotage.

---

<sup>1</sup> Support personnel who are either (a) over the age of twenty-one (21) or (b) who are a military member or veteran and over age eighteen may possess a firearm in the school parking lot but that weapon must be stored in the employee's vehicle pursuant to Oklahoma law.

16. Distracting the attention of others.
17. Refusal to follow instructions of supervisor.
18. Refusal or failure to do work assignment.
19. Unauthorized operation of machines, tools, or equipment.
20. Threatening, intimidating, coercing or interfering with employees or supervisors.
21. Threatening, intimidating, coercing or exploiting students or others connected with the district.
22. The making or publishing of false, vicious, or malicious statements concerning any employee or supervisor.
23. Creating a disturbance on school premises including but not limited to engaging in quarrelsome behavior and fighting.
24. Creating or contributing to unsanitary conditions.
25. Actions or omissions that jeopardize the health, safety, life, or property of self or others.
26. Practical jokes injurious to other employees, students or technology center property.
27. Possession, consumption, or reporting to work under the influence of beer, alcoholic beverages (including wine), non-prescribed drugs, or controlled dangerous substances.
28. Disregard of known safety rules or common safety practices.
29. Unsafe operation of motor driven vehicles or equipment.
30. Operating machines or equipment without using the safety devices provided.
31. Gambling, lottery, or any other game of chance on technology center property.
32. Unauthorized distribution of literature, written or printed matter of any description on technology center property.
33. Posting or removing notices, signs, or writing in any form on bulletin boards of school district property at any time without specific authority of the administration.
34. Poor workmanship.
35. Immoral conduct or indecency including abusive and/or foul language.

36. Excessive personal calls during working hours, except for emergencies. This includes in-coming and out-going calls.
37. Walking off job.
38. Clocking in or out on another employee's time card or time sheet.
39. Smoking or using tobacco products in an unauthorized area, including the use of e-cigarettes, personal vaporizers and other similar devices, regardless of whether those devices are used with cartridges containing nicotine.
40. Refusal of job transfer, if the transfer does not result in a demotion.
41. Abuse of "breaks" (rest periods) or meal period policies.
42. Insubordination of any kind.
43. Dishonesty of any kind, including withholding pertinent information from a supervisor.
44. Wrongdoing of any kind.
45. Violation of a law or regulation.
46. Sexual harassment of an employee, a student or a third party such as a patron or vendor.
47. Engaging in discriminatory conduct (including discrimination based on race, religion, color, national origin, sex, sexual orientation, gender expression, gender identity, pregnancy, disability, genetic information, veteran status, or age) against an employee, student, or third party.
48. Violation of a policy or rule enacted to ensure orderly and proper job performance or for the safety of self or others.
49. Misuse or abuse of any technology center leave policy or guidelines.
50. Any intentional act or omission which constitutes a material or substantial breach of job duties, responsibilities or obligations.
51. Any conduct which the employee knew or should have reasonably known was a violation of school rules or policies.
52. When it is in the best interest of the technology center, any support personnel may be suspended, demoted, terminated or nonreemployed.
53. Because of the substantial difficulty of retaining competent support employees on a temporary basis over an extended period of time, a support employee shall be subject to termination or nonreemployment for inability to perform the essential job requirements if the employee is unable due to illness or accidental injury to return to work for his or her regularly scheduled hours

and to perform the essential duties of the position (with or without reasonable accommodation) within 12 work weeks or the number of work days equal to the employee's total accumulated sick leave days, whichever is longer, measured from the date of the first absence due to the condition resulting in the extended absence. The administration may, in its discretion, extend additional unpaid leave as an accommodation of a disability.

**RESIGNATION OF PROFESSIONAL AND SUPPORT EMPLOYEES**

Professional and Support employees may submit a written resignation from employment with the technology center at any time. The resignation must be written, dated, signed and specify the date upon which it is effective. The resignation must be mailed to the superintendent by certified mail, return receipt requested, or delivered to the superintendent's office. An acknowledgment of receipt of hand-delivered copies shall be placed on the face of the resignation.

The superintendent is authorized to accept the written resignation of any professional/support employee and shall advise the professional/support employee in writing that the resignation has been accepted. The superintendent shall advise the board of education of the professional/support employee's resignation and whether he/she has accepted the resignation.

Payment of final compensation shall be processed and disbursed at the scheduled times.



## **STUDENT RECORDS**

### Purpose

This policy and the procedures included within it are intended to satisfy the requirements of the Family Educational Rights and Privacy Act (FERPA) and Oklahoma law. The board of education authorizes the superintendent to inform parents of minor students, adult students and the public of the policy and to take appropriate action to implement the policy and procedures.

### Definitions

For purposes of this policy, the following definitions apply:

**Student** - Any individual who attends or has attended a program of instruction sponsored by the board of education of the technology center and for whom it maintains education records.

**Eligible student** - A student who has reached age 18 or is attending a postsecondary school.

**Parent** – A parent of a student, including a natural parent, a guardian or an individual acting as a parent in the absence of a parent or guardian. The technology center will assume that either parent has a right of access to records regardless of custody orders unless the technology center has been provided with evidence that the right of access has been revoked. Documents such as a court order or other legally binding document relating to such matters as divorce, separation or custody that specifically revoke the right to inspect and review records must be provided to the technology center to prevent parent access to student records.

**Education records** - Any record (in handwriting, print, computer media, video or audio tape, film, microfilm, microfiche or other method of recording information) directly related to a student and maintained by the technology center or a party acting for the technology center, except:

1. Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.
2. Records of a law enforcement unit of the technology center, but only if education records maintained by the technology center are not disclosed to the unit, and the law enforcement records are maintained separately from education records; maintained solely for law enforcement purposes; and disclosed only to law enforcement officials of the same jurisdiction.

3. An employment record made and maintained in the normal course of business that is not available for use for any other purpose and that relates exclusively to a student in his or her capacity as a technology center employee. (This provision does not include employment activities for which a student receives a grade or credit in a course.)
4. Records on an eligible student that are:
  - A. Made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in a professional capacity or assisting in a paraprofessional capacity;
  - B. Made, maintained or used only in connection with treatment of the student (treatment does not include remedial educational activities or activities that are part of the program of school instruction); and
  - C. Disclosed only to individuals providing the treatment.
5. Alumni records that relate to the student after he or she no longer attends classes provided by the technology center that are not directly related to the individual as a student.
6. Grades on peer-graded papers before they are collected and recorded by a teacher.

Personally identifiable information – The term includes, but is not limited to any information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community who does not have personal knowledge of the relevant circumstances to identify the student with reasonable certainty. The term also includes information requested by a person who the technology center reasonably believes knows the identity of the student to whom the education records relate. Personally identifiable information includes the student's name; the student's parents' or other family member's name; the student's or family's address; a personal identifier such as the student's social security number, student number or biometric record; and other indirect identifiers such as the student's date of birth, place of birth and mother's maiden name.

Dates of attendance -

1. The period of time during which a student attends or attended an educational agency or institution. Examples of dates of attendance include an academic year, a spring semester or a first quarter.
2. The term does not include specific daily records of a student's attendance at an educational agency or institution.

Directory information - Information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Student

identification numbers, if displayed on school ID badges, are also considered directory information *unless* the use of a password or PIN is required to authenticate the use of the ID number.

Authorized representative – An individual directly employed by a local or state educational agency, an entity designated by the local or state educational agency, or an individual employed by such entity engaging in audits, evaluations or any other compliance or enforcement activity.

Early childhood education program – Head Start or Early Head Start programs, state licensed or regulated childcare programs, and other similarly situated programs.

Education program – Elementary, secondary, postsecondary, career and technical institutes and schools or any program that is principally engaged in the provision of education.

### Annual Notice

The technology center will notify parents of minor students and eligible students annually of their rights under FERPA by means of a technology center newsletter, newspaper notice, school handbook or individual notice. The notice will inform parents of minor students and eligible students that they have the right to:

1. Inspect and review the student's education records. The notice will also identify the procedure for exercising this right.
2. Seek amendment of the student's education records that the parent of a minor student or eligible student believes to be inaccurate, misleading or otherwise in violation of the student's privacy rights. The notice will also identify the procedure for requesting amendment.
3. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA and its implementing regulations authorize disclosure without consent. The technology center will also include in the notice its policy for disclosing education records to schools in which the student subsequently seeks or intends to enroll, its criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.
4. File a complaint with the U.S. Department of Education concerning the technology center's alleged failure to comply with FERPA.

The technology center will arrange to provide translations of its annual notice to non-English speaking parents of minor students in their native language and to effectively notify parents of minor students or eligible students who are disabled.

All rights and protections given parents under FERPA and this policy transfer to the student when he or she reaches age 18 or enrolls in a postsecondary school. The student then becomes an "eligible student."

### The Right to Inspect and Review the Student's Education Records

Parents of minor students and eligible students may inspect and review the student's education records upon request. In some circumstances, it may be mutually more convenient for the record custodian to provide copies of records. The parent of a minor student or eligible student may also provide consent to have a representative inspect and review the records. Access will be provided during school hours and within no more than 45 days of the request.

Access to a student's confidential records will be provided upon request before any IEP meeting or hearing relating to the identification, evaluation or educational placement of a student or the provision of a free and appropriate education to the student and in all cases within no more than 45 days of a request.

The technology center will not withhold a parent's or eligible student's right to inspect and review student records because of debts owed the technology center.

The right to inspect education records also includes the right to an explanation and interpretation of the records by school officials.

Parents or eligible students should submit to the student's campus director a written request that identifies as precisely as possible the records he or she wishes to inspect. Since a student's records may be maintained in several locations, the campus director should offer to collect copies of records or the records themselves from site locations, so they may be inspected at one site. However, if parents of a minor student and eligible students wish to inspect records where they are maintained, the campus director will make every effort to accommodate their wishes. The campus director will make the needed arrangements as promptly as possible and notify the parent of a minor student or eligible student of the time and place where the records may be inspected.

When a record contains information about students other than the eligible student, the parent of a minor student or eligible student may not inspect and review the records of the other students.

The technology center is not required to give an eligible student access to treatment records (as defined by the term "education records" in the Definitions section of this policy), but the student may have those records reviewed by a physician or other appropriate professional of the student's choice.

### Provision of Records to Receiving Virtual Charter School

The technology center shall transmit a student's records to a virtual charter school within three (3) school days after receiving notice that the student has transferred to the virtual charter school.

### Copies of Records

The technology center will provide the parent of a minor student or eligible student with a copy of the student's education records under the following circumstances:

1. If mutually agreed by both the parent of a minor student or eligible student and the technology center.
2. If failure to provide copies would effectively prevent the parent of a minor student or eligible student from exercising the right to inspect and review the records. This may arise when a valid reason, such as working hours, the distance between record location sites or health, prevents a parent of a minor student or eligible student from personally inspecting and reviewing a student's education record.
3. At the request of the parent of a minor student or eligible student when the technology center has provided the records to third parties by the prior consent of the parent of a minor student or eligible student.
4. At the request of the parent of a minor student or eligible student when the technology center has forwarded the records to another school where the student seeks or intends to enroll.

The technology center will charge a fee for copies of education records. When a fee represents an unusual hardship, the record custodian may waive it in part or entirely. However, the technology center reserves the right to make a charge for copies such as transcripts it forwards to potential employers or to colleges and universities for employment or admissions purposes.

The technology center's fee for copies provided under FERPA will range from no cost to .25 per page (actual copying cost less hardship factor). The technology center will not charge for the costs of search and retrieval.

Types and Locations of Education Records in the Technology Center

<b>TYPES</b>	<b>LOCATION</b>	<b>CUSTODIAN</b>
Cumulative Records (current students)	Office of Assistant Superintendent	Central Office Administrative Professional
Cumulative Records (former Students)	Office of Assistant Superintendent	Central Office Administrative Professional
Occasional Records (Student Education Records not identified above, such as those in superintendent's office, in the technology center attorney's office or in the personal possession of instructors)	Office of the Superintendent	Business Manager

### Directory Information

The technology center designates the following information contained in a student's record as "directory information," and it will disclose that information without the prior written consent of the parent or eligible student:

1. The student's name;
2. The student's address;
3. The student's telephone listing;
4. The student's date and place of birth;
5. The student's dates of attendance;
6. The student's grade level (i.e., 11<sup>th</sup>, 12<sup>th</sup> grade, etc.);
7. The student's participation in officially recognized activities;
8. The student's degrees, honors and awards received;
9. The most recent educational agency or institution attended;
10. The student's photograph; and
11. The student's electronic mail address.

The technology center will notify parents of minor students and eligible students annually of the designated items of directory information by means of a technology center newsletter, newspaper notice, school handbook or individual notice. Parents of minor students and eligible students have the right to exclude directory information from public access by notifying the superintendent's office in writing of any or all of the items they refuse to permit the technology center to designate as directory information about that student. The student's records will be marked to indicate the items the technology center will designate as directory information about that student. This designation will remain in effect until it is modified by the written direction of the minor student's parent or the eligible student.

### Use and Disclosure of Student Education Records

Technology center officials may release information from a student's education record if the minor student's parent or the eligible student gives his or her signed and dated prior written consent for the disclosure. The written consent must:

1. Specify the records that may be disclosed;
2. State the purpose of the disclosure; and
3. Identify the party or class of parties to whom the disclosure may be made.

The technology center will only release information from or permit access to a student's education record with a minor student's parent or eligible student's prior written consent, except in the following instances permitted by FERPA:

1. The disclosure is to other technology center officials, including instructors, within the technology center whom the technology center has determined to have legitimate educational interests.

A technology center official is a person employed by the technology center as an administrator, supervisor, instructor, or support staff member, including health or medical staff and law enforcement unit personnel; a person serving on the board of education; a person or company with whom the technology center has contracted to perform a special task, such as an attorney, auditor, medical consultant or therapist; or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another technology center official in performing his or her tasks.

A technology center official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. The technology center will use reasonable methods to ensure that officials obtain access to only those education records in which they have legitimate educational interests. The technology center will ensure that its policy for controlling access to education records is effective and remains in compliance with the legitimate educational interest requirement of the FERPA regulations.

A contractor, consultant, volunteer or other party to whom the technology center has outsourced institutional services or functions may be considered a technology center official, provided that the outside party performs an institutional service or function for which the technology center would otherwise use employees; is under the technology center's direct control concerning the use and maintenance of education records; and is subject to the requirements of FERPA regulations governing the use and re-disclosure of personally identifiable information from education records.

2. The disclosure is to officials of another school, school system or institution of post-secondary education where the student seeks or intends to enroll or where the student is already enrolled so long as the disclosure is related to the student's enrollment or transfer. (Parents of minor students and eligible students have a right to obtain copies of the records disclosed under this provision).
3. The disclosure is to authorized representatives of the Comptroller General of the United States, the U.S. Secretary of Education, or State and Local Educational authorities. Military services representatives shall have access to student directory information unless the parent, legal guardian or the student age 18 or older specifically denies such access in writing. Military services representatives have the same access to secondary school students as is generally provided to post-secondary institutions or prospective employers unless denied in writing by the parent, legal guardian or student age 18 or older.

4. The disclosure is in connection with financial aid for which the student has applied or that the student has received, if necessary, to determine eligibility for the aid, the amount of the aid, the conditions for the aid, or to enforce the terms and conditions of the aid.
5. The disclosure is to organizations conducting studies for or on behalf of the technology center to develop, validate or administer predictive tests, administer student aid programs or improve instruction in compliance with Section 99.31(a)(6) of the FERPA regulations.
6. The disclosure is to accrediting institutions to carry out their accrediting functions.
7. The disclosure is to parents of a student if the parents claim the student as a dependent as defined in Section 152 of the Internal Revenue Code of 1986.
8. The disclosure is to comply with a judicial order or lawfully issued subpoena. The technology center will make a reasonable effort to notify a minor student's parents or the eligible student before making a disclosure under this provision unless:
  - A. the disclosure is in compliance with a federal grand jury subpoena and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed;
  - B. the disclosure is in compliance with any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed;
  - C. the disclosure is in compliance with an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning the investigation or prosecution of an offense listed in the Patriot Act or an act of domestic or international terrorism as defined by law;
  - D. the technology center initiates legal action against a parent or student, the technology center may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the technology center to proceed with the legal action as plaintiff; or
  - E. the parent or eligible student initiates legal action against the technology center, the technology center may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the technology center to defend itself.
9. The disclosure is to appropriate parties in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. In making this determination, the



technology center may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If the technology center determines that there is an articulable and significant threat, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals.

10. The disclosure contains only “directory information” as defined in this policy, and the parent of a minor student or eligible student has not refused to allow the technology center to designate that item as directory information for the student.
11. The disclosure is made directly to the parent of a minor student or eligible student.
12. If a state law adopted before November 19, 1974, allows certain specific items of information to be disclosed in personally identifiable form from student records to state and local officials or authorities concerning the juvenile justice system and the system's ability to effectively serve the student whose records are released or if a state law adopted after November 19, 1974, allows such information to be disclosed to state or local officials concerning the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released.

Prior to the release of education records without a parent or eligible student’s advance written consent, the technology center will require an authorized representative of the entity receiving the records to complete a written agreement. The agreement will state, at a minimum:

- the identity of the authorized representative
- the specific personally identifiable information that is to be disclosed
- a clear description of the activity and purpose for the disclosure
- the authorized representative will not re-disclose the personally identifiable information
- the authorized representative will destroy the personally identifiable information within the time set forth in the agreement

The technology center will use reasonable methods to identify and authenticate the identity of parents, students, school officials and any other parties to whom the technology center discloses personally identifiable information from education records.

Upon request, the minor student's parent or eligible student may obtain a copy of any records disclosed under this provision.

#### Record of Requests for Access and Disclosures Made From Education Records

The technology center will maintain an accurate record of each request for access to and each disclosure of personally identifiable information from the education records of each student. The technology center will maintain this record with the student’s education records as long as the records are maintained.

For each request or disclosure the record will include:

1. The name of the party who requested or received personally identifiable information from the education records; and
2. The party's legitimate interests in requesting or obtaining the information.

The technology center will record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception in FERPA:

1. The articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and
2. The parties to whom the technology center disclosed the information.

As permitted by FERPA, the technology center may disclose personally identifiable information from an education record only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior consent of the minor student's parent or eligible student. The technology center will inform a party to whom such disclosure is made of this nondisclosure requirement.

In the alternative, the technology center may disclose personally identifiable information with the understanding that the party receiving the information may make further disclosure of the information on the technology center's behalf if:

1. The disclosures meet the requirements of the Use and Disclosure of Student Education Records section of this policy (§99.31);
2. The technology center makes a record of the disclosure that includes the names of the additional parties to whom the receiving party may disclose the information on the technology center's behalf and the legitimate interests each additional party has in requesting or obtaining the information (§99.32(b)); and
3. The technology center maintains a record of the names of state and local educational authorities and federal officials and agencies that may make further disclosures of personally identifiable information from the student's education records without prior written consent and maintains this record with the student's education records as long as the records are maintained (§99.32(b)(2)).

#### Procedures to Seek to Correct Education Records

Parents of minor students and eligible students have a right to seek to change any part of the student's record they believe is inaccurate, misleading or in violation of student rights. The technology center will not use this procedure to consider a request to change the grade a teacher assigns for a course.

For purposes of outlining the procedure to seek to correct education records, the term "incorrect" will be used to describe a record that is alleged to be inaccurate, misleading or in violation of student rights. The term "correct" will be used to describe a record that is alleged to be accurate, not misleading and not in violation of student rights. Also, in this section, the term "requester" will be used to describe the parent of a minor student or the eligible student who is asking the technology center to correct a record.

To establish an orderly process to review and correct an education record for a requester, the technology center may make a decision to comply with the request for a change at several levels in the procedure.

First level decision - When a parent of a minor student or eligible student finds an item in the student's education record that he or she believes is incorrect, he or she should immediately ask the record custodian to correct it. If the record is incorrect because of an obvious error and it is a simple matter to make the record change at this level, the record custodian will make the correction. However, if the record is changed at this level, the method and result must satisfy the requester.

If the custodian cannot change the record to the requester's satisfaction or the record does not appear to be obviously incorrect, the custodian will provide the requester a copy of the questioned record at no cost; ask the requester to initiate a written request for the change; and follow the procedure for a second level decision.

Second level decision - The written request to correct a student's education record through the procedure at this level should specify the correction the requester wishes the technology center to make. It should at least identify the item the requester believes is incorrect and state whether he or she believes the item: is inaccurate and why; is misleading and why; or violates student rights and why. The requester must sign and date the request.

Within two weeks after the record custodian receives a written request, he or she will: study the request, discuss it with other school officials (such as the person who made the record or those who may have a professional concern about the technology center's response to the request), make a decision to comply or decline to comply with the request and complete the appropriate steps to notify the requester or move the request to the next level for a decision.

If, as a result of this review and discussion, the record custodian decides the record should be corrected, he or she will effect the change and notify the requester in writing that he or she has made the change. Each such notice will include an invitation for the requester to inspect and review the student's education record to make certain the record is in order and the correction is satisfactory.

If the custodian decides the record is correct, he or she will make a written summary of any discussions with other officials and of his or her findings in the matter. He or she will transmit this summary and a copy of the written request to the superintendent.

Third level decision - The superintendent or designee will review the material provided by the record custodian and, if necessary, discuss the matter with other officials (such as the technology center attorney or the board of education (in executive session)). He or she will then make a decision concerning the request and complete the steps at this decision level. Ordinarily, this level of the procedure should be completed within two weeks. If it will take

longer, the superintendent or designee will notify the requester in writing of the reasons for the delay and a date when the decision will be made.

If the superintendent or designee decides the record is incorrect and should be changed, he or she will advise the record custodian to make the changes. The record custodian will advise the requester of the change as he or she would if the change had been made at the second level.

If the superintendent or designee decides the record is correct, he or she will prepare a letter to the requester which will include:

1. The technology center's decision that the record is correct and the basis for the decision;
2. A notice to the requester that he or she has a right to ask for a hearing to present evidence that the record is incorrect and that the technology center will grant such a hearing;
3. Instructions for the requester to contact the superintendent or designee to discuss acceptable hearing officers, convenient times and a satisfactory site for the hearing. (The technology center will not be bound by the requester's positions on these items, but will, so far as possible, arrange the hearing as the requester wishes.); and
4. Advise that the requester may be represented or assisted in the hearing by other parties, including an attorney at the requester's expense.

Fourth level decision - After the requester has submitted (orally or in writing) his or her wishes concerning the hearing officer and the time and place for the hearing, the superintendent or designee will, within a week, notify the requester when and where the technology center will hold the hearing and who it has designated as the hearing officer.

At the hearing, the hearing officer will provide the requester a full and reasonable opportunity to present material evidence and testimony to demonstrate that the questioned part of the student's education record is incorrect, as shown in the requester's written request for a change in the record (second level).

Within one week after the hearing, the hearing officer will submit to the superintendent or designee a written summary of the evidence submitted at the hearing. Along with the summary, the hearing officer will submit his or her recommendation, based solely on the evidence presented at the hearing, that the record should be changed or remain unchanged.

The superintendent or designee will prepare the technology center's decision within two weeks of the hearing. That decision will be based on the summary of the evidence presented at the hearing and the hearing officer's recommendation. However, the technology center's decision will be based solely on the evidence presented at the hearing. Therefore, the superintendent or designee may overrule the hearing officer if he or she believes the hearing officer's recommendation is not consistent with the evidence presented. As a result of the technology center's decision, the superintendent or designee will take one of the following actions:

1. If the decision is that the technology center will change the record, the superintendent or designee will instruct the record custodian to correct the record. The record custodian will correct the record and notify the requester as at the second level decision.
2. If the decision is that the technology center will not change the record, the superintendent or designee will prepare a written notice to the requester, which will include:
  - A. The technology center's decision that the record is correct and will not be changed;
  - B. A copy of a summary of the evidence presented at the hearing and a written statement of the reasons for the technology center's decision; and
  - C. A notice that the requester may place in the student's education record an explanatory statement that states the reasons he or she disagrees with the technology center's decision and/or the reasons he or she believes the record is incorrect.

Final administrative step in the procedure - When the technology center receives an explanatory statement from a requester after a hearing, it will maintain that statement as part of the student's education record as long as it maintains the questioned part of the record. The statement will be attached to the questioned part of the record, and whenever the questioned part of the record is disclosed, the explanatory statement will also be disclosed.

### Complaints

If a parent of a minor student, an eligible student or a citizen of the technology center believes that the technology center is violating FERPA, that person has a right to file a complaint with the Department of Education. The contact information is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-5091  
Telephone: (202) 260-3887

### Availability of policy

Copies of this policy will be available for the parent of a minor student and eligible student review in the campus director's office of each technology center site and in the superintendent's office.

## **Notification of Rights Under FERPA**

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that affords parents of minor students and “eligible students” over 18 years of age certain rights with respect to the student's education records. They are:

1. The right to inspect and review the student's education records within 45 days from the day the technology center receives a request for access.

Parents of minor students or eligible students must submit a written request to the campus director or appropriate technology center official that identifies the record(s) they wish to inspect. This administrator will make arrangements for access to the education records and will notify the parent of a minor student or eligible student of the time and place where these records may be inspected.

2. The right to request correction of the student's education records that the parent of a minor student or eligible student believes inaccurate, misleading or otherwise in violation of the student's privacy rights.

Parents of minor students or eligible students may ask the technology center to amend a record they believe is inaccurate, misleading or otherwise in violation of the student's privacy rights. They must submit a written request to the campus director or appropriate technology center official, clearly identify the part of the record they want changed, and specify why it is inaccurate, misleading or otherwise in violation of the student's privacy rights.

If the technology center decides not make changes in the record as requested, the technology center must notify the minor student's parent or eligible student of the decision and advise them of their right to a hearing regarding the request for correction. Additional information about hearing procedures will be provided to the minor student's parent or eligible student at the time of this notification.

3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent (34 CFR § 99.31).

Technology center officials with legitimate educational interests are permitted disclosure without consent. An official is a person employed by the technology center as an administrator, supervisor, instructor, or support staff member, including health or medical staff and law enforcement unit personnel; a person serving on the board of education; a person or company with whom the technology center has contracted to perform a special task, such as an attorney, auditor, medical consultant or therapist; or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another official in performing his or her tasks.

An official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the technology center will disclose education records without consent to officials of another technology center in which a student seeks or intends to enroll.

Technology centers may disclose, without consent, “directory” information; however, the technology center must inform parents and eligible students about directory information, allowing them a reasonable amount of time to request that the technology center not disclose directory information about that student.

Technology centers must notify parents of minor students and eligible students annually of their rights under FERPA by means of a special letter, bulletin, student handbook and/or other means left to the discretion of each technology center.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the technology center to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-5901

### **DIRECTORY INFORMATION NOTICE**

The Family Educational Rights and Privacy Act (FERPA), a federal law, requires that the technology center, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your or your minor child's education records. However, the technology center may disclose appropriately designated "directory information" without written consent, unless you have advised the technology center to the contrary in accordance with technology center procedures. The primary purpose of directory information is to allow the technology center to include this type of information from education records in certain school publications. Examples include:

- Recognition lists;
- Graduation programs; and
- Press releases.

Two federal laws require local educational agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) as reauthorized by the Every Student Succeeds Act (ESSA) of 2015 to provide military recruiters, upon request, with three directory information categories – names, addresses and telephone listings – unless parents have advised the LEA that they do not want their minor child's information disclosed without their prior written consent. Directory information will not be released to outside organizations for commercial or non-commercial purposes.

If you do not want the technology center to disclose directory information from your or your minor child's education records without your prior written consent, you must notify the superintendent in writing. The technology center has designated the following information as "directory information," and it will disclose that information without prior written consent:

1. The student's name;
2. The student's address;
3. The student's telephone listing;
4. The student's date and place of birth;
5. The student's dates of attendance;
6. The student's grade level (i.e., 11<sup>th</sup> grade, 12<sup>th</sup> grade, etc.);
7. The student's degrees, honors and awards received;
8. The most recent educational agency or institution attended;
9. The student's photograph; and
10. The student's electronic mail address.

No parent or eligible student can opt out of the requirement that a student wear his or her ID badge which shows the student's school ID number.



**Agreement for Receipt of  
Records Containing Personally Identifiable Information**

**Name of Entity Receiving Records:** \_\_\_\_\_

**Authorized Representative:** \_\_\_\_\_

**Activity or research being conducted which necessitates the disclosure of records:**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Records to be disclosed:**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Personally identifiable information contained in disclosed records:**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Initials**

\_\_\_\_\_ I acknowledge that the records being released to me contain personally identifiable information regarding a student of the school district.

\_\_\_\_\_ I agree, as a representative of \_\_\_\_\_ that this information will not be re-disclosed.

\_\_\_\_\_ I further agree, as a representative of \_\_\_\_\_ that this information will be destroyed on or before \_\_\_\_\_. The method of destruction will be: \_\_\_\_\_.

I certify that I am an authorized representative of: \_\_\_\_\_  
On behalf of the entity, I agree to abide by the terms and conditions set forth in this agreement.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## **DOCUMENT RETENTION**

The district will maintain all documents and records in a manner consistent with current legal requirements and administrative best practices. School employees are required to treat confidential information appropriately and to take reasonable precautions to ensure that private information is not unnecessarily disclosed to those who do not need such access. Health records will always be stored separately from other student and employee files.

Paper records will be stored in secure locations based on the sensitivity of the information. Electronic records will be properly secured and will be archived with adequate safeguards implemented to ensure that technological advancements do not cause the records to become inaccessible. The district's technology director will regularly evaluate the district's overall document retention program to determine whether the district's retention practices are current. The technology director is responsible for making recommendations regarding the program as needed to the superintendent.

No document will be destroyed if it pertains to a pending claim, even if the document was otherwise scheduled for destruction.

### Education Operations

The Superintendent is responsible for maintaining adequate records to effectively plan, operate, evaluate, and make required reports on the district's education program. These records will be maintained as long as the Superintendent determines appropriate based on the specific records.

### Student Records

All student education records will be maintained in compliance with the district's policy regarding FERPA. In addition to those standards, school personnel will comply with the following document retention standards:

- Student Transcripts

The Assistant Superintendent is responsible for maintaining student transcripts for 80 years from the student's last day of enrollment in the district. The transcript shall contain the following information:

- Name
- Address
- Telephone listing
- Date / place of birth
- Inventory of courses taken, with grades
- GPA and/or class rank

- All academic and extracurricular honors and awards received
  
- Medical
 

The Assistant Superintendent is responsible for maintaining medical records. Medical records include items such as immunization verifications, allergy or diabetes plans, and child abuse reports. These records will be maintained 5 years from the student's last date of enrollment.
  
- Special Education
 

The special education director is responsible for maintaining special education records. All special education records will be retained for 5 years from the student's last date of special education services. Sixty days prior to destroying any special education record, the district will notify parents and eligible students of their right to retrieve the records rather than having the records destroyed.
  
- Other
 

All other student records will be retained for 5 years from the student's last day of attendance in the district. The Assistant Superintendent is responsible for overseeing maintenance and destruction of these records. Thirty days prior to destroying these records, the district will notify parents and eligible students of their right to retrieve the records rather than having the records destroyed. This notification will occur by notice to the parent/student's<sup>1</sup> last known email or physical address.

#### Board Records and District Financial Records

The Business Manager is responsible for permanently maintaining all board agendas and minutes, as well as the deeds and titles to all district owned real property.

The Business Manager is also responsible for maintaining records related to the district's banking transactions and all federal and state program expenditures. The duration of records retained under this section will be determined by the schedule maintained in The Business Manager's office.

#### Employee Records

The Business Manager is responsible for retaining employee records. These records include wage and hour information, routine personnel records, and drug/alcohol testing records. The duration of records retained under this section will be determined by the schedule maintained in The Business Manager's office.

#### Electronic Records

---

<sup>1</sup> Destruction notices will be sent to the parent/guardian if the records pertain to a minor. Notices will be sent to the student if the records pertain to an individual who is over age 18.

All district emails will be retained as long as is practical given the district's technology constraints.

**TRANSFER AND RELEASE  
OF CONFIDENTIAL INFORMATION**

The technology center adopts this policy pursuant to OKLA. STAT. tit. 10 § 620.5.

For purposes of this policy, "confidential information" means any information regarding a student receiving services supported in whole or in part by state or federal funds, a family member of such student, or other persons residing in the home of such student, and which is required by state or federal law or regulation to be maintained in a confidential manner.

The technology center will transfer and release confidential information in accordance with this policy to:

1. The Department of Human Services;
2. The Department of Mental Health and Substance Abuse Services;
3. The State Department of Health;
4. The State Department of Education;
5. The State Department of Vocational and Technical Education;
6. The Oklahoma Commission on Children and Youth;
7. The J.D. McCarty Center for Handicapped Children;
8. The Department of Corrections;
9. Private agencies receiving public funds pursuant to a grant or contract with one of the agencies listed in (1) through (8) and providing institutional, community residential or community-based services to children and families as defined by OKLA. STAT. tit. 10 § 1101;
10. Persons and agencies subject to the rules promulgated by the agencies listed in (1) through (8); and
11. Statutorily-constituted juvenile bureaus.

Unless otherwise permitted by state or federal law or regulation, confidential information will only be released to the above-described entities pursuant to (1) a court order or (2) an informed consent that has been executed by (a) the parent or guardian of the minor student or other person authorized by state or federal law to execute such consent, if the subject of the confidential information is a student or (b) the individual who was the subject of the confidential

information or other person authorized by law to execute such consent on his or her behalf, if the subject of the confidential information is an adult. The technology center will use the State of Oklahoma Standard Form Consent for the Release of Confidential Information.

The technology center will follow the rules promulgated by the State Department of Education or the Oklahoma Department of Career and Technology Education for authorizing access to confidential information for the purpose of gathering statistical information or conducting studies or researches otherwise authorized by law.

The technology center shall charge \$.25 per page for all copies made pursuant to this policy plus the actual cost of mailing the copies.

## **OPEN RECORDS**

The board of education adopts this policy in connection with the Oklahoma Open Records Act (the "Act").

### Philosophy

The technology center, as a tax supported institution, recognizes that the public has a right to be fully informed concerning its operations. The board strongly believes that informed citizens are vital to the successful functioning of the democratic government process which this technology center desires to exemplify to its students.

In order to achieve these goals, the board of education hereby states that all records of the technology center, except those records designated as confidential in this policy, or, otherwise, as required by federal or state law, shall be open to any person for inspection, copying and/or mechanical reproduction during regular business hours. All persons requesting the right to inspect non-confidential records of the technology center shall be accorded prompt access to those records.

### Confidential Records Not Available for Inspection

As permitted by the Act, the technology center hereby designates the following records as confidential and not open for public inspection:

1. Records which can be kept confidential under federal or state law.
2. Personnel records which relate to internal personnel investigations including examination and selection material for employment, hiring, appointment, promotion, demotion, discipline or resignation.
3. Personnel records where disclosure would constitute a clearly unwarranted invasion of personal privacy such as employee evaluations, payroll deductions, and employment applications submitted by persons not hired, and transcripts from institutions of higher education.
4. Bid specifications for competitive bidding prior to publication; contents of sealed bids prior to bid opening; computer programs or software (but not the data thereon); and appraisals relating to the sale or acquisition of real estate prior to the award of a contract – if disclosure would give an unfair advantage to competitors or bidders.
5. Personal communications received from a person exercising rights secured by the Oklahoma or United States Constitution, except for the fact that a communication has been received and that it is or is not a complaint. Any

response to such personal communications shall be confidential only to the extent necessary to protect the identity of the person exercising the right.

6. Individual student records, except for: (a) statistical information not identified with a particular student if such information is maintained in a composite form and (b) directory information as defined in the Act, if, pursuant to the Family Educational Rights and Privacy Act that information (i) has been designated by the school district as directory information and (ii) parents have been notified of and have not exercised their non-release rights.
7. Instructor lesson plans, tests and other teaching materials.
8. Personal communications concerning individual students.
9. Personal notes and personally created materials, when made prior to taking action, making a recommendation or issuing a report. Confidentiality does not extend to departmental budget requests prepared as an aid to memory or research leading to the adoption of a public policy or the implementation of a public project.
10. The home address of any person employed or formerly employed by the technology center.
11. The home telephone number of any person employed or formerly employed by the technology center, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

#### Records Custodian

The board of education hereby designates its business manager or if such person is not available during regular business hours, then its superintendent as the person authorized to release non-confidential public records for inspection, copying or mechanical reproduction.

Under Oklahoma law, the board clerk is the custodian of the technology center's copy of required school board election related filings. Copies of these documents can be obtained by making a request through the clerk's designee, the business manager.

#### Fees for Records and for Search for Records

The following fees shall be charged for records reproduction and any compensable search for records:

*Paper Production:*

8 ½" x 11"	\$.25 per copy
8 ½" x 14"	\$.25 per copy
11" x 17"	\$.50 per copy

*Electronic Production:*

Document conversion (TIFF or PDF)	\$.25 per page
-----------------------------------	----------------



In addition to the costs noted above, when a request for public records would clearly cause excessive disruption of the technology center's essential functions or is solely for commercial purpose the technology center will charge a reasonable search fee equaling the actual hourly cost to the technology center. This cost includes the base salary, benefits, taxes, burdens, and retirement contributions paid by the technology center for the employee(s) involved in the search. The requestor will be charged this hourly rate for all search time, review time, and, if necessary, time spent redacting records prior to production.

The technology center does not consider publication in a newspaper or broadcast by news media as resale or use of data for trade or commercial purpose. However, the technology center shall charge the news media and others the direct cost of copying electronic data.

A search fee shall not be charged when the release of documents is in the public interest, including, but not limited to, release to the news media, scholars, authors and taxpayers seeking to determine whether those entrusted with the affairs of the government are honestly, faithfully, and competently performing their duties as public servants.

Costs associated with reproduction of public records shall be paid by, or on behalf of the requestor, at the time documents requested are to be picked up. In the event of a large records request or a request that involves an outside cost to the technology center, the school may request a deposit, to be set by the records custodian, to be made at the time of the request.

#### Request for Records

Requests for public records shall be made to the attention of the superintendent or the records custodian. The request shall identify with specificity the record or records sought. Where the request for records is unclear or confusing, the records custodian may request that the requestor provide a more precise explanation or description of the records requested. The technology center shall produce records requested promptly, taking into consideration the accessibility of the record, the number and type of records requested, and the press of school business.

An individual requesting public records, pursuant to the Act, is requested to use the technology center's request form to expedite the processing of the request.

#### Appeal of Denial of Records

If inspection of documents designated as confidential is denied, the person requesting access to such documents shall have a right to appeal the denial to the superintendent.

**OPEN RECORDS ACT SCHEDULE OF FEES**

Black & white copy (not exceeding 8.5 x 14" in size)	<i>.25 per page</i>
Color copy (not exceeding 8.5 x 14" in size)	<i>Actual cost</i>
Certified copy	<i>\$1.00 per page</i>
Oversized copy (exceeding 8.5 x 14")	<i>Actual cost</i>
Video tape or DVD copy <sup>2</sup>	<i>\$10.00 per tape</i>
Audio tape or CD copy <sup>3</sup>	<i>\$10.00 per tape</i>
Mailing fee (if mail delivery is requested)	<i>Actual cost</i>
Research fee (for research, review, and redacting which exceeds 15 minutes)	<i>Actual cost</i>
Electronic data conversion (TIFF or PDF)	<i>\$.25 per page</i>

---

<sup>2</sup> For each video tape or DVD copy requested, requestor must supply a new, blank standard VHS tape or DVD.

<sup>3</sup> For each audio tape copy requested, requestor must supply a new, blank standard audio cassette tape(s) or CD. No mini-audio cassette tapes will be accepted.

**STUDENT ADMISSION POLICY AND PROCEDURES FOR  
FULL-TIME PROGRAMS**

The purpose of this policy is to set out the eligibility requirements and guidelines for admitting students to the technology center. It is the policy of the board of education that no person shall, on the grounds of race, color, sex, national origin, religion, disability, veteran status, sexual orientation, or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to, discrimination under any education program or service or any other activity for which the board is responsible.

Secondary students residing within the technology center district must be enrolled in a high school or participate in a home-school curricular program in order to attend a technology center program tuition free. Adult students residing within the technology center district will be charged in-district tuition.

Secondary and adult students residing outside of the technology center district shall be charged out-of-district tuition.

All secondary and adult students must complete an application process to be considered for enrollment. All students are admitted to career programs based on their interest, indicators of ability to succeed in their chosen occupation, aptitude and prior performance in school and work. In addition, other factors may be considered that affect the student's ability to fully participate or complete a program, or to obtain professional credentials at the program's conclusion.

Students may be admitted to specified programs on an advanced standing status provided they meet certain criteria.

Procedures

The purpose of these procedures is to establish written guidelines to be followed if a person seeks to appeal a decision to deny him/her admission to a full-time program pursuant to the board's above policy.

General Information

Any person seeking admission to the technology center or to a full-time program has the right to appeal a denial of admission as set forth in these procedures. The purpose of these guidelines is to provide due process procedures for the appeal of admission denial decisions. All aspects of the appeal process shall be kept confidential. Only those individuals directly involved are to have access to any names or information. No reprisals of any kind shall be taken by the administration, faculty or any employee against any person seeking admission because the person is involved directly or indirectly in an appeal. Unless otherwise mutually agreed, the time limitations for appeal are binding on both the person seeking admission and the technology center.

## Filing an Appeal

A person denied admission shall file a written request for an admission appeal hearing on an approved form. The appeal hearing request shall be filed with the superintendent if admission is denied to the technology center or with the campus director if admission is denied to a program. This request form must be filed within five (5) school days after receipt of notification of denial of admission to the technology center or a program. The request form for an appeal hearing must be completed with the following: (1) a brief statement of the basis for the appeal; and (2) a statement why the person appealing believes the decision was incorrect.

## Appeal Hearing

Within fifteen (15) school days of the receipt of the appeal request form, the superintendent or the campus director, as appropriate to the appeal, will convene a meeting of the appeal committee. The appeal committee consists of:

1. Voting members:
  - A. Chairperson is the superintendent (or designee) if admission is denied to the technology center. If admission is denied to a program, the campus director will serve as chairperson.
  - B. The assistant superintendent for instructional services.
  - C. A representative from the personnel department.
2. Non-voting member: recording secretary appointed by the chairperson.

Notice of the date, time and place for the appeal hearing shall be sent by U.S. Certified Mail to the person seeking admission or parent/guardian of secondary students under 18 years of age seeking admission. The appeal hearing will be closed. Only members of the appeal committee, the person seeking admission, parent/guardian of a secondary student under 18 years of age seeking admission, the person the complaint is against, and that person's supervisor, may be present for the entire meeting. The appeal hearing shall provide an opportunity for the person seeking admission to present a statement. The appeal committee will make a decision regarding the appeal by secret ballot. The recording secretary will record the votes in the minutes and give the results to the chairperson who will announce the results. Written notification will be sent by U.S. Certified Mail to the appellant. Minutes will be made available to the student or parent/guardian upon written request to the appeal committee chairperson. The decision of the appeal committee is final.

## **ENROLLMENT FOR THOSE CONVICTED OF FELONIES**

Although the technology center exists to provide educational opportunities, certain circumstances require careful review and consideration prior to student enrollment at the center. No person seeking admission will be unilaterally excluded solely on the basis of a felony conviction, but those with felony convictions are subject to administrative review. This review will seek to determine whether the individual poses a threat to other students or staff and will educate the potential student regarding limited employment opportunities in certain fields due to the felony conviction.

Any currently-enrolled student who is charged with a felony must promptly disclose the charges to the campus director.

All situations will be evaluated on a case-by-case basis.

### Administrative Review Process

Upon learning that an individual with a felony conviction has applied for enrollment at the technology center, an administrator will determine the nature of the crime, the applicant's version of the events, the amount of time which has passed since the crime was committed, rehabilitation which has occurred since the crime, the applicant's current status with the court system and any other factor deemed to be relevant to the specific circumstances.

### Career Counseling

Certain careers, especially health related careers, often prohibit licensure/employment of individuals who have been convicted of:

- Violent crimes (e.g., murder, assault, armed robbery)
- Sex crimes of any nature or kind
- Manufacture, sale or possession of drugs with intent to distribute
- Child or elder abuse

Because many clinical sites will not permit a convicted felon from participating in clinicals, enrollment in such a program will not be permitted due to a student's inability to complete the program requirements.

### Registered Sex Offenders

Individuals seeking admission to the technology center must disclose their status as a registered sex offender. A failure to make this disclosure will result in removal from the technology center. Applications for admission by registered sex offenders will be reviewed for the purpose of determining whether admission is in the best interest of other students

and the center. In any instance involving the admission of a registered sex offender, the student will be subject to specific guidelines, provided by the superintendent. These guidelines will govern the student's school enrollment, attendance, and participation in school activities. Violation of administrative guidelines issued to the student will result in the student's removal.

## **MINOR STUDENT RESIDENCY**

The technology center 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 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 technology center 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.

### Procedure for Resolving Residency Disputes

The technology center recognizes that there may be occasions when there is a dispute regarding residency. Upon enrollment in the school the technology center will verify that the student is a resident of the district or is otherwise entitled to attend school at the technology center for any reason authorized by law. As a part of this verification process the technology center 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 technology center 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 technology center may also require, in order to verify residency, certified copies of court orders, guardianship documents, written agreements and any other information the technology center deems relevant.

If at any time a technology center 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 technology center'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 technology center shall include but not be limited to proof of provision of utilities, payments of ad valorem taxes, local agreements or contracts for purchasing/leasing housing, driver's licenses, income tax returns, notes, mortgages, contracts and any other source of proof that is not in 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 technology center. 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 technology center's criteria and the statutory provisions regarding residency. This information must be submitted with the request for review.
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 technology center 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 administrators and 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 is the Superintendent.

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 technology center. For any period during which a student is enrolled at the technology center, but is not a resident of the district, the technology center 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 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 technology center 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 technology center shall provide for educational services for homeless children as required by law.

The technology center 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**

### Definitions

“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 are 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.

### Enrollment, Records and Immunizations

Federal law 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 technology center’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. The technology center 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 technology center’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 technology center 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 technology center will notify the student or his/her family of these procedures and provide the student/family with a copy of this policy.

2. The technology center will promptly notify the technology center'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 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.
5. Students/families who are still dissatisfied with a decision regarding the student's education may file a written appeal with the superintendent within five (5) days of receipt of the coordinator's plan. The superintendent will meet with the student/family within five (5) days of receipt of the appeal. The superintendent will issue a decision within five (5) days of the meeting with the student/family. The superintendent will also notify the student/family of the right to appeal to the board of education.
6. 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'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 technology center 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.

## **Special Definitions and Procedures Applicable to 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 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**

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 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**

The technology center 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 technology center will promptly enroll the transitioning military child. However, upon enrollment, the technology center will request official educational records and transcripts from the school in the sending state. The technology center’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.

### Course Level and Educational Program Placement

To the extent that this technology center is in a receiving state, the technology center may subsequently perform course placement and educational program evaluations of a transitioning military student. However, the technology center 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. The technology center will make these accommodations whether or not the student has fulfilled the necessary prerequisites in the sending or the receiving state.

### Extracurricular Activities

When appropriate, the technology center 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 technology center 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 district other than that of the custodial parent if the parent or other person standing in loco parentis lives within the boundaries of this technology center.

Reference: 42 U.S.C. § 11301 *et seq.*  
OKLA. STAT. tit. 70, §§ 1-113, 510.1

## **STUDENT ATTENDANCE**

It is the policy of the technology center board of education that students be informed of expectations regarding their attendance. Attendance patterns established during school days are a major criteria utilized by employers in evaluating potential employees. Employers specify that they need employees who are at work and on time every days. Therefore, students are encouraged to establish a good attendance pattern. Secondary students and parents will be required to sign a form at the beginning of the school year stating they have read and understood the attendance policy and procedures. Adult students will be required to sign a form at the beginning of the school year stating they have read and understood the attendance policy and procedures.

### **Procedures For Secondary Students**

#### **Student Attendance Records – Maintenance and Storage**

Attendance is recorded daily by the instructor and a cumulative record of attendance is maintained in the campus administrative office. This information is maintained in a permanent record. Secondary students must have the parent/guardian call the attendance office to report any attendance activity involving absences or leaving class early.

#### **Absence**

An absence is defined as missing more than 30 minutes of class time.

#### **Tardies**

A tardy is defined as arriving past the designated start times of the class. Any tardy that extends beyond 30 minutes of class time is counted as an absence. Three (3) tardies are counted as an absence. A pattern of excessive tardies may result in disciplinary action.

#### **Truancy**

A secondary student is considered to be truant if he/she intentionally fails to comply with the mandatory Oklahoma School Attendance Law. If a student is truant, no make-up work will be allowed, and a grade of zero (0) will be issued for the time the student is truant. Additional disciplinary action may be taken.

#### **Leaving Class Early**

Any student who leaves less than 30 minutes before the designated end of class time will be counted as tardy.

### Make-Up Work

Students are expected to make up the work missed while they were absent. It is the responsibility of the student to contact the instructor and make arrangements to complete the work missed. No penalty will be assessed if the work is made up within two (2) days for each day missed. Make-up work shall be meaningful and relevant to the course missed. Some situations may require more time due to the nature of the career program. In these cases, the instructor will set the completion date for the make-up work.

### Withdrawal from Career Program

A request to withdraw from class should be initiated through the instructor and the counselor. Secondary students must obtain permission from a parent/guardian and the student's high school principal to withdraw. Final approval of student withdrawal will be made by the campus director. Secondary students may be withdrawn from class upon the request of the student's sending school. Secondary students are automatically withdrawn after ten (10) consecutive days of absence if there has been no contact with the school by the student or his/her parents. Secondary students who do not meet minimum career program or certification attendance requirements may be withdrawn from a career program. Withdrawal does not relieve students of obligations related to textbooks, tools, equipment and payment of outstanding fees.

### Operational Procedures for Absences from Full-Time Secondary Career Programs

The absences addressed in the following steps are per semester for career programs operating on a fall-spring semester basis. The following steps shall be utilized when dealing with student attendance:

1. After the equivalent of three (3) to five (5) absences, the parent or guardian will be contacted with supporting documentation and the instructor conferences with student.
2. After the equivalent of six (6) to nine (9) absences, the parent or guardian will be contacted with supporting documentation and the counselor/administrator conferences with student. The counselor/administrator schedules a conference with student and parent/guardian to place student in an attendance probationary contract outlining expectations and consequences.
3. After the equivalent of ten (10) absences, a student who violates the attendance probationary contract will be automatically withdrawn from the career program for violation of the attendance policy.

### Appeal

If a student is dismissed due to a violation of the attendance policy, the student may appeal the dismissal by following the student appeal process hereinabove described. A student's failure to abide by the terms of a probation contract is also grounds for student dismissal from the career program.

## **Procedures for Adult Students**

### **Student Attendance Records – Maintenance and Storage**

Attendance is recorded daily by the instructor and a cumulative record of attendance is maintained in the campus administrative office. This information is maintained in a permanent record. Adult students must call the attendance office to report any attendance activity involving absences or leaving class early.

#### **Absence**

An absence is defined as missing more than 30 minutes of class time.

#### **Tardies**

. A tardy is defined as arriving past the designated start times of the class. Any tardy that extends beyond 30 minutes of class time is counted as an absence. Three (3) tardies are counted as an absence. A pattern of excessive tardies may result in disciplinary action.

#### **Leaving Class Early**

Any student who leaves less than 30 minutes before the designated end of class time will be counted as tardy.

#### **Make-Up Work**

Students are expected to make up the work missed while they were absent. It is the responsibility of the student to contact the instructor and make arrangements to complete the work missed. No penalty will be assessed if work is made up within two (2) days for each day missed. Make-up work shall be meaningful and relevant to the course missed. Some situations may require more time due to the nature of the career program. In these cases, the instructor will set the completion date for the work.

#### **Withdrawal from Career Program**

Adult students who do not meet minimum career program or certification attendance requirements may be withdrawn from a career program. Withdrawal does not relieve students of obligations related to textbooks, tools, equipment and payment of outstanding fees, including funds received from financial aid. Adult students may withdraw from the course at any time by submitting a written request. Adult students will be automatically withdrawn after ten (10) consecutive days of absence if there has been no contact with the technology center.

#### **Appeal**

If a student is dismissed due to a violation of the attendance policy, the student may appeal the dismissal by following the student appeal process hereinabove described. A student's failure to abide by the terms of the technology center's student attendance policy may be cause for dismissal from the career program.



**PHYSICAL RESTRAINT OF STUDENTS WITH DISABILITIES**

The purpose of this policy is to define the circumstances under which technology center personnel may use physical restraint for students with disabilities in compliance with those guidelines set forth in the SDE's Special Education Handbook ("Physical Restraint Guidelines").

For purposes of this policy, the term "physical restraint" is defined as a person's restriction that immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely. The term physical restraint does **not** include a physical escort. Physical escort means a temporary touching or holding of the hand, wrist, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location.

Physical restraint should never be used for the purposes of discipline or as a punishment, to force compliance, as a convenience for staff or to prevent property damage. The use of chemical and/or mechanical restraint, as defined in the Physical Restraint Guidelines, is prohibited.

Technology center personnel may use physical restraint for students with disabilities only under the emergency circumstances identified in the Physical Restraint Guidelines and only if the elements identified by the Physical Restraint Guidelines exist.

The use of physical restraint for students with disabilities shall also be subject to any written Procedures utilized by the district to further explain the responsibilities of technology center staff members.

### **SECLUSION OF STUDENTS WITH DISABILITIES**

The purpose of this policy is to define the circumstances under which technology center personnel may use seclusion for students with disabilities in compliance those guidelines set forth in the SDE's Special Education Handbook ("Seclusion Guidelines").

For purposes of this policy, the term "seclusion" means the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. This includes situations where a door is locked as well as where the door is blocked by other objects or held by staff. Any time a student is involuntarily alone in a room and prevented from leaving should be considered seclusion regardless of the intended purpose of the name applied to this procedure or the name of the place where the student is secluded. Seclusion does not include timeout, which is a behavior management technique implemented for the purpose of calming and redirecting.

Seclusion should never be used for the purposes of discipline or as a punishment, to force compliance, as a convenience for staff or to prevent property damage. Seclusion should not be used to manage behavior.

Technology center personnel may use seclusion for students with disabilities only under the emergency circumstances identified in the Seclusion Guidelines and only if the elements identified by the Seclusion Guidelines exist.

School personnel may only utilize seclusion procedures if they have training in:

1. Conflict de-escalation;
2. The crisis cycle and interventions at each stage;
3. Possible effects of seclusion;
4. Appropriate use of seclusion rooms (including escorting and placing a student in a seclusion room);
5. Hold current CPR and First Aid certification; and
6. Monitoring the wellbeing of students.

Seclusion training should be recurrent and with annual updates and result in some form of certification or credential.

Any student placed in seclusion based on the criteria in the Seclusion Guidelines must be continuously monitored visually and aurally by a school employee. Additionally, (a) the student must be allowed to go to the bathroom upon request, (b) the student must be permitted water to drink upon request, and (c) immediate action must be taken if the student displays any signs of medical distress.

A “seclusion room” is defined as a room or other confined area in which a student with a disability is placed in isolation from other persons from which the student is prevented from leaving. A seclusion room must meet the following criteria:

1. It must be of adequate size permitting the student to sit or lie down;
2. It must have adequate lighting;
3. It must be equipped with heating, cooling, ventilation, and lighting systems that are comparable to those in other rooms throughout the building where the seclusion room is located;
4. It must be free of any objections that pose a potential risk of harm to the student with a disability;
5. If equipped with a door that locks, the lock must automatically disengage in case of an emergency, such as fire or severe weather; and
6. It must allow continuous visual and auditory monitoring of the student with a disability.

The use of seclusion for students with disabilities shall also be subject to any written procedures utilized by the district to further explain the responsibilities of technology center staff members.

## **DIRECT THREAT**

### **Definition**

“Direct threat” means an individualized determination that a student with a disability poses a direct threat to the health or safety of others, based upon reasonable judgment that relies on current medical knowledge or on the best available evidence, to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices or procedures or the provision of auxiliary aids or services will mitigate the risk.

### **Policy**

When the district intends to impose adverse action on a student based on a direct threat, notification of the district direct threat inquiry will be provided to the parent of the student and/or the adult student who is the subject of the direct threat inquiry. This notification, subject to exceptional circumstances (as defined below), will include:

1. An invitation to provide documents and other information related to the inquiry and notice that if a response is not received within 24 hours, the direct threat inquiry will proceed with the documents and other information the district has available;
2. The name and contact information of the district employee conducting the inquiry;
3. Notice that the student will not be subject to disciplinary action on the basis of unfounded fear, prejudice, and stereotypes;
4. The district’s determination that a student poses a direct threat to the health or safety of others will be an individualized assessment based upon reasonable judgment that relies on current educational, psychological, medical knowledge, threat assessment inquiry, and any other available evidence, to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices or procedures or the provision of auxiliary aids or services will mitigate the risk
5. Notice that in exceptional circumstances, such as situations where safety is of immediate concern, the district may take interim steps pending a final decision regarding adverse action against the student so long as minimal due process (i.e., notice of the proposed action, the opportunity to present information on the student’s behalf, and a right to appeal) is provided in the interim and due process is offered later;

6. Notice of the student's applicable appeal rights in the event of discipline or other adverse action; and
7. A copy of this policy.

The site administrator shall be responsible for determining whether the student poses a direct threat. The site administrator may consult with the student's medical, psychological, or therapeutic professional providers, if the parent or adult student consents to such consultation.

If the site administrator determines that a student poses a direct threat to others, the district will communicate the nature of the adverse action to the parent of the student and / or the adult student. Additionally, the district may condition the student's future receipt of a benefit or service upon the student's provision of documentation showing the student is no longer a threat. Such evidence may include, but is not limited to, a treatment plan or periodic reports from a physician.

In cases resulting in the interim suspension or other adverse action, an appeal may be filed with the district's Superintendent. The adversely affected adult student or the student's parent shall have ten (10) calendar days from the notice of the interim suspension or other adverse action to appeal to the Superintendent. The Superintendent shall schedule a meeting to consider the interim suspension or other adverse action and the objections of the affected student. Following this meeting the Superintendent may adopt the decision of the site administrator, enter the Superintendent's own decision, adopt the relief requested by the affected student, or take other action deemed necessary to achieve a reasonable resolution of the appeal. The decision of the Superintendent shall be final. The Superintendent's decision shall be rendered within fifteen (15) calendar days from the appeal meeting scheduled to discuss and consider the appeal.

Regardless of threat assessment activities, disciplinary action and referral to law enforcement are to occur when required by school board policy or Oklahoma laws.

### **Special Education Direct Threat Policy**

When the district intends to impose adverse action on a student with a disability or perceived disability based on a direct threat, notification in writing of the district direct threat inquiry will be provided to the parent of the student and / or the adult student who is the subject of the direct threat inquiry, as well as, IDEA Parents Rights in Special Education: Notice of Procedural Safeguards or Section 504/Title II: Information and Procedural Safeguards, whichever is applicable. This notification, subject to exceptional circumstances (as defined below), will include:

1. An invitation to provide documents and other information related to the inquiry and notice that if a response is not received within 24 hours, the direct threat inquiry will proceed with the documents and other information the district has available;
2. The name and contact information of the district employee coordinating the inquiry;
3. Notice that the student will not be subject to disciplinary action on the basis of unfounded fear, prejudice, and stereotypes;

4. The district's determination that a student poses a direct threat to the health or safety of others will be an individualized assessment based upon reasonable judgment that relies on current educational, psychological, medical knowledge, threat assessment inquiry, and any other available evidence to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will occur; and whether reasonable modifications of policies, practices or procedures, or the provision of auxiliary aids or services will mitigate the risk;
5. Notice that in exceptional circumstances, such as situations where safety is of immediate concern, the district may take interim steps pending a final decision regarding adverse action against the student so long as minimal due process (i.e., notice of the proposed action, the opportunity to present information on the student's behalf, and a right to appeal) is provided in the interim and more extensive due process is offered later;
6. Notice of the student's applicable appeal rights in the event of discipline or other adverse action; and
7. A copy of this policy.

The site administrator, in consultation with the superintendent shall be responsible for determining whether the student poses a direct threat. The site administrator will consult with individuals with in depth knowledge and experience in the area of the student's disability as part of the direct threat determination.

The site administrator may consult with the student's medical, psychological, or therapeutic professional providers, if the parent or adult student consents to such consultation.

If the district determines that a student poses a direct threat to others, the district will communicate the nature of the adverse action to the parent of the student. The process for the appealing the imposition of the adverse action shall be the same as those outlined in the district's Board of Education policies for Disciplinary Removal of Children with Disabilities and Student Behavior. If the conduct giving rise to the adverse action (a) significantly contributed to the direct threat, and (b) is a manifestation of the student's disability, the district may condition the future receipt of a benefit of service until a showing has been made that the student has eliminated the conduct. This showing can be made through evidence that includes, but is not limited to, a treatment plan or periodic report from a physician. If the conduct giving rise to the adverse action (a) significantly contributed to the direct threat, and (b) is determined not to be a manifestation of the student's disability, the student's IEP or Section 504/Title II team will meet prior to the end of the change of placement to reconsider the student's educational setting. In determining educational setting, the IEP or Section 504/Title II team will consider whether the student continues to pose a direct threat.

**EDUCATIONAL SERVICES FOR STUDENTS UNDER SECTION 504 AND  
TITLE II OF THE AMERICANS WITH DISABILITIES ACT**

The technology center recognizes its responsibilities to students who are or may be qualified persons with disabilities under Section 504 of the Rehabilitation Act of 1973 ("Section 504") and Title II of the Americans with Disabilities Act ("Title II"). In an effort to ensure that technology center employees understand and implement the requirements of Section 504 and Title II, the board of education adopts the following policy.

**Qualified Individual with a Disability**

All qualified persons with disabilities within the jurisdiction of the technology center are entitled to a free appropriate public education ("FAPE"), regardless of the nature or severity of the person's disability. Section 504 and Title II define a person with a disability as any person who (a) has a physical or mental impairment that substantially limits one or more major life activities, (b) has a record of such an impairment or (c) is regarded as having such an impairment. The definition of disability shall be construed in favor of broad coverage of individuals, to the maximum extent permitted by Section 504 and Title II.

The term "physical or mental impairment" means (a) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, genito-urinary; hemic and lymphatic; skin; and endocrine; or (b) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The phrase "physical or mental impairment" includes, but is not limited to, such contagious and noncontagious diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism. The following are excluded from the term "physical or mental impairment:" (a) an individual who currently engages in the illegal use of drugs; (b) homosexuality and bisexuality; (c) transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders; (d) compulsive gambling, kleptomania, or pyromania; and (e) psychoactive substance use disorders resulting from current illegal use of drugs.

The term "major life activities" includes, but is not limited to, functions such as caring for one's self, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. A "major life activity" also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.

An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. Also, an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

### **Mitigating Measures**

The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as:

1. medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;
2. use of assistive technology;
3. reasonable accommodations or auxiliary aids or services; or
4. learned behavioral or adaptive neurological modifications.

The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.

For purposes of this policy, a "qualified person with a disability" is a person with a disability who is (a) of an age during which it is mandatory under Oklahoma law to provide such services to persons with disabilities; (b) of an age during which persons without disabilities are provided such services; or (c) a person for whom a state is required to provide a FAPE under the Individuals with Disabilities Education Act.

### **Appropriate Education**

An appropriate education may comprise education in cooperation with a sending school, which may offer education in regular classes, education in regular classes with the use of related aids and services, or special education and related services in separate classrooms for all or portions of the school day or education at the technology center. Special education may include specially designed instruction in classrooms, at home, or in private or public institutions and may be accompanied by related services such as speech therapy, occupational and physical therapy, psychological counseling and medical diagnostic services necessary to the child's education. While the technology center may not be involved in many of these education opportunities, it may be a provider of specially selected options.

An appropriate education in the sending school will include:

- Regular or special education and related aids and services designed to meet the individual education needs of students with disabilities as adequately as the needs of nondisabled students are met;
- The education of each student with a disability with nondisabled students, to the maximum extent appropriate to the needs of the student with a disability;



- Evaluation and placement procedures established to guard against misclassification or inappropriate placement of students, and a periodic reevaluation of students who have been provided special education or related services; and
- Establishment of due process procedures that enable parents and guardians to receive required notices, review their child's records and challenge identification, evaluation and placement decisions, and that provide for an impartial hearing with the opportunity for participation by parents and representation by counsel, and a review procedure.

The technology center will work, as appropriate, with the sending school to design education programs for student with disabilities to meet their individual needs to the same extent that the needs of nondisabled students are met. The technology center will provide the quality of education services to students with disabilities that equals the quality of services provided to nondisabled students. The technology center will provide teachers for students with disabilities who are trained in the instruction of individuals with disabilities. The technology center will provide comparable facilities for students with disabilities and make appropriate materials and equipment available. The technology center will not exclude students with disabilities from participating in nonacademic services and extracurricular activities on the basis of disability. The technology center will provide persons with disabilities an opportunity to participate in nonacademic services that is equal to that provided to persons without disabilities. These services may include transportation, health services, recreational activities, special interest groups or clubs sponsored by the technology center, and referrals to agencies that provide assistance to persons with disabilities and employment of students.

### **Educational Setting**

The technology center will place students with and without disabilities in the same setting, to the maximum extent appropriate to the educational needs of the students with disabilities. The technology center shall place students in the regular education environment unless the technology center demonstrates that the education of the student in the regular education environment with the use of supplementary aids and services cannot be achieved satisfactorily. Students with disabilities will participate with nondisabled students in both academic and nonacademic services, including meals, to the maximum extent appropriate to their individual needs and the program in which they are enrolled.

As necessary, the technology center, in cooperation with the sending school and as related to the program in which the student is enrolled, will provide specific supplementary aids and services for students with disabilities to ensure an appropriate education setting. Supplementary aids may include, but are not limited to, interpreters for students who are deaf, readers for students who are blind, and equipment to make physical accommodations for students with mobility impairments.

### **Evaluation and Placement**

The district shall annually undertake to identify and locate every qualified child with a disability residing in the district's jurisdiction who is not receiving a public education and take appropriate steps to notify children with disabilities and their parents or guardians of the district's duties under Section 504 and Title II.

Examples of situations in which school personnel may reasonably conclude that a student needs or is believed to need special education or related aids and services includes (a) when a teacher, based on observation of or work with the student, expresses a view that an evaluation is needed, or (2) when the parent of a student has requested an evaluation.

The technology center will work cooperatively with the sending district to make evaluation and placement decisions in accordance with appropriate procedures required by law.

### **Section 504/Title II Plan**

When the sending school's multidisciplinary group determines that a student is eligible for educational services under Section 504 and Title II, it should work closely with the technology center to prepare a plan documenting how the technology center will participate to provide FAPE for that student. Any plan for a student will identify the educational services, related services and supplementary aids and services needed to meet the student's individual educational needs, the person(s) responsible for implementing each component of the plan, the starting and ending dates for each component and a date, no less than annually, on which the sending school will review the plan.

The technology center will provide appropriate education and related aids and services free of charge to students with disabilities and their parents or guardians, except for fees equally imposed on nondisabled persons or their parents or guardians.

### **Procedural Safeguards**

The technology center will employ procedural safeguards regarding the identification, evaluation or educational placement of persons who, because of disability, need or are believed to need special instruction or related services. Technology center personnel will rely on sending schools to notify parents or guardians of any evaluation or placement actions and will allow parents or guardians to examine the student's records maintained by the technology center. The technology center relies on sending schools to provide parents or guardians with a copy of its *Section 504 of the Rehabilitation Act of 1973/Title II of the Americans with Disabilities Act Information and Procedural Safeguards form* annually at the student's Section 504 plan meeting and when the sending school (a) seeks parent or guardian consent for Section 504 evaluation or reevaluation, (b) receives a complaint from the parent or guardian alleging failure to comply with Section 504 or Title II requirements, (c) receives a request from the parent or guardian for a copy of the *Procedural Safeguards form*, and (d) takes any action with respect to the identification, evaluation, or educational placement of the student.

The technology center will participate in, as appropriate and consistent with its obligations to the student, an impartial hearing by an objective, neutral hearing officer that will allow parents or guardians to challenge identification, evaluation and placement procedures and decisions. If parents or guardians disagree with the technology center's decisions, they will be afforded an impartial hearing, with an opportunity for their participation and for representation by counsel. The technology center will participate fully in any impartial administrative review procedure by an objective, neutral review officer to parents or guardians who want to challenge the hearing decision. If the parent or guardian wants to challenge the administrative review decision, he or she may file an action in state or federal court. The technology center will defer, as appropriate, to the legal obligations of the sending school.

## **Retaliation**

The technology center prohibits retaliation, intimidation, threats, or coercion of any person for opposing discrimination or for participating in the technology center's discrimination complaint process or making a complaint, testifying, assisting, appealing, or participating in any other discrimination complaint proceeding or hearing. The technology center will take steps to prevent the alleged perpetrator or anyone else at the technology center from retaliating against the alleged victim or any person who acts to oppose discrimination or participates in the complaint process. These steps include notifying students and employees that they are protected from retaliation, making sure that victims know how to report future problems and making follow-up inquiries to see if there have been any new incidents. If retaliation occurs, the technology center will take strong responsive action. Persons with complaints or concerns about the application of this policy should contact:

Northwest Technology Center  
Attention: Superintendent  
1801 11<sup>th</sup> Street, Alva, OK 73717

## **ADULT STUDENT BEHAVIOR**

### Purpose

The technology center serves adult and secondary students. A discipline code is provided for secondary students to inform students of the standards of conduct required of students, and of the consequences that attach to misconduct. School laws that prescribe procedures applicable to secondary students are, in some instances, not applicable to adult students. Accordingly, the technology center has established a separate policy applicable to adult students that explains the standards of conduct and civility expected of adult students and also explains the actions that may be taken when adult conduct violates those standards. Adults are held to standards of conduct that are no less than those which attach to secondary students attending the technology center. Educational opportunities available to adult students may be cut-short or terminated in instances where an adult student's conduct violates the approved standards or when a student, for other reasons, cannot fulfill program requirements essential to successful course completion.

In instances involving a student's dismissal or removal from a course or program, the technology center will utilize procedures that are fair and reasonable. The complete cooperation of students is encouraged to assure that all students have an opportunity to benefit from the educational opportunities available. Conduct which violates policies, rules and practices or which interferes with or disrupts learning must and will be addressed by school administration. This policy explains the technology center's standards of conduct and describes the procedure that will be used when it is necessary to remove a student from a course or program. Removal may involve a short or long period or may involve a permanent removal.

### References in Policy

Reference to "administrator" means an assistant superintendent or the technology center staff member to whom the administration has delegated the responsibility for student discipline.

Reference to the "superintendent" refers to the superintendent of schools or the superintendent's designee.

Removal or dismissal refers to taking a student out of a course or program for a short period, a longer period, or permanently.

### Procedures

#### 1. Immediate Removal of a Student

Whenever an alleged violation of the *Adult Student Behavior Code* is reported to an administrator, he or she will ascertain whether the immediate removal of

the student is required. This determination will be based on whether the student's continued presence on campus would create, in the administrator's judgment, a dangerous and/or disruptive situation with regard to the continued operation and management of the school system. If dismissal is found necessary, the administrator shall document the justification in a report and immediately forward it to the superintendent, and contact the student.

## 2. Evidentiary Hearing

Upon notice of an alleged violation, the administrator will review the evidence relevant to the violation. If dismissal of the student is necessary before a hearing can be conducted, the hearing must be held as soon as possible, but not later than 72 hours of the dismissal. In case of waiver or non-attendance of the hearing by the student, summary disposition of the matter will be indicated in letter form and forwarded to the student with a copy to the superintendent.

If the student is unable to attend the original time and day specified by the administrator for the evidentiary hearing, the matter may be continued only once and in such case, will be reset to be conducted within the next 72 hours, excluding weekends and holidays. Any further request for continuance will result in immediate disposition of the matter with notification in writing sent to the student.

## 3. Decision

Once the evidentiary hearing has been held, the administrator will summarize the findings in a written report, which will include the decision as to the student's innocence or guilt and recommended discipline, if applicable. This decision will be announced orally at the conclusion of the hearing with a written report to follow, or within three business days of the conclusion of the hearing, by issuance of the written report. The imposition of discipline will commence following announcement of the decision or issuance of the written report, whichever occurs first.

Should the punishment be one of short or long-term removal or dismissal, the administrator will notify the superintendent of the action.

## 4. Appeal

If all or any portion of the administrator's decision is not agreed to, the student has the right to appeal the decision to the superintendent. An appeal is commenced by letter to the superintendent delivered within 72 hours of the decision rendered by the administrator. The administrator, upon receipt of notice of the appeal, will forward the report of the hearing to the superintendent for decision. The superintendent shall have the authority to sustain, overrule, or modify the division administrator's decision.

If the student desires an appeal to the superintendent, he or she shall be permitted to remain in school unless the circumstances delineated under the "Dismissal" section, above, are met. At the hearing, the division administrator shall first present his/her evidence and be subject to cross-

examination by the superintendent. This will be followed by the student's evidence. The decision of the superintendent shall be final. Such decision shall be communicated orally after the hearing ~~or~~ in writing to all parties, within three business days following the decision. An oral decision, when rendered immediately following the hearing, shall be followed by issuance of the superintendent's written decision, which shall be placed in the mail within three (3) business days of announcing the decision.

5. Modification of Corrective Action

The imposition of corrective action is subject to modification upon the recommendation of the administrator at any time prior to the hearing before the superintendent. The discipline imposed by the administrator is based on one or more of the following guidelines:

- A. Seriousness of the offense.
- B. Student's disciplinary record during the course of the school year or in prior years.
- C. Any final action by civil authorities. (However, action by authorities, in criminal or civil matters, is not a condition precedent to disciplinary action by the school.)
- D. Cooperation and assistance of student during the disciplinary proceedings.
- E. Other circumstances as the administrator may deem relevant.

6. Readmission

A dismissed student is eligible to be readmitted upon proper application for readmission. However, the administration may consider the student's prior disciplinary and incident record in determining whether to grant a student's request for readmission.

Notification of Policy

Copies of any procedural regulations and the *Adult Student Behavior Code* shall be distributed to all adult students annually, and students are responsible for compliance with the school's behavior and conduct standards. Questions as to the interpretation of any part of the policy should be presented to the appropriate administrator.

Administrative Actions

Administrative actions provided in this policy may be taken by the administrator designated by this policy or the superintendent. An administrator, whether a division administrator superintendent, or other administrator in charge, may appoint a designee to act in his/her place. With the exception of the superintendent, designees must be approved by the superintendent.

## Adult Student Behavior Code

The following behaviors at the technology center, while in technology center vehicles or going to or from or attending technology center events will result in disciplinary action, including the possibility of dismissal:

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, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information by making or transmitting or causing or allowing to be transmitted, any telephonic, computerized or electronic message
5. Attempting to incite or produce imminent violence directed against another person because of his or her race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information by broadcasting, publishing or distributing or causing or allowing to be broadcast, published or distributed, any message or material
6. Cheating
7. Conduct that threatens or jeopardizes the safety of others
8. Cutting class or sleeping, eating or refusing to work in class
9. Disruption of the educational process or operation of the school
10. Extortion
11. Failure to attend assigned detention, alternative school or other disciplinary assignment, without approval
12. Failure to comply with state immunization requirements
13. False reports or false calls
14. Fighting
15. Forgery, fraud or embezzlement
16. Gambling
17. Gang related activity or actions

18. Harassment, intimidation, and bullying, including gestures, written or verbal expression, electronic communication and physical acts
19. Hazing (whether involving initiations or not) in connection with any school activity, regardless of location
20. Immorality
21. Inappropriate attire, including violation of dress code
22. Inappropriate behavior or gestures
23. Indecent exposure
24. Intimidation or harassment because race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information 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)
25. Obscene language
26. Physical or verbal abuse
27. Plagiarism
28. Possession or use of a caustic substance (unrelated to course work)
29. Possessing, distributing or viewing obscene materials, including electronic possession, distribution or viewing (sexting)
30. 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.
31. Possession without prior authorization, of a wireless telecommunication device
32. Possession, threat or use of a dangerous weapon,<sup>1</sup> and related instrumentalities (i.e., bullets, shells, gun powder, pellets, etc.)
33. Possession, claimed 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 (a) alcoholic beverages, low-point beer (as defined by Oklahoma law, i.e., 3.2 beer), (b) any mind altering substance, except for medications taken for legitimate medical purposes pursuant to district policy, including but not limited to prescription medications for which the individual does not have a prescription, or

---

<sup>1</sup> Students who are members of JROTC and are participating in an authorized school program may, with prior approval from the campus director, bring an inoperable weapon to school for the sole and exclusive purpose of participating in the program. Students may only possess the inoperable weapon in a manner consistent with the authorization to participate in the program.



medications used outside their intended therapeutic purpose, (c) paint, glue, aerosol sprays, salts, incense and other substances which may be used as an intoxicating substance, or (d) any substance believed or represented to be a prohibited substance, regardless of its actual content.

34. Possession, claimed possession, or distribution of illegal and/or drug related paraphernalia
35. Possession, claimed possession, distribution or claimed distribution of supplements, prescription medicine and/or non-prescription medicine while at school and school related functions without prior administrative approval.
36. Profanity
37. Purchasing, selling and/or attempting to purchase or sell prescription and non-prescription medicine while at school and school related functions
38. Sexual or other harassment of individuals including, but not limited to, students, school employees, volunteers
39. Theft
40. Threatening behavior, including but not limited to gestures, written, verbal, or physical acts, or, electronic communications
41. Truancy
42. Use, possession, claimed possession, distribution or selling marijuana or marijuana related products in any form. "Marijuana" is defined as provided for in the Technology Center's policy on *Medical Marijuana, Hemp & Cannabidiol (CBD)*
43. Use, possession, claimed possession distribution or selling tobacco or tobacco related products in any form, including but not limited to cigarettes, cigars, loose tobacco, rolling papers, chewing tobacco, snuff, matches, lighters, and vapor products which includes noncombustible products that may or may not contain nicotine, that employ a mechanical heating element, battery, electronic circuit or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. A vapor product also includes any vapor cartridge or other container with or without nicotine or other form that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device and any vapor cartridge or other container of a solution, that may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo or electronic device. Vapor product not included are any products regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.
44. Use, possession, or claimed possession of missing or stolen property if property is reasonably suspected to have been taken from a student, a school employee, or the school

45. Using racial, religious, ethnic, sexual, gender or disability-related epithets
46. Use of the school's technology resources (i.e., computers, electronic mail, internet, and similar resources) in a manner prohibited by policies, in any manner not authorized by school officials, or in violation of law
47. Vandalism
48. Violation of board of education policies, rules or regulations or violation of school rules and regulations including, but not limited to, disrespect, lingering in restrooms, running in halls, bringing unauthorized items to school, inappropriate or unauthorized use of cellular phones or other electronic media, name calling, destroying or defacing school property
49. Vulgarity
50. Willful damage to school property
51. Willful disobedience of a directive of any school official

Students suspended for a violent offense directed toward an instructor shall not be allowed to return to the instructor's classroom without the instructor's prior approval. Whether an offense is considered a violent offense, requiring an instructor'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 criminal law distinguishing between violent and nonviolent offenses.

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

#### School Safety and Bullying Prevention Act (OKLA. STAT. tit. 70, § 24-100.2)

The Oklahoma Legislature established the *School Safety and Bullying Prevention Act* with the express intent of prohibiting bullying in all schools. In addition to the prohibition listed in the student discipline code, above, the board has adopted a separate policy prohibiting bullying and outlining the district's plan to address it.

#### Dismissal of Students Because of Failure to Meet or Comply with Essential Course Requirements

The technology center's course offerings include those that incorporate requirements essential to successful completion of the course. An example is the clinical hours a part of and necessary to completion of many health care courses. When a student cannot complete essential course requirements the student may be dismissed from a program for a variety of reasons, including but not limited to conduct, behavior, or other inability to meet mandatory parts of the program. Students dismissed for reasons falling within this part of the policy,

will have the same rights with regard to removal as adult students who violate the technology center's disciplinary code.

#### Students Attending the Technology Center by Virtue of a Special Program

In some instances, adult students are participating in programs offered by the technology center as a result of their eligibility established by terms of a federal or state program. In these instances the programs establish eligibility requirements as well as minimum standards which students must meet in order to remain a part of the program and recipient of program benefits. Student participation and dismissal of the student may be governed by the program criteria. Students have no property interest in these programs and, as a result, those who violate expectations related to attendance, participation, and otherwise fail to meet the obligations which accompany participation, may be removed from the program with notice to the student and the program director. Whether to allow the student to return to the program and, if so, under what conditions, will be a joint decision of the designated school representatives and the designees for the federal or state program. The student's dismissal or removal shall include written notice to the program or project director of the student's dismissal and the reasons for dismissal.

## **SECONDARY STUDENT BEHAVIOR**

### Discipline Code

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

1. 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, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information by making or transmitting or causing or allowing to be transmitted, any telephonic, computerized or electronic message
5. Attempting to incite or produce imminent violence directed against another person because of his or her race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information by broadcasting, publishing or distributing or causing or allowing to be broadcast, published or distributed, any message or material
6. Cheating
7. Conduct that threatens or jeopardizes the safety of others
8. Cutting class or sleeping, eating or refusing to work in class
9. Disruption of the educational process or operation of the school
10. Extortion
11. Failure to attend assigned detention, alternative school or other disciplinary assignment without approval
12. Failure to comply with state immunization records
13. False reports or false calls

14. Fighting
15. Forgery, fraud, or embezzlement
16. Gambling
17. Gang related activity or action
18. Harassment, intimidation, and bullying, including gestures, written or verbal expression, electronic communication or physical acts
19. Hazing (whether involving initiations or not) in connection with any school activity, regardless of location
20. Immorality
21. Inappropriate attire, including violation of dress code
22. Inappropriate behavior or gestures
23. Indecent exposure
24. Intimidation or harassment because of race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information, 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)
25. Obscene language
26. Physical or verbal abuse
27. Plagiarism
28. Possession or distribution of a caustic substance (unrelated to course work)
29. Possessing, distributing or viewing obscene materials, including electronic possession, distribution or viewing (sexting)
30. 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.
31. Possession, without prior authorization, of a wireless telecommunication device
32. Possession, threat or use of a dangerous weapon<sup>2</sup> and related instrumentalities (i.e., bullets, shells, gun powder, pellets, etc.)

---

<sup>2</sup> Students who are members of JROTC and are participating in an authorized school program may, with prior approval from the campus director, bring an inoperable weapon to school for the sole and exclusive purpose of participating in the program. Students may only possess the inoperable weapon in a manner consistent with the authorization to participate in the program.

33. Possession, claimed 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 (a) alcoholic beverages, low-point beer (as defined by Oklahoma law, i.e., 3.2 beer), (b) any mind altering substance, except for medications taken for legitimate medical purposes pursuant to district policy, including but not limited to prescription medications for which the individual does not have a prescription, or medications used outside their intended therapeutic purpose, (c) paint, glue, aerosol sprays, salts, incense and other substances which may be used as an intoxicating substance, or (d) any substance believed or represented to be a prohibited substance, regardless of its actual content.
34. Possession, claimed possession, or distribution of illegal and/or drug related paraphernalia
35. Possession, claimed possession, distribution or claimed distribution of supplements of supplements, prescription medicine and/or non-prescription medicine while at school and school related functions without prior administrative approval
36. Profanity
37. Purchasing, selling and/or attempting to purchase or sell prescription and non-prescription medicine while at school and school related functions
38. Sexual or other harassment of individuals including, but not limited to, students, school employees, volunteers
39. Theft
40. Threatening behavior, including but not limited to gestures, written, verbal, or physical acts, or electronic communications
41. Truancy
42. Use, possession, claimed possession, distribution or selling marijuana or marijuana related products in any form. "Marijuana" is defined as provided for in the Technology Center's policy on *Medical Marijuana, Hemp & Cannabidiol (CBD)*
43. Use, possession, claimed possession, distribution, or selling tobacco or tobacco related products in any form, including but not limited to cigarettes, cigars, loose tobacco, rolling papers, chewing tobacco, snuff, matches, lighters, and vapor products which includes noncombustible products that may or may not contain nicotine, that employ a mechanical heating element, battery, electronic circuit or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. A vapor product also includes any vapor cartridge or other container with or without nicotine or other form that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device and any vapor cartridge or other container of a solution, that may or

may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo or electronic device. Vapor product not included are any products regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.

44. Use or possession of missing or stolen property if property is reasonably suspected to have been taken from a student, a technology center employee, or the technology center
45. Using racial, religious, ethnic, sexual, gender or disability-related epithets
46. Use of the school's technology resources (i.e., computers, electronic mail, internet, and similar resources) in a manner prohibited by policies, in any manner not authorized by school officials, or in violation of law
47. Vandalism
48. Violation of board of education policies, rules or regulations or violation of school rules and regulations including, but not limited to, disrespect, lingering in restrooms, running in halls, bringing unauthorized items to school, inappropriate or unauthorized use of cellular phones or other electronic media, name calling, destroying or defacing school property
49. Vulgarity
50. Willful damage to school property
51. Willful disobedience of a directive of any school official

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

#### School Safety and Bullying Prevention Act (OKLA. STAT. tit. 70, § 24-100.2)

The Oklahoma Legislature established the *School Safety and Bullying Prevention Act* with the express intent of prohibiting bullying in all schools. In addition to the prohibition listed in the student discipline code, above, the board has adopted a separate policy prohibiting bullying and outlining the technology center's plan to address it.

#### Sample Disciplinary Options

- *Instructor or Administrator Intervention*

May include, but is not limited to: warning conference with student, parent conference, referral to counselor, behavioral contract, restriction of privileges,

requirement of corrective action by student, changing student's seat or class assignment, involvement of local authorities or agencies, or other appropriate action as required or indicated by the circumstances.

- *Detention or In-School Intervention*

Detention is a correctional measure used when it is deemed appropriate. Students are to report to the appropriate teacher/campus director at the specified time with class work to be studied. Detention may be assigned on a week-day or on a Saturday, as deemed appropriate.

- *Alternative In-School Placement*

Alternative in-school placement is an optional correctional measure that may be used by the administration when deemed appropriate. It involves assignment to a site, designated by the technology center, for a prescribed course of education as determined by school representatives. Any such placement will be made in accordance with applicable special education procedural safeguards.

- *Alternative Out-of-School Placement*

Alternative out-of-school placement is an optional correctional measure specifically authorized in cases when a student has made electronic communications intended to terrify, intimidate, harass, or threaten injury or harm to faculty or students. Any such placement will be made in accordance with applicable special education procedural safeguards.

- *School Service*

School service may be required of students when an administrator believes that it would allow the student to understand the logical consequences of his/her conduct. Examples include, but are not limited to, cleaning after vandalism or littering, helping a teacher after disrupting a class, etc. School service will not be utilized to augment the district's workforce, in ways which are likely to endanger a student, or in a manner which is designed to unduly embarrass a student.

- *Out of School Student Suspension*

Students may be suspended out of school pursuant to the technology center's policy regarding student suspension.

### Student Privileges While Under Suspension

Participation in the extracurricular activities of the technology center is a privilege and not a right. Accordingly, when a student's behavior results in a determination by the campus director to impose disciplinary or other correctional measures against a student, the student will not be permitted to participate in any extracurricular activities offered by the technology center during the term of the discipline unless, in the sole judgment of the director, such participation is appropriate given the nature of the offense.

"Extracurricular activities" include, but are not limited to, all technology center sponsored teams, clubs, organizations, ceremonies, student government, etc.



**SECONDARY STUDENT SUSPENSIONS  
(Out-of-school)**

This policy applies only to out-of-school suspensions and, unless otherwise noted, all references to "suspension" in this policy mean out-of-school suspension. References to "parent" in this policy means a student's parent(s) or legal guardian(s).

Behavior or Conduct that May Result in Suspension:

Secondary students may be suspended for:

1. violation of a school regulation (which includes but is not limited to any policy, rule, regulation, directive, etc.);
2. possession of an intoxicating beverage, low-point beer, as defined by OKLA. STAT. tit. 37, § 163.2, or missing or stolen property if the property is reasonably suspected to have been taken from a student, a school employee, or the school during school activities;
3. possession of a dangerous weapon or a controlled dangerous substance while on or within two thousand (2,000) feet of public school property, or at a school event, as defined in the Uniform Controlled Dangerous Substances Act. Possession of a firearm shall result in suspension as provided in the technology center's policy related to firearms;

Students who are suspended under categories 1 or 2 will be provided with an education plan as outlined below. No education plan will be required for students who are suspended under category 3.

Violent Acts Toward School Personnel

Any secondary student found to have assaulted, attempted to cause physical bodily injury, or acted in a manner that could reasonably cause bodily injury to a school employee or person volunteering for the school 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, the district'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 or designated hearing officer, pursuant to a timely appeal.

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

### Technology Center's Obligations Prior to Suspension

Before the technology center recommends suspension, other disciplinary options will be considered, including but not limited to: placement in an alternative school setting, reassignment to another classroom, and detention. The technology center 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. The student's high school principal will be consulted in all cases.

### Pre-Suspension Conference

When a student engages in behavior or conduct that may result in suspension the campus director shall conduct an informal conference with the student.

At the conference the campus director shall read the regulation that the student is charged with having violated and shall discuss the student's conduct. The student shall be asked whether he/she understands the regulation and be given a full opportunity to explain and discuss his/her conduct.

If the campus director concludes that suspension is appropriate, the student shall be advised that he/she is being suspended and the length of the suspension. The campus director shall immediately notify the parent by phone and in writing that the student is being suspended and that other disciplinary options were considered and rejected. The written notice will state which alternative disciplinary options were considered and why they were rejected.

A student may be suspended without a pre-suspension conference only in situations when the campus director reasonably believes that the student's continued presence in the building will constitute an immediate danger to the health or safety of students, school employees, school property, or would be a substantial disruption of the educational process. In such cases, a conference with the student and parent will be scheduled as soon as possible after the student has been removed from the building.

### Conferences with Parents

The campus director will seek to hold a conference with the parent as soon as possible after the suspension has been imposed. The parent should be advised of his/her right to a conference with the campus director at the time he/she is verbally notified that a suspension has been imposed. The conference will be held during the regular school hours, Monday through Friday, with consideration given whenever possible to the hours of working parents.

At the conference, the campus director will read the regulation the student is charged with having violated and will briefly outline the student's conduct. The campus director will also explain the reason for rejecting other disciplinary options. The parent should be asked by the campus director if he/she understands the regulation and the charges against the student.

At the conclusion of the conference the campus director shall state whether he/she will terminate or modify the suspension. In all cases the parent will be advised of the right to have the suspension reviewed by the superintendent, board of education, a hearing officer

appointed by the board, or the suspension committee as provided by this policy. If the parent is in agreement with the campus director's decision, he/she will be requested to sign a waiver of review.

### Individualized Plans

Suspensions in excess of five (5) days shall include an Individualized Plan ("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 campus director with the assistance of other school employees.

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.

A copy of the Plan shall be provided to the student and parent. The parent shall be responsible for providing a supervised, structured environment 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

The campus director will keep written records of each suspension conference. The records will contain the date of the conference, names of participants, time and duration of the conference, and the basis for rejecting alternative disciplinary options. The campus director shall also maintain records related to the Plan and the student and/or parent's compliance with the Plan.

### Suspension Terms

All suspensions will have a definite start and end date. The term of a suspension may be reduced if a student performs a specified remedial act if those conditions are agreed to at the time of the suspension. Suspension lengths will be as consistent as possible between students considering the nature of the conduct and the previous disciplinary history of the student.

Long-term suspensions are those suspensions in excess of ten (10) school days. Suspensions will not extend beyond the current school semester and succeeding semester, except in the case of possession of a firearm, in which case a suspension shall be for a period of not less than one (1) calendar year. Suspensions involving firearms are governed by the school district's Gun-Free Schools Student Suspension policy.

Short-term suspensions are those suspensions of ten (10) or fewer school days.

### Long-Term Suspension Appeals

A parent/student may appeal the suspension to the superintendent and board of education or a hearing officer appointed by the board. The campus director shall inform the parent/student of the right to appeal the suspension and the method for appealing. At the parent/student's option the appeal may be directly to the board or the board's appointed hearing officer.

A written appeal must be received by the superintendent within five (5) calendar days after the parent/student receives the campus director's decision. If the superintendent does not receive a written appeal within five (5) calendar days of the campus director's decision, the campus director's suspension decision is final.

*Appeals to the Superintendent or Designee ("Superintendent")*

If the superintendent receives a timely written appeal request, the superintendent will hold a conference with the parent or guardian as soon as possible. The conference will be held during regular school hours, Monday through Friday, with consideration given to the hours of working parents whenever possible.

At the conference, the superintendent will read the regulation the student is charged with having violated and will briefly outline the student's conduct. The parent will be asked if he/she understands the regulation and the charges against the student. The student/parent will be given an opportunity to provide his/her version of events.

At the conclusion of the conference the superintendent will state whether he/she shall terminate or modify the suspension. In all cases the parent shall be advised of the right to have the suspension reviewed by the board of education or a board-appointed hearing officer. If the parent is in agreement with the superintendent's decision, he/she shall be requested to sign a waiver of review by the board.

*Appeals to the Board of Education or Designated Hearing Officer*

An appeal must be presented by letter to the superintendent within five (5) calendar days after the parent/student receives the superintendent's decision. If the superintendent does not receive a written appeal within five (5) calendar days of the superintendent's decision, the superintendent's suspension decision is final.

If the board receives a timely written appeal request, the board or an appointed hearing officer will hear the appeal as soon as possible. This decision is final and nonappealable.

The parent/student will be notified in writing of the date, time and place of the hearing and will have the right to choose an "open" or "closed" hearing. Reasonable efforts will be made to accommodate the work schedule of parents. The following procedures will be followed:

1. The board president or the appointed hearing officer should:
  - a. Announce that the next agenda item is a suspension review hearing.
  - b. Ask whether the parent/student wants the hearing to be open to the public or in executive session. The offer of an open hearing and the response is to be made a part of the minutes of the meeting. If the parent/student requests 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 parent/student:
  - 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 parent or their legal counsel will be given an opportunity to cross-examine.
  - c. That the parent/student will be given an opportunity to call any relevant witnesses and present any relevant evidence, subject to cross-examination by the administration's legal counsel.
  - 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 parent/student may ask any questions about the procedure.
3. Administration may call witnesses and present documents subject to cross-examination.
4. Parent/student may call any witnesses and present documents subject to cross-examination.
5. After each witness is presented board members or the hearing officer may ask the witness questions.
6. Parent/student'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 parent/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 suspension; (2) modify the suspension (increase or decrease severity of the suspension); or (3) revoke the 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 an appeal of the student suspension, the student will have the right to attend school under such "in-house" restrictions as the campus director deems proper, except that at the discretion of the campus director, the student may be prohibited from attending school pending any appeal hearing if in the judgment of the campus director the student's continued presence in the building will constitute an

immediate danger to the health or safety of students, school employees, school property, or would be a substantial disruption of the educational process.

### Short-Term Suspension Appeals

A parent or student may appeal the suspension decision to a suspension review committee established by the superintendent. The campus director shall inform the parent/student of the right to appeal the suspension and the method for appealing.

An appeal must be presented by letter to the campus director within five (5) calendar days after the parent/student receives the campus director's decision. If the campus director does not receive a written appeal within five (5) calendar days of the decision, the campus director's suspension decision is final.

Upon receipt of the request, the campus director shall confirm that the student's suspension falls within the category of suspensions to which an appeal to the committee is authorized. If the campus director determines that the suspension is a long-term suspension, or the original short-term suspension is extended beyond ten (10) school days prior to the hearing, the procedures applicable to long-term suspensions must be followed and the student must be given the opportunity to appeal any adverse decision to the board of education.

### *Hearing the Appeal*

1. The superintendent shall appoint a review committee consisting of not less than three 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 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 whenever possible. The parent/student will be notified in writing of the date, time and place of the hearing. The campus director shall attend the hearing. Either party choosing to have legal counsel at the hearing shall give the other party twenty-four (24) hours advance notice. 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 suspension in an informal manner. The campus director will briefly outline the student's conduct, read the regulation that the student's conduct violated, and present any evidence and witnesses that support the suspension decision. The parent/student will be asked by the committee if they understand the regulation and charges against the student. The parent/student 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 suspension. The committee's decision shall be confirmed in

writing and a copy will be mailed to the parent, the campus director and the superintendent.

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

#### Student Privileges While Under Suspension

Participation in school extracurricular activities is a privilege and not a right. Accordingly, students who are suspended are immediately ineligible to participate in extracurricular activities, notwithstanding the filing of an appeal. "Extracurricular activities" include, but are not limited to, all school sponsored teams, clubs, organizations, ceremonies, student government, and all other school sponsored activities and organizations.

Reference: OKLA. STAT. tit. 70, § 24-101.3

**DISCIPLINARY REMOVAL OF  
SECONDARY STUDENTS WITH DISABILITIES**

Definitions

For purposes of this policy, the following definitions apply:

“Child with a disability” includes students who have been identified as having a disability or for whom an initial evaluation has been sought under the Individuals with Disabilities Act, Section 504 of the Rehabilitation Act, or Title II of the Americans with Disabilities Act.

"Controlled substance" means a drug or other substance identified under schedules I, II, III, IV or V in section 202(c) of the Controlled Substances Act, 21 U.S.C. § 812(c).

"Illegal drug" means a controlled substance, but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.

“School day” means any day, including a partial day, that students are in attendance at the technology center for instructional purposes.

“Serious bodily injury” means bodily injury that involves –

1. a substantial risk of death;
2. extreme physical pain;
3. protracted and obvious disfigurement; or
4. protracted loss or impairment of the function of a bodily member, organ or mental faculty.

"Weapon" means a dangerous weapon as defined by 18 U.S.C. § 930(g)(2), specifically, a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2½ inches in length.

Case-By-Case Determination

Technology center personnel must consider any unique circumstances on a case-by-case basis when determining whether a change of placement is appropriate for a student with a disability who violates the code of student conduct.



### Short-Term Disciplinary Removal

District personnel may remove a student with a disability who violates the code of student conduct from the student's current placement to an appropriate interim alternative educational setting, another setting or suspension, for not more than ten (10) consecutive school days and for additional removals of not more than ten (10) consecutive school days in the same school year for separate incidents of misconduct, as long as those additional removals do not constitute a change of placement.

A change of placement occurs if:

1. the removal is for more than ten (10) consecutive school days; or
2. the student has been subjected to a series of removals that are ten (10) days or less during the same school year that constitute a pattern.

School personnel determine whether a pattern exists by considering the following factors:

- the series of removals total more than ten (10) school days in a school year;
- the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and
- such additional factors as the length of each removal, the total amount of time the student has been removed and the proximity of the removals to one another.

However, in an effort to promote uniformity in the decision-making process, the board of education has determined that it is in the district's best interest that it not require school personnel to weigh these factors to determine the existence of a pattern in each instance. Instead, when the student's short-term removals exceed ten (10) school days over the course of the school year, the district will follow the process identified in this policy for implementing a long-term removal.

In school alternative placements for more than ten (10) consecutive school days or that may constitute a pattern of exclusion may be a change of placement if the student does not receive education services required under the student's IEP or Section 504 / Title II Plan.

### Educational Services During a Short-Term Disciplinary Removal

The technology center will provide a student with a disability the same level of services it provides students without disabilities during removals for ten (10) school days or less during the school year.

After a student with a disability has been removed from his or her current placement for ten (10) school days in the same school year, if a subsequent removal is imposed for not more than ten (10) consecutive school days and is not a change of placement, technology center personnel, in consultation with the student's special education teacher and the sending school district, will determine the extent to which services are needed, so as to enable the student to continue to appropriately progress in the general curriculum, although in another

setting, and to appropriately advance toward meeting the goals set out in the student's IEP or Section 504 / Title II Plan.

### Notification

On the date on which the decision is made to make a disciplinary removal that constitutes a change of placement of a student with a disability because of a violation of the district's code of student conduct, technology center personnel will notify the sending school district as well as the minor student's parents of the decision and ensure that the sending school provides the parents of students who are eligible for special education and related services under the IDEA with a copy of the *Parents Rights in Special Education: Notice of Procedural Safeguards* form. Personnel will provide the parents of students who are eligible for special education and related services only under Section 504/Title II with a copy of the district's *Section 504 Information and Procedural Safeguards* form.

### Special Circumstances

Technology center personnel may also remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:

1. carries or possesses a weapon at school, on school premises, or to or at a school function;
2. knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance at school, on school premises or at a school function; or
3. has inflicted serious bodily injury upon another person while at school, on school premises or at a school function.

### Making a Manifestation Determination

The technology center will notify the sending school of any incidents involving the need to make a manifestation determination. These determinations will be made with full notice to and cooperation with the sending school. Except for removals that will be for not more than ten (10) consecutive school days and will not constitute a change of placement, within ten (10) school days of any decision to change the placement of a student with a disability because of a violation of the technology center's code of student conduct, the student's sending school's IEP or Section 504 / Title II team will meet to review all relevant information in the student's file, including the student's IEP or Section 504 / Title II Plan, any teacher/instructor observations psychological evaluation date related to the student's current behavior, and any relevant information provided by the sending school and parents to determine:

1. if the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or
2. if the conduct in question was the direct result of an inappropriate placement or the technology center's failure to implement the IEP or Section 504 / Title II Plan.

The conduct will be determined to be a manifestation of the student's disability if the student's IEP or Section 504 / Title II team determines that a condition in either (a) or (b) of this paragraph was met.

If the student's IEP or Section 504 / Title II team determines that the conduct in question was the direct result of the technology center's failure to implement the IEP or 504 Plan, immediate steps will be taken to remedy those deficiencies.

#### Determination that Behavior Is a Manifestation of the Student's Disability

If the IEP team determines that the conduct was a manifestation of the student's disability, the team will either:

1. conduct a functional behavior assessment, unless the technology center had conducted a functional behavior assessment before the behavior that resulted in the change of placement occurred and further functional behavior assessment is deemed unnecessary, and implement a behavior intervention plan for the student; or
2. if a behavior intervention plan already has been developed, review the behavior intervention plan and modify it, as necessary, to address the behavior.

If the Section 504 / Title II team determines that the conduct was a manifestation of the child's disability, the team will determine what, if any, modifications to the student's educational placement are necessary, including conducting a functional behavior assessment and developing or revising a behavior intervention plan (if appropriate).

A parent or guardian who disagrees with the manifestation determination may file a complaint requesting an impartial due process hearing.

Except as provided in this policy, the IEP or Section 504 / Title II team will return the student to the placement from which the student was removed, unless the parent, sending school and the technology center agree to a change of placement as part of the modification of the behavior intervention plan.

#### Determination that Behavior Is Not a Manifestation of the Student's Disability

If the behavior that gave rise to the violation of the technology center's code of student conduct is determined not to be a manifestation of the student's disability, then school personnel may apply the relevant disciplinary procedures to students with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities.

A parent or guardian of a minor student who disagrees with the manifestation determination may file a complaint requesting an impartial due process hearing.

#### Educational Services During a Long-Term Disciplinary Removal

During a long-term disciplinary removal, a student eligible for special education and related services under the IDEA will:

1. continue to receive educational services so as to enable the student to continue to appropriately progress in the sending school's general education curriculum, although in another setting, and to appropriately advance toward achieving the goals set out in the student's IEP; and
2. receive, as appropriate through the sending school, a functional behavior assessment and behavior intervention services and modifications that are designed to address the behavior violation so that it does not recur.

The student's IEP team will determine appropriate services and the location in which services will be provided. These services may be provided in an interim alternative educational setting determined by the IEP team.

During a long-term disciplinary removal, a student eligible for special education and related services only under Section 504/Title II will receive educational services to the same extent that a student without disabilities would receive educational services during a disciplinary removal for the same offense. In some instances a long-term disciplinary removal may effectively remove the student from the technology center and may limit or eliminate the student's return to the technology center.

#### Appeal to Hearing Officer Under the IDEA

The parent of a student eligible for special education and related services under the IDEA who disagrees with any decision regarding placement or the manifestation determination under this policy, or the technology center, if school personnel believe that maintaining the current placement of the student is substantially likely to result in injury to the student or others, may appeal the decision by filing a due process hearing complaint seeking an expedited hearing.

In making the determination, the technology center acknowledges that the hearing officer may:

1. return the student with a disability to the placement from which the student was removed if the hearing officer determines that the removal was a violation of the applicable provisions of the IDEA or that the student's behavior was a manifestation of the student's disability; or
2. order a change of placement of the student to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

These procedures may be repeated, if the sending school or technology center believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.

When an appeal has been requested by either the parent, sending school or the technology center, the student will remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period set for the placement, whichever occurs first, unless the parent, sending school and the technology center agree otherwise.

The sending school or technology center may also seek a court order to remove a student with a disability from the technology center or change the student's current educational placement if technology center personnel believe that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

#### Providing Records to Disciplinary Decisionmaker

If the technology center initiates disciplinary procedures that it concludes would constitute a change of placement for a student with a disability, school personnel will ensure that the student's special education and disciplinary records are provided for consideration to the sending school personnel making the final determination regarding the disciplinary action.

**GUN-FREE SCHOOLS  
SECONDARY STUDENT SUSPENSION**

Any student who is determined to have:

- brought a weapon to a school under the jurisdiction of the district; or
- possessed a weapon within two thousand (2,000) feet of public school property; or
- possessed a weapon at a school event

shall be suspended out of school for a period of not less than one calendar year. 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 campus director, the weapon remains inoperable while at school and the weapon is used consistent with the permission granted.

Any out-of-school suspension imposed under this policy may be modified for any student on a case-by-case basis by the chief administrative officer of the technology center.

For the purposes of this policy, the following definitions shall control:

- The term "weapon" means a firearm as such term is defined in Section 921 of Title 18 of the United States Code.
- The term "chief administrative officer" means the superintendent or the board of education.
- The term "determined to have brought a weapon to a school under the jurisdiction of the district" means any student being in possession or control of a weapon on property owned, leased or rented by the technology center, including, but not limited to, school buildings, parking lots and motor vehicles and any student who is in possession or control of a weapon at any technology center sponsored function regardless of whether such function is conducted on technology center property.

Enforcement of this policy shall be consistent with state and federal laws dealing with discipline of students with disabilities.

Students who violate this policy will be referred to the appropriate criminal justice or juvenile delinquency system. Any firearm seized from a student by any technology center employee shall immediately be delivered to a law enforcement authority for disposition pursuant to applicable law.

Any out-of-school suspension initiated pursuant to this policy shall be subject to the procedural safeguards set forth in the technology center's policy for the out-of-school suspension of students.

Consistent with Oklahoma law, for an out-of-school suspension under this policy, no education plan shall be implemented during the term of the suspension. This policy does not apply to student suspensions for non-weapon violations.

Reference: OKLA. STAT. tit. 70, § 24-101.3

## **STUDENT BULLYING**

### Statement of Legislative Mandate and Purpose

This policy is a result of the legislative mandate and public policy embodied in the *School Safety and Bullying Prevention Act*, 70 OKLA. STAT. § 24-100.2 et seq. (“Act”). The technology center intends to comply with the mandates of the Act and expects students to refrain from bullying. Bullying is expressly forbidden and students who bully are subject to disciplinary consequences as outlined in the technology center’s policy on student behavior. Bullies may also be provided with assistance to end their unacceptable behavior, and targets of bullies may be provided with assistance to overcome the negative effects of bullying.

### Definition of Terms

A. Statutory definition of terms:

“Bully” means any pattern of harassment, intimidation, threatening behavior, physical acts, verbal or electronic communication directed toward a student or group of students that results in or is reasonably perceived as being done with the intent to cause negative educational or physical results for the targeted individual or group and is communicated in such a way as to disrupt or interfere with the school’s educational mission or the education of any student.

“Threatening behavior” means any pattern of behavior or isolated action, whether or not it is directed at another person, that a reasonable person would believe indicates potential for future harm to students, school personnel, or school property.

“Electronic communication” means the communication of any written, verbal, pictorial information or video content by means of an electronic device, including, but not limited to, a telephone, a mobile or cellular telephone or other wireless telecommunication device, or a computer.

Note: Bullying by electronic communication is prohibited whether or not such communication originated at school, or with school equipment, if the communication is specifically directed at students or school personnel and concerns bullying at school.

“At school” means on technology center grounds, in technology center vehicles, at technology center sponsored activities, or at technology center sanctioned events.

B. The “Reasonable Person” Standard

In determining what a “reasonable person” should recognize as bullying, staff will consider the point of view of the intended target, including any characteristics unique to the intended target. Staff may also consider the discipline history and physical characteristics of the alleged bully.



### C. Types of Bullying

“Physical Bullying” includes harm or threatened harm to another’s body or property, including but not limited to threats, tripping, hitting, pushing, pinching, pulling hair, kicking, biting, starting fights, daring others to fight, stealing or destroying property, extortion, assaults with a weapon, other violent acts, and homicide.

“Emotional Bullying” includes the intentional infliction of harm to another’s self-esteem, including but not limited to insulting or profane remarks or gestures, or harassing and frightening statements.

“Social Bullying” includes harm to another’s group acceptance, including but not limited to gossiping; spreading negative rumors to cause a targeted person to be socially excluded, ridiculed, or otherwise lose status; acts designed to publicly embarrass a targeted person, damage the target’s current relationships, or deprive the target of self-confidence or the respect of peers.

“Sexual Bullying” includes harm of a sexual nature, including but not limited to making unwelcome sexual comments or gestures to or about the targeted person; creating or distributing vulgar, profane or lewd words or images about the target; committing a sexual act at school, including touching private parts of the target’s body; engaging in off-campus dating violence that adversely affects the target’s education opportunities; making threatening sexual statements directed at or about the target; or gossiping about the target’s sexuality or sex life. Such conduct may also constitute sexual harassment which is prohibited by the technology center.

### Understanding and Preventing Bullying

A full copy of this policy will be posted on the technology center’s website and included in all handbooks. Parents, guardians, community members, and volunteers will be notified of the availability of this policy through the technology center’s annual written notice of the availability of the anti-bullying policy. Written notice of the policy will also be posted at various places in all campuses.

Students and staff will be periodically reminded throughout the year of the availability of this policy, the technology center’s commitment to preventing bullying, and help available for those affected by bullying. Anti-bullying programs will be incorporated into the technology center’s other violence prevention efforts.

All staff will receive annual training regarding preventing, identifying, reporting, and managing bullying. The technology center’s bullying coordinator and individuals designated as campus investigators will receive additional training regarding appropriate consequences and remedial action for bullies, helping targets of bullies, and the technology center’s strategy for counseling and referral for those affected by bullying.

Students will receive annual education regarding behavioral expectations, understanding bullying and its negative effects, disciplinary consequences for infractions, reporting methods, and consequences for those who knowingly make false reports. Parents and guardians of minors may participate in a parent education component.

### Student Reporting

Students are encouraged to inform school personnel if they are the target of or a witness to bullying. To make a report, students should notify a teacher, counselor, or campus administrator. The employee will give the student an official report form, and will help the student complete the form, if needed.

Students may make an anonymous report of bullying, and such report will be investigated as thoroughly as possible. However, it is often difficult to fully investigate claims which are made anonymously and disciplinary action cannot be taken against a bully solely on the basis of an anonymous report.

### Staff Reporting

Staff members will encourage students to report bullying. All employees are required to report acts of bullying to the campus director on an official report form. Any staff member who witnesses, hears about, or suspects bullying is required to submit a report.

### Bullying Investigators

Each campus will have a designated individual and an alternate to investigate bullying reports. These individuals will be identified in the site's student and staff handbooks, on the technology center's website, and in the bullying prevention education provided annually to students and staff. The technology center's anti-bullying program is coordinated at the district level by its bullying coordinator, the superintendent of schools.

### Investigating Bullying Reports

For any alleged incidents of bullying reported to technology center officials, the designated official will investigate the alleged incident(s) and determine (i) whether bullying occurred, (ii) the severity of the incident(s), (iii) the potential for future violence, and (iv) the reason for the actual or perceived bullying.

In conducting an investigation, the designated official shall interview relevant students and staff and review any documentation of the alleged incident(s). Technology center officials may also work with outside professionals, such as local law enforcement, as deemed appropriate by the investigating official. In the event the investigator believes a criminal act may have been committed or there is a likelihood of violence, the investigator will immediately call local law enforcement and the superintendent.

At the conclusion of the investigation, the designated employee will document the steps taken to review the matter, the conclusions reached and any additional action taken, if applicable. Further, the investigator will notify the district's bullying coordinator that an investigation has occurred and the results of the investigation. In the event the investigation reveals that bullying occurred, the technology center's bullying coordinator will refer the student who committed the act of bullying to a delinquency prevention and diversion program through the Office of Juvenile Affairs.

Upon completion of an investigation, the campus director may recommend that available community mental health care or substance abuse options be provided to a student, if appropriate. The campus director may provide a student with information about the types of support services available to the student bully, target, and any other students affected by

the prohibited behavior. These resources will be provided to any individual who requests such assistance or will be provided if a technology center official believes the resource might be of assistance to the student/family. The technology center is not responsible for paying for these services. No technology center employee is expected to evaluate the appropriateness or the quality of the resource provided, nor is any employee required to provide an exhaustive list of resources available. All technology center employees will act in good faith.

The technology center may request the disclosure of information concerning students who have received substance abuse or mental health care (pursuant to the previous paragraph) if that information indicates an explicit threat to the safety of students or school personnel, provided the disclosure of the information does not violate the requirements and provisions of the Family Educational Rights and Privacy Act of 1974, the Health Insurance Portability and Accountability Act of 1996, OKLA. STAT. tit. 12 § 1376, OKLA. STAT. tit. 59 §1376 of the Oklahoma Statutes, or any other state or federal laws regarding the disclosure of confidential information. The technology center may request the disclosure of information when it is believed that the student may have posed a danger to him/herself and having such information will allow technology center officials to determine if it is safe for the student to return to the regular classroom or if alternative education arrangements are needed.

#### Parental Notification for Minor Students

The assigned investigator will notify the parents (minor students only) of a target within one (1) school day that a bullying report has been received. Within one (1) school day of the conclusion of the investigation, the investigator will provide the parents (minor students only) of a target with the results of the investigation and any community resources deemed appropriate to the situation.

If the report of bullying is substantiated, within one (1) school day of the conclusion of the investigation, the investigator will contact the parents (minor students only) of the bully to discuss disciplinary action and any community resources deemed appropriate to the situation.

The timelines in this parental notification section may be reasonably extended if individual circumstances warrant such an extension.

#### Parental Responsibilities

All parents/guardians of minor students will be informed in writing of the technology center's program to stop bullying and will be given a copy of this policy upon request. An administrative response to a reported act of bullying may involve certain actions to be taken by parents of minor students. Parents of minor students will be informed of the program and the means for students to report bullying acts toward them or other students. They will also be told that to help prevent bullying at school they should encourage their children to:

- Report bullying when it occurs;
- Take advantage of opportunities to talk to their children about bullying;
- Inform the administration immediately if they think their child is being bullied or is bullying other students;

- Watch for symptoms that their child may be a target of bullying and report those symptoms; and
- Cooperate fully with technology center personnel in identifying and resolving incidents.

### Monitoring and Compliance

In order to assist the State Department of Education with compliance efforts pursuant to the *School Safety and Bullying Prevention Act*, 70 OKLA. STAT. § 24-100.2 et seq., the technology center will identify a Bullying Coordinator who will serve as the contact responsible for providing information to the State Board of Education. The Bullying Coordinator shall maintain updated contact information on file with the State Department of Education and the technology center will notify the State Department of Education within fifteen (15) days of the appointment of a new Bullying Coordinator.

A copy of this policy will be submitted to the State Department of Education by December 10th of each school year as part of the technology center's Annual Performance Report.

Reference: OKLA. STAT. tit. 70, § 24-100.2

## **HAZING**

Hazing constitutes unethical and unacceptable conduct that will not be tolerated at the technology center. To that end, the technology center adopts the following policy prohibiting hazing.

1. "Hazing" means any activity which recklessly or intentionally endangers the physical or mental health or safety of a student, required as a condition of membership in an organization, regardless of willing participation, including but not limited to physical brutality such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of food, alcohol, drugs, or other substances, and activities which would induce extreme mental stress such as prolonged sleep deprivation, prolonged isolation, and conduct which could cause extreme embarrassment or humiliation.
2. Endangering the physical health shall include, but not be limited to, any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, alcoholic beverage, low-point beer, drug, controlled dangerous substance, or other substance, or any other forced physical activity which could adversely affect the physical health or safety of the individual.
3. Endangering the mental health shall include, but not be limited to, any activity except those authorized by law, which would subject the individual to extreme mental stress, such as prolonged sleep deprivation, forced prolonged exclusion from social contact, forced conduct which could adversely affect the mental health or dignity of the individual.
4. No organization having student members which is sponsored by the technology center or which is permitted to hold meetings or other events on technology center property (a "Student Organization") and no student member of a Student Organization shall engage or participate in or directly or indirectly condition membership on participation in or submission to a hazing activity.
5. Students violating these prohibitions shall not be permitted to participate in any extra-curricular activity sponsored by the technology center, shall be subject to disciplinary measures which may include suspension or removal, and shall, when appropriate, be referred to local law enforcement authorities for prosecution.
6. Student Organizations which violate these prohibitions shall forfeit all rights, privileges, and recognition from the technology center for a minimum of one (1) year, and shall be referred to local law enforcement authorities for prosecution.
7. Hazing will be dealt with as outlined in the Code of Student Conduct. Technology center employees who are linked to hazing shall be subject to discipline - including dismissal or non-renewal.

### **STUDENT POSSESSION OF DANGEROUS WEAPONS**

In order to provide a safe environment for the students and staff of the technology center, the board of education adopts this policy prohibiting the possession and/or use of dangerous weapons, replicas or facsimiles of dangerous weapons and items or instrumentalities which are used to threaten harm or are used to harm any person.

Dangerous weapons, including but not limited to firearms, are a threat to the safety of the students and staff of the technology center. In addition, possession of dangerous weapons, or replicas or facsimiles of dangerous weapons, disrupts the educational process and interferes with the normal operation of the technology center.

For the foregoing reasons and except as specifically provided below, possession by any student of a dangerous weapon, as that term is defined in this policy, or a replica or facsimile of a dangerous weapon, while on technology center property, at a technology center-sponsored activity, or on a technology center bus or vehicle, is prohibited. Further, use of any item or instrumentality by a student to threaten harm to any person or which is used to harm any person, while on technology center property, at a technology center sponsored activity, or on a technology center bus or vehicle, is prohibited.

For purposes of this policy, "possession of a dangerous weapon" includes, **BUT IS NOT LIMITED TO**, any person having a dangerous weapon: (1) on his or her person; (2) in his or her locker; (3) in his or her vehicle; (4) held by another person for his or her benefit; or (5) at any place on technology center property, a technology center bus or vehicle, or at a technology center activity.

A dangerous weapon includes, **BUT IS NOT LIMITED TO**, a pistol, revolver, rifle, shotgun, air gun or spring gun, B-B gun, stun gun, hand grenades, fireworks, slingshot, bludgeon, blackjack, brass knuckles or artificial knuckles of any kind, nun-chucks, dagger, bowie knife, dirk knife, butterfly knife, any knife, regardless of the length or sharpness of the blade, any knife the blade of which can be opened by a flick of a button or pressure on the handle, any pocketknife, regardless of the length or sharpness of the blade, any pen knife, "credit card" knife, razor, dart, ice pick, explosive smoke bomb, incendiary device, sword cane, hand chains, firearm shells or bullets, garrottes, choking devices, mace, pepper spray, and any item whose principal purpose is for use as a weapon, whether offensive or defensive, and any replica or facsimiles of any of the foregoing items, or any item or instrumentality which is used to threaten harm or is used to harm any person or any chemical, material or substance which can cause an irritation to or reacts with human tissue, or any chemical, material or substance used, given, applied to or administered to another person without that person's consent. **THE FOREGOING LIST OF "DANGEROUS WEAPONS" IS DESCRIPTIVE AND BY WAY OF EXAMPLE ONLY AND IS NOT TO BE CONSIDERED AN EXCLUSIVE OR LIMITING LIST OF DANGEROUS WEAPONS. IT WILL NOT BE A DEFENSE TO ANY DISCIPLINARY ACTION UNDER THIS POLICY THAT THE STUDENT POSSESSING THE DANGEROUS WEAPON DID NOT KNOW THAT IT IS A DANGEROUS WEAPON, BUT SUCH CLAIM OF A LACK OF KNOWLEDGE MAY BE CONSIDERED IN MITIGATION OF ANY DISCIPLINARY PENALTY.**

Any student in possession of a dangerous weapon, or replica or facsimile of a dangerous weapon, in violation of this policy or who uses any item or instrumentality to threaten harm to any person or is used to harm any person may be placed under emergency suspension from technology center, pending an investigation of the incident by the appropriate technology center or legal authorities. Students who violate this policy may be suspended from technology center, barred from technology center property and all technology center activities for any period of time up to the maximum period authorized by law. Additionally, appropriate technology center staff members may seek to file criminal charges against the student.

If a teacher or other technology center employee has a reasonable suspicion to believe that a student is in possession of a dangerous weapon, or a replica or facsimile of a dangerous weapon, the teacher or employee shall immediately investigate the matter and shall confiscate any such weapon found if this can be accomplished without placing any students or staff in jeopardy, and shall immediately notify the superintendent or the superintendent's designee. If the teacher or employee does not believe that the weapon can be confiscated safely, the teacher or employee shall immediately notify the superintendent or the superintendent's designee of the situation.

If the superintendent or his/her designee learns that a student is believed to be in possession of a dangerous weapon or replica or facsimile thereof, the superintendent or designee shall observe the following procedure:

1. Immediately investigate the matter and contact the police or campus security, if appropriate.
2. If not already confiscated by an employee of the technology center and if it can be accomplished without risk of injury, the superintendent or designee should take possession of the dangerous weapon or replica or facsimile.
3. Notify the superintendent or designee.
4. Notify the student's parents.
5. Cooperate fully with the police.
6. Transfer confiscated weapon to the police department, if feasible.

A student who has been suspended from a K-12 school or another technology center because of the possession of a dangerous weapon, or replica or facsimile of a dangerous weapon, shall not be accepted as a transfer student into the technology center.

An exception to this policy may be granted for students participating in an authorized curricular or extracurricular activity or team involving the use or demonstration of a dangerous weapon, or replica or facsimile of a dangerous weapon. For this exception, prior written approval by the superintendent is required. Students who participate in JROTC may also be granted an exception to bring an inoperable weapon onto campus for the limited purpose of participating in a school program. The campus director must approve this exception in advance, the weapon must remain inoperable at all times while on campus, and the weapon must not be used in a manner which is inconsistent with the permission granted.

A student's inadvertent or unintentional possession of a dangerous weapon or replica or facsimile thereof on technology center property, a technology center bus or vehicle, or at a technology center activity is no defense or excuse to compliance to this policy, but may be considered in determining the length or severity of any punishment for violation of this policy.

Notwithstanding any of the foregoing provisions, rights of due process for all students and rights of disabled students must be observed in accordance with applicable law and technology center board policies.

### **Adult Students and Handguns on School Campus**

HB 1652 amended OKLA. STAT. tit. 21 § 1277 by designating the limited areas in which concealed handguns can be located on a technology center campus. Adult students may not carry a gun into any technology center school facility (including offices, common areas, or structures of whatever type or kind). Likewise, it is unlawful for any adult student to carry a handgun onto the campus of a K-12 school whether or not the adult student is engaged in an activity related to the technology center in which the student is enrolled. Students found in possession or control of a handgun in violation of school policies and applicable state or federal laws will suffer the most severe disciplinary consequences available, including removal from school, and referral of unlawful handgun possession or storage to authorities for criminal prosecution. The only area adult students, who have a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act, may have a handgun on a technology center campus is in a parking lot of the school campus, provided the handgun is carried or stored as required by law.

Reference: OKLA. STAT. tit. 21, § 1272



**STUDENTS, DRUGS, AND ALCOHOL**

1. **Illegal and Illicit Drugs and Alcohol**
  - A. Use of illicit drugs and unlawful possession and use of alcohol is wrong and harmful, resulting in poor academic performance, poor social interactions, and jeopardy to future job prospects.
  - B. Students are prohibited from using, being under the influence of, possessing, furnishing, distributing, selling, conspiring to sell or possess or being in the chain of sale or distribution of alcoholic beverages, non-intoxicating alcoholic beverages (as defined by Oklahoma law, i.e., 3.2 beer), illegal or illicit drugs, or other mood-altering substances at school, while on school vehicles, or at any school-sponsored event.
  - C. "Illicit drugs" includes 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.
  - D. "Mood-altering substances" include, but are not limited to, paint, glue, aerosol sprays, salts, incense, and other substances which may be used as an intoxicating substance.
  - E. Violation of this policy will result in imposition of disciplinary measures, pursuant to the technology center's policy on student behavior.
  - F. Student violation of this rule which also constitutes illegal conduct will be reported to law enforcement authorities.
2. **Necessary Medications**
  - A. Students may not retain possession of and self-administer any medication at school for any reason except as permitted by the school's policy on the administration of medicine to students.
  - B. Minor students who have a legitimate health need for over-the-counter or prescription medication at school shall deliver such medications to the campus director with a parental authorization, in compliance with Oklahoma law and school policy and procedures regarding administering medicine to students.
  - C. Violations of this rule will be reported to a minor student's parents, and may result in discipline which can include suspension.

3. Distribution of Information

- A. Information for students and the parents of minor students about drug and alcohol counseling and rehabilitation and reentry programs in this geographic area is available from the campus director at each site.
- B. Copies of this policy shall be included in the student handbook.

### **STUDENT SEARCH AND SEIZURE**

The superintendent, campus director, or designees are authorized to detain and search any student and any property in the student's possession while on technology center premises, at technology center activities, or in transit under authority of the technology center, for any item possession of which by the student is illegal or prohibited by technology center policy, or for property believed to have been stolen from another student, an employee, or the technology center. The search shall be conducted according to the following guidelines:

#### Reasonableness

1. The decision to search must be based upon a reasonable suspicion that:
  - A. A violation of the law or school policy or rules has occurred or is occurring;
  - B. The student to be searched has committed the violation; and
  - C. Particular evidence of the violation will be discovered in the search.
2. In deciding whether a suspicion is reasonable, all the circumstances surrounding the case should be considered, including:
  - A. The student's age, history, and record in school;
  - B. The prevalence and seriousness of the suspected violation;
  - C. The school officials' prior experience in detecting the problem or recognizing suspicious behavior;
  - D. The need to make a search without delay and further investigation;
  - E. The specificity and source of the information used as justification for the search; and
  - F. The particular instructor or official's experience with the student.

#### Scope

1. The scope or extent of the search shall be reasonably related to the kind of objects being searched for, and not excessively intrusive in light of the student's age and sex and the nature of the suspected violation.
2. A search commenced to discover a particular kind of item may be expanded or continued for additional items if circumstances warrant.

### Discovered Items

1. Illegal items or other possessions or substances reasonably determined to be a threat to the safety or security of others may be seized by technology center authorities. These items will immediately be turned over to law enforcement officials for disposition as they see fit.
2. Items which are used to disrupt or interfere with the educational process may be temporarily removed from student possession.

### Refusal to Submit to Search

A student who refuses to peaceably submit to a search based on reasonable suspicion or who refuses to turn over items discovered as a result of a search may be suspended for such refusals.

### Reports

The person conducting the search shall prepare a report to be maintained by the superintendent and campus director, including the date, time, place, names of witnesses, purpose, basis, and result of the search.

**SEARCH AND SEIZURE OF TECHNOLOGY CENTER PROPERTY  
ASSIGNED TO STUDENT**

In order to maintain discipline and to ensure the proper functioning of the educational process, school administrators must have access at all times to all technology center property, including lockers, cabinets, desks, etc. assigned to students. The administration will maintain a confidential file of all lockers (if any) and their combinations and will retain master keys to all lockers, cabinets, etc., as applicable. Thus, although students have privacy rights in their locker/cabinet contents and other technology center property assigned to them as against other students, they do not have privacy rights in their locker/cabinet contents and other technology center property assigned to them as against technology center administrators. No technology center property will be used to store objects or materials that violate school regulations or state and local ordinances. The technology center maintains the right to ensure that lockers, cabinets, desks and other technology center property assigned to students are properly cleaned, and that they do not contain items which should not be kept on technology center property. Lockers, cabinets, desks, and other technology center property assigned to students will be opened periodically for cleaning purposes and to locate class materials. In addition, administrators may open and examine student lockers, cabinets, desks and all technology center property assigned to students for general and specific inspections at any time.

"Sniffer" dogs may properly be used to discover prohibited items concealed in technology center property assigned to students.

Illegal items or other possessions or substances reasonably determined to be a threat to the safety or security of others will be seized by technology center authorities. These items will immediately be turned over to law enforcement officials for disposition as they see fit.

Items which are used to disrupt or interfere with the educational process will be temporarily removed from student possession.

## **ADMINISTRATION OF MEDICINE TO MINOR STUDENTS**

### **Purpose**

The purpose of this policy is to identify when district personnel are authorized to administer medication to minor students, when minor students are authorized to self-medicate and how district personnel will maintain, administer, monitor and dispose of minor 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 “medications” includes prescription medications, opiate antagonists 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 of a minor student.

“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 and nonprescription medications and assist in applying sunscreen to minor students. Only designated employees who have successfully completed specific training in the administration of nonprescription and prescription medications may administer medication to minor students with legitimate health needs.

Except as provided in this policy and in the technology center’s diabetes care and management policy, minor students may not retain possession of or self-administer any medicine. Violation of this rule will be reported to the minor student's parent and may result in discipline, including out-of-school suspension.

As further set out below, the technology center 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.

The parent must deliver the minor student's medicine to the 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 medicine or sunscreen must identify the minor student, the medicine or sunscreen and include or refer to the label for instructions on administration of the medicine. The administrator or a designated employee will administer the medicine to the minor student or assist the minor student in applying sunscreen pursuant to the parent's instructions and the directions for use on the label or in the physician's prescription. The parent must complete a new authorization form annually and for each change of medication or sunscreen. The technology center will maintain the authorization form as a part of the minor student's health record. Authorization forms will be available in the campus director's office. A parent who chooses to do so may come to the school and personally dispense medication or apply sunscreen to the minor student.

The administration of each campus will keep a record of the minor students to whom medicine is administered or sunscreen 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 sunscreen. Medications requiring refrigeration will be refrigerated in a secure area.

Any person administering medicine or applying sunscreen to a minor 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;
- Procedures for administration, documentation, handling and storage of medication and sunscreen; and
- Medication needs of specific minor students, desired effects, potential side effects, adverse reactions and other observations.

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

Minor students who are able to self-administer specific medications, such as inhaled asthma medication or anaphylaxis medication, replacement pancreatic enzymes, 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 minor students' control in compliance with the following rules:

- A licensed physician or dentist must provide a written order that the minor student has a particular medical condition (asthma, anaphylaxis, cystic fibrosis, 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.
- The parent must provide a written authorization for self-administration of medication.
- Parents who elect self-medication understand and agree that the technology center, its agents and employees shall incur no liability for any adverse reaction or injury the minor student suffers as a result of self-administration of medication and/or use of specialized equipment.
- 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 technology center is not responsible for safeguarding the minor students' medications or specialized equipment.
- Minor students who self-medicate are prohibited from sharing or playing with their medication or special equipment. If a minor student engages in these activities the parent will be contacted and a conference will be scheduled with the parent, minor student, nurse and other appropriate persons.
- Minor students will not be allowed to self-administer:
  - 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 technology center.
- Except as otherwise provided by an individual minor student's school health plan, minor students may self-administer non-diabetes and non-anaphylaxis-related injectables only in the campus director's office in the presence of authorized school personnel. Diabetes-related injectables will be administered in accordance with the technology center's diabetes care and management policy.
- Minor students who self-medicate are encouraged to wear Medic Alert bracelets or necklaces.
- The parent will provide an emergency supply of a minor student's inhaled asthma medication or anaphylaxis medication or replacement pancreatic enzymes to be administered by school personnel, as required by state law.



Minor students who are able to self-apply sunscreen may do so provided such sunscreen is regulated by the Food and Drug Administration. Minor 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.

### **Sunscreen**

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

- Ingredients; and
- Directions for Application.

### **Nonprescription Medication**

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

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

Technology center staff will only administer aspirin (acetylsalicylic acid) and products containing salicylic acid with written instructions from the minor student's physician. The parent must provide and maintain a supply of nonprescription medication for the minor student.

### **Prescription Medication**

Technology center staff will only administer prescription medication with written authorization and instructions. Prescription medication must be in the original container that indicates:

- Minor 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 minor 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 designated employee will destroy in a nonrecoverable 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

Any and all controlled substances will be destroyed according to state law.

The designated employee will advise the campus director if discontinuance of medication to a minor 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 minor student, parent and/or prescribing doctor and the technology center;
- 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 minor student;
- 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.

## **STUDENT DIABETES CARE AND MANAGEMENT**

### Purpose

The purpose of this policy is to implement the requirements of the Diabetes Management in Schools Act ("Act"), OKLA. STAT. tit. 70 § 1210.196.

### Definitions

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

"Diabetes medical management plan" means the document a student's personal health care team develops that identifies the health services the student may need at school.

"Personal health care team" means the team responsible for managing a student's diabetes and includes the campus director or designee, the volunteer diabetes care assistant, if any, the parent or guardian of a minor student, and to the extent practicable, the physician responsible for the student's diabetes treatment.

"Volunteer diabetes care assistant" means a technology center employee who has volunteered to be a diabetes care assistant and successfully completed the training required by this policy and state law.

### Policy

Any technology center employee aware of a student who has diabetes-related needs while at school or while participating in school activities will promptly advise the campus director. The parent of any minor student who will have diabetes-related needs at school or in school activities should promptly advise the campus director.

If the student is a secondary student, the diabetes management procedures will be jointly developed by the technology center and the sending school. If an existing diabetes management plan exists, the technology center will review the plan and coordinate any changes necessary with the parent(s).

A personal health care team will develop a written Diabetes Medical Management Plan ("Plan") for each student who may seek care for diabetes while at school or while participating in a school activity. The Plan will identify the health services the student may need at school. Each member of the student's personal health care team, including the parent of a minor student, will sign the Plan. The personal health care team will review the Plan at least annually. The campus director will make a reasonable effort to find one or more technology center employees willing to serve as a volunteer diabetes care assistant ("Assistant") to assist the student with diabetes care as provided in the student's Plan. The campus director will make a reasonable effort to ensure that an Assistant is available at the school to assist the student when needed. The technology center will not restrict the assignment of a student with diabetes based on the presence of an Assistant.

Technology center personnel will request that the parent or guardian of a minor student provide written authorization for the campus director or Assistant to have access to the student's physician at all times. The technology center will maintain the Plan and related documentation as student health records.

Before undertaking responsibilities as an Assistant, a volunteer must first complete training provided by the State Department of Health in accordance with the Act. The training will include instruction in the following:

- Recognizing the symptoms of hypoglycemia and hyperglycemia;
- Understanding the proper action to take if the student's blood glucose is outside the range indicated in the Plan;
- Understanding the details of the Plan;
- Performing finger sticks to check blood glucose levels, check urine ketone levels and record the results of those checks;
- Properly administering insulin and glucagon and recording the results of the administration;
- Recognizing complications that require the assistant to seek emergency assistance; and
- Understanding the recommended schedules and food intake for the student's meals and snacks, the effect of physical activity on blood glucose and the proper action to be taken if the student's schedule is disrupted.

To continue as an Assistant, the volunteer must annually demonstrate competency in the above training. The campus director or designee will maintain a copy of the training guidelines and the records associated with the training.

With permission from the student or the parent(s) of a minor student, the technology center will provide each technology center employee responsible for supervising or transporting a student with diabetes a form with the following information:

- Student's name;
- Telephone number of a contact person in case of an emergency involving the student; and
- Potential emergencies that may occur due to the diabetes and appropriate responses to such emergencies.

Any technology center employee provided the above information will be informed of applicable health privacy policies.

In accordance with his or her individual Plan and this policy, a student may attend to the management of his or her diabetes, which may include:

- Performing blood glucose level checks;
- Administering insulin through the student's insulin delivery system;
- Treating hypoglycemia and hyperglycemia;
- Unless changed in accordance with this policy, possessing on his or her person at any time, any supplies or specialized equipment necessary to monitor and care for his or her diabetes; and
- Otherwise attending to the management of his or her diabetes in the classroom, any area of the school or grounds, or at any school related activity.

The technology center will provide a private area where the student can attend to his or her diabetes-related needs.

Students who manage their diabetes and personally possess the necessary specialized equipment and supplies under this policy are prohibited from sharing or playing with their equipment or supplies. If a student engages in these activities, a meeting of the personal health care team will be scheduled to address the situation. The technology center is not responsible for safeguarding the specialized equipment or supplies of a student who personally possesses those items.

Students with diabetes are encouraged to wear Medic Alert bracelets or necklaces.

No technology center employee will be subject to any penalty or disciplinary action for refusing to serve as an Assistant. No technology center employee will be subject to any disciplinary proceeding resulting from any action taken in compliance with this policy. Any employee acting in accordance with this policy and law will be immune from civil liability unless the employee's actions rise to the level of reckless or intentional conduct.

## **FOOD ALLERGIES**

The technology center is committed to ensuring equal access to its programs for all students, including students with food allergies. The technology center will make reasonable accommodations to allow students with food allergies to participate in all its programs. The technology center will not tolerate any retaliatory or bullying conduct toward a student due to a food allergy.

### Food Allergy and Anaphylaxis Action Plan

A Food Allergy and Anaphylaxis Action Plan (“Plan”) will be developed for each student who has a food allergy. The Plan will be based on an interactive meeting between the parent (or adult student) and the assistant superintendent, and will be supported by medical documentation provided by the student’s healthcare provider. The Plan will include, at a minimum, the following information:

- specific allergens / ingredients to be avoided
- preventative measures
- method by which employees can easily identify the student
- type of reaction to the allergen
- actions to be taken in case of suspected exposure when no reaction is observed
- actions to be taken when symptoms are present
- reasonable accommodations which will be provided for the student

If the student is a secondary student, the Plan and procedures will be jointly developed by the technology center and the sending school. If a plan exists, the technology center will review the plan and coordinate any changes necessary with the parent(s).

Reasonable accommodations may include actions such as an alternative meal which is as nutritionally comparable as reasonably possible, a meal prepared in a separate area of the kitchen, a meal served at a separate table in the cafeteria, etc. The reasonable accommodations identified during the interactive development of the student’s Plan are subject to final approval by school officials. In the event the parent (or adult student) is not satisfied with the results of the interactive meeting or the established Plan, the parent (or adult student) may request a review of the accommodations and/or the Plan by contacting the superintendent in writing within five (5) school days of the development of the Plan.

The Plan will be reviewed/updated through the interactive process at least once per school year.

### **TUITION REFUND**

It is the policy of the technology center board of education that students who have paid tuition for adult programs be given refunds under conditions stated in established guidelines. This policy applies when a student officially withdraws from a full-time or short-term adult program.

The term “withdrawal” shall mean written notification by a student of his/her intention to discontinue class attendance.

#### Procedures

The purpose of these procedures is to establish a set of guidelines for the refund of tuition to students who wish to withdraw from full-time or short-term adult courses (Adult Career Development (ACD) and/or Business/Industry Services (BIS)).

For full-time programs, 100% of the tuition will be refunded if the student withdraws on or before the first day of class through the tenth day of class. No refunds will be given after the tenth day of class.

For short-term adult courses, 100% of the tuition will be refunded if the student withdraws on or before the first day of class. No refunds will be given after the second class meeting date.

**POST MILITARY EDUCATION**

The board of education recognizes that service members acquire knowledge and skills during military duty. The technology center will award appropriate educational credit in its education programs consistent with the experience earned by military personnel.

In order to be considered for an award of education credit at the technology center, an applicant must have been honorably discharged from the United States Armed Forces within three (3) years from the date of enrollment at the technology center.

The registrar or other employee designated by the superintendent is authorized to meet with the applicant and compare the applicant's education, training and experience with the requirements of the applicant's proposed program of study. The applicant is responsible for supplying the requisite information and records essential to any award of credit. The technology center shall utilize the *Guide to the Evaluation of Educational Experiences in the Armed Services* (published by the American Council on Education) to make this analysis and determine appropriate credit to be awarded. The process of awarding credit for military experience shall be conducted in a manner similar to the review process for transfer of education credits earned at another institution. The decision of the technology center regarding an award of credit is a final decision that is not subject to appeal.



## **STUDENT GRADES**

It is the policy of the technology center board to issue a grade to each student enrolled according to the grading options for career program students outlined below.

Certain terms used in this policy shall have the following meanings:

**Course.** A portion of a total career program for which a grade is issued and entered on a transcript.

**Career Program Student.** A secondary or post-secondary student enrolled in a career program, either the morning or afternoon session or both sessions.

**Grading Option.** Grading options are available for short-term students.

**Grading Period.** A predetermined length of time for which instructors issue grades that reflect student performance in a course/career program.

**Short-Term Student.** A student enrolled in any short-term course.

**Satisfactory Academic Progress.** A student is considered to be making satisfactory academic progress if the student maintains a grade of "C" and the student's attendance is within limits prescribed in the attendance policy. Minimum passing scores for courses may vary according to outside agency or employer requirements. Some programs may have special grading requirements different from "C" to satisfy state and national accreditation guidelines.

**Truant.** A student is considered to be truant if he/she intentionally fails to comply with the Oklahoma School Attendance Law.

**Unsatisfactory Academic Progress.** A student is considered to be making unsatisfactory academic progress if the student's grades fall below a "C" and/or absences exceed the limits prescribed in the attendance policy. Unsatisfactory academic progress may be defined differently in programs or courses for which special grading scales exist to meet state or national certifications or other special requirements. Requirements are defined in the applicable student handbook.

### **Full-Time Career Programs**

#### Grades

1. **Student Responsibility.** In order to receive a grade, it is the student's responsibility to complete course requirements, return all school-owned books, books and equipment or pay for the same, and pay all tuition, fees and any other indebtedness. Student indebtedness may result in a "hold" being placed on report cards, transcripts and/or other student records until the debt is paid in full.

2. Letter Grades, Grading Scales and Percentages. The following criteria will be used for the assignment of letter grades, grading scales and percentage grades for students participating in full-time courses:

A	100 – 90 %
B	89 – 80
C	79 – 70
D	69 – 60
F	59 – 00
I	Incomplete
W	Withdraw

Special grading scales may be used to meet state and national certification, apprenticeship program and other special requirements.

3. Incomplete Grades. When a grade of I is issued, the student has ten (10) school days from the end of the grading period to correct the I grade or the I shall recorded as an F.
4. Recording Grades. Grades earned are recorded by the instructor in an official grade book or electronic grading system. A printed copy will be archived on the campus at the end of the school year.

#### Calculating Student Grades

Course Grades. Grading patterns are calculated and established by the instructor(s) and may include, but are not limited to: practice of technical skills grades; written work grades; test grades; project grades; WBL grades. Each instructor's grading pattern will be on file in the campus director's office in the course syllabi. Instructors will give the students a copy of the grading pattern at the beginning of each course. Though not specifically graded, there is no intent in this policy to minimize the value of instructional emphasis on students' attitude, attendance or development of a positive work ethic.

#### Attendance Impact on Grades

Arrangements to Complete Work Missed. It is the responsibility of the student to contact the instructor and make arrangements to complete work missed. No penalty will be assessed if work is made up in the required time frame. The normal time frame is considered to be one (1) day for each day missed. In situations which require more time due to the nature of the program, the instructor is to set the date when make-up work is due.

#### Student Progress

1. Secondary Student Progress Reports. At the end of the 5<sup>th</sup> week of each grading period, Secondary Student Progress Reports will be issued to any full-time student, or student with an identified IEP, not making satisfactory academic progress. Student Progress Reports may be issued for satisfactory or excellent academic progress. Student Progress Reports may be issued at other times if deemed necessary by the instructor.

2. **Academic Probation.** A student having unsatisfactory academic progress will be notified by an administrator or his/her designee and placed on probation. A secondary student placed on probation will have until the next grading period to achieve satisfactory academic progress or face possible removal from the program. A post-secondary student placed on probation may have up to five (5) weeks to achieve satisfactory academic progress. Failure to achieve satisfactory academic progress may result in removal from the program.
3. **Failing Grades.** A secondary student failing a semester may be dropped from the course(s) and/or returned to his/her sending school. A post-secondary student who receives financial aid and fails to maintain satisfactory academic progress may be disqualified for further financial aid. A post-secondary student who fails to maintain satisfactory academic progress may be dropped from the program. In career programs where requirements by an outside agency exist, criteria for failure of the course(s) are defined in the applicable student handbook. If a student fails a course within a career program, guidelines for any permitted repeat of that course are defined in the applicable student handbook. Student removal from a course or career program shall be based on recommendation by the instructor and approved by the campus director or assistant director.
4. **Reporting Grades.** Career Program instructors will enter into the permanent records 9-week and semester grades as well as course grades for each student by the last day of the semester. The campus registrar will maintain the permanent student records and issue official transcripts. Secondary student grades will be sent by the campus registrar to each secondary student's high school. Semester grades are recorded on the student's transcript and become a part of his/her permanent high school record. Report cards may be issued at the conclusion of each grading period.

## **WORK-BASED LEARNING**

It is the policy of the technology center to provide structured and meaningful Work-Based Learning (WBL) for students. The board recognizes the value of providing students with WBL experiences in addition to the traditional training received in the classroom, laboratory and/or shop setting. Students will participate in on-campus or on-site occupationally-related activities, conjoined with business/industry personnel, when students demonstrate the appropriate level of readiness.

### General Guidelines

The following options are approved for WBL in all programs:

1. **Clinical.** In most cases, a group of students assigned to worksites with the instructor being available on-site.
2. **Cooperative Education.** A paid part-time work experience in which the student is released from school for part of the day.
3. **Enterprise.** A small business operated within the program that replicates a business in the larger community.
4. **Expert in Residence.** An industry expert regularly visits the school to work with students and instructors, and hosts them at worksite (also by on-line visits).
5. **Internship.** An on-the-job training experience that is highly selective and intensive. May require a commitment to additional training beyond high school or subsequent employment at the worksite, which may include mentoring or on-line experience, and service learning.
6. **Integrated Project.** A special project integrating studies/experiences from two (2) or more program areas of the technology center, exploring career directions and connections.
7. **Job Shadowing.** A student “shadows” an employee at a worksite to learn about a particular skill, occupation or industry.

Each student should be given the opportunity to participate in one or more WBL experiences, with the specific assignments chosen by the instructor and mutually agreed upon by sponsor company and student. In programs that include a WBL experiences as a curriculum unit with a required length, one or more of the seven WBL options may be used (or combined) to satisfy the requirement. WBL activities may be paid or unpaid. The WBL must be directly related to the program competencies for which the student has been trained. The student, instructor and sponsor company will mutually agree upon the hours of participation of on-site WBL activities. The student, instructor and sponsor company will

mutually agree upon the hours of participation of on-site WBL activities. The student must be at least 16 years of age and provide transportation if performing as the only technology center participant in an on-site WBL activity at a sponsor company. Students driving personal vehicles must have a valid driver's license and liability insurance. Drivers transporting students are required to have written permission of ALL parent/guardians of minor age passengers. Minor age drivers must have parent/guardian authorization to transport students. WBL activities may be assigned at any point during the program, with the essential criteria being as follows: (1) the WBL experience must be appropriate for the student's level of development and competence; and (b) schedules and training plan will be mutually agreeable between student, sponsor company, and the technology center. A student performing as the only technology center participant in an on-site option extending beyond two (2) weeks must have maintained a 90% program attendance. A student performing as the only technology center participant in an on-site option extending beyond two (2) weeks must maintain a minimum grade of "C" prior to participation. A Memorandum of Understanding must be on file signed by student and parent/guardian of minor age student. A WBL Agreement must be on file signed by a representative of the sponsor company.

### Procedures

The instructor, in consultation with the program advisory committee will determine the WBL option(s) that are appropriate with the approval of campus administration. The instructor will verify that WBL Agreements, student/parent/guardian Memorandum of Understanding, and all information forms are on file. The instructor will verify that the sponsor company has been toured by technology center personnel and determined appropriate. The campus director or designee will be notified of the name of student(s) participating in a WBL option, the location, date and time.

### Appraisal

An appraisal will be completed by the student(s) participating in the WBL experience at the end of the activity or every two (2) weeks for extended options. An appraisal will be completed by a representative of the sponsor company at the end of the activity or every two (2) for extended options. An appraisal will be completed by the instructor at the end of the activity or every two (2) weeks for extended options. The appraisals may be hand-delivered, emailed, faxed or conveyed electronically to the instructor. It is the responsibility of the student to assure the sequence of the above steps is completed. The ratings will be recorded in the instructor's grade book under the appropriate objective and identified as a WBL experience. The grade will be recorded on the scope and sequence grade sheet under the appropriate course code and identified as a WBL experience.

## **LIVE WORK**

It is the technology center board's policy that Live Work projects shall be allowed within the instructional programs, as long as the projects are directly related to the instructional objectives of the individual programs. The term "Live Work" shall mean work performed on personal property items of employees, students or clients by technology center students as a part of the instructional process. "Live Work" can also include projects such as meal preparation / catering by the Culinary Program and business projects by the Business and Computer / Digital Design Programs. In these cases the instructor and the campus director will determine appropriate charges for materials and lab fees prior to starting the project. Live Work projects will not be performed for board members, administrators, the specific instructor of the Live Work project, and any immediate family members of these individuals. Live Work shall cause no gift of technology center resources, no conflict of interest to occur, or no use of student labor for profit.

Live Work is performed by students under the direction and supervision of technology center instructors. Live Work is an integral part of the instructional process to assist students in achieving competency in the occupational area and to provide students with "hands on" experience. Examples of Live Work include, but are not limited to: vehicle servicing and repair, building construction, remodeling of existing buildings, electrical, plumbing, welding projects, carpentry work, meal and food preparation/catering, and business projects. These are examples only and not intended to limit activities which may constitute Live Work.

The sale of items made or grown by students and the delivery of personal services does not constitute Live Work. Examples of items not considered Live Work include, but are not limited to: the sale of plants; cosmetology, nail and facial services; machined replicas; welded products for sale; and child care services.

### Qualifications

All Live Work projects are selected in relation to the instructional objectives of the individual program. Live Work projects should enhance the instructional process rather than replace it. The program instructor shall have the responsibility to inform the customer whether the proposed project does or does not fit into the instructional process. The campus director shall have final approval of whether a Live Work project will be allowed in the instructional program. Instructional benefit to the student will be the major determining factor in approval/disapproval of a project.

Before any Live Work is begun, the customer must acknowledge, in writing, the customer's understanding and agreement that: (a) the work will be performed by students; (b) there will be no charge for the services performed by the students; and (c) the customer will be charged for materials, parts and lab fees.

Live Work projects may be done either on campus or off campus. Any off campus projects must have: (a) campus director or designee approval; and (b) parent/guardian approval for

secondary students and students under 18 years of age, with appropriate technology center local field trip permission form completed.

Technology center transportation may be required for off campus work projects. Instructors shall take the entire class of students or make arrangements with the campus director or designee for supervision of those who stay behind.

### Fees

The total cost of all parts and materials required to complete the project will be charged to the customer. A lab fee will be charges to cover small consumable items used in the project. Fees are as follows:

<u>Material and Parts Cost</u>	<u>Lab Fee</u>
Less than \$100	\$10 flat fee
Greater than or equal to \$100	10% flat fee
Paint Booth	\$10 per hour
Paint Booth Bake Cycle	\$20 flat fee

### Live Work Orders

Live Work orders will be initiated for every Live Work project. A work order number (obtained in the campus administrative office from a master reference list) will be assigned to the Live Work order before any work is initiated. When a Live Work order number has been assigned, the customer's name, address, telephone number, and a description of the work to be done will be included on the work order. The customer must authorize the work by signing the work order. A copy of the Live Work order will be visible on the project when possible. All Live Work orders will be available for daily inspection. Parts, supplies and costs will be listed on the Live Work order. Completed Live Work orders will be handed into the campus administrative office by the instructor.

### Material Purchasing

Technology center purchasing procedures will be followed when requesting materials to complete a Live Work project. All requisitions will have the Live Work order number placed on the form and will be coded to the Live Work account.

Subcontractor work will be done with a purchase order. The cost of the subcontractor work will be included on the Live Work order.

With instructor approval, parts may be supplied by the customer. In those situations the instructor will determine the approximate cost of the parts to determine the amount of the lab fee. The parts and "no charge for parts" will be shown on the Live Work order.

### Payment for Completed Live Work

The instructor will notify the customer when the Live Work project is completed. All payments for Live Work projects will be made in the campus administrative office by the customer. The instructor will verify complete payment has been made before releasing the Live Work project to the customer. No Live Work project is to leave the campus until complete payment is made.



**STUDENT ORGANIZATIONS:  
SPONSORSHIP AND CLOSED STUDENT FORUMS**

The board is committed to the proposition that student participation in student activities and organizations can advance educational goals and otherwise benefit students and that technology center policies should further students' opportunities for participation. The board also is mindful that the primary purpose of the technology center is to educate its students and that the board must maintain control and oversight of students' activities and experiences while attending school.

Therefore, the board has determined that only school-sponsored student organizations, as that term is defined in this policy, will be permitted to utilize school facilities for meetings or other functions. The board intends by this policy to create a "closed forum" in regard to the utilization of technology center facilities by student organizations and groups, in that the use of technology center facilities by student organizations and groups will be restricted to those student organizations and groups that are sponsored by the technology center as provided in this policy.

Technology Center-Sponsored Student Organizations

The technology center may sponsor student organizations that the board determines are in furtherance of and consistent with the technology center's educational objectives and directly related to its curriculum ("technology center-sponsored student organizations").

An organization shall be considered to be directly related to the technology center's curriculum: (1) if the subject matter of the group is actually taught or will soon be taught; (2) if the subject matter of the group concerns the body of courses as a whole; (3) if participation in the group is required for a particular course; (4) if participation in the group results in academic credit; or (5) if it is part of or an adjunct to student government, relating directly to the curriculum, to the extent that it addresses concerns, solicits opinions and formulates proposals pertaining to the body of courses offered by the technology center.

Technology center-sponsored student organizations shall have a faculty sponsor, whose teaching field, education, background or other expertise is reasonably related to the purpose and goals of the group, and who shall receive extra-duty compensation.

Application for technology center sponsorship shall be made by the proposed faculty sponsor and at least five (5) students who intend to participate in the organization. Each proposed student organization will submit its membership requirements, organizational structure and provisions of a constitution or other document setting out its organizational purpose and structure, subject to approval by the superintendent.

After the proposed organization and its constitution have received preliminary approval from the superintendent, the board shall review and approve or disapprove the organization for sponsorship based on the standards set out in this policy and, if requested, on an opinion

rendered by the technology center's legal counsel that the proposed organization meets the standards of this policy.

Only technology center-sponsored student organizations shall be permitted to meet in or otherwise use technology center facilities.

Notice Regarding Student Organizations and Parental Right to Withhold Permission to Participate

The technology center shall provide annual notice to parents and guardians about technology center-sponsored student organizations in the student handbook and on the technology center's website. The notice shall include at least a list of the names of the clubs or organizations; their individual missions or purposes; and the names of the faculty advisors.

If technology center-sponsored student organizations are created or formed after the annual notice is distributed, the technology center shall send supplemental notice through the technology center's website or by any other means it deems appropriate. Like the annual notice, the supplemental notice shall specify at least the name of the organization, its mission or purpose and the name of its faculty advisor.

Parents and guardians may notify the technology center that they are withholding permission for their student to join or participate in one or more extracurricular technology center-sponsored student organizations. However, parents and guardians may not withhold permission for student participation in clubs and organizations that are necessary for a required course of instruction.

Parents and guardians are solely responsible for preventing their student from participating in a club or organization for which they have withheld their permission. Parents and guardians are also solely responsible for retrieving their student from attendance at a club or organization for which permission has been withheld.

Nothing in this policy prevents a club or organization from meeting when a student who is not authorized to participate is present.

The technology center may, but is not required to, provide annual (or supplemental) notice to parents and guardians about independent student-organized groups, as they are not groups directed or controlled by the technology center. If notice of such groups is provided, the notice shall indicate that the group is an independent student-organized group.

**NONDISCRIMINATION**

There will be no discrimination by the district because of race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information in its programs, services, activities and employment. The district also provides equal access to community groups for utilization of facilities. The following people have been designated to handle inquiries regarding the district's non-discrimination policies:

The persons designated to coordinate efforts to comply with and carry out responsibilities under Title VI of the Civil Rights Act, Title IX of the Education Amendments of 1972, Title II of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act and any other state and federal laws addressing equal educational opportunity are the assistant superintendents and counselors at each site. Contact information is:

Alva Campus  
Northwest Technology Center  
580.327.0344  
1801 11<sup>th</sup> Street  
Alva, OK 73717

Fairview Campus  
Northwest Technology Center  
580.227.3708  
801 Vo-Tech Drive  
Fairview, OK 73737

Any individual, who has experienced some other form of discrimination, including discrimination not listed above, may contact:

Superintendent  
Northwest Technology Center  
580.327.0344  
1801 11<sup>th</sup> Street  
Alva, OK 73717

Outside Assistance may be obtained from:

U.S. Department of Education  
Office for Civil Rights  
One Petticoat Lane  
1010 Walnut Street, Suite 320  
Kansas City, MO 64106  
(816) 268-0550  
(816) 268-0599 (Fax)  
(877) 521-2172 (TTY)  
E-mail: [OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov)

## **DISCRIMINATION, HARASSMENT, AND RETALIATION**

Northwest Technology Center is committed to providing all students and employees with a safe and respectful school environment. Both state and federal law specifically prohibit harassment of or by employees and students in connection with the technology center.

Northwest Tech prohibits discrimination, harassment or retaliation based on real or perceived race, color, sex, pregnancy, gender, gender identity or expression, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information. This prohibition applies to students, employees and board members in all aspects of Northwest Tech's programs, including during school hours, extracurricular activities, school sponsored events, or outside of school hours if the conduct affects the education or working environment.

### Definitions

**"Employee"** for purposes of this policy, includes all technology center employees, board members and volunteers.

**"Student"** refers to any person who is enrolled in any technology center school or program.

**"Discrimination"** means unfair treatment which is based on a person's real or perceived race, color, sex, pregnancy, gender, gender identity or expression, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information.

Examples of discrimination include, but are not limited to: Refusing to consider a person for a position or declining to enroll a student in a program based on legally discriminatory factors. Harassment can be a specific form of legally prohibited discrimination.

**"Harassment"** means repetitive, unwelcome conduct which is based on a person's real or perceived race, color, sex, pregnancy, gender, gender identity or expression, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information.

Examples of harassment include, *but are not limited to*: slurs, epithets, insults, jokes or derogatory comments; verbal or physical abuse; intimidation (physical, verbal or psychological); impeding or blocking a person's movement; hate speech or actions directed at protected categories or characteristics such as a person's color, age, religion, or disability; unwelcome touching, crude jokes or pictures, discussions of sexual experiences; teasing related to sexual, racial, age, religious, physical, mental or other characteristics involving protected categories; pressure for sexual activity whether written, verbal or through physical gestures, display or sending of pornographic or other demeaning pictures or objects; obscene or hateful graffiti, and spreading rumors related to a person's alleged sexual, religious, physical or mental activities. Demeaning comments about a student's ability to excel in a class historically considered a "man" or "woman's" subject may also

constitute harassment. These descriptions are examples of conduct which may violate the technology center's policy. In determining whether conduct harasses another individual the totality of circumstances will be considered, the extent to which an alleged offender knew or should have known that the conduct was unwelcome, and whether the conduct is isolated or persistent—among other factors.

**“Sexual harassment”** is a type of harassment which includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature which:

- is made an explicit or implicit term or condition of an employee's employment or a student's ability to obtain an education; or
- is used as a basis for decisions impacting either an employee's employment or a student's education; or
- has the purpose or effect of unreasonably or substantially interfering with an employee's work performance or a student's educational performance, or creating an intimidating, hostile, or offensive environment.

In order to constitute sexual harassment, the conduct at issue must be unwelcome. Sexual conduct between minor students and employees will always be considered unwelcome. Sexual harassment also includes conduct such as rape, sexual assault, stalking, and any other form of sexual violence.

Sexual harassment may occur between persons of the same gender or sex.

Nothing in this policy precludes legitimate, nonsexual physical contact to avoid physical harm to persons or property.

Importantly, sex discrimination and sexual harassment are fully covered by the technology center's separate policy “Title IX – Sex Discrimination and Sexual Harassment”.

**“Retaliation”** is any negative conduct which is taken in response to an individual's complaint of harassment or discrimination, or participation in any investigation of a harassment or discrimination complaint.

### Reporting

Students who have been harassed or discriminated against, or who witness such conduct, are encouraged to report the offensive conduct to any teacher, counselor, administrator, or board member.

Employees who witness, suspect or receive a report of harassment or discrimination must immediately report the incident to the appropriate discrimination coordinator or superintendent – even if that report must be made after hours to the coordinator's or superintendent's home, cell phone, or email.

Any employee who receives a harassment, discrimination or retaliation report will immediately refer the matter to the appropriate discrimination coordinator or superintendent, unless the superintendent or coordinator is the alleged offender. In such circumstances, the complaint should be referred to a different discrimination coordinator, the board president, or Northwest Tech's legal counsel. To ensure impartiality, no person

who is the subject of a complaint shall conduct or be involved in any investigation into the improper conduct.

If possible, reports should be made in person and/or in writing, and be signed by the reporting party. However, in order to encourage full, complete and immediate reporting, any person may report such incidents anonymously in writing by mailing the report to the personal attention of the appropriate discrimination coordinator or the superintendent. All reports should state:

- the name of the alleged harasser;
- the person(s) being harassed;
- the nature, context and extent of the prohibited activity;
- the dates of the prohibited activity, and;
- any other information necessary to a full report and investigation of the matter.

Any employee who is subjected to job related sexual harassment is entitled to protection under Title VII of the Civil Rights Act of 1964 and the Oklahoma Anti-Discrimination Act. Individuals may simultaneously report an allegation of this type of misconduct to school officials and to the United States Department of Education Office of Civil Rights, United States Equal Employment Opportunity Commission, the Oklahoma Human Rights Commission, or local law enforcement.

#### Administrative Response

The technology center will promptly, thoroughly and impartially investigate all reports of harassment and discrimination. This process will include:

- A statement from the individual who was allegedly harassed;
- Appropriate and reasonable steps to separate and protect both the alleged victim and alleged harasser pending conclusion of the investigation and necessary remedial action;
- Reasonable updates to the alleged victim of the investigation's progress, subject to federal and state laws and regulations;
- Interviews with the alleged harasser, alleged victim and witnesses; and
- Review of relevant documents or other evidence, including technology center files and records.

Northwest Tech will review all relevant facts and take into account the totality of the circumstances - including the nature, extent, context and gravity of the activities. At the conclusion of this process, the superintendent, in conjunction with the discrimination coordinator, will issue findings based on the preponderance of the evidence and take appropriate measures, including but not limited to: education, information on available outside resources, training and counseling, transfer, suspension, removal (for adult

students) and any other appropriate remedy under the circumstances. Employees may also be terminated for engaging in harassment, discrimination or retaliation.

Confidentiality shall be maintained during and after the investigation to the extent reasonably possible. However, public disclosure of personal or confidential employee information may be made during the course of any suspension, dismissal, non-renewal hearing or resulting litigation.

Complainants may choose to utilize the technology center's "Grievance Procedure for Filing, Processing and Resolving Complaints Alleging Discrimination, Harassment and Retaliation" when seeking to make a formal filing and pursue a formal complaint process. Similarly, complainants asserting sex discrimination and sexual harassment should review and may choose to utilize the technology center's "Title IX – Sex Discrimination and Sexual Harassment" policy and procedures.

### Penalties

Penalties shall be imposed based on the facts taken as a whole and the totality of the circumstances such as the nature, extent, context and gravity of such activities or incidents. Any disciplinary decision will be made as a proportional response to the violation.

Any employee or student engaging in harassment, discrimination or retaliation will be subject to any and all disciplinary action allowed by school policy and Oklahoma law.

**GRIEVANCE PROCEDURE FOR  
FILING, PROCESSING AND RESOLVING COMPLAINTS  
ALLEGING DISCRIMINATION, HARASSMENT AND RETALIATION**

This Grievance Procedure is applicable to complaints of discrimination involving race, color, national origin, religion, disability, veteran status, age or genetic information. It is not applicable to sex discrimination or sexual harassment and, complaints related to these areas are addressed by Northwest Tech's policy *Title IX—Sex Discrimination and Sexual Harassment*.

Definitions

**Complaint:** A written or verbal complaint alleging any action, policy, procedure or practice that discriminates on the basis of race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information (including harassment and retaliation).

**Grievant:** Any person enrolled in or employed by the technology center or a parent/guardian of a minor student, or member of the public who submits a complaint alleging discrimination based on race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information (including harassment or retaliation). For purposes of this policy, a parent or guardian's complaint or grievance shall be handled in the same manner as a minor student's complaint.

**Coordinator(s):** The person(s) designated to coordinate efforts to comply with and carry out responsibilities under Title VI of the Civil Rights Act, Title IX of the Education Amendments of 1972, Title II of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act and any other state and federal laws addressing equal educational opportunity. The Coordinator under Title VI, IX, Section 504/Title II and the Age Act is responsible for processing complaints. The Coordinator of each statutory scheme may be the same person or different persons, but each coordinator will receive relevant training in order to perform his/her duties. Grievances filed pursuant to the technology center's Title IX policy are subject to the Title IX complaint process.

Section 504/Title II Coordinator (for questions or complaints based on disability)

Alva Campus  
Northwest Technology Center  
580.327.0344  
1801 11<sup>th</sup> Street  
Alva, OK 73717

Fairview Campus  
Northwest Technology Center  
580.227.3708  
801 Vo-Tech Drive  
Fairview, OK 73737



Title VI Coordinator (for questions or complaints based on race, color and national origin)

Alva Campus  
Northwest Technology Center  
580.327.0344  
1801 11<sup>th</sup> Street  
Alva, OK 73717

Fairview Campus  
Northwest Technology Center  
580.227.3708  
801 Vo-Tech Drive  
Fairview, OK 73737

Title IX Coordinator (for questions or complaints based on sex, pregnancy, gender, gender expression or identity)

Alva Campus  
Northwest Technology Center  
580.327.0344  
1801 11<sup>th</sup> Street  
Alva, OK 73717

Fairview Campus  
Northwest Technology Center  
580.227.3708  
801 Vo-Tech Drive  
Fairview, OK 73737

Age Act Coordinator (for questions or complaints based on age)

Alva Campus  
Northwest Technology Center  
580.327.0344  
1801 11<sup>th</sup> Street  
Alva, OK 73717

Fairview Campus  
Northwest Technology Center  
580.227.3708  
801 Vo-Tech Drive  
Fairview, OK 73737

Any individual who has experienced some other form of discrimination, including discrimination not listed above, may contact:

Superintendent  
Northwest Technology Center  
580.327.0344  
1801 11<sup>th</sup> Street  
Alva, OK 73717

**Respondent:** The person alleged to be responsible for the alleged discrimination contained in a complaint. The term may be used to designate persons with responsibility for a particular action or those persons with supervisory responsibility for procedures and policies in those areas covered in the complaint.

**Day:** Day means a working day when the technology center's main administrative offices are open. The calculation of days in complaint processing shall exclude Saturdays, Sundays and legal holidays.

### **Pre-Filing Procedures**

Prior to the filing of a written complaint, the student or employee is encouraged to visit with the campus director or the technology center's ADA, Title VI and VII or 504 Coordinator, as applicable, and reasonable effort should be made at this level to resolve the problem or complaint.

## Filing, Investigation, Hearing and Review Procedures

The Grievant submits a written or verbal complaint to one of the Coordinators, as applicable, stating the basis, nature and date of the alleged discrimination, harassment or retaliation, the names of persons responsible (where known) and requested action. If the applicable Coordinator is the person alleged to have committed the discriminatory act(s), then the complaint should be submitted to the superintendent for assignment. Complaint forms are available from the offices of the technology center's Coordinators.

The responsible Coordinator conducts a complete and impartial investigation within 10 days of receiving the complaint, to the extent reasonably possible, which shall include but not be limited to, interviewing the Grievant and any witnesses, review of documents and interviewing the Respondent. The Coordinator will ask the Respondent to (a) confirm or deny facts; (b) indicate acceptance or rejection of the Grievant's requested action; and (c) outline alternatives.

The Coordinator will not delay the investigation of the discrimination complaint, even if an outside entity or law enforcement agency is investigating a complaint involving the same facts and allegations, and the Coordinator will not wait for the conclusion or outcome of a criminal investigation or proceeding to begin an investigation required by the technology center's grievance policy. However, a simultaneous investigation by law enforcement may limit or in some instances make it impossible to proceed with the district's investigation. Under no circumstances will the district impede or obstruct a criminal investigation.

As to complaints of discrimination by students, parents/guardians of minors, and school employees, the Coordinator will disclose the complaint, the identity of the Grievant and information regarding the person who allegedly committed the discriminatory act only to the extent necessary to fully investigate the complaint and only when the disclosure is required or permitted by law. If the Grievant wishes to remain anonymous, the Coordinator will advise the Grievant that such confidentiality may limit the technology center's ability to fully respond to the complaint. If the Grievant asks to remain anonymous, the Coordinator will still proceed with the investigation.

Within 5 days after completing the investigation, the applicable Coordinator will issue a written decision to the Grievant and Respondent. The report will include (a) a summary of facts, (b) an analysis of the appropriate legal standards applied to the facts, and (c) findings regarding whether the alleged discrimination occurred. If a finding is made that discrimination occurred, the Coordinator's report shall also contain (a) recommended interim and permanent steps, including examples of the range of possible disciplinary sanctions and remedies available to address the discriminatory effects on the grievant and other, necessary to eliminate the discrimination, prevent its reoccurrence, and remedy its effects, as well as (b) the resources, including medical and counseling resources, that are available to students and witnesses. The decision will be based on a preponderance of evidence standard (i.e., it is more likely than not that the alleged discrimination occurred).

If the Grievant or Respondent is not satisfied with the decision, he or she must notify the applicable Coordinator, in writing, within 5 days and request an appeal to the superintendent. The written appeal shall contain a specific statement explaining the basis for the appeal.

Within 5 days after receiving the appeal request, the applicable Coordinator will refer the matter to the superintendent for a hearing. The Grievant and Respondent will be afforded

similar rights (i.e., timely access to information that will be used at the hearing, opportunity to present his or her side of the story, presentation of character witnesses, review of party statements). If the superintendent is the person alleged to have committed the discriminatory act(s), then a different decision maker will be appointed to maintain impartiality. The Coordinator will schedule the hearing with the Grievant, the Respondent and the superintendent. Advanced written notice of the hearing will be provided to both the Grievant and Respondent so as to provide each reasonable time to prepare for such hearing. The hearing will be conducted within 10 days after the Coordinator refers the matter to the superintendent for hearing.

The superintendent will review the information collected through the investigation and may ask for additional oral or written evidence from the parties and any other individual he or she deems relevant. The applicable Coordinator will make arrangements to audiotape any oral evidence presented.

Within 5 days after completing the investigation the superintendent will issue a written decision to the Grievant and Respondent.

If the Grievant or Respondent is not happy with the decision, he or she must notify the superintendent, in writing, within 5 days, and request an appeal. The written appeal shall contain a specific statement explaining the basis of the appeal.

The superintendent will notify the board of education, in writing, within 5 days after receiving the appeal. Within 30 days from the date of notification to the board of education the board will designate an impartial hearing officer to oversee the appeal. The hearing officer will act as an appellate official by reviewing the decisions and the evidence presented below, holding a hearing within 10 days to consider any additional evidence the parties may wish to present. The hearing officer will make arrangements to audiotape any oral evidence presented. The hearing officer will issue a written decision within 5 days of the hearing to both Grievant and Respondent. The decision of the hearing officer is a final decision.

### General Provisions

Duty of Technology Center Employees to Report Alleged Discrimination: Technology center employees, supervisors and administrators are required to immediately report any complaints, reports, observations, or other information of alleged discrimination, including harassment and retaliation, to the designated Coordinator, even if that technology center employee is investigating the alleged discrimination as part of the technology center's student or employee disciplinary process, and provide the Complainant with information for filing a complaint form if requested, and contact information for the technology center's designated Coordinator. If the technology center is using its disciplinary procedures to investigate and resolve an alleged discrimination complaint, those disciplinary procedures will comply with the technology center's standards for a prompt and equitable grievance procedure.

Extension of Time: Any time limits set by these procedures may be extended by mutual consent of the parties involved. The total number of days from the date the complaint is filed until the board of education issues a final decision shall be no more than 120 days.

Access to Regulations: Upon request, the Coordinator shall provide copies of any policies prohibiting discrimination on the basis of race, color, sex, pregnancy, gender, gender

expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information.

Confidentiality of Records: Complaint records will remain confidential, to the extent allowed by law, unless permission is given by the parties involved to release such information. All complaint records will be kept separate from any other records of the technology center. No complaint record shall be entered in any personnel file unless adverse employment action is taken against an employee. Complaint records shall be maintained on file for three years after complaint resolution.

Representation: The Grievant and the Respondent may have a representative assist them through the grievance process and accompany them to any hearing.

Corrective Action: After all facts and circumstances are reviewed, the technology center shall take any and all disciplinary actions to prevent further harassment or discrimination. Possible disciplinary or remedial actions include, but are not limited to: education, training and counseling, transfer, and/or suspension of a secondary student, expulsion of an adult student, and education, training, counseling, transfer, suspension and/or termination of an employee.

Retaliation: The technology center prohibits retaliation, intimidation, threats, or coercion of any person for opposing discrimination or for participating in the technology center's discrimination complaint process or making a complaint, testifying, assisting, appealing, or participating in any other discrimination complaint proceeding or hearing. The technology center will take steps to prevent the alleged perpetrator or anyone else at the technology center from retaliating against the alleged victim or any person who acts to oppose discrimination or participates in the complaint process. These steps include notifying students and employees that they are protected from retaliation, making sure that victims know how to report future problems and making follow-up inquiries to see if there have been any new incidents. If retaliation occurs, the technology center will take strong responsive action.

Basis of Decision: At each step in the grievance procedure, the decision maker will take or recommend the taking of appropriate measures based on the facts, as revealed by the investigation and hearing, taken as a whole, and the totality of the circumstances, such as the nature, extent, context and gravity of the activities or incidents. Any disciplinary decision will be made as a proportional response to the violation.

Designees: The designation of a technology center official responsible for prescribed actions shall automatically include the official's designee in instances where an official is unable, unavailable or it appears that the official may have a conflict of interest that causes the official to recuse from involvement in the matter. The designee shall have the same authority as the official in matters involving this policy and the duties it imposes.

Section 504 Due Process Procedures: For information concerning the impartial hearing and review procedures under Section 504, the Grievant should contact:

Alva Campus  
Northwest Technology Center  
580.327.0344  
1801 11<sup>th</sup> Street  
Alva, OK 73717

Fairview Campus  
Northwest Technology Center  
580.227.3708  
801 Vo-Tech Drive  
Fairview, OK 73737

**Notice:** The technology center will notify all students, parents or guardians, members of the public and employees of the name, office and telephone number of each Coordinator and this Grievance Procedure in writing via school publications and/or postings at each campus to which employees or students are assigned.

**Outside Assistance:** Individuals may also file complaints alleging discrimination, harassment or retaliation with the Office of Civil Rights. The OCR may be contacted at:

U.S. Department of Education  
Office for Civil Rights  
One Petticoat Lane  
1010 Walnut Street, Suite 320  
Kansas City, MO 64106  
(816) 268-0550  
(816) 268-0599 (Fax)  
(877) 521-2172 (TTY)  
E-mail: [OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov)

## **DISABILITY ACCOMMODATIONS**

It is the policy of the board of education to take reasonable steps to accommodate our employees, patrons and students with disabilities.

Employment opportunities will not be withheld from any qualified person solely because of a known disability. The technology center will make reasonable accommodations to the known physical or mental limitations of a qualified person, unless it can be shown that the accommodation would impose an undue hardship on the operation of this technology center.

For the purposes of this policy, the term "reasonable accommodation" may include making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and job restructuring, part-time or modified work schedules, re-assignment to a vacant position, acquisition or modification of equipment, modifications or examinations and training, the provision of qualified readers and other similar and reasonable accommodation.

### Plan for Assessing Undue Hardship

The technology center is not required to provide an accommodation if it will impose an undue hardship on the operation of its business. Undue hardship is defined by the Americans with Disabilities Act ("ADA") as an action that is excessively costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the business.

The technology center will evaluate and determine whether a particular accommodation will impose an undue hardship on a case-by-case basis. The factors to be considered are as follows:

1. The nature and cost of the accommodation needed.
2. The financial resources of the facility making the accommodation, the number of employees, at the facility, and the effect on expenses and resources of the facility.
3. The overall financial resources, size, number of employees, and type and location of facilities of the entity covered by the ADA.
4. The operation of the technology center including the structure and functions of the work force, the geographic separateness, and the administrative or fiscal relationship of the facility involved in making the accommodation to the larger entity.
5. The impact of the accommodation on the operation of the facility that is making the accommodation.

Each of the related factors will be considered in determining whether an accommodation will pose an undue hardship. The ADA compliance officer will investigate the accommodations under consideration and will issue a report examining the accommodations in view of the factors listed.

## **SERVICE ANIMALS**

### Purpose

The purpose of this policy is to establish procedures for the use of service animals in the technology center, including school buildings, school vehicles and other school property.

### Policy

The technology center acknowledges its responsibility to permit students and/or adults with disabilities to be accompanied by a service animal in its facilities and programs and intends to comply with all state and federal laws, rules and regulations regarding the use of service animals by technology center employees, students and visitors with disabilities.

The technology center does **not** allow the following types of animals in its facilities and programs unless specifically authorized by the technology center's Superintendent and/or board of education:

1. "Emotional support animal" meaning an animal selected to reside with an individual with a disability that does not work or perform tasks for the benefit of an individual with a disability and does not accompany at all times an individual with a disability; and
2. "Therapy animal" meaning a personal pet who is certified to make therapeutic visits with a trained volunteer to places including, but not limited to, nursing facilities, schools and hospitals to bring therapeutic benefit, comfort and cheer to others.

### Definitions

"Service animal" is defined by the Americans with Disabilities Act (ADA) as any service dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability. Service animals are limited to the animals defined under the ADA and do not include any other species of animal, wild or domestic, trained or untrained. Service animals do not include an animal used or relied upon for crime deterrence, emotional support, well-being, comfort, or companionship.

"Employee" is defined as a person who is employed by the technology center on a part-time or full-time basis, with or without compensation, and elected or appointed members of the technology center's board of education.



“Student” means a child or adult who is currently enrolled at the technology center, and includes the parents and guardians of a child or adult who is (a) under the age of 18, or (b) otherwise unable to manage their own affairs.

“Visitor” means an individual other than an employee or student who is present in areas of technology center property that have been made available by the technology center to the general public and/or specified members of the public, including, but not limited to family members of students/employees and individuals attending a public event held on technology center property.

“Service animal trainer” means an individual who is affiliated with a recognized service animal training organization and who is engaged in the training a dog to do work or perform tasks as a service animal at the time such individual is present on district property.

“Service animal in training” means a dog that is in the process of being trained by a service animal trainer to perform work or tasks that would qualify the dog as a service animal under this policy at the time the dog is present on district property.

### Procedures/Requirements for Employees and Students

The use of service animals by employees and students with disabilities is subject to the following procedures and requirements:

- A. The employee or student will submit a notification of the intent to use a service animal to the technology center's assistant superintendent of the respective campus. The notification will identify whether the service animal is required because of the person's disability, and, if so, identify and describe the manner in which the service animal will meet the individual's particular need(s).
- B. Notifications for the use of service animals on technology center property by an employee or student will, whenever possible, be made at least one week prior to the proposed use of the service animal.
- C. As part of the technology center's consideration of the use of a service animal, the technology center may require certification of proper vaccinations verified by a veterinarian.
- D. The technology center's review of use of a service animal may include consideration of a student's IEP or Section 504 records. The technology center may also request a meeting with the employee or student.
- E. The use of a service animal on technology center property may be subject to a plan that introduces the service animal to the school environment, any appropriate training for staff and students regarding interaction with the service animal, and other activities or conditions deemed necessary by the technology center. The technology center's approval of the use of a service animal on technology center property is subject to periodic review, revision, or revocation by technology center administration.
- F. It is the responsibility of the employee or student who uses a service animal pursuant to this policy to serve as the handler or arrange for a third-party handler to provide proper handling of the service animal. Any cost incurred

to handle the service animal will be the responsibility of the employee or student who uses the service animal.

- G. Service animals will be allowed in technology center vehicles when:
1. The inclusion of the service animal is documented as required on technology center transportation forms; and
  2. The service animal is under the control of the handler at all times, including entering and exiting the vehicle.

#### Procedures/Requirements for Visitors

The use of service animals by visitors with disabilities is subject to the following procedures and requirements:

- A. When a visitor seeks to bring a service animal onto school property, staff may ask the visitor to provide the following information in order to confirm that the animal qualifies as a service animal under this policy:
1. Whether the visitor's animal is a service animal required because of a disability.
  2. The work or task the visitor's animal has been trained to perform.

Staff shall not question visitors regarding their use of a service animal except as set forth above. Staff shall not inquire as to the nature of the visitor's disability, request documentation regarding a visitor's service animal, or request that the service animal demonstrate the work/task it has been trained to perform.

- B. Except as provided in this policy, visitors with disabilities shall be permitted to be accompanied by their service animals in all areas of school facilities where similarly situated non-disabled visitors are permitted to be present.
- C. Visitors shall not be allowed to bring a service animal into an area of school property where the presence of the service animal would pose a risk to the health or safety of others.
- D. When a visitor requires accommodations to be made to technology center policies, practices or procedure to allow a service animal to accompany the visitor on school property, the visitor must, whenever possible, provide prior written notice to the **assistant superintendent of the respective campus** no later than one (1) week before the service animal will be present on technology center property.

#### Procedures/Requirements for Service Animal Trainers

The use of district facilities for service animal training activities is governed by the following procedures and requirements:

- A. A service animal trainer shall be permitted to bring a service animal in training onto district property for the purpose of training the dog to perform

such work or tasks at such times when other similarly situated members of the general public are permitted to be present on district property.

- B. When present on school property, a service animal trainer shall be permitted to bring a service animal in training to those areas of school facilities where similarly situated members of the public are permitted to be present.
- C. Service animal trainers shall not be allowed to bring a service animal in training into an area of district property where the presence of the animal would pose a risk to the health or safety of others.
- D. Service animal trainers may be required to provide appropriate documentation showing that the service animal trainer is affiliated with a recognized service animal training organization prior to engaging in training activities on district property.
- E. If a service animal trainer seeks to bring a service animal in training onto district property during an event which members of the public are charged a fee to attend, the service animal trainer may be required to pay the same fee as other similarly situated members of the public, but shall not be required to pay any additional fees or charges due to the presence of the service animal in training.
- F. Except as provided in this policy or pursuant to a written agreement between the district and a service animal training organization which has been approved by the Board of Education, no individual shall be permitted to bring animals which are being trained as service animals onto district property.

#### Control and Supervision of Service Animals and Service Animals in Training

- A. The owner/handler of a service animal or service animal in training must be in full control of the animal at all times.
- B. Service animals and service animals in training must always be on a leash or other form of restraint mechanism, unless impracticable or unfeasible due to the disability of the employee, student or visitor.
- C. The responsibility for the care and supervision of the service animal/service animal in training rests solely on the employee, student, visitor or service animal trainer. The technology center is not responsible for providing any staff member to walk the animal or provide any other care or assistance to the animal. Issues related to the care and supervision of service animals and/or service animals in training will be addressed on a case-by-case basis in the discretion of the building administrator.
- D. Pursuant to federal law, the technology center retains discretion to exclude or remove a service animal or service animal in training from technology center property and/or transportation if:
  - 1. The service animal or service animal in training is out of control and/or the animal's handler does not effectively control its behavior;
  - 2. The service animal or service animal in training is not housebroken;

3. The service animal or service animal in training poses a direct threat to the health or safety of others that cannot be eliminated by reasonable modifications; or,
4. Permitting the service animal or service animal in training would fundamentally alter the nature of the service, program, or activity.

### Liability

An employee, student, visitor or service animal trainer accompanied by a service animal or service animal in training will be responsible for any damage to technology center or personal property and any injuries to individuals caused by the animal. Individuals who use a service animal or service animal in training on technology center property will hold the technology center harmless and indemnify the technology center from any such damages.

### Appeals and Grievances

Any person dissatisfied with a decision concerning a service animal or service animal in training can file a grievance, using the technology center's grievance procedures.

### Requirements for Service Animals and Service Animals in Training

**Vaccination:** Service animals or service animals in training must be immunized against diseases common to that type of animal. [Okla. Admin. Code 310:599-3-9.1] All vaccinations must be current. Dogs must wear a rabies vaccination tag.

**Licensing:** All service animals and service animals in training must be licensed as may be required by state and/or local law.

**Identification:** It is required, that service animals and/or service animals in training have proper identification.

**Owner ID and Other Tags:** Dogs may be required to wear a current dog license and rabies-vaccination tag, unless the dog is permanently and uniquely identified with a microchip implant or tattoo.

**Collar:** A service dog used by a person who is deaf or hard-of-hearing must wear an orange identifying collar. [Okla. Stat. tit. 7, § 19.1(C)]

**Cleanup Rule:** The handler of the service animal/service animal in training, whether it be the employee, student or a third party, must clean up after the animal defecates or urinates, as well as follow any municipal ordinance applicable thereto.

**Grooming:** All service animals or service animals in training must be treated for, and kept free of, fleas and ticks. All service animals or service animals in training must be kept clean and groomed to avoid shedding and dander.

Reference: 28 C.F.R. Part 36; OKLA. STAT. tit. 4, § 801; OKLA. STAT. tit. 7, § 19.1

## **TITLE IX—SEX DISCRIMINATION AND SEXUAL HARASSMENT**

### **Policy and Purpose**

Northwest Technology Center will address all incidents of sex discrimination and sexual harassment reported to the technology center's Title IX Coordinator in compliance with Title IX of the Education Amendments of 1972, as amended. The Title IX Coordinator contact information is as follows:

#### Coordinator

Colt Shaw  
Assistant Superintendent  
Central Office – Fairview Campus  
801 Vo-Tech Drive  
Fairview, OK 73737  
Phone: 580.227.3708 ext. 1000  
[cshaw@nwtech.edu](mailto:cshaw@nwtech.edu)

This policy informs all students and all technology center employees of policies and procedures regarding sex discrimination and sexual harassment to which all students, instructional staff, and non-instructional personnel are expected to adhere. In addition, comprehensive information is provided regarding the reporting of sex discrimination and sexual harassment and avenues to seek immediate assistance.

The technology center seeks to create a positive educational environment on and off campus through our academic programs, services, activities, policies and procedures aimed at providing protection against sex discrimination and harassment. To that end, the technology center condemns discrimination in its education programs and activities based on sex or gender, sexual orientation, gender identity or expression, sexual harassment, sexual violence, dating violence, and stalking. Notice of sex discrimination or a sexual harassment incident to the technology center's Title IX Coordinator charges the technology center with actual knowledge and triggers its response obligations.

### **Scope of the Policy**

The technology center must respond when sex discrimination and harassment occur in the district's education programs or activities. Education programs and activities include locations, events, or circumstances in which the technology center exercises substantial control over both the respondent and the context in which the discrimination or harassment occurred. Title IX applies to all of the technology center's education programs or activities, whether such programs or activities occur on-campus or off-campus, including online instruction.

Any person may report sex discrimination, including sexual harassment, whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment. Reports may be made in person, by USPS mail, by

telephone, or by e-mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time, including during non-business hours, by using the telephone number or e-mail address, or by mail to the office address, listed for the Title IX Coordinator.

Individuals are responsible for immediately reporting any knowledge or information concerning sexual harassment to the technology center's Title IX Coordinator. The technology center encourages victims of sexual harassment to talk with a counselor. Different employees within the scope of technology center's resources have different abilities to maintain a victim's confidentiality.

- **Counselors** are required to maintain near complete confidentiality; talking to them is sometimes called a "privileged communication." Disclosures to these employees will not trigger an investigation into an incident against the complainant's wishes.
- Technology center **Employees** are required to report all the details of an incident (including the identities of both the complainant and respondent) to the Title IX Coordinator. A report to technology center employees (called "responsible employees") constitutes a report to technology center and places technology center on notice to take appropriate steps to address the situation.

This policy also applies to retaliation by technology center or any person against any other person for the purpose of interfering with Title IX rights, or because the person has participated or refused to participate in any manner in a proceeding under Title IX that is prohibited.

### **Assistance Following an Incident of Sexual Harassment**

- **Immediate Assistance:**

Persons who have complaints of sexual harassment may file their complaints with the Title IX Coordinator listed above.

Victims of sexual violence should get to a place of safety and call Police. Obtain necessary medical treatment; time is a critical factor for evidence collection and preservation. An assault should be reported directly to a law enforcement officer, and technology center officials will assist in facilitating this process. Filing a police report will not obligate the complainant to prosecute, nor will it subject the reporting party to scrutiny or judgmental opinions from officers. Filing a police report will ensure that a victim of sexual violence receives the necessary medical treatment and tests, at no expense to the complainant to the extent provided for by Oklahoma law, and provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later.

**COMPLAINANT OR WITNESS: CALL POLICE at 911 FOR IMMEDIATE ASSISTANCE.**

- **Ongoing Assistance:**

In order to ensure the safety and well-being of the complainant, technology center may take interim measures such as changing academic schedules, extracurricular activity modifications, addressing transportation issues, withdraw from/retake a class

without penalty, academic support (e.g., tutoring), leave of absence, counseling, campus escort services, distance learning arrangements, work schedule modifications, or similar measures. In addition, while an investigation is pending, technology center may initiate a “no contact order” between the parties that carries a sanction of short- or long-term suspension (for secondary students) or removal (for adult students) if violated.

The technology center offers internal counseling options. Technology center officials and representatives are available to facilitate access to support services. Several service organizations in Oklahoma have provided telephone numbers and made available other services for students, staff and campus community members. Technology center will assist any interested person, needing assistance, in contacting these agencies.

- **Statewide Support Services:**

Oklahoma Safeline - 1-800-522-7233 (SAFE)

Oklahoma Safeline - Oklahoma City Metro Area - 405-522-7233 (SAFE)

National Domestic Violence Hotline - 1-800-799-7233 (SAFE)

Rape, Abuse & Incest National Network Hotline - 1-800-656-4673 (HOPE)

Communication Services for the Deaf (TTY) - 1-800-252-1017 (TTY)

Communication Services for the Deaf (Voice) - 1-866-845-7445 (Voice)

Oklahoma Coalition Against Domestic Violence/Sexual Assault 405-524-0700 (M-F/9-5)

- **Local Support Services**

NWTC Counselors are available to students needing crisis intervention, community referral, and individual and group counseling to assist with personal growth. All information disclosed to Counselors is confidential, with exception of immediate threat of serious or foreseeable harm to self or identified other.

Woods County Department of Human Services (DHS) (Alva) 580-430-3100

Major County Department of Human Services (DHS) (Fairview) 580-227-3759

Woods County Health Department (Alva) 580-327-3192

Major County Health Department (Fairview) 580-227-3362

Northwest Domestic Crises Services (Alva) 580-327-6648

Northwest Behavioral Health Center (Alva) 580-327-1112

Share Medical Center (Alva) 580-327-280

Share Urgent Care (Alva) 580-430-3325

Fairview Regional Medical Center 580-227-3721

### **Title IX Coordinator and Staff**

- Title IX Coordinator has primary responsibility for overseeing the process of coordinating technology center’s compliance efforts, receiving complaints, investigations, hearing, sanctions, appeals, and education and training associated with this policy. To file a complaint or submit questions concerning actions governed by this policy contact the Title IX Coordinator.

- Deputy Title IX Officers have the secondary responsibility and assist with the duties of the Title IX Coordinator. Deputy Title IX Officers include contact information is as follows:

Deputy Coordinator

Jeremy Eaton

Assistant Superintendent

Central Office – Alva Campus

1801 11<sup>th</sup> Street

Alva, OK 73717

Phone: 580.327.0344 ext. 2020

[jeaton@nwtech.edu](mailto:jeaton@nwtech.edu)

- Title IX Investigators may include but not be limited to technology center administration. The primary responsibility of the investigator relates to formal complaints. The investigator is to collect statements and any evidence directly related to any allegations of a Title IX policy violation as directed by the Title IX Coordinator. Investigators will receive appropriate Title IX training.
- Title IX Hearing Officer (decision-maker) may include a technology center administrator, legal counsel or specially designated officer. The primary responsibility of the hearing officer is to ensure both parties receive due process in the event allegations of a Title IX policy violation are directed to a hearing by the Title IX Coordinator. Hearing Officers will receive appropriate Title IX training.

## **Definitions**

The technology center defines sex discrimination and sexual harassment broadly to include any of three types of misconduct on the basis of sex (or gender), all of which jeopardize the equal access to education that Title IX is designed to protect:

1. Any instance of quid pro quo harassment by a district's employee;
2. Any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; and
3. Any instance of sexual assault, dating violence, domestic violence, or stalking as defined by Federal law.

Offenses prohibited under the technology center's policy include, but are not limited to: sex discrimination (including sexual orientation discrimination and gender identity or gender expression discrimination), sexual harassment, sexual violence to include non-consensual sexual contact, non-consensual sexual intercourse, sexual coercion, domestic/dating violence, stalking, and sexual exploitation.

- A. Sex Discrimination: includes sexual harassment and is defined as conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects their education or employment, or school-related benefits, on account of sex or gender (including sexual orientation, gender identity, and gender expression discrimination). It may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.



B. **Sexual Harassment:** is unwelcome and discriminatory speech or conduct undertaken because of an individual's gender or is sexual in nature and is so severe, pervasive, or persistent, objectively and subjectively offensive that it has the systematic effect of unreasonably interfering with or depriving someone of educational, institutional, or employment access, benefits, activities, or opportunities. Students, vendors and visitors who are subject to or who witness unwelcome conduct of a sexual nature are encouraged to report the incident(s) to the Title IX Coordinator or any technology center employee. Technology center employees who witness or learn of such conduct are required to report it to the Title IX Coordinator.

1. **Hostile Environment:** Sexual harassment includes conduct that is sufficiently severe, pervasive, or persistent, objectively and subjectively offensive that it alters the conditions of education or employment or institutional benefits of a reasonable person with the same characteristics of the victim of the harassing conduct. Whether conduct is harassing is based upon examining a totality of circumstances, including but not limited to the following:

- The frequency of the conduct;
- The nature and severity of the conduct;
- Whether the conduct was physically threatening;
- Whether the conduct was deliberate, repeated humiliation based upon sex;
- The effect of the conduct on the alleged victim's mental or emotional state from the perspective of a reasonable person;
- Whether the conduct was directed at more than one person;
- Whether the conduct arose in the context of other discriminatory conduct;
- Continued or repeated verbal abuse of a sexual nature, such as gratuitous suggestive comments and sexually explicit jokes; and
- Whether the speech or conduct deserves constitutional protections.

2. **Quid Pro Quo Sexual Harassment** exists when individuals in positions of authority over the complainant engage in the following behaviors:

- Make unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and
- Indicate, explicitly or implicitly, that failure to submit to or the rejection of such conduct will result in adverse educational or employment action or where participation in an educational program or technology center activity or benefit is conditioned upon the complainant's submission to such activity.

#### Examples of Harassment:

- An instructor insists that a student have sex or engage in sexual acts with him/her in exchange for a good grade. This is harassment regardless of whether the student agrees to the request.
- A student repeatedly sends sexually oriented jokes around in an email list that the student created, even when asked to stop, causing one recipient to avoid the sender on campus or in connection with classes or district sponsored events in which both are involved.
- An instructional assistant probes for explicit details, and demands that students respond to him or her, though the student is clearly uncomfortable and hesitant.

- An administrator asks a student for nude or semi-nude pictures to be sent via Snapchat or other social media.
- An adjunct instructor provides explicit details of his sexual past or describes his sexual relationship with his spouse or girlfriend.
- An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend to his clear discomfort and embarrassment.

C. Sexual Violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence can be carried out by district employees, other students, or third parties.

1. Nonconsensual Sexual Contact is any intentional touching, however slight, whether clothed or unclothed, of the victim's intimate body parts (primarily genital area, groin, inner thigh, buttock or breast) with any object or body part, without consent and/or by force. It also includes the touching of any part of a victim's body using the perpetrator's genitalia and/or forcing the victim to touch the intimate areas of the perpetrator or any contact in a sexual manner even if not involving contact of or by breasts, buttocks, groin, genitals, mouth or other orifice. This definition includes sexual battery and sexual misconduct.
2. Nonconsensual Sexual Intercourse is defined as any sexual intercourse or penetration of the anal, oral, vaginal, genital opening of the victim, including sexual intercourse or penetration by any part of a person's body or by the use of an object, however slight, by one person to another without consent or against the victim's will. This definition includes rape and sexual assault, sexual misconduct, and sexual violence.
  - a) Rape: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes any gender of victim or perpetrator. Sexual penetration means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.
3. Sexual Coercion is the act of using pressure (including physical pressure, verbal pressure or emotional pressure), alcohol, medications, drugs, or force to have sexual contact against someone's will or with someone who has already refused. This includes rape, sexual assault, sexual exploitation and sexual misconduct.
4. Dating Violence is violence between individuals:
  - The party is or has been in a social relationship of a romantic or intimate nature with the victim;

- The existence of such a relationship shall be determined based on a consideration of the following factors:
    - Length of the relationship
    - Type of relationship
    - Frequency of interaction between the persons involved in the relationship
- D. Advisor - a person who has agreed to assist a complainant or respondent during the Title IX process. The advisor may be a person of the student's choosing, including but not limited to a technology center faculty or staff member, a friend or an attorney.
- E. Complainant - an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- F. Respondent – an individual who has been reported to be the perpetrator of conduct that could constitute sex discrimination or sexual harassment.
- G. Formal complaint – a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the district investigate the allegation(s) of sexual harassment and stating the date, time, place, name(s) of person(s) involved (e.g., the accused, witnesses) and sufficient details to make a determination regarding basic elements of the formal complaint process.
- H. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the district with which the formal complaint is filed.
- I. Supportive measures - individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment.

## **Consent**

Consent is the act of willingly agreeing to engage in sexual contact or conduct. Individuals who consent to sex must be able to understand what they are doing. Under this policy, “No” always means “No,” and the absence of “No” may not mean “Yes”.

- A. Consent is informed, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding the conditions of sexual activity.
- B. Consent to one form of sexual activity cannot imply consent to other forms of sexual activity.
- C. Previous relationships or consent does not imply consent to future sexual acts.
- D. Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. Coercion is unreasonable pressure for sexual activity.

- E. In order to give effective consent, one must be of legal age and have the capacity to consent. Incapacity may result from mental disability, intellectual disability, unconsciousness/sleep, age, or use of alcohol, drugs, medication, and/or other substances. Consent given by someone who one should know to be, or based on the circumstances, reasonably should have known to be, mentally or physically incapacitated, is not consent. Incapacitation is a state where someone cannot make rational, reasonable decisions because he or she lacks capacity to give knowing consent. Note: indications of consent are irrelevant if the initiator knows or should reasonably have known of the incapacity of the other person.

Examples of when a person should know that another is incapacitated include, but are not limited to the following:

- The amount of alcohol, medication or drugs consumed,
  - Imbalance or stumbling,
  - Slurred speech,
  - Lack of consciousness or inability to control bodily functions or movements, or vomiting, or
  - Mental disability or incapacity.
- F. Use of alcohol, medications, or other drugs will not excuse behavior that violates this policy.

## **Reporting**

### **A. Mandatory Reporting**

All technology center employees are responsible for taking all appropriate actions to prevent sex discrimination or sexual harassment, to correct it when it occurs, and must promptly report it to the Title IX Coordinator. Failure to do so may result in disciplinary action up to and including termination. All technology center employees are considered responsible employees with a duty to report any incident to the Title IX Coordinator. The only exception to the mandatory duty to report is a licensed counselor for whom the report is considered a privileged exchange.

### **B. Confidential Reporting**

Resources are available through staff and counselors. Victims' advocates are available to speak with any person who wishes to report an incident and remain anonymous. All forms of sexual harassment should be reported, no matter the severity. In addition, the technology center should be made aware of possible threats to the campus community in order to issue timely warnings.

### **C. Reporting to the Police**

The technology center strongly encourages anyone to report sexual violence and any other criminal offenses to the police. This does not commit a person to prosecution, but will allow the gathering of information and evidence. The information and evidence gathered preserve future options regarding criminal prosecution, technology center disciplinary actions and/or civil actions against the respondent.

- If the incident happened on campus, it can be reported to the technology center's SRO or SRO Officer at Alva Campus 580.748.2614, Fairview Campus 580.227.4471, or an officer of the Police Department at 911, Alva Police Department 580.327.2121, Woods County Sheriff 580.327.3434, Woods County Sheriff's Anonymous Tip Line 580.327.8285, Fairview Police Department 580.227.4444, or Major County Sheriff 580.227.4471. If the incident happened anywhere else, it can be reported to the local law enforcement with jurisdiction in the location where it occurred. Please know that the information you report can be helpful in supporting other reports and/or preventing further incidents.
- Reporting for Faculty and Staff (Non-Student) Instances: Faculty and staff shall report any instances of sexual harassment by another faculty or staff member to the Title IX Coordinator. As stated above, the technology center also strongly encourages reporting any instances to the police.
- Employee Obligation to Report (Student Instances): In compliance with Title IX, employees who become aware of a student instance of sexual harassment shall immediately report such instance to the Title IX Coordinator, including the name(s) of the persons involved.

#### D. Student Reporting

Students shall report any instances of sex discrimination or sexual harassment to any technology center employee and/or the Title IX Coordinator. Only victims or their parents or guardians can file a formal complaint of sexual harassment. A complaint should be filed as soon as possible. If either the complainant or the respondent is a student, the incident will be addressed through the Title IX process. The report can be made in person, by phone, mail, or email using the contact information listed for the Title IX Coordinator or by any other means that result in the Coordinator receiving the report. The report can be made any time, even during non-business hours.

After receiving a report or notice of an incident, the Title IX Coordinator will promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. A complainant's wishes with respect to whether the technology center investigates will be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances.

The technology center will promptly take necessary steps to protect the complainant and ensure safety as necessary, including taking interim steps before the final outcome of any investigation once a report or knowledge of sexual harassment has occurred. In some instances, the technology center may implement an emergency removal of a student when a safety and risk analysis indicate that an imminent threat exists to the physical health or safety of a party. A party subject to an emergency removal shall have an opportunity to challenge the decision immediately following the removal. An employee may be placed on administrative leave or suspended during the pendency of the grievance process. Periodic

updates on the status of the investigation will be provided to the complainant. If the school determines that sexual violence occurred, the technology center will continue to take steps to protect the complainant and ensure safety at school or related activities. The technology center will provide the complainant with available resources, such as victim advocacy, academic support, counseling, disability services, health and mental health services, and assistance in reporting a crime to local law enforcement.

### **Written Notice of Complaint**

Upon receipt of a formal complaint, the Title IX Coordinator will provide written notice to all known parties in sufficient time to give the respondent time to prepare a response before an initial interview. Written notice includes:

- a. Notice of the grievance process, including any informal resolution process;
- b. Notice of the allegations, including sufficient detail (i.e., names of known parties, the conduct alleged to be sexual harassment, and the date and location of the conduct, if known) to allow the respondent to prepare a response;
- c. A statement that the respondent is presumed not responsible for the conduct and that responsibility will be determined at the conclusion of the grievance process;
- d. Notice of the parties' right to have an advisor (who may be, but is not required to be, an attorney) and to inspect and review evidence; and
- e. Notice that knowingly making false statements or providing false information in the grievance process is a violation of the code of conduct of students or a violation of performance and conduct standards for employees.

### **Investigation**

An investigator will be designated to investigate the allegations contained in the complaint or which are developed in the course of the investigation. The burden of gathering evidence and burden of proof must remain on the technology center—not on the parties.

An investigation will be conducted by a technology center Title IX official. This investigation will include:

- Meeting personally with the complainant (unless extraordinary circumstances prevent a personal meeting);
- Meeting personally with the respondent (unless extraordinary circumstances prevent a personal meeting);
- Presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made;
- Collecting any physical evidence;
- Meeting personally with any witnesses (unless extraordinary circumstances prevent a personal meeting with one or more witnesses);
- Reviewing any documentary evidence; and
- Preparing a report of the investigation.

The investigation of complaints will be adequate, reliable and impartial. The investigation process can take up to 60 days. When investigating a complaint and throughout the grievance process, the technology center must do the following:

1. Ensure that the burden of proof and of gathering evidence rests on technology center rather than the parties;

2. Provide an equal opportunity for the parties to present witnesses and evidence;
3. Not restrict either party's ability to discuss the allegations or gather and present evidence;
4. Provide the parties with the same opportunities to have others present during interviews or related proceedings, including an advisor;
5. Provide, to a party who is invited or expected to attend, written notice of the date, time, participants, purpose, and location of any investigative interview, hearing or other meeting with enough time to allow the party to prepare and participate;
6. Provide both parties and their advisors an equal opportunity to review all evidence directly related to the allegations in the formal complaint (both exculpatory and inculpatory) at least 10 days prior to the completion of the final investigation;
7. Ensure that if the technology center obtains additional information from or about the respondent or complainant, during the course of the investigation, that was not included in the original notice to the parties—both parties will be provided written notice of additional allegations and a reasonable opportunity to respond in writing to the new information or documents;
8. Prepare a written report that fairly summarizes the relevant evidence and provide the report to both parties and their advisors for review and written response at least 10 days before a hearing or determination of responsibility; and
9. Ensure that parties will have at least 10 calendar days to respond to the investigator's report; any response will be considered in connection with any hearing that is conducted.

The Title IX Coordinator will determine if a Title IX hearing is necessary. In making this determination, the Coordinator will consider whether both parties request or consent to a hearing and will agree to participate in a hearing. If it is determined that the technology center will proceed with a hearing, the complainant and the respondent will be notified in writing of the hearing.

### **Mandatory or Permissive Dismissal**

Mandatory dismissal must occur when it is determined in the course of the investigation that allegations in a formal complaint: (1) did not occur in the technology center's program or activity; (2) did not constitute sexual harassment as defined, or (3) did not occur against a person within the United States. Both parties must receive written notice of a mandatory dismissal and reasons.

Permissive dismissal may occur at any time during the investigation or hearing when: (1) a complainant notifies the Title IX Coordinator in writing that they would like to withdraw; (2) the respondent is no longer enrolled or employed by the technology center; or (3) specific circumstances prevent the technology center from gathering evidence sufficient to reach a determination. Both parties must receive written notice of a permissive dismissal and reasons.

The technology center may still address allegations of misconduct under the Student Code of Conduct or employee disciplinary procedures.

### **Technology Center Action**

- A. Informal resolution is available in some circumstances. Informal resolutions are unavailable unless a formal complaint of sexual harassment is filed. Informal resolution may include conflict resolution or a restorative agreement between the

parties with a trained Title IX Officer presiding over the informal resolution conference. Participation in informal resolution is never mandatory, and will only take place with the full consent of both parties involved. Informal resolution may only be used:

1. When a formal complaint of sexual harassment is filed;
2. Prior to a Notice of Hearing being issued;
3. When a Title IX Officer determines this is a suitable option for resolving the concern, and both the complainant and respondent agree to use the process;
4. When the complaint does not involve sexual violence as defined in the Title IX Policy; and
5. When both parties acknowledge receipt of written notice of their rights under this policy and both parties provide written, voluntary consent.

Informal resolution is not available when the complaint alleges a technology center employee sexually harassed a student.

Because the outcomes of voluntary resolution conversations are mutually developed and agreed upon by parties involved, an appeal of the process and its result is not permitted. However, either the Complainant or the Respondent may withdraw from informal resolution at any time prior to the entry of a voluntary resolution agreement and proceed with the Title IX hearing. If the parties are unable to agree on a voluntary resolution, the matter will be referred by the Title IX Coordinator to a Title IX Hearing. No offers to resolve the conflict that were made or discussed during the informal voluntary resolution process may be introduced during the Title IX Hearing.

#### B. Title IX Hearing

The technology center has determined that the hearing process will be conducted through written exchanges, if the parties are secondary students, but a live hearing will not be conducted.

The Title IX Hearing Officer's responsibilities include but are not limited to the following, regardless of whether a hearing is conducted through written exchanges or a live hearing:

- Read and understand the Title IX Policy and Procedures, which include the hearing process;
- Read and understand all of the information of the Title IX case provided by the Coordinator prior to the hearing as part of a hearing packet;
- Read and understand the procedures of the Title IX hearing (live or non-live) provided by the Coordinator prior to the hearing as part of a hearing packet;
- Have a clear understanding of the incident(s) in question before making a decision;
- Decide the outcome and sanctions if needed based on the information presented, hearing notes, and the technology center Title IX Policy;
- Maintain copies of all notes made. The hearing officer will inform the parties of the decision at the live hearing and send a letter as described in this policy;
- Ensure that parties have had ample time and opportunity to ask questions and obtain responses before the hearing officer renders a decision (live or non-live); and



- Ensure that the determination (decision) includes a statement of and rationale as to each allegation, a determination of responsibility, any disciplinary sanctions, and whether remedies to restore equal access to the technology center's educational programs or activities will be provided to the complainant.

#### Complainant's Rights:

- Be given a written explanation of the allegations and the hearing process;
- Have access to evidentiary material in advance of the hearing;
- Be present during the entire live hearing or fully aware of the process used in a non-live hearing;
- Be accompanied by an advisor during the hearing. The advisor is limited to advising the student and may not present the case, or make statements during the proceedings. Students should provide technology center with the name and contact information for the student's advisor as soon as practical but at least three (3) business days prior to the hearing;
- Be given, as applicable, a timely live or non-live hearing;
- Be assured of exclusion of evidence of the victim's past sexual history from discussion during the hearing. The past sexual history of the victim with persons other than the respondent shall be presumed irrelevant;
- Be permitted to clarify that evidence of a prior consensual dating or sexual relationship between the parties by itself does not imply consent (remember secondary students cannot consent to sexual harassment) or preclude a finding of sexual harassment;
- Be provided written notification of the outcome of the hearing including any sanctions, remedies/accommodations for the complainant, additional remedies for the school community;
- Be provided written notification of any internal or external counseling services that may be available;
- Be provided written notification of options for changing academic, extracurricular, transportation, school-site, or work-site situations, if reasonable;
- Be provided written notification of an avenue for appeal.

#### Respondent's Rights:

- Be given written notice of the allegations and the hearing process;
- Be given access to evidentiary material in advance of the hearing;
- Be present during the entire hearing if a live hearing is conducted or fully aware of the process utilized in a non-live hearing;
- Have no violation presumed until found responsible;
- Be given a timely hearing;
- Be accompanied by an advisor during the hearing. The advisor is limited to advising the student and may not present the case, or make statements during the proceedings. Students should provide the technology center with the name and contact information for the student's advisor as soon as practical but at least three (3) business days prior to the hearing;
- Be informed that evidence of the victim's past sexual history will be excluded from discussion during the hearing or hearing process. Similarly, the past

sexual history of the victim with persons other than the respondent shall be presumed irrelevant;

- Be provided written notification of the outcome of the hearing including any sanctions, remedies/accommodations for the complainant or respondent, additional remedies for the school community;
- Be provided written notification of internal or external counseling services that may be available;
- Be provided written notification of options for changing academic, extracurricular, transportation, school-site, or work-site situations, if reasonable; and
- Be provided written notification of an avenue for appeal.

### **Live Hearings**

A live hearing will not be conducted unless students who are parties to the complaint are at least 18 years of age, extraordinary circumstances are present, or adult program students are the parties. The complainant and respondent will be notified in writing of the hearing date, the alleged policy violation(s) and issued a notice to appear at the hearing. The Notice of Hearing will be hand-delivered or mailed to the physical or electronic addresses of the parties. Parties are responsible for ensuring that a current physical and electronic mail address is included in technology center records. The live hearing will include opening statements, each party's evidence and witnesses, cross-examination, and closing statements. Students are permitted to have an advisor accompany the Student throughout the disciplinary hearing. Students should provide technology center with the name and contact information for the Student's advisor at least 3 business days prior to the hearing. Parties are present during the disciplinary hearing (except during deliberations of the hearing officer). Parties are permitted to make statements, present witnesses and present evidence during the hearing which evidence has been previously collected and approved for relevance during the investigative process.

### **Non-Live Hearings**

Non-live hearing parties will have similar rights and responsibilities, except that the hearing officer will conduct the hearing via written or oral exchanges and neither the complainant nor the respondent will confront one another and no cross-examination will occur. However, both parties will be invited to submit questions, receive answers, and present relevant written arguments in connection with the parties' claims and defenses. Parties will have at least 10 days to respond to the receipt of information or documents to which they wish to respond. The investigator's report, all submissions by the parties, the exchange of information, documents and arguments will provide the basis for the hearing officer's decision.

### **All Hearings**

Witnesses and evidence must be directly related to the claims. Parties will be notified in any instance in which responses, information or documents are not available because of a privilege (not waived by the party who asserts the privilege) or irrelevant information is involved (e.g., information involving prior sexual behavior or sexual predisposition is irrelevant; a privilege such as an attorney-client or doctor-patient or other privilege bars introduction of certain evidence). The standard of proof used in technology center Title IX Hearings is the preponderance of the evidence, which means the determination to be made

is whether it is more likely than not a violation occurred. This is different than proof beyond a reasonable doubt, which is required for a criminal prosecution.

## **Outcomes**

If it is determined under the preponderance of evidence standard (more likely than not to have occurred) that the respondent is not responsible for a Sexual Harassment policy violation—the complaint will be dismissed.

If it is determined under the preponderance of evidence standard that the respondent is responsible for a Sexual Harassment policy violation the following sanctions will be considered. The listing of sanctions below is not intended to be exclusive; actions may be imposed singularly or in combination when a violation of this policy is found.

Discrimination (includes gender discrimination) may include the following sanctions on the student(s) found responsible:

- **Restriction** – A limitation on a student’s privileges for a period of time and may include but not be limited to, the denial of the use of facilities or access to parts of campus, denial of the right to represent the technology center, or denial of participation in extracurricular activities.
- **Service Project** – Community service or an education class or project beneficial to the individual and campus or community.
- **Probation** – A specified period of time during which the student is placed on formal notice that the student is not in good social standing with the technology center and that further violations of regulations will subject the student to suspension from the technology center.
- **Suspension** – If warranted by the severity of the incident, removal from classes or programs and other privileges or activities for a definite period of time not to exceed (for secondary students) the remainder of the semester in which the incident occurred and the following semester and until the conditions which are set forth in the hearing outcome letter are met. Students who are suspended from the technology center are not permitted on campus or in campus buildings, facilities or activities at any time for any reason during the period of suspension, unless otherwise directed by the Assistant Superintendent of the respective campus. Conditions to conclude a suspension and reinstatement process will be stated in the written notification. Notation on the student’s transcript will not be made; however, a permanent record of the action will be maintained in the student’s record.
- **Removal** – If warranted by the severity of the incident, adult students may be removed from the technology center with no right to return to classes or programs or a future right to apply to return. Conditions to which the adult student is subject will be stated in the written notification of outcome. Notation on the student’s transcript will not be made; however, a permanent record of the action will be maintained in the student’s record.

Sexual Harassment may include the following sanctions on the student(s) found responsible.

- **Restriction** – A limitation on a student’s privileges for a period of time and may include but not be limited to the denial of the use of facilities or access to parts of campus, denial of the right to represent technology center.

- Service Project – Community service or an education class or project beneficial to the individual and campus or community.
- Behavioral Change Requirement – Required activities including but not limited to, seeking academic counseling, substance abuse assessment, decision making class, writing a reflection paper, etc.
- Probation – Students are prohibited from participating in or holding leadership positions in any extracurricular activities not directly associated with academics (e.g., Skills USA, tech demonstration events, student organizations/clubs/associations, or other sanctioned events or competitions). Students must apply to be removed from probation by submitting documentation of their significant active efforts to become good citizens of the community and engage in responsible, productive behavior.
- Suspension – If warranted by the severity of the incident, removal from classes, programs, and other privileges or activities for a definite period of time not to exceed the remainder of the semester in which the incident occurred and the following semester, if a secondary student, and for a longer period of time, if an adult student, and until the conditions which are set forth in the hearing outcome letter are met. Students who are suspended or removed from technology center are not permitted on campus or in campus buildings, facilities or activities at any time for any reason during the period of suspension or removal, unless otherwise directed by the Assistant Superintendent of the respective campus. Conditions to conclude a suspension or removal and reinstatement process will be stated in the written notification. Notation on the student’s transcript will not be made; however, a permanent record of the action will be maintained in the student’s record.
- Removal – If warranted by the severity of the incident, adult students may be removed from the technology center with no right to return to classes or programs or a future right to apply to return. Conditions to which the adult student is subject will be stated in the written notification of outcome. Notation on the student’s transcript will not be made; however, a permanent record of the action will be maintained in the student’s record.

Sexual Violence may include the following sanction on the student(s) found responsible.

- Long-term Suspension or removal – Suspension of student status for an indefinite period not to exceed the maximum period permitted by law. Secondary students may only be suspended for the rest of the current semester and the succeeding semester; adult students may be suspended for a period to be determined or may be removed from the technology center with no right to return. The conditions for readmission, if any, shall be stated in the hearing outcome letter. In addition, a student, though readmitted to the district by operation of law, may be denied the opportunity to participate in extracurricular activities for as long as the student is enrolled in the technology center. Notation on the student’s transcript will not be made; however, a permanent record of the action will be maintained in the student’s record. Removal should be reserved and used only in cases involving the most severe instances of misconduct.

Both parties will be notified of the outcome in writing at the same time by certified mail or other agreed upon form of notice within five business days after the hearing. Both parties have the right to appeal the decision reached through the hearing process within five days after receipt of the hearing decision.

## **Appeal Procedures**

An appeal is not a new hearing, but is a review of the record of the original hearing. It serves as a procedural safeguard for the student or other party. The burden of proof shifts from the technology center to the party found responsible for the policy violation. The appealing party must show one or more of the listed grounds for an appeal.

- A. Appeals must be submitted in writing to the Superintendent within five (5) technology center calendar days of receiving the decision. Failure to file an appeal within the prescribed time constitutes a waiver of any right to an appeal.
- B. The appeal must cite at least one of the following criteria as the reason for appeal and include supporting argument(s):
  - 1. The original hearing was not conducted in conformity with prescribed procedures and substantial prejudice to the complainant or the respondent resulted.
  - 2. The evidence presented at the previous hearing was not “sufficient” to justify a decision against the student or group.
  - 3. New evidence which could have substantially affected the outcome of the hearing has been discovered since the hearing. The evidence must not have been available at the time of the original hearing. Failure to present information that was available is not grounds for an appeal.
  - 4. The sanction is not appropriate for the violation. This provision is intended to be utilized when a determined sanction is inherently inconsistent with technology center procedures or precedent. Simple dissatisfaction with a sanction is not grounds for overturning a sanction under this provision.
- C. The Superintendent will review the record of the original hearing, including documentary evidence. It is the Superintendent’s discretion to convert any sanction imposed to a lesser sanction, to rescind any previous sanction, or to return a recommended sanction to the original hearing officer for review/or reconsideration. If there is new evidence (unavailable at the time of the hearing through no fault of the parties) which is believed to substantially affect the outcome, or evidence presented at the previous hearing was “insufficient” to justify a decision against the student or group, or a finding that a substantial procedural error resulting in prejudice occurred, the matter may be remanded to either a rehearing of the entire matter or reconsideration of specific issues. If remanded to the original hearing officer, either or both students may appeal the hearing officer’s decision to the Superintendent and the procedures set out above shall control the appeal.
- D. The final decision will be communicated in writing by the Superintendent to both parties. The decision will be communicated within ten (10) calendar days of receiving the hearing officer’s decision.
- E. The decision of the Superintendent on appeal shall be final.

## **Retaliation**

The Federal civil rights laws, including Title IX, make it unlawful to retaliate against an individual for the purpose of interfering with any right or privilege secured by these laws.

This means that if an individual brings concerns about possible civil rights problems to a technology center's attention, including publicly opposing sexual harassment or filing a sexual harassment complaint with the technology center or any State or Federal agency, it is unlawful for the technology center to retaliate against that individual for doing so. It is also unlawful to retaliate against an individual because he or she testified, or participated in any manner, in an OCR or technology center's investigation or proceeding. Therefore, if a student, parent, instructor, sponsor, administrator, or other individual complains formally or informally about sexual harassment or participates in an OCR or technology center investigation or proceedings related to sexual harassment, the technology center is prohibited from retaliating (including intimidating, threatening, coercing, or in any way discriminating against the individual) because of the individual's complaint or participation. Individuals who, apart from official associations with technology center, engage in retaliatory activities will also be subject to technology center's policies insofar as they are applicable to third party actions.

The technology center will take steps to prevent retaliation against a student who filed a complaint on his or her own behalf or reported on behalf of another student, or against those who provided information as witnesses. Complaints of retaliation will follow the same process of investigation, hearing, and appeal.

If it is determined under the preponderance of evidentiary standard (more likely than not to have occurred) that a student is responsible for retaliation the following sanction will be imposed.

- **Suspension or Removal** – Removal from classes and other privileges or activities for a definite period of time not to exceed the maximum period permitted by law and until the conditions which are set forth in the hearing outcome letter are met. Suspension of secondary students is limited to the current and succeeding semester; adult students may be suspended for a designated period of time or removed from the district with no right to return to a district program. Students who are suspended or removed from technology center are not permitted on campus or in campus buildings, facilities or activities at any time for any reason during the period of suspension, unless otherwise directed by the Assistant Superintendent of the respective campus. Conditions applicable to the suspension, removal or reinstatement process will be stated in the written notification. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student's record.

### **Technology Center Officers and Designees**

The designation of a technology center official responsible for prescribed actions shall automatically include the official's designee in instances where an official is unable, unavailable or it appears that the official may have a conflict of interest that causes the official to recuse from involvement in the matter. The official's designee shall have the same authority as the official in matters involving this policy. In connection with an appeal the Superintendent may appoint a neutral individual, not employed by the technology center, to consider and decide the appeal.

### **Recordkeeping Protocol**

The technology center will document all reports and complaints of sex discrimination and provide copies of those reports to the Title IX Coordinator. The technology center Title IX Office will maintain a secured electronic file system of all Title IX cases, reports, and

complaints by academic year. The cases will include all information related to the individual case, which includes but is not limited to the initial complaint, letters sent to all parties, response from the respondent, immediate or other assistance, investigation notes, informal resolution agreement (if applicable), notice of hearing, committee selection, hearing notes, hearing decision, written notice of the outcome, and any recordings made of the live hearing or in the course of the investigation. The time period to maintain the case records will be no less than seven (7) years from the date of technology center's final action or decision (whether through report of the investigation, informal resolution, hearing, or appeal). The confidential reporting of the number of incidents and types will be sent to technology center Security for the preparation of the Annual Crimes Report.

## **Prevention and Education**

### **A. Education**

Technology center requires all employees to take sexual harassment educational training courses on an annual basis. Failure to have a confirmation of this required training may result in appropriate disciplinary action. Additional in-person trainings are also offered periodically and upon request.

## **Training**

Training on sexual misconduct: discrimination, harassment, and violence is included in technology center's education program.

In-person training for student groups and students will be conducted through a variety of presentations, student orientation, and other means. In-person training for Active Bystander Intervention skills may include: on-going campus campaigns and information at a variety of events concerning this policy and appropriate behaviors, including specific intervention strategies. Informational website and brochures devoted to educating students will be presented at prevention workshops.

Mandatory training for employees will be provided through in-person training on sexual misconduct: discrimination, harassment, and violence. Mandatory reporting will be emphasized through new employee orientations, periodic training opportunities and upon request. In-person training for Active Bystander Intervention skills may include: ongoing campus campaigns and information at a variety of events concerning the policy and appropriate behaviors; inclusion of information on the district's website; and brochures devoted to educating employees.

Resources available to all of the technology center community:

Oklahoma Coalition Against Domestic Violence and Sexual Assault (405)524-0700-provides confidential resources off campus

Oklahoma Safeline - (800) 522-7233 – provides confidential resources off campus

### **Local Support Services**

NWTC Counselors are available to students needing crisis intervention, community referral, and individual and group counseling to assist with personal growth. All information disclosed to Counselors is confidential, with exception of immediate threat of serious or foreseeable harm to self or identified other.

Woods County Department of Human Services (DHS) (Alva) 580-430-3100  
Major County Department of Human Services (DHS) (Fairview) 580-227-3759  
Woods County Health Department (Alva) 580-327-3192  
Major County Health Department (Fairview) 580-227-3362  
Northwest Domestic Crises Services (Alva) 580-327-6648  
Northwest Behavioral Health Center (Alva) 580-327-1112  
Share Medical Center (Alva) 580-327-280  
Share Urgent Care (Alva) 580-430-3325  
Fairview Regional Medical Center 580-227-3721

### **Free Speech and Academic Freedom**

Members of the technology center community enjoy significant free speech protections guaranteed by the First Amendment of the United States Constitution. This policy is intended to protect members of the technology center community from discrimination and is not designed to regulate protected speech. No provision of this policy shall be interpreted to prohibit conduct that is legitimately related to course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic or literary expression of students in classrooms and public forums. However, freedom of speech and academic freedom are not limitless and do not protect speech or expressive conduct that violates federal or state antidiscrimination laws.

### **Availability of other Complaint Procedures**

In addition to seeking criminal charges through local law enforcement, members of the technology center community may also file complaints with the following entities regardless of whether they choose to file a complaint under this procedure:

Office for Civil Rights  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1100  
Customer Service Hotline: (800) 421-3481  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Office for Civil Rights:  
Kansas City Field Office: [OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov), (816) 268-0550;  
Washington D.C.: [OCR@ed.gov](mailto:OCR@ed.gov) 1-800-421-3481  
Equal Employment Opportunity Commission:  
Oklahoma City Field Office: 1-800-669-4000;  
Washington D.C.: 1-800-669-4000, [Eeoc.gov/contact](http://Eeoc.gov/contact)

### **Distribution**

The technology center shall: prominently display on its website the required contact information for the Title IX Coordinator; post training materials used to train Title IX Coordinators and related Title IX Officials, Investigators, and Hearing Officers on its website; and notify applicants for employment, parents or legal guardians of secondary school students, and employee organizations—of the name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator.



**INTERNET AND TECHNOLOGY SAFETY PURSUANT TO THE  
CHILDREN'S INTERNET PROTECTION ACT**

It is the policy of the technology center to: (a) prevent user access over its computer network to, or transmission of, inappropriate material via Internet, electronic mail, or other forms of direct electronic or digital communications; (b) prevent unauthorized access and other unlawful online activity; (c) prevent unauthorized online disclosure, use, or dissemination of personal identification information of minors; and (d) comply with the Children's Internet Protection Act [Pub. L. No. 106-554 and 47 U.S.C. § 254(h)].

Definition

Key terms as defined in the Children's Internet Protection Act:

*Access to Inappropriate Material* - To the extent practical, technology protection measures (or "Internet Filters") shall be used to block or filter Internet (or other forms of electronic or digital communications) access to inappropriate information. Specifically, as required by the Children's Internet Protection Act, blocking shall be applied to visual depictions of material deemed obscene or child pornography, or to any material deemed harmful to minors. Subject to staff supervision, technology protection measures may be disabled or, in the case of minors, minimized only for bona fide research or other lawful purposes.

Inappropriate Network Usage

Any individual who uses the technology center's resources to access the Internet or engage in any electronic or digital communication is required to participate in the technology center's education efforts (undertaken pursuant to the Children's Internet Protection Act) and comply with the district's acceptable use policy.

Supervision and Monitoring

All employees are responsible for supervising and monitoring minor student's use of the Internet in accordance with the technology center's policies and the Children's Internet Protection Act. The technology center's IT director shall establish and implement procedures regarding technology protection measures. No individual will be permitted to use the school's technology resources in a manner inconsistent with the technology center's policies.

Personal Safety

Employees and students shall not use the school's technology resources in any manner that jeopardizes personal safety. Students and employees must follow the technology center's policies, including the acceptable use policy which details the technology center's safe use standards.

**ACCEPTABLE USE OF INTERNET AND  
ELECTRONIC AND DIGITAL COMMUNICATIONS DEVICES**

The forms of electronic and digital communications change rapidly. This policy addresses common existing forms of electronic and digital communication (email, texting, blogging, tweeting, posting, etc.) but is intended to cover any new form of electronic or digital communication which utilizes a computer, phone or other digital or electronic device.

As a part of the resources available to students and employees, the technology center provides Internet access at each campus and at its administrative offices. The technology center intends for this resource to be used for educational purposes and not to be used for conduct which is harmful. This policy outlines the technology center's expectations regarding Internet access. The ability to access the Internet while on technology center property is a privilege and not a right. Access cannot be granted until an individual has completed an "Internet Access Agreement" and access may be revoked at any time.

Any individual using technology center resources to engage in electronic or digital communications has no expectation of privacy. Further, employees and students must be cognizant of the fact that electronic or digital communications which occur on private equipment are often permanently available and may be available to school administrators.

Employees and students are expected to use good judgment in all their electronic or digital communications - whether such activities occur on or off campus or whether the activity uses personal or school technology. Any electronic or digital communication which can be considered inappropriate, harassing, intimidating, threatening or bullying to an employee or student of the technology center - regardless of whether the activity uses technology center equipment or occurs during school/work hours - is strictly forbidden. Employees and students face the possibility of penalties, including student suspension or dismissal and employee termination, for failing to abide by technology center policies when accessing and using electronic or digital communications.

The Internet provides users the ability to quickly access information on any topic - even topics which are considered harmful to minors. The technology center's IT department has attempted to filter this access in order to protect students from harmful content. In the event inappropriate material is inadvertently accessed, students should promptly report the site to their instructor so that other students can be protected. No individual is permitted to circumvent the technology center's privacy settings by accessing blocked content through alternate methods. In the event an employee needs access to blocked content, he/she should make arrangements through the campus director or IT director.

Although the technology center's IT department has taken appropriate steps to block offensive material, users may unwittingly encounter offensive material. All users of the technology center's electronic resources are required to exercise personal responsibility for the material they access, send or display, and must not engage in electronic conduct which is prohibited by law or policy. If a student inadvertently accesses or receives offensive material, he/she should report the communication to the assigned instructor. If an employee accesses or receives offensive material, he/she should report the communication

to the campus director or IT director. No individual is permitted to access, view or distribute materials which are inappropriate or create a hostile environment.

#### Internet Access - Terms and Conditions.

**Acceptable Use - Students.** Students agree to access material in furtherance of educational goals or for personal leisure and recreational use which does not otherwise violate this policy. No student may make an electronic or digital communication which disrupts the education environment - even if that communication is made outside of school or on personal equipment. Types of electronic or digital communications which can disrupt the education environment include, but are not limited to:

- Sexting
- Harassing, intimidating, threatening or bullying posts, tweets, blogs, images, texts, etc.
- Distributing pictures, recordings or information which is harmful or embarrassing

Students who engage in electronic or digital communications which disrupt the education environment are subject to disciplinary action, including suspension or dismissal from school. Depending on the nature of the electronic or digital communication, students may also be subject to civil and criminal penalties.

**Acceptable Use - Employees.** Employees agree to access material in furtherance of educational goals, including research and professional development. Employees are also permitted to judiciously use the technology center's electronic resources for limited personal use, provided that the use is of no cost to the technology center, does not preempt business activity, impede productivity, or otherwise interfere with work responsibilities. Electronic or digital communications made using technology center owned equipment must be professional in nature and cannot be used for the exercise of the employee's free speech rights.

Any electronic or digital communication in which the employee can be identified as an employee of the technology center – regardless of whether the communication is made with technology center owned equipment or during work hours - must be a professional communication. Accordingly, if the individual is identifiable as a technology center employee, electronic or digital communications must not contain sexual, harassing, discriminatory or immoral content. Further, the communication cannot promote the use of tobacco, drugs, alcohol or be otherwise inconsistent with the technology center's objectives.

Employees are required to maintain appropriate electronic boundaries with students. Such boundaries require that employees refrain from engaging in electronic or digital communications which show an undue interest in select student(s), are of a personal nature, model inappropriate conduct, or are otherwise inconsistent with the technology center's mission and goals. In order to maintain appropriate boundaries, the technology center encourages employees to:

- Send group texts or emails
- Use separate personal and school electronic accounts
- Obtain written parental permission prior to posting pictures of minors
- Respect individual privacy, including privacy rights granted by FERPA

Employees are expressly forbidden from using electronic or digital communication in a manner inconsistent with their position as a role model for students. Any employee who engages in inappropriate electronic or digital communication with students is acting outside the scope of his/her employment with the technology center.

**Prohibited Use.** Users specifically agree that they will not use the Internet to access material which is: threatening, indecent, lewd, obscene, or protected by trade secret. Users further agree that they will not use the technology center's electronic resources for commercial activity, charitable endeavors (without prior administrative approval), product advertisement or political lobbying.

**Parental Consent.** Parents of minor students must review this policy with their student and sign the consent form prior to a minor student being granted Internet access.

**Privilege of Use.** The technology center's electronic resources, including Internet access, is a privilege which can be revoked at any time for misuse. Prior to receiving Internet access, all users will be required to successfully complete an Internet training program administered by the technology center.

**Internet Etiquette.** All users are required to comply with generally accepted standards for electronic or digital communications, including:

- a. **Appropriate Language.** Users must refrain from the use of abusive, discriminatory, vulgar, lewd or profane language in their electronic or digital communications.
- b. **Content.** Users must refrain from the use of hostile, threatening, discriminatory, intimidating, or bullying content in their electronic or digital communications.
- c. **Safety.** Minor students must not include personal contact information (name, address, phone number, address, banking numbers, etc.) in their electronic or digital communications. Minor students must never agree to meet with someone they met online and must report any electronic or digital communication which makes them uncomfortable to their teacher.
- d. **Privacy.** Users understand that the technology center has access to and can read all electronic or digital communications created and received with technology center resources. Users agree that they will not use technology center resources to create or receive any electronic or digital communications which they want to be private.
- e. **System Resources.** Users agree to use the technology center's electronic resources carefully so as not to damage them or impede others' use of the technology center's resources. Users will not:
  - install any hardware, software, program or app without approval from the IT department
  - download large files during peak use hours
  - disable security features
  - create or run a program known or intended to be malicious
  - stream music or video for personal entertainment
- f. **Intellectual Property and Copyrights.** Users will respect others' works by giving proper credit and not plagiarizing, even if using websites designed for

educational and classroom purposes (See [www.copyright.gov/fls/fl102.html](http://www.copyright.gov/fls/fl102.html))  
Users agree to ask their instructor for assistance in citing sources as needed.

**Limitation of Liability.** The technology center makes no warranties of any kind, whether express or implied, for the services provided and is not responsible for any damages arising from use of the technology center's technology resources. The technology center is not responsible for the information obtained from the use of its electronic resources and is not responsible for any charges a user may incur while using its electronic resources.

**Security.** If a user notices a potential security problem, he/she should notify the IT director immediately but should not demonstrate the problem to others or attempt to identify potential security problems. Users are responsible for their individual account and should not allow others to use their account. Users should not share their access code or password with others. If a user believes his/her account has been compromised, he/she must notify the IT director immediately. Any attempt to log on to the technology center's electronic resources as another user or administrator, or to access restricted material, may result in the loss of access for the remainder of the school year or other disciplinary measures.

**Vandalism.** No user may harm or attempt to harm any of the technology center's electronic resources. This includes, but is not limited to, uploading or creating a virus or taking any action to disrupt, crash, disable, damage, or destroy any part of the technology center's electronic resources. Further, no user may use the technology center's electronic resources to hack vandalize another computer or system.

**Inappropriate Material.** Access to information shall not be restricted or denied solely because of the political, religious or philosophical content of the material. Access will be denied for material which is:

- a. Obscene to minors, meaning (i) material which, taken as a whole, lacks serious literary, artistic, political or scientific value for minors and, (ii) when an average person, applying contemporary community standards, would find that the written material, taken as a whole, appeals to an obsessive interest in sex by minors.
- b. Libelous, meaning a false and unprivileged statement about a specific individual which tends to harm the individual's reputation.
- c. Vulgar, lewd or indecent, meaning material which, taken as a whole, an average person would deem improper for access by or distribution to minors because of sexual connotations or profane language.
- d. Display or promotion of unlawful products or services, meaning material which advertises or advocates the use of products or services prohibited by law from being sold or provided to minors.
- e. Group defamation or hate literature, meaning material which disparages a group or a member of a group on the basis of race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age or genetic information or advocates illegal conduct or violence or discrimination toward any particular group of people. This includes racial and religious epithets, "slurs," insults and abuse.
- f. Disruptive school operations, meaning material which, on the basis of past experience or based upon specific instances of actual or threatened disruptions relating to the information or material in question, is likely to

cause a material and substantial disruption of the proper and orderly operation of school activities or school discipline.

**Application and Enforceability.** The terms and conditions set forth in this policy shall be deemed to be incorporated in their entirety in the Internet Access Agreement executed by each user. By executing the Internet Access Agreement, the user agrees to abide by the terms and conditions contained in this policy. The user acknowledges that any violation of this policy may result in access privileges being revoked and disciplinary action being taken. For students, this means any action permitted by the technology center's policy on student behavior. For employees, this means any action permitted by law, including termination of employment.

**Education of Students Regarding Appropriate On-Line Behavior.** In compliance with the Protecting Children in the 21<sup>st</sup> Century Act, Section 254(h)(5), the technology center provides education to minors about the appropriate use of the technology center's electronic resources, including interacting with others on social networking and chat sites, and cyber bullying. As a part of that education, guidelines on cyber bullying and internet safety for students are attached to this policy.

## **Cyber Bullying and Internet Safety Fact Sheet**

People can be bullied in lots of ways, including through cyber bullying. Cyber bullying is when someone sends or posts things (words, pictures, recordings) that are mean, embarrassing or make people feel scared, embarrassed or uncomfortable. Even if they don't do this at school sometimes cyber bullying makes things at school hard. No student is allowed to disrupt school through cyber bullying.

Cyber bullies work in lots of ways, but here's some of their most common:

- Send or post mean messages
- Make up websites or accounts with stories, cartoons, pictures or "jokes" that are mean to others
- Take embarrassing pictures or recordings (without asking first)
- Send or post stuff to embarrass others
- Hack into other people's accounts or read their stuff
- Hack into other people's accounts and send or post their private stuff
- Pretend to be somebody else to get someone to give them private info
- Send threats

*If you're a cyber bully knock it off! Ask your principal/counselor how you can make things right.*

If someone is cyber bullying you, there's something you can do about it:

- Don't respond to and don't ignore a cyber bully. Instead, tell an adult you trust. If cyber bullying follows you to school, tell your teacher or counselor.
- Even if what the bully does is embarrassing, don't delete it. Instead, get a copy so you can prove what happened.
- Have an adult help you contact a company representative (cell phone company, Yahoo, Facebook, Twitter, etc.) about blocking or removing the bad stuff.

You can't always stop people from being mean, but there are ways to help yourself:

- Don't give out your personal info in electronic or digital communications
- Don't tell anyone but your parents what your login name, password or PIN number is
- Don't post or send embarrassing pics or recordings (even on your own sites) - bullies love to copy your stuff

Suggestions for Parents:

- Help your child understand how permanent electronic or digital communications are
- Talk to your child about understanding, preventing and responding to cyber bullying
- Contact your student's school for help if you suspect your child is being cyber bullied – or if you suspect your child is engaging in cyber bullying

**PROHIBITED USE OF  
DISTRICT ISSUED TECHNOLOGY EQUIPMENT**

The technology center may issue a wireless device to the employee such as a cell phone, iPad, or laptop. Employees who are issued these devices must carefully adhere to all other technology policies.

For business and tax reasons the personal use of such equipment is not permitted and, as a result, any personal use should be limited to emergency circumstances. Any employee who utilizes a school wireless device for personal reasons must promptly notify his/her supervisor in writing, and all usage records are subject to audit for compliance with this policy. Employees who violate these requirements are subject to disciplinary action, including removal of the equipment or termination.

Any employee who is issued a technology center owned wireless device must protect the device from loss, damage, or theft. If the device is lost, the employee must promptly report the loss to his/her supervisor. If the device is stolen, the employee must immediately file a police report and notify his/her supervisor.

Employees must return all wireless devices, in good condition, upon request of the technology center or upon separation from employment, whichever is sooner.



## **PERSONAL WIRELESS DEVICES AND ELECTRONIC ACCOUNTS**

The technology center requires that all individuals devote their full attention to education while at school or during education activities. Accordingly, the technology center expects both employees and students to limit their use of personal wireless devices (including, but not limited to, hand-held mobile telephones) and personal electronic accounts at school or when engaged in school-related activities. Wireless devices include, but are not limited to, cell phones, laptops, cameras, GPS systems, any type of device capable of intercepting or recording a conversation, any type of device capable of providing visual surveillance or images, recorders, Google Glass, etc. Electronic accounts include, but are not limited to, accounts that allow digital communication such as email and social media accounts.

Google Glass and similar technology is prohibited on campus by all individuals at all times. Regardless of the type of technology used, no individual may make any type of surreptitious recording of others on district property. Additionally, no person may use any type of technology to remotely monitor, listen to, or view actions occurring at school or school activities.

Personal wireless devices not otherwise prohibited shall be turned off and out-of-sight in locations such as restrooms, locker rooms, changing rooms, etc. ("private areas"). The use of any audio/visual recording and camera features are strictly prohibited in private areas. Students who observe a violation of this provision shall immediately report this conduct to a teacher, administrator or campus director. Employees who observe a violation of this provision shall immediately report this conduct to a supervisor or the campus director.

### Students

Students who violate this policy will have their personal wireless device confiscated until after a parent conference, and may lose the privileges of possessing such a device at school or school related activities for the remainder of the school year. Students are also subject to other disciplinary action.

Students may not use any personal wireless device to:

- send or receive answers to test questions or otherwise engage in cheating;
- record conversations or events during the school day, on technology center property or at technology center activities;
- threaten, harass, intimidate, or bully;
- take, possess, or distribute obscene or pornographic images or photos;
- engage in lewd communications;
- violate technology center policies, handbook provisions, or regulations.

## Employees

Personal wireless devices may only be used during work time if the use of the device furthers the employee's performance of his/her professional responsibilities. No employee may use work time to engage in any personal electronic or digital communication, Internet activity, gaming, etc.

Employees will make reasonable efforts to use technology center resources rather than personal wireless devices or personal electronic accounts for electronic or digital communications with other employees, parents, and students and for tasks related to their employment. By using personal wireless devices or personal electronic accounts to communicate with other employees, parents, and students or to perform tasks related to their employment, employees acknowledge that they are creating records that may be subject to Oklahoma's laws related to Open Records (51 OKLA. STAT. § 24A.1 *et seq.*). Employees consent to retain and provide access to such communications or records to school district administration upon request. This consent survives any changes in the employment relationship.

Employees are not permitted to text or otherwise use a personal wireless device while operating a technology center vehicle.

Personal wireless devices may not be used to photograph or record conversations or events outside private areas without first obtaining consent to record from all parties. In the case of students, permission from the campus director must be obtained. Administrative approval for recordings of students will take into consideration whether prior approval has been granted from parents/guardians of minors and whether the recording would identify a specific category of students such as special education students.

Personal wireless devices may only be shared with students for emergency use.

No employee may use a personal wireless device to engage in conduct which is illegal or which could be construed as inappropriate conduct with a student or students. In the event an employee receives an inappropriate electronic or digital communication from a student or parent, the communication must be promptly reported to the employee's supervisor.

The technology center fully acknowledges that personal wireless communications devices are the personal property of the employee. Unless an administrator has reasonable suspicion that an employee's personal equipment contains prohibited content, an administrator may not inspect an employee's personal equipment without the employee's express consent.

**Warning:** Possessing, taking, disseminating, transferring, or sharing obscene, pornographic, lewd, or otherwise illegal images, photographs, or communications, whether by electronic data transfer or otherwise (commonly called texting, sexting, emailing, and other modes of electronic or digital communication) may constitute a CRIME under state and/or federal law. Any person possessing, taking, disseminating, transferring, or sharing obscene, pornographic, lewd or otherwise illegal images, photographs, or communications will be reported to law enforcement and/or other appropriate state or federal agencies, which may result in arrest, criminal prosecution, and inclusion on sexual offender registries.

### **ACCEPTABLE USE OF FILE SHARING TECHNOLOGY**

Employees and students may choose to use file sharing/storing technology (Google Docs, Ever Note, etc.) in connection with school learning or business. Individuals who choose to use such technology are required to follow all other district technology and acceptable use protocols, as well as adhere to the specific guidelines in this policy.

Individuals using file sharing/storing technology in connection with their association with the technology center are expressly prohibited from using the technology in a malicious manner or in any way which violates this or other district policies.

The Superintendent is responsible for regularly reviewing all contracts with potential file sharing/storing technology vendors to ensure the technology centers interests are safeguarded. This responsibility includes making arrangements with vendors which ensure:

- the technology center maintains appropriate ownership of all data connected with the district
- data connected with the district is stored in a secure manner
- data connected with the district will not be used to market to students
- users (or parents) will not be required to waive their rights in order to create an account

#### District Data

District data encompasses all school records. This information may include:

- information which is protected by FERPA or HIPAA
- confidential information such as home addresses, phone numbers, social security numbers, license numbers, dates of birth, and banking account numbers
- disciplinary or grievance information
- information about criminal investigations, including SRO records and notes
- safety sensitive information, including building layouts, evacuation routes, crisis response plans, etc.
- confidential or attorney client privileged information

District data may only be shared or stored with a file sharing/storing vendor after the board has approved an agreement, recommended by the Superintendent, with the vendor.

### Other Data

Other data encompasses all other types of school-related data such as routine documents for individual use or shared items for collaboration projects. Other data may be shared or stored with the district's approved file sharing/storing vendor or on another platform at the discretion of the user.

### All Data

Regardless of whether district data or other data is involved, file sharers specifically agree not to share or store files which contain malware, viruses, worms, etc.

Questions regarding whether information is acceptable for file sharing/storing technology should be directed to The Superintendent at the Technology Center main campus. Any individual who discovers that information has been improperly shared or stored is required to promptly notify the Superintendent of the violation. Individuals who violate this policy are subject to disciplinary action as outlined in district policies.

## **SOCIAL MEDIA**

Northwest Technology Center recognizes the appropriate use of social media as a method for communicating ideas and information. The forms of electronic and digital communications change rapidly. This policy addresses common existing forms of electronic and digital communication (email, texting, blogging, tweeting, posting, etc.) but is intended to cover any new form of electronic or digital communication which utilizes a computer, phone or other digital or electronic device.

### **Definitions**

“Social networking” or “social media” means interaction with external websites or services based upon participant contributions to the content. Types of social media include social and professional networks, blogs, micro blogs, video or photo sharing and social book marking; and

“Comment” means a response to an article or social media content submitted by a commenter.

### **Official Use of Social Media**

The district is responsible for creating and maintaining its “official” online presence. Unless specifically authorized by the Superintendent, no district employee may create an “official” Northwest Technology Center presence on any form of Social Media, now in existence, or created in the future, or represent themselves as a spokesperson or authorized representative of Northwest Technology Center.

### **Professional Conduct**

The District is committed to creating an environment in which all persons can interact together in an atmosphere free of all forms of harassment, exploitation or intimidation. Therefore, when communicating via social networks, employees are expected to act with honesty, integrity, and respect for the rights, privileges, privacy, and property of others. By doing so employees will be abiding by applicable laws, school district policy and the core values of Northwest Technology Center. The technology center prohibits abusive or offensive online behavior of employees at work or when engaged in work-related activities; likewise, technology center resources are not to be used in abusive or offensive ways. Also, the technology center discourages out-of-school online abusive or offensive behavior because of its potential to interfere with and disrupt working and student relationships.

Employees are responsible for the material they publish online as well as the messages sent via computers and wireless telecommunication devices. Any conduct that negatively reflects upon the district, consists of inappropriate behavior, or creates disruption on the part of an employee may expose that employee to disciplinary action up to and including termination. Inappropriate behavior is defined as any activity that harms students, compromises an

employee's objectivity, undermines an employee's authority or ability to maintain control of students or work with or around students, is disruptive to the educational environment, or is illegal. Moreover, employees should not engage in personal social media during working hours.

### **Expectations of Staff**

District employees are role models and must exemplify ethical behavior in their relationships with students, clients, and other staff members. Online activity, including personal online activity, is public and is therefore a reflection on the district as an organization. Employees should exercise good judgment and common sense, maintain professionalism, and address inappropriate behavior or activity discovered on these networks. Inappropriate behavior or activity should be immediately communicated to a direct supervisor. The following should inform and guide employee judgment and actions:

1. The line between professional and personal relationships can become blurred; therefore, district employees should exercise discretion and maintain professionalism when communicating with students via computers or wireless telecommunication devices. Employees should limit this type of communication with students to matters concerning a student's education or extra-curricular activities for which the staff member has assigned responsibility. Excessive messaging or other social media communication to an individual student should be avoided.
2. District employees are prohibited from engaging in private exchanges with students, and should only communicate with groups or in such a manner that the communication can be publicly viewed.
3. Photos of and videos featuring students should not be posted on social media without the informed consent of a parent/guardian. For personal protection, never take a photo of an individual student.
4. Group student photos may be submitted to the site administrator or superintendent for inclusion on official district accounts.
5. Students should not be cited, obviously referenced, or depicted in images without proper written approval of the student's parent/guardian, and the confidential details of these individuals should never be disclosed.
6. Externally communicating any confidential information or information related to Northwest Technology Center not intended for public dissemination is always forbidden and may be grounds for termination and legal action. Public information will be released through the superintendent or his designee.
7. Copyright and fair use laws must be respected at all times. Trademarks such as logos, slogans, and digital content such as art, music, or photographs, may require permission from the copyright owner. It is the responsibility of the employee to seek permission for any such trademarked content.
8. Technology center employees are discouraged from sharing content or comments containing the following when it is directed at a colleague, parent, student or citizen of the State of Oklahoma:

- a. Obscene sexual content or links to obscene sexual content;
- b. Abusive and bullying language or tone;
- c. Conduct or encouragement of illegal activity; and
- d. Disclosure of information which an agency and its employees are required to keep confidential by law, regulation or internal policy.

Content or comments of the type listed above are especially concerning when directed at or exchanged with a student and, as a result, may result in disciplinary action up to and including termination of employment and, in some instances, referral to law enforcement or licensing bodies.

### **Accountability**

All staff are expected to serve as positive ambassadors for the district and appropriate role models for students. Failure to do so could put an employee in violation of district policy. Violation of district policies and procedures may result in disciplinary action up to and including termination of employment. All employees who have reason to believe that their on-line conduct has generated public or media attention are expected to immediately report their activity and attention generated to their supervisor.

### **Distribution of Policy**

This policy shall be distributed to all employees via the technology center's email system at the beginning of each school year and at the time of hiring to all new employees hired after the start of the school year.

Reference: Okla. Stat. tit. 74, § 840-8.1

## **CYBERSECURITY**

The technology center takes seriously the safety and security of its students and staff, which includes electronic security. Therefore, it is the policy of the technology center to have in place measures to prevent unauthorized access to its computer networks and to prevent the online theft, disclosure, use, or dissemination of personally-identifiable information stored on its computer networks (a “security incident”).

### Cybersecurity Protection Measures Generally

The Information Technology Director (IT Director) shall be responsible for the design and monitoring of measures to prevent and respond to unauthorized or unlawful access to or use of data on the technology center’s computer networks (“preventative measures”). These measures shall include identifying network vulnerabilities, developing disaster recovery and business continuity plans, establishing clear procedures that comply with this policy, and educating all stakeholders and users on the importance of computer network security. Additionally, the storage of personally-identifiable information stored on technology center computer networks should be designed so that in the event of a data breach incident, the following data elements associated with the first name or first initial and last name of an individual are either encrypted or redacted: (a) social security number, (b) driver license number or state identification card issued in lieu of a driver license, or (c) financial account number, or credit card number, in combination with any required security code, access code, or password that would permit access to the financial account of the individual.

### Security and Monitoring

The technology center will take reasonable efforts to maintain computer network security, whether threatened by security breach, human error, hardware malfunction, or otherwise. The IT Director shall be responsible for securing and actively monitoring the technology center’s computer network (“network”) to identify, contain, mitigate, and report any security incident, which may include contracting with a third party for such services. However, any staff member who suspects or becomes aware of a security incident shall immediately notify the IT Director.

The IT Director shall also be responsible for designing, or having in place, adequate preventative measures, including perimeter and access controls, to regulate digital traffic between the technology center’s computers and external entities. To the extent practicable, the electronic transmission of personally-identifiable information should be encrypted or redacted. Additionally, the IT Director shall ensure the technology center’s network and all technology center computer equipment are protected from malicious software attacks such as viruses, ransomware, spyware, and malware by commercial grade cybersecurity software and appropriate and regularly-updated software, including timely installation of necessary software patches.



The IT Director shall annually report to the board of education regarding the adequacy of the technology center's preventative measures, including any security incidents that have occurred, the technology center's responses to those incidents, and subsequent improvements to network security. The IT Director shall also conduct vulnerability assessments to monitor the efficacy of the technology center's preventative measures and make ongoing improvements or updates to security protocols, systems, hardware, and software as necessary.

The IT Director shall also develop a disaster recovery or business continuity plan to be implemented in the case of a disaster or serious security incident which compromises the technology center's network and/or the data stored thereon. This plan shall include procedures for routinely backing-up technology center data to a secured, off-site location or onto appropriate backup media at a secure, off-site location. The technology center may contract with a third party for such services. At least [frequency, i.e., annually, semi-annually], the IT Director shall conduct contingency testing to ensure the speedy restoration of technology center systems and information in the event of a security incident or a disaster.

### Response and Reporting

In the event of a security incident, IT Director shall immediately notify the Superintendent, and they, in consultation with the technology center's legal counsel, shall take such reasonable and appropriate steps as may be required, which may include notification to law enforcement and affected parties. The Superintendent shall also notify the Board of Education of any security incidents as soon as practicable.

### Education

The IT Director is responsible for providing annual information technology training to technology center personnel who have access to sensitive and personally-identifiable information. This training will emphasize such employees' personal responsibility for protecting the technology center's network and personally-identifiable information. Additionally, and on an ongoing basis, the IT Director will provide guidance to all technology center employees on best practices to mitigate against the threats of a cyber-attack.

Reference: OKLA. STAT. tit. 74, § 3113.1; OKLA. STAT. tit. 24, §§ 161–166 (“Security Breach Notification Act”); 20 U.S.C. § 1232g, 34 C.F.R. Part 99 (“FERPA”); 47 U.S.C. § 254; 47 C.F.R. § 54.520 (“Children’s Internet Protection Act”); 20 U.S.C. § 7131 (“Elementary and Secondary Education Act”); 15 U.S.C. § 7001

**BOARD MEETINGS HELD VIA  
VIDEOCONFERENCE OR TELECONFERENCE**

THIS POLICY SHALL BE IN EFFECT UNTIL THE EARLIER OF NOVEMBER 15, 2020, OR THE GOVERNOR DECLARES THE COVID-19 STATE OF EMERGENCY TO BE TERMINATED.

PURSUANT TO SENATE BILL 661, WHICH TEMPORARILY AMENDS CERTAIN PROVISIONS OF THE OPEN MEETING ACT, THIS POLICY TEMPORARILY MODIFIES THE FOLLOWING BOARD POLICIES TO ALLOW BOARD MEETINGS TO BE CONDUCTED BY VIDEOCONFERENCE OR TELECONFERENCE:

- TECHNOLOGY CENTER BOARD MEETINGS
- BOARD OF EDUCATION NOTIFICATION OF MEETINGS
- QUORUM: BOARD MEETING PROCEDURE
- PUBLIC PARTICIPATION IN BOARD MEETINGS

The board of education recognizes its continuing duty to encourage and facilitate an informed citizenry's understanding of the technology center's governing processes and problems by conducting its meetings in compliance with the Open Meeting Act. However, the board may determine that present circumstances and ongoing social distancing guidelines issued by the president, the governor, and national and state public health entities necessitate that its meetings be conducted entirely via videoconference or teleconference (remote means) or a combination of physical meeting and remote means. In such cases, it shall comply with all provisions of the Open Meeting Act, as amended by Senate Bill 661. However, in no case shall the board use remote means to prevent its meetings from remaining open and accessible to the public.

**DEFINITIONS**

**Videoconference** – A conference among members of the board remote from one another who are linked by interactive telecommunication devices or technology and/or technology permitting both visual and auditory communication between and among members of the board and/or between and among members of the board and members of the public. During any videoconference, the board shall attempt to use both the visual and auditory communications functions of its videoconferencing devices and/or technology.

**Teleconference** – A conference among members of the board remote from one another who are linked by telecommunication devices and/or technology permitting auditory communication between and among members of the board and/or between and among members of the board and members of the public.

## **TECHNOLOGY CENTER BOARD MEETINGS**

Meetings may be held entirely or partially by videoconference or teleconference as long as the meeting conforms to the requirements of the Open Meeting Act, as temporarily amended by Senate Bill 661. Accordingly, any board meeting conducted by videoconference or teleconference must meet the following requirements:

- The meeting shall be recorded by written, electronic, or other means.
- Each member of the body must be audible or visible to each other and the public.
- A quorum must be present during a meeting conducted via videoconference or teleconference, but need not be physically present at any physical meeting site.
- If at any time the audio connection is disconnected, the meeting shall be stopped and reconvened once the audio connection is restored.
- The meeting notice and agenda prepared in advance of the meeting, as required by law, shall indicate if the meeting will include videoconferencing or teleconferencing, and shall also state the following information:
  - Each member of the body appearing remotely and the method of each member's remote appearance (videoconference or teleconference);
  - The identity of any member of the body who will be physically present at the meeting site (if any);
  - If any executive session is contemplated. In such case, the notice requirements of Section 311 of the Open Meeting Act shall be stated in the notice and agenda along with the following:
    - The executive session will include videoconferencing or teleconferencing,
    - The identity of each member of the body appearing remotely,
    - The method of each body member's remote appearance, and
    - Whether any member of the body will be physically present at the meeting site (if any) for that executive session.
- After the meeting notice and agenda are prepared and posted as required by law, public body members shall not be permitted to alter their method of attendance; provided, however, those members who were identified as appearing remotely may be permitted to physically appear at the meeting site (if any).
- Public body members who participate in the meeting by videoconference or teleconference need not be physically present at a location open and accessible to the public located in the member's district.
- The public shall be allowed to participate and speak, as allowed by any rules or policy set by the public body, in a meeting which utilizes videoconference or teleconference in the same manner and to the same extent as the public is allowed to participate or speak during a meeting where all public body members are physically present together at the meeting site.
- Any materials shared between members of the public body shall be immediately made available to the public in the same form.

- All votes occurring during meetings using videoconferencing or teleconferencing shall occur and be recorded by roll call votes.
- Executive sessions may be conducted by videoconference or teleconference. For such sessions, no public body member is required to be physically present so long as each member is audible or visible to each other.
- Except as otherwise provided in this policy, the meeting shall be conducted per the usual procedures and requirements of the Open Meeting Act.

## **BOARD OF EDUCATION NOTIFICATION OF MEETINGS**

### Notice to County Clerk

**Regular Meetings** – Should the board elect to hold any regular meeting via videoconference or teleconference, the board shall cause notice of this change to be provided in writing to the county clerk at least ten days prior to implementing the change. The notice shall indicate if videoconferencing or teleconferencing shall be used, each public body member appearing remotely, the method of each member’s remote appearance (videoconference or teleconference), and the identity of each member who will be physically present at the meeting site (if any).

**Special Meetings** – Notice of the time, date and place of a special meeting shall be provided to the county clerk in person, in writing, or by telephone at least forty-eight (48) hours prior to the meeting. The notice shall indicate if videoconferencing or teleconferencing shall be used, each public body member appearing remotely, the method of each member’s remote appearance (videoconference or teleconference), and the identity of each member who will be physically present at the meeting site (if any).

### Meeting Notices

Pursuant to SB 661, public bodies shall not be required to make the notice of a public meeting available to the public in the principal office of the public body or at the location of the meeting during normal business hours at least twenty-four hours prior to the meeting. If the technology center chooses to only post its meeting agenda electronically, then Option 2’s procedures shall be used.

At least twenty-four hours prior to a regular or special meeting, a meeting agenda shall be posted which shall include the date, time, and place of the meeting and the business to be undertaken at the meeting. Additionally, it shall indicate if videoconferencing or teleconferencing shall be used, each public body member appearing remotely, the method of each member’s remote appearance (videoconference or teleconference), and the identity of each member who will be physically present at the meeting site (if any). The calculation of the twenty-four (24) hour period shall exclude Saturdays, Sundays, and holidays.

Written notice of the date, time and place of the meeting will be mailed or delivered to each person, newspaper, wire service, radio station and television station that has filed a written request for such notice. Such requests must be renewed annually, and an annual fee of Eighteen Dollars (\$18.00) will be charged each person or entity that requests written notification.

### Continuing Meetings

In the event any meeting of the board is to be continued or reconvened, public notice of the action, including the date, time and place of the continued meeting shall be given by announcement at the original meeting.

### **QUORUM: BOARD MEETING PROCEDURE**

A quorum consisting of a majority of the board membership shall be necessary to conduct business at a meeting of the board of education held via videoconference or teleconference; however, a majority of the board need not be physically present at a physical meeting site when such meeting is conducted via videoconference or teleconference. In such cases, quorum may be established if a majority of the board is present via videoconference or teleconference, and each board member is audible or visible to each other and the public. In the event a quorum is not present at a meeting held via videoconference or teleconference, and a regularly scheduled meeting cannot be convened, the meeting shall be cancelled.

### **PUBLIC PARTICIPATION IN BOARD MEETINGS**

#### Public Comments – General Guidelines

Members of the public shall be allowed to participate and speak, to the extent allowed by rule of policy set by this board, in a meeting which utilizes videoconference or teleconference in the same manner and to the same extent as the public is allowed to participate or speak during a meeting where all public body members are physically present together at the meeting site.

## **DISTANCE INSTRUCTION**

THIS POLICY MAY BE USED IF STUDENTS ARE UNABLE TO ATTEND SCHOOL OR ABLE TO ATTEND SCHOOL ONLY ON A PART-TIME BASIS FOR VARIOUS HEALTH OR SAFETY REASONS. COMPLETE SCHOOL CLOSURE IS NOT A PREREQUISITE TO USE OF THIS POLICY.

The Technology Center may choose to engage in distance learning when permitted by the Oklahoma State Department of Education (OSDE) and its promulgated rules and regulations. When the Technology Center engages in distance learning, instruction can be delivered via a number of Technology Center-Approved Means and Mediums, but in all cases, instructional delivery methods will comply with requirements and guidance from the OSDE and the ODCTE. These methods can include, but are not limited to, means and mediums already implemented or may be implemented in the future by Technology Center administration which may or may not include use of technology. Although the student may not be on campus, programs will continue, and the Technology Center shall continue to engage students with instruction and experiences that provide opportunities for continuous learning while allowing them to stay connected with their instructors.

## **EQUITABLE CONSIDERATIONS**

Whether provided through virtual, hybrid, or distance instruction, the Technology Center shall, to the greatest extent practicable, provide its students with quality educational opportunities and continuity of instruction that is consistent with the Technology Center's vision and mission. As a part of its commitment to providing quality education to all students the Technology Center states that:

- When making decisions regarding the means and mediums utilized for ~~virtual and~~ distance learning, the Technology Center shall strive to bridge any equity gaps between those students with and without the technology and resources necessary to access distance learning.
- The Technology Center will ensure that all students have access to all required supplies (including any necessary textbooks, writing paper, pencils, and other supplies as appropriate) for participation in distance learning. If students lack these, the Technology Center shall provide them free of charge.<sup>1</sup>
- If the Technology Center only offers distance learning to students, the Technology Center will ensure all students have access to distance learning and will provide

---

<sup>1</sup> Students or parents of students who do not have access to such supplies may request that their classroom teacher provide such supplies or may contact the school site administration. Each classroom teacher will coordinate with the Administration on providing necessary supplies to students in need.

the necessary equipment and connectivity free of charge to those students who do not have access to the necessary equipment and connectivity.

- If the Technology Center offers distance learning instruction to students, it will ensure that all students have access to equitably equivalent instruction and content. It may do this by either:
  - Ensuring that all students have the necessary equipment and connectivity to access any distance learning component of the student's assigned curriculum or courses and providing access to that necessary equipment and connectivity to any student who does not have access to them.
  - The Technology Center will provide access to necessary equipment and connectivity to all students in need in order to equitably access distance learning instruction. If the Technology Center is only able to provide access to necessary equipment and connectivity to a limited number of students, it will determine which students receive that access in the most equitable manner.
- In no case shall a student have their grade lowered or be otherwise penalized (including attendance measures) for failure to engage with instructional supports the student does not have the resources to access (e.g., telephone service, internet access, transportation).

The Technology Center shall utilize all available funding sources and means to bridge these gaps in compliance with federal and state law.

## **DEFINITIONS**

- **Distance Learning:** Instruction provided via electronic means, utilizing the internet, computers, and or printed materials for the delivery of instruction, evaluation, and interaction. Instructional delivery may include video or audio means, online instructor interaction using Technology Center-Approved Means and Mediums and printed materials.
- **Technology Center-Approved Means and Mediums:** Equipment and electronic programs and platforms for instructional delivery and communication/interaction with students and their legal guardian(s) appropriate to the grade level and subject matter concerned.
- **Social Media:**
  - **Generally:** Online platforms, websites, or networks on which users share information, communications, or other content and includes, but is not limited to, sites used for media sharing and social networking (e.g., YouTube, Facebook, Twitter, Snapchat, Instagram, etc.).
  - **Technology Center Social Media:** Authorized Technology Center-related social media that is either school-based (e.g., approved, established and/or monitored by the building principal or designee) or Technology Center-based, Technology Center computer network-based, or subject area/department-based.
  - **Personal Social Media:** Social media that is not Technology Center Social Media, which is established by a user for his/her personal or private use and objectives.

- **Non-Technology Center Social Media:** Social media that is not Technology Center Social Media, which is established by a third party or other organization.

### **IMPACT ON EXISTING POLICIES, RULES, AND SERVICES**

Once this policy is effectuated, though instruction will be provided via distance learning, the Technology Center’s instructional program(s) will continue. Therefore, the rules and responsibilities of students, their legal guardian(s), and Technology Center personnel, unless otherwise expressly stated in this policy, are the same as if students were present at school during the instructional day. Unless specifically noted in this policy, existing provisions of the Student Handbook, “Acceptable Use” policies and agreements, privacy policies, and related Technology Center policies shall remain in effect. For example, students shall attend scheduled online meetings or classes in a timely manner (attendance), prepare for class in advance of the day’s lesson (homework), meaningfully and appropriately participate in instruction (program participation), and shall also adhere to all existing rules concerning behavioral (e.g., bullying, harassment, violations of the Acceptable Use Policy) and academic misconduct (e.g., cheating, unauthorized group work on individual assignments). When students are visible to Technology Center personnel or other students, they shall dress in conformance to the school dress code.

#### **Attendance**

Students must continue to meet all state-mandated compulsory attendance requirements and are not exempt from state truancy laws, except to the extent permitted or required by the OSDE. Technology Center attendance policies shall remain in effect, and student attendance and participation shall be monitored. Attendance for students receiving Title IV funds will be recorded in accordance with Title IV Federal Regulations. Attendance and participation shall be measured by means appropriate in a distance learning ~~instruction~~ environment which may include, but are not limited to, Technology Center-Approved-and-monitored chatrooms and message board posts, emails, submission of assignments, or other Technology Center-Approved Means and Mediums.

Teachers shall make contact with each of their students a minimum number of times per school week, as determined by Technology Center administration, and count these contacts toward full-time attendance. These contacts may include, but are not limited to, student participation in distance learning platforms, submissions or posts to approved message boards, instructor confirmation with a student or the student’s legal guardian(s) that the student did participate, and physical or electronic submission of assignments. The Technology Center shall ensure that any attendance measures used for distance instruction comply with any requirements set by the Oklahoma State Department of Education.

When the Technology Center provides virtual (distance learning) instruction (as defined by O.A.C. 210:35-21-2), the Technology Center shall ensure that its attendance measures will meet or exceed the minimum requirements set by the Oklahoma State Department of Education and mandated by O.A.C. 210:35-21-2, and 70 O.S. §§ 3-145.8, 3-145.8(B).

#### **Grading, Class Rank, Promotion and Retention**



In conformance with guidance from the OSDE and to the extent reasonable and appropriate under the circumstances, all existing requirements related to student progression, including retention, promotion, testing, and grade assignment shall remain in effect as if distance learning had not replaced in-person instruction. Traditional letter grades shall continue to be issued in conformance with the District's grading scale. Teachers shall ensure that, regardless of medium of instruction, that the curriculum presented aligns with any applicable Oklahoma Academic Standards for their subject matter. Appropriate efforts shall be made by all Technology Center personnel to ensure that the circumstances which effectuate this policy shall not negatively impact student grades.

### **Special Education**

While this policy is in effect, when appropriate, each student's IEP instructor shall make contact with the student's legal guardian(s) to discuss the student's individualized plan for distance learning. Instructors and related service providers shall share learning resources with the student's legal guardian(s) that are appropriate for the student in order to provide a variety of activities and supports which may be utilized that promote continued progress toward the student's IEP goals. IEP meetings shall be conducted as needed via secure Technology Center-Approved Means and Mediums that are appropriate under the circumstances.

### **English Learners (EL)**

EL students shall continue to receive EL services. Unless otherwise designated, each student's EL instructor shall be the primary contact for the student's legal guardian(s) while this policy is in effect. In conformance to guidance from the OSDE, the Technology Center shall be intentional in ensuring instructors are providing appropriate plans, modifications and accommodations for EL students. Nothing in this policy shall prevent EL students or their legal guardian(s) from directly contacting the student's teacher regarding their educational progress.

## **INSTRUCTION GENERALLY**

### **Method and Means of Instructional Delivery**

When distance learning instruction is deployed by the District, the superintendent or designee is directed to evaluate and select the means and mediums which shall be authorized for instructional delivery and communication with students and their legal guardian(s): the "Technology Center-Approved Means and Mediums."

### **Lesson Plans**

Instructors are responsible for submitting lesson plans, recording attendance, and assigning and grading two (2) assignments per week per class. Instructors shall ensure that the maximum number of hours of work they assign conforms to OSDE guidance. All instructors shall submit their distance learning instruction lesson plans to their building principal Assistant Superintendent or designee.

### **Office Hours**

Every instructor and building administrator must be available during regular working hours to support instruction and student needs. Technology Center and building administrators shall develop and distribute a schedule for instructors to hold “office hours.” During office hours, each instructor is required to be available to provide instruction or otherwise provide immediate feedback to students and their legal guardian(s) via Technology Center-Approved Means and Mediums. A portion of office hours may be utilized to conduct interactive virtual distance learning instruction lessons with students in conformance with this policy or tutoring.

### **Communication with Students and Parents**

Instructors are expected to communicate with students and their legal guardian(s) regularly, making actual communicative-contact with students at least two (2) times per week. Electronic or telephonic messages left for instructors must be returned in a timely manner via Technology Center-Approved Means and Media.

Technology Center personnel who communicate with students shall do so in conformance with this and all other Technology Center policies and may do so only via Technology Center-Approved Means and Mediums, except when expressly approved, in writing, by an immediate supervisor. Such communications shall be limited to discussions regarding program, school, and school-related activities only. At all times, Technology Center personnel shall exercise their best professional judgment and act with integrity and concern for their students’ well-being.

**Communication with students for the purpose of fraternization is strictly prohibited.** All technology center personnel will adhere to the policies pertaining to professional conduct with students. **Students, legal guardians, and Technology Center personnel shall have no expectation of privacy when communicating via Technology Center-Approved Means and Mediums.**

### **Intellectual Property**

At no time shall either Technology Center personnel or students use, upload, post, mail, display, store, or otherwise transmit in any manner any such material that is protected by copyright, patent, trademark, service mark, or trade secret, or in violation of any Federal Communications Commission rules applicable to public broadcasts, except when such use or disclosure is properly authorized and bears the appropriate notations. Technology Center personnel shall consult guidance from the OSDE regarding compliance with applicable infringement laws, including fair use. Instructors shall use public domain resources when permission to use protected material cannot be obtained.

### **Privacy Laws and FERPA**

In all cases of virtual, hybrid, or distance instruction, but especially in an online learning environment, Technology Center personnel shall conform with FERPA requirements and other applicable privacy laws and Technology Center policies. **THE RECORDING OF CLASSROOMS (VIRTUAL OR OTHERWISE) AND/OR STUDENTS BY TECHNOLOGY CENTER PERSONNEL, STUDENTS, OR THEIR LEGAL GUARDIAN(S) IS STRICTLY PROHIBITED WITHOUT PRIOR APPROVAL OF STUDENTS OR IN THE CASE OF MINORS, LEGAL GUARDIANS.**

## **PROFESSIONAL DEVELOPMENT AND EVALUATION**

In anticipation that this policy may become effective, Technology Center personnel shall receive required professional development instruction on best and distance learning instruction practices, which shall include grade level and content area-specific training, in addition to training on any Technology Center-Approved Means and Mediums for distance learning instruction and communication. Building administrators shall conduct weekly staff meetings via Technology Center-Approved Means and Mediums.

Technology Center administrators shall also receive appropriate training on how to supervise and evaluate personnel who are providing distance learning instruction under this policy. Technology Center personnel shall follow OSDE guidance regarding observation and evaluation in distance learning instruction and shall monitor virtual instruction by joining classes in-progress and providing feedback to the instructor.

## **SUPPORT SERVICES**

When distance learning instruction is utilized by the District, appropriate support services will continue to be available to Technology Center personnel, students, and their legal guardian(s) including:

- **Technical Support** — The Technology Center shall provide basic technical support for instructors, students and their legal guardian(s) in accessing and using Technology Center-Approved Means and Mediums of communication for distance learning instruction.
- **Instructional Support** — Instructors should contact their immediate supervisor with any questions regarding virtual, hybrid, or distance instruction.
- **Social-Emotional Wellbeing Support** — To the extent practicable and appropriate under the circumstances, the Technology Center shall provide information and resources to assist stakeholders in coping with the circumstances necessitating effectuation of this policy.
- **Special Education Resources and Support** — The Special Education Director or designee will provide support to students with disabilities or other special needs, along with their legal guardian(s), to help them navigate distance learning instruction and compliance issues while this policy is in effect.

## **ONGOING EVALUATION AND ADAPTATION TO EXIGENT CIRCUMSTANCES**

The Technology Center, in consultation with state, local, and federal officials, shall continuously evaluate this policy, and the procedures herein, and adapt the same based on guidance from appropriate agencies.

Reference: 20 U.S.C. § 1232g  
34 CFR Part 99

**LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT**

THIS POLICY SHALL BE IN EFFECT UNTIL DECEMBER 31, 2020 OR UNTIL THE EXPIRATION OF SUCH LEAVE UNDER FEDERAL LAW

Under the Families First Coronavirus Response Act (FFCRA) employees of the technology center are provided with additional paid and unpaid leave. This policy sets out the scope of that leave. As new regulations or guidance are issued by the Department of Labor regarding this leave, the technology center will comply with such guidance.

The leave described in this policy shall only apply to a technology center employee who is scheduled to work, but is unable to due to a qualifying COVID-19 condition. In the case that the technology center employee has been directed or approved to work remotely and can fully perform their job duties remotely, this leave will only apply if the employee cannot work remotely due to a qualifying COVID-19 condition.

The leave provided under this policy is non-cumulative and expires on December 31, 2020, unless extended by Federal Authorities. Employees entitled to leave under this policy do not have a property interest in such leave and the leave provided under this policy will not be paid out to the employee upon separation from the technology center, retirement, or at the end of their contract term.

COVID-19 Conditions

The following are COVID-19 conditions that may qualify an eligible employee for leave pursuant to this policy:

1. The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. The employee has been advised by a health care provider to self-quarantine related to COVID-19;
3. The employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. The employee is caring for an individual subject to an order described in (1) or self-quarantine as described in (2)<sup>2</sup>;

---

<sup>2</sup> An employee seeking leave for this purpose must have a genuine need to care for the individual, such as a relationship that creates an expectation that the employee would care for the person (i.e., immediate family member, roommate, or similar person).

5. The employee is caring for a son or daughter<sup>3</sup> whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19<sup>4</sup>;
6. Or the employee is experiencing any other substantially-similar condition specified by the U.S. Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

Leave provided for qualifying individuals experiencing these conditions is described below.

#### Emergency Paid Sick Leave Act (EPSLA)

All technology center employees, regardless of length of employment, are eligible for limited paid leave under the Emergency Paid Sick Leave Act (EPSLA). An employee who is scheduled to work, but unable to work (or to work remotely if directed or approved) due to any qualifying condition listed above may request such leave. The employee will be required to apply for the Emergency Paid Sick Leave.

The amount of paid leave available to the qualified employee shall be determined based on whether the employee has full or part-time employment with the technology center. For the purpose of this policy, a full-time employee is defined as an employee that works 40 hours per week. The following leave amounts are available:

- Full-Time Employees: 80 leave hours
- Part-Time Employees: A number of hours equal to the number of hours averaged over a two-week period.

Part-time employees who wish to take Emergency Paid Sick Leave should consult with Human Resources to determine the number of hours to which they are entitled.

Payments for Emergency Paid Sick Leave are capped as follows:

- For employees with COVID-19 related Conditions 1, 2, or 3: 100% of the employee's regular rate up to \$511 a day (\$5,110 total).
- For employees with COVID-19 related Conditions 4, 5, or 6: 2/3 of the employee's pay rate based on the hours the employee would otherwise be normally scheduled to work. Paid leave under this provision shall not exceed \$200 per day and/or \$10,000 in aggregate. The employee may supplement this leave with accrued leave up to 100% of the employee's regular rate.

This leave shall be, with one exception, in addition to any other leave (including FMLA leave) made available by the technology center, provided that utilization of Emergency Paid Sick leave for purpose of caring for a son or daughter whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19 (COVID-19 Condition 5)

---

<sup>3</sup> This definition encompasses the employee's own child, including biological, adopted or foster children as well as stepchildren, legal wards, or a child for whom the employee stands in *loco parentis*.

<sup>4</sup> An employee requesting leave based on this condition must certify that no other suitable person is available for care for the children for whom care is necessary and that no other person will be providing care for the children during the period for which the employee requests leave for this condition. This condition includes caring for a son or daughter over the age of 18 who is incapable of self-care due to physical or mental disability.

shall count towards the leave provided in the EFMLEA section below. Employees are not required to use other accrued paid leave prior to using Emergency Paid Sick Leave.

Unless teleworking, employees who being taking paid sick leave related to COVID-19 conditions 1-4 or 6 above must continue to take paid sick leave until either (1) the full amount of paid sick leave is used or (2) the employee no longer has a qualifying condition for taking paid sick leave.

#### Emergency Family and Medical Leave Expansion Act (EFMLEA)

A technology center employee who has been employed for at least 30 calendar days is entitled to Emergency FMLA leave under the Emergency Families and Medical Leave Expansion Act. An employee who is scheduled to work, but unable to work (or work remotely if directed or approved) because they are required to care for a son or daughter whose school or place of care is closed related to COVID-19 (COVID-19 Condition 5 above), is entitled to partially-paid leave of twelve weeks, subject to the following conditions:

- The first two-weeks of Emergency FMLA leave shall be unpaid. However, the employee, at their discretion, may use accrued leave or Emergency Paid Sick Leave to supplement this leave up to 100% of the employee's regular rate.
- For subsequent days, the employee shall receive 2/3 of the employee's regular/usual rate of pay based on the number of hours the employee would otherwise be normally scheduled to work. Paid leave under this provision shall not exceed \$200 per day and/or \$10,000 in aggregate. The employee may supplement this leave with accrued leave up to 100% of the employee's regular rate.

The employee will be required to apply for the Emergency FMLA Leave.

Emergency FMLA leave runs concurrently with any FMLA leave available to a qualified employee. Therefore, an employee who has exhausted FMLA leave is not entitled to additional leave under the EFMLEA. Likewise, an employee who has used a portion of their FMLA leave will only be eligible for Emergency FMLA leave on a prorated basis. Employees are not required to use other accrued paid leave prior to using EFMLEA leave.

#### Intermittent Leave

Eligible employees may request to use their available Emergency Paid Sick Leave or their Emergency FMLA leave on an intermittent basis by following the same application and certification process as described above and under the following conditions:

- If the employee is teleworking:
  - *Emergency Paid Sick Leave:*
    - If the employee is unable to telework their normal hours due to a COVID-19 condition.
  - *Emergency FMLA:*

- If the employee is caring for a son or daughter whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19, and is unable to telework their normal hours due to a COVID-19 condition.
- If the employee is working from a technology center site:
  - *Emergency Paid Sick Leave<sup>5</sup> or Emergency FMLA:*
    - If the employee is caring for a son or daughter whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19, and is unable to telework their normal hours due to a COVID-19 condition.

Intermittent leave will only be provided in [half-day, hour, ½ hour, etc.] increments and must be approved by the technology center.

#### Compliance with Federal Regulations and Guidance

It is the technology center's intention to comply with all federal law, regulations and guidance related to Emergency Paid Sick Leave and Emergency FMLA leave. In the event that the technology center's policy conflicts with federal law, regulations or guidance, the technology center will comply with federal law, regulations, and guidance.

---

<sup>5</sup> Intermittent Leave is not available for employees working on site with COVID-19 conditions 1-4 or 6.

**TELEWORK DURING EXTENDED TECHNOLOGY CENTER CLOSURE  
OR FOR INTERMITTENT USE**

THIS POLICY SHALL BE IN EFFECT WHEN TECHNOLOGY CENTER SITES ARE CLOSED FOR AN EXTENDED PERIOD DUE TO EXIGENT CIRCUMSTANCES OR WHEN INTERMITTENT TELEWORK ARRANGEMENTS ARE WARRANTED; THESE PROCEDURES WILL NOT BE USED WHEN THE TECHNOLOGY CENTER IS OPEN FOR IN-PERSON INSTRUCTION EXCEPT AS DETERMINED NECESSARY BY THE SUPERINTENDENT.

The board of education, while preferring that all technology center employees perform their work duties at their Primary Work Locations, does recognize that under certain extenuating circumstances it may be necessary to require or authorize some technology center employees to work from an alternative work location.

The purpose of this policy is to ensure the technology center is able to effectively continue educating and serving its students when it is required to temporarily close technology center work sites for an extended period due to extenuating circumstances, including, but not limited to, pandemic health emergencies and closure orders from federal, state, or local authorities or when the Superintendent determines that intermittent telework arrangements are necessary and meet technology center needs.

**DEFINITIONS**

- **Technology Center Work Location:** A location, either on or off technology center property, to which a Teleworking Employee must physically report to complete a task or work assignment by his/her supervisor.
- **On-Call:** A work assignment where the employee is considered “at work,” though not physically present at his/her Primary Workplace, by being immediately available and accessible by electronic or telephonic means during the employee’s regular work hours, including any other designated hours due to a staggered or alternate work schedule, and who is required to physically report to a technology center Work Location or the Teleworking Employee’s Primary Workplace when directed by their supervisor.
- **Primary Workplace:** The Teleworking Employee’s usual and customary workplace or work site.
- **Telework/Teleworking:** A flexible work arrangement in which the superintendent or designee directs or allows Teleworking Employees to perform their essential job functions at pre-approved Telework Locations in accordance with their same performance expectations.
- **Telework Employee(s)/Teleworking Employee(s):** technology center personnel who have been authorized by technology center administration to Telework during a Telework Event to produce an agreed upon work product and/or complete work-related duties. This includes support personnel who are working On-Call.



- **Telework Event:** A potentially recurring situation during which time designated employees may Telework in lieu of physically reporting to their Primary Workplace.
- **Telework Location:** A work site or space not owned or leased by the technology center, but which is an approved location from which Teleworking Employees may perform their assigned job functions, which can include an employee's home. A Telework Location is one which is safe, secure, free of undue distractions, adequately equipped to allow the Teleworking Employee to complete assigned work tasks and duties, and one which allows the employee to be immediately available and accessible by electronic or telephonic communication means during regular work hours and any other assigned or designated hours (e.g., required office hours pursuant to any virtual or distance learning policy).

### **GENERALLY**

In circumstances which necessitate extended cessation of in-person instruction and/or closure of some or all technology center work sites, the technology center considers Telework to be a viable alternative work arrangement for the delivery of instruction and services to students from designated certified employees and support staff. Therefore, under certain circumstances, the board of education (board) delegates authority to the superintendent or designee to designate employees, individually or collectively, who may or must Telework until further advised.

Teleworking, in part or whole, will continue as an acceptable work arrangement as long as, in the superintendent's sole discretion, such conditions continue to exist which necessitate the use of Teleworking as a means to deliver instruction and/or services to students. The superintendent will consider local, state and/or federal guidance related to the Telework Event when making this determination.

The decision of whether Telework is appropriate or required for a particular employment position is at the sole discretion of the superintendent. The superintendent or designee is authorized to establish any necessary guidelines or procedures to be used in identifying suitable work positions and employees who are eligible to Telework and may require any employee to Telework or not Telework. Teleworking arrangements may be discontinued at any time with reasonable advance notice.

Telework may be appropriate for some employment positions and employees; however, Teleworking is not an entitlement. Telework may be denied to certain employees at the sole discretion of the superintendent or designee, and any such denial is not appealable to the board. The superintendent's discretion under this policy shall, in compliance with federal and state antidiscrimination laws, be exercised in a non-discriminatory manner.

Notwithstanding the provisions above, if the assignment or denial of Telework to an employee effectively results in a demotion, suspension, or termination, this policy shall not prevent a qualified employee from exercising due process rights under the technology center's policies related to that demotion, suspension or termination.

Not all employees may be eligible for Teleworking. Employees who may not be eligible to Telework can include, but are not limited to, those employees that are identified as emergency personnel, members of critical infrastructure pursuant to any federal or state order, or employees whose physical presence at their Primary Workplace is essential to the performance of their duties (e.g., food service, maintenance, administrative personnel, etc.).

If an employee is not eligible for Telework and the employee is unable to work during assigned hours, the employee may be required to take any available accrued leave, whether paid or unpaid, in compliance with relevant technology center leave policies, unless the employee is eligible for other state or federal leave benefits available at the time.

Neither this policy, nor the procedures outlined herein, are intended to and do not confer additional employment rights on any technology center employee, including the right to Telework or be assigned to a position that is eligible for Teleworking under this policy.

### **TELEWORK LOCATION APPROVAL:**

Any and all telework locations must be approved prior to the employee beginning telework assignments. It is the duty of the employee to provide the address of the telework location to the superintendent/designee and to receive written approval within a reasonable time frame prior to commencing telework. No employee shall commence telework without written prior approval of the telework location by the superintendent or designee. The requested telework location may be denied to employees at the sole discretion of the superintendent or designee. Telework out-of-state will not be approved due to the myriad tax, employment and other issues presented when employees seek to work in out-of-state locations.

If an employee wishes to work from an alternative location, other than the pre-approved location, the employee must give notice to the superintendent/designee including the new address of the location and reason for the relocation. The employee must receive written approval prior to commencing telework in the new location.

All teleworking employees must be available to report to the technology center worksite location at all times during work hours unless a health consideration exists.

### **CONDITIONS OF TELEWORK**

Employees may not Telework on a full-time, permanent basis. Teleworking Employees shall adhere to all applicable technology center policies and procedures, unless specifically preempted pursuant to this policy. The technology center may, but is not required, to give the employee a list of directives regarding teleworking in relation to this policy.

Employees who Telework via electronic means must be computer literate and have access to a pre-approved, appropriate Telework Location, along with the required computer and telecommunications resources necessary for completion of work responsibilities.

Employees must seek prior approval to remove center technology or equipment from the pre-approved telework location. Absent approval, teleworking employees may not remove technology center technology or equipment from the pre-approved telework location for any reason.

Teleworking Employees must be available by phone and email during their regularly-scheduled work hours and during any alternate or staggered schedule hours as necessary under the circumstances and assigned by the employee's supervisor (e.g., scheduled office hours pursuant to any virtual or distance learning policy). Attendance at the employee's Primary Workplace for mandatory on-site meetings, training sessions, or other official technology center business activities is required when scheduled by the technology center.

On-Call Employees must be immediately available and accessible by electronic or telephonic communication means during the employee's regular work hours, including any other designated hours due to a staggered or alternate work schedule, from their Telework Location and are required to physically report to a technology center Work Location or the Teleworking Employee's Primary Workplace when directed by their supervisor.

All technology center and professional standards of performance and conduct that apply in the employee's Primary Workplace continue to apply at Telework Locations. Furthermore, employees shall adhere to all technology center policies, rules, and regulations while Teleworking. Employees with questions as to how a specific policy or procedure will be effective in the Telework environment should contact their direct supervisor for guidance.

Any work-related injuries that occur while the employee is teleworking must be reported to the technology center immediately.

### **IMPACT ON SALARY AND BENEFITS**

Any change in salary and hourly pay or benefits will be done in accordance with Oklahoma law. Teleworking employees unable to Telework due to illness or other reasons should contact their supervisor in accordance with technology center leave policies.

### **TELEWORKING AS AN ADA ACCOMMODATION**

This policy does not apply to employees who Telework as an accommodation under the Americans with Disabilities Act (ADA). Should the technology center determine that Teleworking is a reasonable accommodation under the ADA and does not impose an undue burden on the technology center, the technology center and employee shall follow the technology center's applicable ADA accommodations procedures and policies with respect to such accommodation.

Reference: 29 U.S.C. 201-209; 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35