### DUE PROCESS RIGHTS

**STEP 1**  
Student must be informed of code of conduct violation of which he/she is accused during a conference with school administrator. Student Information System must have the referral entered and completed for Parent Signature.

**STEP 2**  
Student provides his/her written testimony of his/her side of the story. If student does not or cannot provide written testimony, verbal statement may be transcribed.

**STEP 3**  
Student Information System must have the referral entered and completed for Parent Signature. Student is informed that he/she is being provided with this notice as a part of the due process rights to which students are entitled in accordance with State Law and the Constitution of the United States.

**STEP 4**  
The student will remain on suspension until the decision of the Evidentiary Hearing is rendered. *IDEA Exception: Any student on an IEP or 504 may not exceed 10 days cumulative without a Manifestation Determination Meeting. Student must remain in school until meetings are complete.*

**STEP 5**  
The student must be provided an Education Plan on or before the 3rd day of the suspension and arrangements made to collect, grade, and record scores.

**STEP 6**  
An evidentiary hearing (including a manifestation hearing for students on an IEP) must be held when a suspension of more than 10 days is proposed. A written notice of the date and time of the hearing should be given to the parents along with a copy of the referral no later than 72 hours after the student is suspended. To give student and parent time to prepare for the hearing, the hearing should be scheduled at least three days after and within five school days of the incident. Hearing officer may grant additional days upon parent request.

**STEP 7**  
Parents and Administrator will provide a witness list and a brief summary of the expected testimony of each witness to the Evidentiary Hearing Officer prior to the hearing. Names of witnesses who have been threatened by or on behalf of the accused need not be disclosed.

**STEP 8**  
The Impartial Evidentiary Hearing Officer will be a district administrator from the Office of School Climate and Student Discipline. Purpose of the hearing is to determine facts of the case, guilt or innocence based on evidence, and reasonableness of the assigned suspension. The length of suspension for the violation will be guided by the Code of Conduct; the hearing officer’s results will include explanation of the criteria used in the finding. Students may not be suspended pending alternative placement. Students remain enrolled in regular classes or ISI until the principal has assisted the student in enrolling in the alternative program. Students return to regular classes upon completion of the assigned suspension and/or alternative assignment.

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### NOTICE OF EVIDENTIARY HEARING FORM  
Student Code of Conduct

**Student’s actions have resulted in a proposed LONG-TERM OSS (more than 10 days).** *(SEE DISCIPLINARY ACTION FORM)*

**HEARING DATE**  
**TIME**  
**LOCATION**

___ Student is on an IEP: A Manifestation Hearing may not be waived and will be held in conjunction with the Evidentiary Hearing. **Parent Initials:**

___ The Parent is choosing to **waive** the School Evidentiary Hearing for the following reason (Copy sent to cdttomkins@okcps.org):

**Reason Must Be Provided By Parent:**

___________________________________________________________________________________________________________________________________
___________________________________________________________________________________________________________________________________
____________________________________________________________________________________

**Parent Initials:**

**NAME OF SCHEDULED HEARING OFFICER**

**PRINTED NAME OF STUDENT**  
**STUDENT SIGNATURE**  
**DATE**

**PRINTED NAME OF PARENT**  
**PARENT SIGNATURE**  
**DATE**

**PRINTED NAME OF TRANSLATOR (if applicable)**  
**SIGNATURE OF TRANSLATOR (if applicable)**  
**DATE**

**ADMINISTRATOR’S NOTES**

**PRINTED NAME OF ADMINISTRATOR**  
**ADMINISTRATOR SIGNATURE**  
**DATE**

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Attach to the Student Discipline Referral for proposed suspensions of more than 10 days.  
Provide copy of this form to student and parent  
Parent may pick up the EDUCATION PLAN by the 3rd day of suspension.