A. PURPOSE

The board believes that students should progress to the next level of study only after they are proficient in their knowledge and application of the current curriculum level. To the extent reasonably possible, students should be given as much time or as little time as they need~~ed~~ to be proficient at a particular level of study. To reduce the number of students who do not meet promotion standards, the board directs school administrators and teachers to use personal education plans as required in policy 3405, Students At-Risk of Academic Failure, to address the needs of students who are not making academic progress.

B. STANDARDS FOR PROGRESSION

The superintendent will ~~establish~~ develop (1) proposed promotion standards and (2) a process ~~for~~ to be used in determining a student's readiness to progress to the next level of study and shall submit the standards and process to the board for approval. The standards must provide multiple criteria for assessing ~~the~~ a student's readiness to progress to the next level of student, , such as standardized tests scores, grades, a portfolio or anthology of the student's work and, when appropriate, ~~consideration of~~ accepted standards for assessing developmental growth. Principals shall ensure that the promotion standards are used by teachers and school administrators in assessing each student's readiness to progress to the next level of study. Principals have the authority to promote or ~~and to~~ retain students based upon the standards established ~~set~~ by the board and any applicable standards set by the State Board of Education.

C. ~~STUDENT ACCOUNTABILITY AND PROMOTION~~ DIPLOMA STANDARDS

~~In addition to any other promotion standards established by the board and/or superintendent, students must meet the promotion and accountability standards set by the State Board, including the following specific requirements for promotion.~~

~~I. End of Grade~~

~~A. Effective with the 2008-09 school year and beyond:~~

~~1. All public school students in grades 3, 4,5,6,7, and 8 who score Achievement Level II on the first administration of the end-of-grade reading and/or mathematics assessments and/or their alternate assessment shall be administered Retest 1. Parents of students who score Achievement Level I must be notified that they may request that their children be administered Retest 1. The higher of the original or Retest 1 scores will be used for calculating ABCs Performance Composites and AYP results.~~

2. All public school students in grades 5 and 8 who score Achievement Level II on the first administration of the end-of-grade assessments and /or their alternate assessment shall be administered Retest 1. Parents of students who score Achievement Level I must be notified that they may request that their children be administered Retest 1. The higher of the original or Retest 1 scores will be used for calculating ABCs Performance Composites.

Note: Students identified as limited English proficient (LEP) in their first year in U.S. schools who score below Level 4.0 Expanding on the state English language placement reading subtest are exempt from Retest 1 because these students' scores are not used in state or federal accountability.

B. LEAs must ensure that all original administrations and Retest 1 scores are submitted to the NCDPI by the deadline for accountability data submission.

C. Local boards shall establish appropriate review procedures to determine promotion decisions.

II. End-of-Course

A. Effective with the 2009-10 school year and beyond:

All public school students who score Achievement Level II on the first administration of an end-of-course assessment (i.e., Algebra I, Algebra II, Geometry, Biology, Physical Science, Civics and Economics, U.S. History, and English I) and/or their alternate assessment (i.e., including NCEXTEND2 OCS reading, math, and science and NCEXTEND 2 at grade 10) shall be administered Retest 1, and the higher of the original or Retest 1 scores will be used for calculating ABCs Performance Composites and AYP results (where applicable). Parents of students who score Achievement Level I must be notified that they may request that their children be administered Retest 1.

Note: Students identified as limited English proficient (LEP) in their first year in U.S. schools who score below Level 4.0 Expanding on the state English language placement reading subtest are exempt from Retest 1 because these students' scores are not used in state or federal accountability.

B. LEAs must ensure that all original administrations and Retest 1 scores are submitted to the NCDPI by the deadline for accountability data

~~submission.~~

~~C. Local boards shall establish appropriate review procedures to determine promotion decisions.~~

~~2. Diploma Standards~~

To receive a North Carolina high school diploma, all students must complete the requirements set forth in policy 3460, Graduation Requirements:

D. APPEALS OF PROMOTION DECISIONS

1. Appeal t~~T~~o the Superintendent

   Within five work~~ing~~ days of receiving the principal's written decision to promote or retain a student, the student's parents may appeal the decision to the superintendent. The superintendent may overturn the principal's decision only upon a finding that the principal's decision was arbitrary and capricious (i.e., without a rational basis) or was otherwise an abuse of discretion.

   The superintendent must render a decision within 10 work~~ing~~ days of receiving the appeal. The superintendent may support the principal's decision, remand it back to the principal for consideration of additional issues or reverse the decision.

   The superintendent's findings must be in writing and must be provided to the parents.

2. Appeal t~~T~~o the Board of Education

   The superintendent's decision to promote or retain a student may be appealed to the board in accordance with the procedures set forth in subsection E.5 of policy 1740/4010, Student and Parent Grievance Procedures.

E. PROMOTION STANDARDS FOR STUDENTS WITH DISABILITIES

To the extent possible, students with disabilities must be held to the same promotion standards as all other students. However, for students who take alternative assessments in lieu of the end-of-grade (EOG) or the end-of-course (EOC) tests, promotion decisions ~~shall~~ must be based on criteria ~~as~~ recommended by the IEP team.

All intervention strategies and other opportunities, benefits and resources that are made available to students without disabilities must be made available to those student with disabilities who are subject to the student promotion standards. Such opportunities must be in addition to the special education services provided to the student.

F. ACCELERATION

Some students may need less time to learn the curriculum. Teachers are encouraged to challenge these students by expanding the curriculum, providing opportunities to explore ~~the~~ subjects in greater detail or providing different types of educational experiences. To ~~sufficiently~~ challenge a student sufficiently, the principal may reassign the student to a different class or level of study and/or may identify ~~other~~ concurrent enrollment or other curriculum expansion options (see policy 3101, Concurrent Enrollment and Other Curriculum Expansions).

The principal, after consulting with the professional staff and the student's parents, may determine that skipping a grade level is appropriate. If permitted by state law ~~or~~ and State Board policy, credit toward high school graduation may be awarded for ~~a student's~~ advancement ~~ing~~ or placement ~~ing~~ out of a high school course. The superintendent shall provide any additional criteria necessary to make ~~the~~ a determination ~~as to~~ of whether credit may be awarded.

G. REPORTING REQUIREMENTS

1. Superintendent's Report to the Board

   At least on an annual basis, the superintendent shall provide the board with the following information for each school:

   a. aggregate student performance scores on state-mandated tests and any other standardized tests used by a school or the school system;

   b. the proportion of student not meeting the standards for their grade level; and

   c. remedial or additional educational opportunities provided by the school system and the success of these efforts in helping students meet promotion standards.

2. Superintendent's Report to the North Carolina Department of Public Instruction

   Pursuant to standards established by the Department of Public Instruction, the superintendent annually shall provide the Department with all required

information regarding student performance

H. RESOURCES

Consistent with the objective of improving student performance, the board will provide schools with maximum flexibility ~~to schools~~ in the allocation of state funds. School personnel are expected to budget financial resources in a manner that will meet the standards established in this policy. The board will consider requests to transfer funds from other funding allotment categories to intervention strategies as a part of the school improvement plan submitted by school officials. All funds will be used in a fiscally sound manner in accordance with policy 8300, Fiscal Management Standards.

I. NOTIFICATION TO PARENTS

The superintendent or designee shall ~~ensure that a copy of this policy is provided~~ provide information regarding promotion standards to all students and parents. ~~That p~~ Parents are encouraged to ~~be involved in~~ help~~ing~~ their children meet the promotion standards. ~~and that all parents or guardians are requested to sign parental agreements~~. Information provided to parents should be in the parents' native language when appropriate foreign language resources are readily available. In addition, the teacher~~(s)~~ of a student who does not meet ~~the~~ promotion standards ~~in this policy~~ must notify the student's parents that the student has failed to meet the ~~test~~ standards for progression to the next level of study and must provide the parents with information concerning retesting, intervention, review and appeal opportunities.

J. CHILDREN OF MILITARY FAMILIES

As required by the Interstate Compact on Educational Opportunity for Military Children (G.S. 115C-407.5) and policy 4155, Assignment to Classes, school administrators have the authority to exercise flexibility in waiving course or ~~/~~program prerequisites or other preconditions for the placement of children of military families in courses or ~~/~~programs offered by the school system.

K. ATHLETIC ELIGIBILITY

Montgomery County Schools will follow the North Carolina High School Athletic Association rules.

Legal References: G.S. 115C-36, -45 (c), -47, -81, -105.21, -174.11, -288(a), -407.5, ~~174.11. -288(a);~~ State Board of Education Policy~~ies~~ GCS-C-031, ~~GCS-N series, Guidelines for Testing Students Identified as Limited English Proficiency (Department of Public Instruction)~~

Cross References: Student and Parent Grievance Procedure (policy 1740/4010), Goals and Objectives of the Educational Program (policy 3000), Concurrent Enrollment and Other Curriculum Expansions (policy 3101), Students At-Risk of Academic Failure (policy 3405), School Improvement Plan (policy 3430), Graduation Requirements (policy 3460), Extracurricular Activities and Student Organizations (policy 3620), Children of Military Families (policy 4050), Assignment to Classes (policy 4155) Fiscal Management Standards (policy 8300)

Other Resources: *Guidelines for Testing Students Identified as Limited English Proficient, N.C. Department of Public Instruction Division of Accountability Services/North Carolina Testing Program (September 2010)*

Adopted: March 6, 2000
Updated: June 1, 2009
Updated: November 2, 2009
Updated: April 13, 2010
Updated: November 3, 2010
Updated:

The board recognizes the importance of setting rigorous graduation requirements to help ensure that students are receiving an education that will prepare them to be productive members of society.

In order to graduate from high school, students must meet the following requirements:

1. ~~Successful completion of all accountability standards for high school set by the State Board of Education in policy GCS-N-003, Student Accountability Standards, that are applicable for the year in which the student entered ninth grade for the first time and/or the student's course of study;~~

2.1. ~~S~~ successful completion of ~~20 course credits (21 for students entering the ninth grade on or after the 2009-10 school year, 22 for students in the Occupational Course of Study) in the chosen course of study and~~ all ~~other~~ course unit requirements mandated by the State Board of Education (see Section A); and

3.2. ~~S~~ successful completion of all ~~additional courses and~~ other requirements mandated by the ~~local~~ board ~~of education~~ as provided in this policy.

The principal shall ensure that students and parents are aware of all graduation requirements. Guidance program staff shall assist students in selecting their high school courses to ensure that students are taking all of the required units and selecting electives consistent with their post-graduation~~e~~ plans. For students who have transferred to the school system during high school, or who for other reasons have completed course work outside of the school system, the principal shall determine what course work will be applied as credit for graduation. The principal shall consider the requirements of the Interstate Compact on Educational Opportunities for Military Children (G.S. 115C-407.5) and the requirements of subsection D.3 of this policy in determining the graduation requirements for children of military families.

A. COURSE UNITS REQUIRED

Each ~~All~~ student~~s~~ must meet the ~~following~~ course unit requirements for one of the following courses of study ~~the specific course of study chosen by the student~~. ~~Beginning with students entering the ninth grade in the 2009-10 school year, students must fulfill the requirements of the Future Ready Core Course of Study, unless they are approved for the Occupational Course of Study.~~ Students entering the ninth grade for the first time before the 2009-2010 school year must fulfill the requirements of the Career Prep. College Tech Prep, College/University Prep or Future-Ready Occupational Course of Study. Beginning with the students entering the ninth grade for the first time in the 2009-2010 school year, students must fulfill the requirement of the Future-Ready Core Course of Study, unless they are approved for the Future-Ready Occupational Course of Study.

Course unit requirements for the Future-Ready Core Course of Study differ depending on the year a student enters the ninth grade for the first time.

1. Future Ready Core Course of Study Credits Required for Students Entering Ninth Grade for the First Time in 2012-2013 and After.
   Graduates must also complete this course of study as part of the 28 credits required for graduation.

Courses Required	State Requirements	Local Requirements
English	4 sequential (English I, II, III and IV)	
Mathematics	4 (either Algebra I, Geometry, Algebra II and a fourth math course aligned with the student's post-high school plans OR Integrated Math I, II, III, and a fourth math course aligned with the student's post-high school plans) (A principal may exempt a student from this math sequence. The exempt student will be required to pass either (1) Algebra I and either Algebra II or Geometry or (2) Integrated Math I and II. ~~The~~ Exempt students ~~must~~ also must pass either Alternative Math I and II or two other application-based math courses.)*	
Science	3 (a physical science course, Biology~~,~~ and earth/environmental science)	
Social Studies	~~3~~ 4 (including Civics & Economics, U.S. History Parts I and II OR AP U.S. History and one additional social studies elective and World History)	
Health/PE	1	
Electives	6 (2 electives must be any combination of Career and Technical Education, Arts Education or Second Language; 4 must be from one of the following: Career and Technical Education, R.O.T.C., Arts Education or any other subject area or cross-disciplinary courses. A four-course concentration is recommended)**	
Total Credits	**~~21~~ 2**	

*Students seeking to complete minimum application requirement for UNC universities must complete four mathematics courses, including a fourth math course with Algebra II as a prerequisite.
**Students seeking to complete minimum application requirements for UNC universities must complete two years of a second language.

2. Future-Ready Core Course of Study Credits Required for Students Entering Ninth Grade for the First Time in 2009-2010, 2010-2011 or 2011-2012

Courses Required	State Requirements	Local Requirements
English	4 (including English I, II, III and IV)	
Mathematics	~~3~~ 4(~~including~~ either Algebra I, Geometry, Algebra II and a fourth math course aligned with the student's post-high school plans OR Integrated Math I, II and III and a fourth math course aligned with the student's post high school plans) (A principal may exempt a student from this math sequence. Exempt students will be required to pass either (1) Algebra I and either Algebra II or Geometry or (2) Integrated Math I and II. Exempt students also must pass eith Alternative Math I and II or two other application-based math courses*	
Science	3 (~~including~~ a physical science course, Biology~~,~~ and earth/environmental science)	
Social Studies	3 (~~including~~ Civics & Economics, U.S. History and World History)	
Health/PE	1	
Electives	6 (2 electives must be any combination of Career and Technical Education, Arts Education or Second Language; 4 must be from one of the following: Career and Technical Education, R.O.T.C., Arts Education or any other subject area or cross-disciplinary courses. A four-course concentration is recommended)**	
Total Credits	**21**	

*Students seeking to complete minimum application requirement for UNC universities must complete four mathematics courses, including a fourth math course with Algebra II as a prerequisite.
**Students seeking to complete minimum application requirements for UNC universities must complete two years of a second language.

3. Career Prep Course of Study Credits Required
   Graduates must also complete this course of study as part of the 28 credits required for graduation.

Courses Required	State Requirements	Local Requirements
English	4 (including English I, II, III and IV)	
Mathematics	3 (including Algebra I)	
Science	3 (including a physical science course, Biology~~,~~ and earth/environmental science)	
Social Studies	3 (including Civics & Economics, U.S. History and World History)	
Health/PE	1	
Career/Technical	4 (courses appropriate for career pathway, including a second-level (advanced) course, or courses for an arts education pathway or R.O.T.C.***)	
Foreign Language	0	
Electives	2 (arts recommended but not required)	
Other Requirements		
Total Credits	**20**	

***Four R.O.T.C. credits may be used

4. College Tech Prep Course of Study Credits Required
   ~~Graduates must also complete this course of study as part of the 28 credits required for graduation~~.

Courses Required	State Requirements	Local Requirements
English	4(including English I, II, III and IV)	
Mathematics	3**** (including either Algebra I, Geometry and Algebra II; Algebra I and Technical Math I ~~&~~ and II; or Integrated Mathematics I, II and III)	
Science	3 (including a physical science course, Biology, and earth/environmental science)	
Social Studies	3 (including Civics & Economics, U.S. History and World History	
Health/PE	1	
Career/Technical	4 (courses appropriate for career pathway including a second-level (advanced) course)	
Foreign Language	0****	
Electives	2 (arts recommended but not required)	
Other Requirements		
Total Credits	**20**	

****A student pursuing this course of study may meet the requirements of a

College/University Prep course of study by completing 2 credits in the same foreign language and one additional unit of math for which Algebra II is a prerequisite.

5. College/University Prep Course of Study Credits Required
~~Graduates must also complete this course of study as part of the 28 credits required for graduation.~~

Courses Required	State Requirements	Local Requirements
English	4 (including English I, II, III and IV)	
Mathematics	4 (including either Algebra I, Geometry and Algebra II and a higher-level course for which Algebra II is a prerequisite: or Integrated Mathematics I, II and III and one course beyond Integrated Math III)	
Science	3 (including a physical science Biology~~,~~ and earth/environmental science)	
Social Studies	3 (including Civics & Economics, U.S. History and World History)	
Health/PE	1	
Foreign Language	2 in the same language	
Electives	3 (arts recommended but not required)	
Other Requirements		
Total Credits	**20**	

6. Future-Ready Occupational Course of Study Credits Required (only available to certain students with disabilities who have an IEP)
~~Graduates must also complete this course of study as part of the 28 credits required for graduation.~~

Courses Required	State Requirement	Local Requirements
English	4 (including Occupational English I, II, III~~,~~ and IV)	
Mathematics	3 (including OCS Introduction to Math, OCS Algebra I (Math A), and Financial Management ~~Occupational Mathematics I, II, and III~~)	
Science	2 (including~~ Life Skills Science I and II~~ OCS Applied Science and OCS Biology)	
Social Studies	2 (including Government/U.S. History and Problem-Solving/~~s~~ Self-~~a~~ Advocacy ~~problem solving~~)	
Health/PE	1	
Career/Technical	4 (~~v~~ Vocational ~~e~~ Education electives)	
Foreign Language	0	
Occupational Preparation	6 (including Occupational Preparation I, II, III and IV, which requires 300 hours of school-based training. 240 hours of community-based training and 360 hours of paid employment or 360 hours of any combination of unpaid vocational training, unpaid internship experience, paid employment at community rehabilitation facilities and volunteer and/or community service hours)	
~~Computer Skills/Technology~~	~~Computer proficiency as specified in IEP~~	
Electives	0	
Other Requirements	• Completion of IEP objectives • Career Portfolio ~~required~~	
Total Credits	**22**	

B. HIGH SCHOOL END OF COURSE TESTING ~~EXIT STANDARDS~~

Students must take all end-of-course tests required by the State Board of Education.

1. ~~Students , who (1) entered the ninth grade in the 2006-07 through 2008-09 school years and follow the Career Prep Course of Study, College Tech Prep Course of Study or College/University Prep Course of Study; or (2) enter ninth grade in the 2009-10 year or beyond and follow the Future Ready Core Course of Study must score at Level III or above on all of the following end-of-course (EOC) tests: Algebra I; Biology; English I; Civics and Economics; and U.S. History.~~ Students who do not score at Level III or above on the first

administration of an EOC tests must be retested in accordance with State Board policy. The superintendent shall develop procedures, in accordance with State Board policy, for reviewing promotion requests for students who do not score at Level III or above on the retest.

The EOC test results will count as 25 percent of a student's final grade in each high school course for which an EOC test is available.

1. A student following the Occupational Course of Study, regardless of the year he or she entered ninth grade, must complete rigorous exit standards as outlined in State Board Policy GCS-N-004.

C. ADDITIONAL LOCAL REQUIREMENTS

The board may require that students successfully complete additional graduation requirements, such as a community service project like that mentioned in policy 3530, Citizenship and Character Education. Students must be notified of any requirement no later than the beginning of their junior year. Students whose projects do not meet the expected standard must be given additional opportunities to successfully complete the project and additional assistance as needed with the project.

All Montgomery County Schools students entering the 8th grade in 2010-2011 will be required to complete a distance learning class in order to graduate from high school.

Students must have 28 credits in order to be eligible to graduate from either East Montgomery High School or West Montgomery High School.

D. SPECIAL CIRCUMSTANCES

The board adopts the following policies with regard to graduation:

1. Honor Graduates

Honor graduates may be designated by principals on the basis of criteria established by the superintendent. A student who completes the requirements of the North Carolina Academic Scholars Program will receive recognition, including a seal affixed to his or her diploma. Recognition of honor graduates may be included in graduation programs.

2. Students with Disabilities

Accountability standards and g Graduation requirements must be applied to

students with disabilities to the extent required by state and federal law and State Board policy.

~~3.~~ Children of Military Families

In order to facilitate the on-time graduation of children of military families, the board adopts the following policy provisions for students covered by the Interstate Compact on Educational Opportunity for Military Children.

a. Waiver Requirements

Specific course work required for graduation will be waived if similar course work has been satisfactorily completed in another school system. If a waiver is not granted, school administrators shall provide the student with reasonable justification for the denial. If a waiver is not granted to a student who would qualify to graduate from the sending school, the superintendent or designee shall provide the student with an alternative means of acquiring the required coursework so that graduation may occur on time.

b. Testing Requirements for Graduation

The superintendent shall accept the following in lieu of ~~tests required for graduation in North Carolina~~ any local testing requirements for graduation: (1) ~~exit or~~ the end-of-course exams required for graduation from the sending state; (2) national norm-referenced achievement tests or (3) alternative testing. If these alternatives are not feasible for a student who has transferred in his or her senior year, subsection c below will apply.

c. Transfers During Senior Year

If a child of a military family who has transferred at the beginning or during his or her senior year is ineligible to graduate from the school system after all the alternatives listed above have been considered and the student meets the graduation requirements at his or her sending school, then school officials from the school system shall collaborate with ~~and~~ the sending school system ~~shall collaborate~~ to ensure that the student will receive a diploma from the sending board of education.

~~4.~~ Early Graduation

Graduation prior to that of one's class may be permitted on the basis of ~~under~~ criteria ~~to be~~ approved by the board upon recommendation by the superintendent.

~~5. Alternative School~~

~~Any student for whom the alternative school becomes their permanent assignment may be allowed to graduate if they have met minimal state requirements.~~

~~6.~~ 5. Graduation Certificate ~~and Certificate of Achievement~~

~~A g~~ Graduation certificate~~s or a certificate of achievement~~ will be awarded to students in compliance with the policies of the State Board of Education.

Legal References: G.S. 115C-47, -81, -174.11,--276, -288, -407.5; State Board of Education Policies GCS-C-003~~, GCS-C-031, GCS-N series~~

Cross References: Goals and Objectives of the Educational Program (policy 3000), Student Promotion and Accountability (policy 3420), Citizenship and Character Education (policy 3530), Children of Military Families (policy 4050)

Adopted: March 6, 2000
Amended: June 4, 2007
Updated: June 1, 2009
Updated: December 7, 2009
Updated: May 3, 2010
Updated: November 3, 2010
Updated:

A. PURPOSES

The board is committed to the goal of providing a safe and orderly learning environment in ~~at~~ each school. The educational program and the student behavior management plan developed at each school, ~~as well as~~ in addition to numerous other strategies identified in board policy ies, are intended to create such an environment and to help each student be a successful and contributing member of the school community.

Alternative learning programs or schools are provided as an option for those instances in which a student's behavior management or academic performance needs cannot be met in a regular education setting. The purposes of an alternative program are (1) to intervene and address problems that prevent a student from achieving success in the regular educational setting; (2) to reduce the risk that a student will drop out of school by providing resources to help the student resolve issues affecting his or her performance at school; (3) to return ~~the~~ a student, if and when it is practicable to the regular educational setting with the skills necessary to succeed in that environment; and (4) to preserve a safe and, orderly learning environment in the regular educational setting.

B. ALTERNATIVE LEARNING PROGRAMS/SCHOOLS

~~An~~ A~~a~~lternative learning program and ~~or~~ school~~s~~ should ~~reflect~~ serve the purposes described above. ~~The~~ Such alternative educationa~~l~~ program~~s~~ ~~is~~ are expected to meet all board policy and state requirements. In addition, ~~the~~ alternative educationa~~l~~ programs and support services should be designed to ~~facilitate~~ the students'~~_~~ transition~~s~~ back to the regular educational setting when appropriate.

All school personnel at ~~an~~ alternative learning program~~s~~ should receive training so that students enrolled in such ~~the alternative~~ program~~s~~ or school~~s~~ receive appropriate educational services.

Each alternative learning program or school is required to develop a behavior management plan, a school improvement plan and a parental involvement plan in accordance with board policy. In addition, a conflict resolution plan, as provided in board policy 3431, Conflict Resolution, must be included in the school improvement plan. The board encourages the principal and other school personnel, in developing these plans, to review successful alternative education programs and make effective use of the resources provided by the superintendent.

The superintendent and board will review these plans in accordance with board policy. While providing flexibility at the school level to develop the plans, the superintendent and board will not approve any plans that ~~are~~ is not reasonably likely to meet the purposes of ~~the~~ an alternative school.

Prior to implementing a new alternative learning program or school, the board will develop a program proposal that is consistent with the State Board of Education standards for alternative learning programs. The board then will then submit the proposal to the State Board for its review. After the proposal has been reviewed by the State Board, the board will consider any ~~State Board~~ recommendations from the State Board to modify the proposal before implementing the alternative learning program or school. The board also will review on a regular basis whether the school system's alternative learning programs and schools comply with State Board standards.

C. TRANSFER TO ALTERNATIVE LEARNING PROGRAMS OR SCHOOLS

Students generally are assigned to a school based ~~up~~on attendance area. However, as provided by law, the board may assign any student to a school outside of his or her attendance area in order for the student to attend a specialized school or for any other reason the board, in its sole discretion, deems sufficient.

However, during the time a student is assigned to Montgomery Learning Academy they are not allowed on the premises of their "home school" without prior approval of the principal. Students assigned to Montgomery Learning Academy may not participate in any extracurricular activities, including athletics, clubs, etc.

Students may be transferred to an ~~the~~ alternative school on a voluntary or involuntary basis ~~or as an alternative to out-of-school suspension or expulsion~~. The transfer processes ~~for transfer are~~ is provided below.

1. Responsibilities of Personnel at ~~from the~~ Referring School

   In addition to any other procedures required by this policy, prior to referring a student to an ~~the~~ alternative learning program or school, the principal of the referring school must:

   a. document the procedures that were used to identify the student as being at risk of academic failure or as being disruptive or disorderly;

b. provide the reasons for referring the student to an alternative learning program or school; and

c. provide to the alternative learning program or school all relevant student records, including anecdotal information.

2. Responsibilities of School Personnel at the Alternative Learning Program or School

In addition to any other procedures required by this policy, once a student is placed in an alternative learning program or school, the appropriate school personnel of the program or school must meet to review the student's records and any other documentation forwarded by the referring school. Based ~~up~~on these ~~student's~~ records and any input provided by the parent~~(s)~~ concerning the student's needs, the personnel at the alternative program or school shall determine the ~~what~~ support services and intervention strategies that are recommended for the student~~s~~.

If a student who is subject to G.S. 14-208-18 is assigned to an alternative school, the student must be supervised by ~~under the supervision of~~ school personnel at all times.

3. Voluntary Referral

The board encourages parental involvement in decisions regarding the child's education and in identifying effective options for addressing concerns regarding the child's behavior or academic performance.

Voluntary transfers are encouraged whenever possible. A voluntary transfer is an agreement by the parent ~~or guardian~~, the principal and the disciplinary review committee that ~~the~~ transfer is an appropriate option for the particular student. After agreement has been reached, the principal~~s~~ of the regular educational setting and the principal of the alternative learning program or school shall arrange the process and time for the transfer. The principal of the regular educational setting shall notify the superintendent of the transfer.

~~4. Referral or Assignment as Alternative to Long-Term Suspensions, 365 Days Suspensions or Expulsion~~

~~A student may be given the option or may be required to attend an~~

~~alternative learning program or school for violation of board policies, school standards or school rules that could result in a long-term suspension, 365 days suspension or expulsion.~~

~~Board policies must be followed for any student who may have engaged in behavior that could result in long-term suspension, 365 days suspension or expulsion. In accordance with policy 4331, Assaults, Threats, and Harassment, students who have committed certain types of assaults on school personnel will be assigned to an alternative educational setting. For other students, if approved by the superintendent, placement at an alternative learning program or school may be considered as an option for a portion or the full duration of a period of suspension or expulsion. In order to consider the alternative program or school in place of expulsion, the superintendent must make a recommendation and the board must choose to approve the alternative school as a modification to the expulsion.~~

~~At any stage in the proceedings, a parent may request that an alternative learning program or school be considered in place of suspension or expulsion. The superintendent shall maintain records as required by policy 4345, Student Discipline Records.~~

~~Once approved, the student may be transferred to the alternative learning program or school. If the alternative program or school does not have the capacity to accept the student immediately, the student may be suspended from school until the alternative school can accept the student.~~

~~5.~~4. Involuntary Referral

A student may be required to be transferred from the regular educational setting to an ~~the~~ alternative program or school under any of the following circumstances:

a. the student presents a clear threat to the safety of other students or personnel;

~~b. the student is subject to policy 4260, Student Sex Offenders;~~

~~c.~~b. the student presents ~~is~~ a significant disruption to the educational environment at the regular educational setting;

~~d.~~c. the student is at risk of dropping out or not meeting standards for

promotion, and resources in addition to or different from those available at the regular educational setting are needed to address the issue;

~~e~~.d. the student has been charged with a felony or a crime that allegedly endangered the safety of others, and it is reasonably foreseeable that the educational environment at the regular educational setting will be significantly disrupted if the student remains; or

e. if the Code of Student Conduct provides for a transfer as a consequence of the student's behavior

~~f. The student is at least 13 years of age and has committed an assault on school personnel or others as provided in policy 4331, Assaults, Threats, and Harassment.~~

Prior to an involuntary transfer, the principal or disciplinary committee of the referring school shall document efforts to assist the student in the regular educational environment. The principal or disciplinary committee also must ~~also~~ document the student's behavior and academic performance. A voluntary transfer is preferable to an involuntary transfer. Therefore, a school administrator should meet with the parents to try to reach a consensus on how to address the student's difficulties at school.

If an agreement is not reached and a basis for involuntary transfer exists, the principal may recommend to the superintendent that the student be transferred to an ~~the~~ alternative school ~~to the superintendent~~. The principal must provide in writing (1) an explanation of the student's behavior or academic performance that is at issue, (2) documentation or a summary of the documentation of the efforts to assist the student in the student's regular educational setting; and (3) documentation of the circumstances that support an involuntary transfer.

A copy of the recommendation and other documentation must be provided to the parents by certified mail or in person.

If the superintendent approves the transfer, the principals of the regular educational setting and the principal of the alternative school shall make all necessary arrangements.

The parent may appeal the superintendent's decision to the board. The board will hear the appeal in closed session~~.~~ and ~~The board~~ will follow its

procedures as provided in policy 2500, Hearings Before the Board. During the period of the appeal, the student may be transferred to the alternative school.

5. Assignment During a Long-Term or 365-Day Suspension

A student who receives a long-term or 365-day suspension may be offered services in the alternative learning program or school for a portion or the full duration of the suspension. See policy 4353, Long-Term Suspension, 365-Day Suspension, Expulsion. Any student who receives a long-term or 365-day suspension must be offered alternative education services unless the superintendent provides a significant or important reason for declining to offer such services. Alternative education services include, but are not limited to, the alternative programs or schools established in this policy in accordance with G.S. 115C-105.47A.

6. Assignment of Student Sex Offenders

The board may decide, pursuant to G.S. 115C-390.11(a)(2), to assign a student who is subject to G.S. 14-208.18 to an alternative learning program or school.

D. TRANSITION FROM ALTERNATIVE LEARNING PROGRAMS OR SCHOOLS

In most instances, the goal of the alternative school program is to return the student to the regular educational setting ~~as soon as practicable~~ with the skills necessary to succeed in that environment as soon as practicable. The ~~School~~ personnel of ~~in~~ the alternative learning program or school and those of the regular educational setting shall work together to help create a successful transition for the student.

If the student is not or will not be returned to the regular educational setting, the alternative learning program or school will assist in the student's transition ~~of the student~~ to other educational settings, including other programs offered by the school system or a community college~~s~~ or vocational school.

E. ASSIGNMENT OF PROFESSIONAL PERSONNEL TO ALTERNATIVE LEARNING PROGRAMS OR SCHOOLS

When assigning professional personnel to an alternative learning program or school, the superintendent shall consider the experience and evaluation ratings of the professional employee who may ~~individual be~~ing assigned to the program

or school. As school system resources allow, the superintendent will strive to avoid assigning to an ~~the~~ alternative school or program less experienced professional personnel or professional personnel ~~staff~~ who have received an evaluation rating of "~~"~~less than' above standard" within the last three years.

F. EVALUATION OF ALTERNATIVE LEARNING PROGRAMS OR SCHOOLS

1. Information t ~~T~~o b ~~B~~e Reported

   Each year, the board will evaluate each alternative learning program or school based upon reports provided by the superintendent and any other information the board wishes to consider. In addition to data required by policy 3430, School Improvement Plans, each ~~an~~ alternative learning program or school must report the following information annually to the board:

   a. referral patterns from the regular educational setting, ~~schools~~, including age, race, gender and method of transfer (voluntary, as an alternative to suspension or expulsion, or involuntary);

   b. drop-out rates;

   ~~c.~~ how long students stay at the alternative learning program or school and where they go (including the regular educational setting, community college/technical schools or dropping out) when they leave the alternative program or school;

   d. the training and development of professional employees assigned to the alternative school;

   e. a list of services or programs that the alternative learning program or school coordinates with other governmental agencies; and

   f. any other information ~~measures~~ the superintendent requires.

   To assist the board in ~~with~~ evaluating an alternative learning program or school, the school system safe schools plan must include measures of ~~as to~~ the effectiveness of the ~~an~~ alternative program or school.

2. Items t~~T~~o b~~B~~e Considered

   In addition to any other outcomes the board deems important, the board

will determine whether:

a. a diverse group of students is referred to the alternative learning program or school;

b. the alternative learning program or school complies with the State Board ~~of Education~~ standards,

c. the alternative learning program or school incorporates best practices for improving student academic performance and reducing disruptive behavior;

d. school personnel at the alternative learning program or school are well trained and are provided with appropriate professional development;

e. the alternative learning program or school is organized to provide coordinated services;

f. students at the alternative learning program or school receive high quality and rigorous academic instruction; and

g. the alternative learning program or school assists students in ~~with~~ transitioning back to the regular educational setting or to other educational settings.

Legal Reference: G.S. 14-208.18, 115C-47(32a), 105.48, -276(r), -288, -367, -369. -390.7, -390.9, -390.10, -390.11~~-391~~

Cross Reference: Parental Involvement (policy 1310/4002), Hearings Before the Board (policy 2500), School Improvement Plans (policy 3430), Conflict Resolution (policy 3431), Student Sex Offenders (policy 4260),

School Plan for Management of Student Behavior (policy 4302), ~~Theft, Trespass and Damage to Property (policy 4330), Assaults, Threats and Harassment (policy 4331), Weapons, Bomb Threats and Clear Threats to Safety (policy 4333),~~ Student Discipline Records (policy 4345), Long-Term Suspension, 365 Days Suspension, Expulsion (policy 4353), Assignments/Reassignments/
Transfers (policy 7440)

Adopted: March 6, 2000
Revised: January 12, 2009

Updated: April 13, 2010
Updated: November 3, 2010 Updated:

The board is committed to the safety of students, employees and other persons on school property. In order to create and maintain a safe school environment and comply with G.S. 14-208.18, the board establishes the following policy provisions.

A. STUDENT SEX OFFENDER ON SCHOOL PROPERTY

A student who is enrolled in the school system and is a registered sex offender subject to policy 5022, Registered Sex Offenders, is expressly ~~forbidden~~ prohibited from (1) ~~to~~ knowingly being present on any property owned or operated by the school system, including school buildings, athletic fields, playgrounds, parking lots, buses ~~or~~ and other property, and (2) ~~to~~ attending school-sponsored or school-related activities, except to the extent the student is permitted to be on school property to receive educational services.

A student subject to policy 5022, Registered Sex Offenders, who is receiving educational services on school grounds must comply with the requirement that he or she be supervised by school personnel at all times.

B. EDUCATIONAL SERVICES FOR STUDENT SEX OFFENDERS

1. If permitted by the board, a student who is subject to Section A of this policy and is eligible to attend public school under G.S. 115C-378 may be present on school property subject to any conditions and restrictions imposed by the board.

2. The board will hold a hearing to determine whether to expel the student or provide the student with educational services in accordance with subsection B.4.b. of policy 4353, Long-Term Suspension, 365-Day Suspension, Expulsion. ~~The decision to expel the student will be based on the standard established by G.S. 115C-391(d)(2).~~

3. Prior to expelling a student pursuant to G.S. 115C-390.11(a)(2) ~~1(d)(2)~~, the board will consider whether there are ~~is an~~ alternative education services ~~program~~ that may be offered ~~by the school system that may provide educational services~~ to the student.

4. If the board ~~of education~~ determines that a student will be provided with educational services on school property, the student must be ~~under the~~ supervised by ~~ion~~ ~~of~~ school personnel at all times.

5. If a student subject to this policy violates the conditions and restrictions placed ~~up~~ on the student by the board, school officials ~~administrators and the board~~ will impose disciplinary ~~follow established student discipline~~

~~procedures~~ consequences consistent with the terms of the conditions and restrictions placed on the student's admission or as otherwise provided in Section D of policy 4300, Student Behavior Policies, and any applicable provisions of the Code of Student Conduct. ~~and impose an appropriate disciplinary measure, up to and including expulsion~~.

6. If a student subject to this policy is a ~~child~~ student with disabilities, he or she will be provided with educational services in compliance with federal and state law.

Legal References: Americans w ~~W~~ith Disabilities Act, 42 U.S.C. 1213*1 et seq.* ~~2~~, 28 C.F.R. pt. 35; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq*., 34 C.F.R. pt. 300; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; G.S. 14-208.18, -208.19; 115C, art. 9; 115C-378, -390.2, -390.11(a)(2) ~~1~~

Cross References: School Safety (policy 1510/4200/7270), Alternative Learning Programs/Schools (policy 3470/4305), Student Behavior Policies (policy 4300), Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety (policy 4333), Long-Term Suspension, 365 Day Suspension, Expulsion (policy 4353), Registered Sex Offenders (policy 5022)

Adopted: January 12, 2009
Updated:

~~A. PURPOSE~~

All decisions related to student behavior are guided by the board's educational objectives to teach responsibility and respect for cultural and ideological differences and by the board's commitment to creating~~e~~ safe, orderly and inviting schools. Student behavior policies are provided in order to establish: (1) expected standards of student behavior;(2) principles to be followed in managing student behavior; (3) consequences for prohibited behavior or drug/alcohol policy violations; and (4) required procedures for addressing misbehavior.

~~B.~~A. PRINCIPLES

The reasons for managing student behavior are to: (1) ~~to~~ create an orderly environment in which ~~where~~ students can learn; (2) ~~to~~ teach expected standards of behavior; (3) ~~to~~ help students learn to accept the consequences of their behavior; and (4) ~~to~~ provide students with the opportunity to develop self -control. The following principles apply in managing student behavior:

1. Student behavior management strategies will compliment other efforts to create a safe, orderly and inviting environment.

2. Positive behavioral interventions will be employed as appropriate to improve student behavior.

~~2.~~3. Responsibility, integrity, civility and other standards of behavior will be integrated into the curriculum.

~~3.~~4. Disruptive behavior in the classroom will not be tolerated.

~~4.~~5. Consequences for unacceptable behavior will be designed to help a student learn to comply with rules, to be ~~obedient~~ respectful, ~~and~~ to accept responsibility for his or her behavior and to develop self-control.

~~5.~~6 Strategies and consequences will be age and developmentally appropriate

B. COMMUNICATION OF POLICIES

Board policies related to student behavior are codified mainly in the 4300 series. The superintendent shall incorporate information from such policies into a Code

of Student Conduct that notifies students of the behavior expected of them, conduct that may subject them to discipline and the range of disciplinary measures that may be used by school officials. At the discretion of the superintendent, the Code of Student Conduct may include additional rules needed to implement the board's student behavior policies. Each school shall create a student behavior management plan that will elaborate further on processes for addressing student misbehavior and the use of intervention strategies and consequences (see policy 4302, School Plan for Management of Student Behavior). The Code of Student Conduct must incorporate by reference any additional student behavior standards, prohibited conduct or disciplinary measures identified in individual school behavior plans developed in accordance with policy 4302, provided such measures are consistent with law and board policy. The Code of Student Conduct must not impose mandatory long-term suspension or expulsion for specific violations unless otherwise provided in state or federal law.

At the beginning of each school year, principals shall make available to each student and parent all of the following: (1) the Code of Student Conduct; (2) any board policies related to behavior that are not part of the Code of Conduct; (3) any related administrative procedures; (4) any additional discipline-related information from the school's student behavior management plan, including behavior standards, prohibited conduct or disciplinary measures; and (5) any other school rules. This information must be available at other times upon request and must be made available to students enrolling during the school year and their parents.

For the purpose of board policies related to student behavior, all references to "parent" include a parent, a legal guardian, a legal custodian or another caregiver adult authorized to enroll a student under policy 4120, Domicile of Residence Requirements.

C. APPLICABILITY

Students must comply with the Code of Conduct ~~board~~ and school behavior ~~policies~~ in the following circumstances:

1. while in any school building or on any school premises before, during or after school hours;

2. while on any bus or other vehicle as part of any school activity;

3. while waiting at any school bus stop;

4. during any school-sponsored activity or extracurricular activity;

5. when subject to the authority of school ~~personnel~~ employees; and

6. at any ~~time or~~ place or time when the student's behavior has or is reasonable expected to have a direct and immediate impact on the orderly and efficient operation of the schools or the safety of individuals in the school environment. ~~effect on maintaining order and discipline in the schools.~~

D. CONSEQUENCES FOR VIOLATIONS

Violations of the Code of Student Conduct must be dealt with in accordance with the guidelines established in the school's behavior management plan (see policy 4302, School Plan for Management of Student Behavior).

1. Minor Violations

Minor violations of the Code of Student Conduct are those less severe infractions involving a lower degree of dangerousness and harm. Examples of minor violations include the use of inappropriate or disrespectful language, noncompliance with a staff directive, dress code violations and minor physical altercations that do not involve a weapon or an injury. Aggravating circumstances, however, may justify treating an otherwise minor violation as a serious violation.

Minor violations of the Code of Student Conduct may result in disciplinary measures or responses up to and including short-term suspension. Further information regarding the procedures for short-term suspensions is provided in policy 4351, Short Term Suspension. Other disciplinary measures or responses may include, but are not limited to, the following:

a. parental involvement, such as conferences;

b. isolation or time-out for short periods of time;

c. behavior improvement agreements;

d. instruction in conflict resolution and anger management;

e. peer mediation;

f. individual or small group sessions with the school counselor;

g. academic intervention;

h. in-school suspension;

i. detention before and/or after school or on Saturday;

j. community service;

k. exclusion from graduation ceremonies;

l. exclusion from extracurricular activities;

m. suspension from bus privileges; and

n. placement in an alternative school.

The parent or guardian is responsible for transportation that may be required to carry out a consequence.

2. Serious Violations

Serious Violations of the Code of Student Conduct may result in any of the consequences that may be imposed for minor violations. In addition, serious violations that threaten to substantially disrupt the educational environment may result in long-term suspension, and serious violations that threaten the safety of students, school employees or school visitors may result in long-term suspension or expulsion. Certain violations involving firearms or explosive devices may result in a 365-day suspension. Further information regarding the standards and procedures for long-term suspensions, 365-day suspensions and expulsions is provided in policies 4351, Short-Term Suspension, and 4353, Long-Term Suspension, 365-Day Suspension, Expulsion. (See also policy 4333, Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety, for information regarding 365-day suspensions for certain violations involving firearms or explosive devices.)

~~**D. COMMUNICATION OF POLICIES**~~

~~Board policies related to student behavior are codified in the 4300 series. At the beginning of each school year, the principal is responsible for providing each student and his or her parent or guardian with a copy of the student behavior policies and any other school rules and procedures. Students enrolling during the school year and their parent or guardian shall receive a copy of the information upon enrollment.~~

E. ENFORCEMENT

The superintendent is responsible for supervising the enforcement of ~~student behavior policies~~ the Code of Student Conduct to ensure that school disciplinary policies are uniformly and fairly applied throughout the school system.

Legal References: G.S. 115C-47, -276(r), -288, -307, 390.1, -390.2 ~~1~~

Cross References: Goals and Objectives of the Educational Program (policy 3000), Counseling Program (policy 3610), Domicile or Residence Requirements (policy 4120), Student Behavior Policies (4300 series)

Adopted: April 10, 2000
Updated: May 4, 2009
Updated:

The principal has the authority and responsibility to investigate and take appropriate action regarding any prohibited or criminal student behavior and any other behavior appropriately referred to him or her. The principal is responsible for informing students and parents of any standards or rules that if violated could result in short-term or long-term suspension or expulsion.

The teacher has the authority and responsibilities to manage student behavior in the classroom and whenile students are under his or her supervision. The teacher is expected to implement the student behavior management plan and any other school standards or rules. The teacher may develop other standards or rules consistent with the direction provided by the board, superintendent and the school principal. Every teacher, student teacher, substitute teacher, voluntary teacher, teacher assistant or other school employee is required to report to the principal all acts of violence occurring in school, on school grounds, or at any school-sponsored activity.

Teachers and other school employees have the authority to manage or remove disruptive or dangerous students from the classroom and other locations within the school building. School personnel may use reasonable force to control behavior or to remove a person from the scene in those situations when necessary:

1. to correct students;

~~1.~~2. to quell a disturbance threatening injury to others;

~~2.~~3. to obtain possession of a weapon or other dangerous object on the person, or within the control, of a student;

~~3.~~4. for self-defense;

~~4.~~5. for the protection of persons or property; or

~~5.~~6. to maintain order on school property, in the classroom~~,~~ or at a school-related activity whether on or off school property.

Except as restricted by G.S. 115C-391.1, school personnel may use appropriate seclusion and restraint techniques reasonably needed in the circumstances described above as long as such use is consistent with state law and applicable board policies and procedures. (See policy 4302, School Plan for Management of Student Behavior.)

Students must comply with all directions of principals, teachers, substitute teachers, student teachers, teacher assistants, bus drivers and all other school personnel who are

authorized to give such directions during any period of time when they are subject to the authority of such personnel.

Legal Reference: G.S. 115C-47, -288, -307, -390.3, , ~~-391,~~ -391.1

Cross Reference: School Safety (policy 1510/4200/7270), School Plan for Management of Student Behavior (policy 4302), Rules for Use of Seclusion and Restraint in Schools (regulation 4302-R)

Adopted: April 10, 2000
Updated: May 4, 2009
Updated:

SCHOOL PLAN
FOR MANAGEMENT OF STUDENT BEHAVIOR

Policy Code: **DRAFT 4302**

Each school must have a plan for managing student behavior which incorporates effective strategies consistent with the purpose and principles established in policy 4300, Student Behavior Policies. School officials are encouraged to implement a system of positive behavior support and to seek other positive, innovative and constructive methods of correcting and managing student behavior in an effort to avoid repeated misbehavior and suspension.

A. COMPONENTS OF THE PLAN

The plan should address (1) the process by which student behavior will be addressed, including any use of a disciplinary committee and the means by which students at risk of repeated disruptive or disorderly conduct are identified, assessed, and assisted; (2) positive behavioral interventions and possible consequences that will be used; and (3) parental involvement strategies that address when parents or guardians will be notified or involved in issues related to their child's behavior (see policy 4341, Parental Involvement in Student Behavior Issues).

~~1. Possible Consequences~~

~~Consequences for violating board policies or school standards or rules may include, but are not limited to, the following:~~

~~a. parental involvement;~~
~~b. isolation or time-out for short periods of time;~~
~~c. behavior improvement agreements;~~
~~d. individual or small group sessions with the school counselor;~~
~~e. in-school suspension;~~
~~f. detention before and/or after school or on Saturday;~~
~~g. community service;~~
~~h. exclusion from extracurricular activities;~~
~~i. suspension from bus privileges;~~
~~j. placement in an alternative school; and~~
~~k. out-of-school suspension or expulsion.~~

~~The parent or guardian may be responsible for transportation as is required to carry out the consequence.~~

No school plan for managing student behavior may authorize the use of corporal punishment. Corporal punishment is the intentional infliction of physical pain upon the

body of a student as a disciplinary measure. It includes, but is not limited to, spanking, paddling and slapping. The board prohibits corporal punishment, believing that other consequences are more appropriate and effective for teaching self -control. No teacher, substitute teacher, student teacher, bus driver, or other employee, contractor ~~student teacher~~ or volunteer may use corporal punishment to discipline ~~with~~ any student. Reasonable force that is necessary to protect oneself or others is not considered corporal punishment. (See also policy 4301, Authority of School Personnel.)

Principals shall avoid removing students ~~Removal~~ from the classroom for a long period of time, including in-school or out-of-school suspensions ~~should be avoided~~ unless necessary to provide ~~ensure~~ a safe, orderly environment that is conducive to learning. The principal is authorized to remove students in accordance with board policies for prohibited or criminal conduct or for other behavior that interferes with a safe, orderly environment.

~~The board prohibits the use of seclusion and restraint by school personnel except as implemented consistent with G.S. 115C-391.1. The superintendent shall create regulations that describe the legal requirements for the use of seclusion and restraint within the schools. The superintendent shall ensure that copies of G.S. 115C-391.1., the law codifying the permissible use of seclusion and restraint in schools, and any board policies or administrative regulations created to implement the law are provided to school personnel and parents or guardians at the beginning of each school year.~~

~~2. Parental Involvement~~

~~The behavior management plan should identify when parents or guardians will be notified or involved in issues related to their child's behavior. (See policy 4341, Parental Involvement in Student Behavior Issues.)~~

B. **PROCESS FOR DEVELOPING AND EVALUATING THE PLAN**

Principals are encouraged to use a team approach in ~~for~~ developing and evaluating the school's plan to manage student behavior. On at least an annual basis, the plan should be evaluated based upon data on disciplinary actions taken and the impact on student academic performance. Principals will report on at least an annual basis to the superintendent and the board on the effectiveness of the plan in minimizing classroom disruptions, referrals to the principal's office and the use of out-of-school suspension. The report also will address the plan's effect on academic performance.

The superintendent also is encouraged to consider, develop and propose new and alternative discipline programs to the board.

Legal Reference: G.S. 115C-47, ~~-105.47~~, -288, -307, -390.1, -390.2, -390.3, -391-1 - 397.1

Cross Reference: Student Behavior Policies (policy 4300), Authority of School Personnel (policy 4301), Parental Involvement in Student Behavior Issues (policy 4341)

Adopted: April 10, 2000
Revised: October 2, 2006
Updated: May 4, 2009
Updated:

INTEGRITY AND CIVILITY

Policy Code: DRAFT **4310**

All students are expected to demonstrate integrity, civility, responsibility and self - control. This expectation is directly related to the board's educational objectives for students to learn to be responsible for and accept the consequences of their behavior and for students to respect cultural diversity and ideological differences. Integrity, civility, responsibility and self control also are critical for establishing and maintaining a safe, orderly and inviting environment.

A. PROHIBITED BEHAVIOR

In addition to any standards or rules established by the schools, the following behaviors are in violation of the standards of integrity and civility and are specifically prohibited ~~as in violation of the standards of integrity and civility~~:

1. cheating, including the actual giving or receiving of any unauthorized assistance or the actual giving or receiving of an unfair advantage on any form of academic work;

2. plagiarizing, including ~~the~~ copying ~~of~~ the language, structure, idea and/or thought of another and representing it as one's own original work;

3. violating copyright laws, including the unauthorized reproduction, duplication and/or use of printed or electronic work, computer software, or other copyrighted material;

4. cursing or using vulgar, abusive or demeaning language towards another person; and

5. playing abusive or dangerous tricks or otherwise subjecting a student or employee to personal indignity.

B. CONSEQUENCES

The disciplinary consequences for violations of this policy shall be consistent with Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violation of this policy.

~~Consequences for engaging in prohibited behavior will be provided in accordance with the school's student behavior management plan (see board policy 4302, School Plan for Management of Student Behavior). For repeated or serious violations of this policy, students may be~~

~~suspended from school.~~

Legal Reference: 17 U.S.C. 101, 102, 106, ~~108,~~ 107. 110, 117; G.S. 115C-47, -288, -307, -390.2 ~~1~~

Cross Reference: Goals and Objectives of the Educational Program, (policy 3000), Copyright Compliance (policy 3230/7330), Student Behavior Policies (policy 4300) ~~School Plan for Management of Student Behavior (policy 4302)~~

Adopted: April 10, 2000
Updated: May 4, 2009
Updated:

An orderly school environment is necessary for teachers to be able to teach and for students to be able to learn. Students are encouraged to participate in efforts to create a safe, orderly and inviting school environment. Students also are entitled to exercise their constitutional rights to free speech as ~~a~~ part of a stimulating, inviting educational environment. A student's right to free speech will not be infringed upon; however school officials may place reasonable, constitutional restrictions on time, place and manner in order to preserve a safe, orderly environment.

Principals and teachers have full authority as provided by law to establish and enforce standards and rules as necessary to create orderly schools and classrooms.

A. PROHIBITED BEHAVIOR

Students are prohibited from disrupting teaching, the orderly conduct of school activities, or any other lawful function of the school or school system. The following conduct is illustrative of disruptive behavior and is prohibited:

1. intentional verbal or physical acts that result or have the potential to result in blocking access to school functions or facilities or preventing the convening or continuation of school-related functions;

2. appearance or clothing that (1) violates a reasonable dress code adopted and publicized by the school; (2) is substantially disruptive; (3) is provocative or obscene; or (4) endangers the health or safety of the student or others (see policy 4316, Student Dress Code);

3. possessing or distributing literature or illustrations that significantly disrupt the educational process or that are obscene or unlawful;

4. engaging in behavior that is immoral, indecent, lewd, disreputable or of an overly sexual nature in the school setting;

5. failing to observe established safety rules, standards and regulations, including on ~~the~~ buses and in hallways; and

6. interfering with the operation of school buses, including delaying the bus schedule, getting off at an unauthorized stop, and willfully trespassing upon a school bus.

1. schedule, getting off at an unauthorized stop, and willfully trespassing upon a school bus.

B. CONSEQUENCES

~~Consequences for engaging in prohibited behavior will be provided in accordance with the school's student behavior management plan (see board policy 4302, School Plan for Management of Student Behavior). For repeated or serious violations of this policy, students may be suspended from school~~.

The disciplinary consequences for violations of this policy shall be consistent with Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy.

Legal References: U.S. Const. amend. I; N.C. Const. art. I, §14; G.S. 14-132, -132.2, -288.2, -288.4; 115C-47, -288, -307, ~~-390,~~ -390.2 ~~1~~

Cross References: Student Behavior Policies (policy 4300), ~~School Plan for Management of Student Behavior (policy 4302),~~ Student Dress Code (policy 4316)

Adopted: April 10, 2000
Updated: May 4, 2009
Update:

The board believes that the dress and personal appearance of students greatly affect their academic performance and their interaction with other students. The board requests that parents outfit their children in clothing that is ~~will be~~ conducive to learning. Generally, dress and grooming standards as determined by the student and his or her parents will be deemed acceptable. However, the board prohibits any appearance or clothing that does the following:

1. violates a reasonable dress code adopted and publicized by the school;
2. is substantially disruptive;
3. is provocative or obscene; or
4. endangers the health or safety of the student or others.

The following list provides examples of inappropriate school dress or accessories that will not be allowed. However, the list is not all inclusive.

1. Caps, hats, bandannas, sweatbands, other head-coverings, or sunglasses will not be worn inside school buildings, except for religious attire.

2. Articles of clothing that are see-through, or do not cover the abdomen, chest, both shoulders and the back.

3. Clothing, book bags, tattoos, or other materials with messages that may be interpreted as obscene, lewd, suggestive, vulgar, derogatory, insulting or disruptive to others.

4. Clothing, book bags, or other materials with messages that promote, encourage, or display alcohol, tobacco products, or illegal drugs or the use of such products.

5. Pants that are excessively baggy or drag the floor.

6. Rolling book bags are not allowed for safety reasons.

7. Pants for both male and female students must be worn at the waist.

8. Undergarments may not be exposed.

9. Proper footwear is required. Shoes must be tied.

10. Chains, spiked accessories, long earrings, or other heavy jewelry.

11. Shorts or shirts must be mid- thigh in length.

Before being punished, a ~~A~~ student who is not in compliance with this policy or a school

dress code shall be given a reasonable period of time to make adjustments so that he or she will be in compliance. Disciplinary consequences for a student who fails to comply after being offered this opportunity shall be consistent with Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violation of the dress code. ~~Failure to comply shall result in the student being removed from school until his or her appearance or clothing meets school system policy or rules. The student's parent or guardian shall be notified prior to any such removal.~~

Legal References: G.S. 115C-47, -390.2 ~~, -391~~

Cross References: Student Behavior Policies (policy 4300), School Plan for Management of Student Behavior (policy 4302), Disruptive Behavior (policy 4315)

Adopted: August 5, 2002
Updated: May 4, 2009
Updated:

The board is committed to creating safe, orderly, clean and inviting schools for all students and staff. The board supports state laws that prohibit the sale or distribution of tobacco products to minors and that prohibit the use of tobacco products by minors. The board also supports state and federal laws that prohibit the use of tobacco products in school buildings, on school campuses, and in or on any other school property owned or operated by the school board. For purposes of this policy, the term "tobacco product" means any product that contains or that is made or derived from tobacco and is intended for human consumption, including electronic cigarettes and all lighted and smokeless tobacco products.

A. PROHIBITED BEHAVIOR

In support of the board's commitments and state and federal law, students are prohibited from using or possessing any tobacco product (1) in any school building, on the school campus, and in or on any other school property owned or operated by the school board including school vehicles; (2) at any school-related activity, including athletic events; or (3) at any time when the student is subject to the supervision of school personnel, including during school trips.

Nothing in this policy prohibits the use or possession of tobacco products for an instructional or research activity conducted in a school building, provided that the ~~such~~ activity is conducted or supervised by a faculty member and that the activity does not include smoking, chewing or otherwise ingesting tobacco.

B. CONSEQUENCES

The disciplinary consequences for violations of this policy shall be consistent with Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy. ~~Consequences for engaging in prohibited behavior will be provided in accordance with the school's student behavior management plan (see policy 4302, School Plan for Management of Student Behavior).~~

In determining appropriate ~~providing~~ consequences for violation of this ~~e~~ policy, school officials are encouraged to identify programs or opportunities that will provide ~~for~~ students with ~~to gain~~ a greater understanding of the health hazards of ~~for the~~ tobacco use~~r~~ and the impact of tobacco use on efforts to provide a safe, orderly, clean and inviting school environment.

C. SERVICES FOR STUDENTS

The administration shall consult with the county health department and other appropriate organizations to provide students with information and access to support systems and programs to encourage students to abstain from the use of tobacco products. The school system may, from time to time, provide free non-smoking programs and services to its students ~~in the schools~~.

D. NOTICE

Students will be provided with notice of the information in this policy through the Code of Student Conduct, student handbooks or other means identified by the principal. In addition, the principal shall post signs in a manner and at locations that adequately notify students, school personnel, and visitors about prohibitions against the use of tobacco products in all school facilities, on all school grounds, and at all school-sponsored events.

Legal References: Pro-Children Act of 1994, 20 U.S.C.~~A~~. 6081 *et seq.* ~~6084~~; G.S. 14-313; 115C-47, -288, -307, -390.2 ~~1~~, -407

Cross References: Student Behavior Policies (policy 4300), ~~School Plan for Management of Student Behavior (policy 4302),~~ Smoking and Tobacco Products (policy 5026/7250)

Adopted: April 10, 2000

Revised: November 5, 2001
Updated: May 4, 2009
Updated:

Unauthorized or illegal drugs and alcohol are a threat to safe and orderly schools and will not be tolerated.

A. PROHIBITED BEHAVIOR

Students are prohibited from possessing, using, transmitting, selling or being under the influence of any of the following substances:

1. narcotic drugs;
2. hallucinogenic drugs;
3. amphetamines;
4. barbiturates;
5. marijuana or any other controlled substance;
6. synthetic stimulants, such as MDPV and mephedrone (e.g. "bath salts"), and synthetic cannabinoids (e.g. "Spice", "K2");
~~6~~ 7. any alcoholic beverage, malt beverage or fortified wine or other intoxicating liquor; or
~~7.~~8. any chemicals, substances or products procured or used with the intention of bringing about a state of exhilaration or euphoria or of otherwise altering the student's mood or behavior.

Students also are prohibited from possessing, using, transmitting or selling drug paraphernalia or counterfeit (fake) drugs. Students may not in any way participate in the selling or transmitting of prohibited substances, regardless of whether the sale or transmission ultimately occurs on school property.

Possession or use of prescription and over the counter drugs is not in violation of this policy if possessed and used in accordance with policy 6125, Administering Medicines to Students. The principal may authorize other lawful uses of substances otherwise prohibited by this policy, such as for approved school projects.

B. CONSEQUENCES

As required by policy 4345, Criminal Behavior, the principal must report to the appropriate law enforcement agency any student who has used or possessed the substances prohibited by this policy.

The disciplinary consequences for violations of this policy shall be consistent with Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of

consequences that may be imposed of a student for violations of this policy.

In addition, school sanctions are as outlined below.

1. Kindergarten and Elementary Schools

Principals in the elementary grades are directed to use good judgment and reasonable discretion in applying board policies and in determining the appropriate consequences for violation of board policies, school standards or rules.

2. Middle and High Schools

An appropriate consequence for a student who has been found to have sold or otherwise transmitted prohibited substances in presumed to be suspension for the remainder of the school year. Depending upon the circumstances, a student may be permanently expelled (see policy 4353, Long-term Suspension, 365 Day Suspension, Expulsion). The superintendent may assign the student to an alternative program if he or she believes that it is in the student's best interest, the alternative placement is appropriate, and placement of the student will not jeopardize the safe and orderly environment of the alternative placement. If an alternative consequence is approved, the superintendent must document the basis for the alternative consequence.

Any other violation of this policy may result in long-term suspension up to the remainder of the school year or expulsion.

The principal must notify the superintendent of all violations of this policy and recommend appropriate consequences. In making the recommendation to the superintendent, the principal must provide an assessment of whether any available services, such as school counseling services, an alternative school, substance abuse programs or programs provided by other agencies, would assist the student and whether any services should be a part of the consequence.

The superintendent or designee must approve any consequence for violations of this policy, including any recommendations for suspension or expulsion. A student re-entering school following treatment for substance abuse should be identified by the school as highly at-risk and provided a transition/support plan developed collaboratively by staff, parent(s) and, when appropriate, the student. The transition/support plan must include periodic monitoring. The superintendent

~~is responsible for ensuring that this policy is fairly applied throughout the school system.~~

Legal References: G.S. 18B-301; 20-11(n1); ch. 90, 115C-47, -288, -307, ~~-390,~~ -390.2~~1~~

Cross References: Student Behavior Policies (policy 4300), Criminal Behavior (policy 4335), Administering Medicine to Students (policy 6125)

Adopted: April 10, 2000
Amended: January 5, 2004
Updated: May 4, 2009
Updated:

The board strives to create a safe, orderly, caring and inviting school environment. Gangs and gang-related activities have proven contrary to that mission and are prohibited within the schools. A gang is any ongoing organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of criminal acts and having a common name or common identifying sign, colors or symbols. The violence and crime that accompany gangs pose a serious threat to the safety of students and employees of the school system. Even absent acts of violence or crime, the existence of gang-related activity within the schools creates an atmosphere of fear and hostility that obstructs student learning and achievement. Thus, the board condemns the existence of gangs and will not tolerate gang-related activity in the school system.

A. PROHIBITED BEHAVIOR

Gang-related activity is strictly prohibited within the schools. For the purposes of this policy, "gang-related activity" means: (1) any conduct that is prohibited by another board policy and is engaged in by a student on behalf of an identified gang or as a result of the student's gang membership; or (2) any conduct engaged in by a student to perpetuate, proliferate or display the existence of any identified gang.

Conduct prohibited by this policy includes:

1. wearing, possessing, using, distributing, displaying or selling any clothing, jewelry, emblems, badges, symbols, signs or other items with the intent to convey membership or affiliation in a gang;

2. communicating either verbally or non-verbally (gestures, handshakes, slogans, drawings, etc.) with the intent to convey membership or affiliation in a gang;

3. tagging, or otherwise defacing school or personal property with symbols or slogans intended to convey membership or affiliation in a gang (see policy 4330, Theft, Trespass and Damage to Property);

4. requiring payment of protection, insurance or otherwise intimidating or threatening any person related to gang activity (see policy 4331, Assaults, Threats and Harassment);

5. inciting others to intimidate or to act with physical violence upon any other person related to gang activity (see policy 4331);

6. soliciting others for gang membership; and

7. committing any other illegal act or other violation of school system policies in connection with gang-related activity.

B. NOTICE

The superintendent or designee shall regularly consult with law enforcement officials to maintain current examples of gang-related activities, including but not limited to gang names and particularized examples of potential gang indicators including symbols, hand signals, graffiti, clothing, accessories and behaviors. Each principal shall maintain a list of current examples of gang-related activities to assist students, parents and teachers in identifying gang symbols and practices. The list shall be available in an easily accessible location in the main office of the school. Parents, students and school employees may, upon request, access the list, which shall include a warning that wearing or displaying clothing, hand signs or symbols identified in the list with the intent to convey membership or affiliation in any gang may subject a student to discipline under this policy.

In addition, the Code of Student Conduct and all student handbooks (or such other similar materials distributed to parents and students in lieu of a student handbook) shall contain notice that (1) current information on gang-related activities is maintained in the main office at each school; (2) information on gang-related activities is subject to change and the principal should be consulted for updates; and (3) wearing or displaying clothing, hand signs or symbols identified in the list with the intent to convey membership or affiliation in any gang may subject a student to discipline under this policy. The Code of Student Conduct and student handbook (or such other similar materials) also shall provide the addresses of websites that contain additional information identifying gang signs, symbols, clothing and other gang indicators.

In providing this information for students and parents, the board acknowledges that not all potential gang indicators connote actual membership in a gang.

C. CONSEQUENCES

Before being punished for a violation of subsection A.1 or A.2, above, a student shall receive an individualized warning as to what item or conduct is in violation of this policy and shall be permitted to immediately change or remove any prohibited items. A student may be punished only if he or she previously received notice that the specific item or conduct is prohibited.

Disciplinary consequences for violations of subsections A.1, A.2 and A.6, above, shall be consistent with Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific

range of consequences that may be imposed on a student for violations of these subsections.

Violations of subsections A.3, A.4, A.5 and A.7, above, are violations of both this policy and other board policies. Disciplinary consequences for such violations shall be consistent with Section D of policy 4300 and the specific range of consequences listed in the Code of Student Conduct for the other board policy violated. That the violation was gang-related shall be an aggravating factor when determining the appropriate consequences.

In a situation where a student has violated this policy or is otherwise suspected of gang affiliation through other circumstantial evidence, the principal shall conduct an intervention involving the principal and/or assistant principal, the student and the student's parent. Such intervention also may include the school resource officer and others as appropriate. The purpose of an intervention is to discuss school officials' observations and concerns and to offer the student and his or her parents information and an opportunity to ask questions or provide other information to the school officials.

This policy shall be applied in a non-discriminatory manner based on the objective characteristics of the student's conduct in light of the surrounding circumstances.

Legal References: G.S. 115C-390.2

Cross References: Student Behavior Policies (policy 4300), Student Dress Code (policy 4316), Theft, Trespass and Damage to Property (policy 4330), Assaults, Threats and Harassment (policy 4331), Criminal Behavior (policy 4335)

Adopted:

THEFT, TRESPASS AND DAMAGE TO PROPERTY

Policy Code: *DRAFT* **4330**

The board will not tolerate theft, trespass and/or damage to property by any student. Any student engaging in ~~exhibiting~~ such behavior will be removed from the classroom or school environment for as long as is necessary to provide ~~ensure~~ a safe and orderly environment for learning. ~~The superintendent is responsible for ensuring that consequences for prohibited behaviors are uniformly applied throughout the school district. Except where certain consequences for misbehavior are required by law, principals in the elementary grades are expected to use good judgment and reasonable discretion in determining the appropriate consequence for violation of board policies, school standards or rules.~~

A. PROHIBITED BEHAVIOR ~~THEFT~~

1. Theft ~~Prohibited Behavior~~

   Students are prohibited from stealing or attempting to steal school or private property, and/or from knowingly being in possession of stolen property.

~~2.~~ Damage to Property ~~Consequences~~

   Students are prohibited from stealing or attempting to steal school or private property and/or from knowingly being in possession of stolen property.

3. Trespass

   Students are prohibited from trespassing on school property. A student will be considered a trespasser and may be criminally prosecuted in any of the following circumstances:

   a. the student is on the campus of a school to which he or she is not assigned during the school day without the knowledge and consent of the officials of that school.

   b. The student is loitering at any school after the close of the school day without any specific need or supervision:

c. The student has been suspended from school but is on the property of any school during the suspension period without the express permission of the principal.

~~Violation of this policy may result in short-term suspension up to ten days, long-term suspension, or expulsion. The procedures for long-term suspension or expulsion are provided in board policy 4353, Long-Term Suspension, 365 Days Suspension, Expulsion. A determination of the appropriate consequence will be made in accordance with the provisions of that policy. Placement in an alternative educational setting may be made instead of suspension in accordance with policy 3470/4305.~~

B. CONSEQUENCES ~~DAMAGE TO PROPERTY~~

The disciplinary consequences for violations of this policy shall be consistent with Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy.

~~1. Prohibited Behavior~~

~~Students are prohibited from damaging or attempting to damage any school property or private property at any time when board policies are applicable as defined in board policy 4300, Student Behavior Policies.~~

~~2. Consequences~~

~~Violation of this section may result in short-term suspension up to ten days, long-term suspension, or expulsion. The procedures for long-term suspension or expulsion are provided in board policy 4353, Long-Term Suspension, 365 Days Suspension, Expulsion. A determination of the appropriate consequence will be made in accordance with the provisions of that policy. Placement in an alternative educational setting may be made instead of suspension in accordance with policy 3470/4305.~~

~~C. TRESPASS~~

~~1. Prohibited Behavior~~

- ~~a student who is on the campus of a school to which he or she is not assigned during the school day without the knowledge and consent of the officials of the school the student is visiting;~~
- ~~any student who loiters at any school after the close of the school day~~
- ~~without specific need or supervision; or~~
- ~~any student who has been suspended from school who appears on the property of any school during the suspension period without the express permission of the principal.~~

~~2. Consequences~~

~~Consequences for engaging in prohibited behavior will be provided in accordance with the school's student behavior management plan (see board policy 4302, School Plan for Management of Student Behavior).~~

Legal Reference: G.S. 14-60, -87, -87.1, -132, -132.2; 115C-47, -276(r), -288, -307, -390.2~~, -391~~

Cross Reference: ~~Alternative Schools (policy 3470/4305),~~ Student Behavior Policies (policy 4300). ~~School Plan for Management of Student Behavior (policy 4302),~~ Integrity and Civility (policy 4310), Criminal Behavior (policy 4335)~~, Long-Term Suspension, 365 Days Suspension, Expulsion (policy 4353)~~

Adopted: April 10, 2000
Updated: May 4, 2000
Update:

ASSAULTS, THREATS AND HARASSMENT

Policy Code: **DRAFT 4331**

The board will not tolerate assaults, threats or harassment from any student. Any student ~~exhibiting~~ engaging in such behavior will be removed from the classroom or school environment for as long as is necessary to provide a safe and orderly environment for learning. ~~Except when certain consequences for misbehavior are required by law, principals in the elementary grades are directed to use good judgment and reasonable discretion in determining the appropriate consequence for violation of board policies, school standards or rules.~~

A. PROHIBITED BEHAVIOR ~~ASSAULT, INJURY~~

1. Assault ~~Prohibited Behavior~~

   Students are prohibited from assaulting, physically injuring, attempting to injure or intentionally behaving in such a way as could reasonably cause injury to any other person. Assault includes engaging in a fight.

2. Threatening Acts ~~Consequences~~

   Students are prohibited from directing toward any other person any language that threatens force, violence or disruption, or any sign or act that constitutes a threat of force, violence or disruption.

   Bomb and terrorist threats are also addressed in policy 4333, Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety.

2. Harassment

   Students are prohibited from engaging in or encouraging any form of harassment, including bullying of students, employees or other individuals on school grounds or at school-related functions. Harassment is unwanted, unwelcome and uninvited behavior that demeans, threatens or offends the victim and results in a hostile environment for the victim. The hostile environment may be created through pervasive or persistent misbehavior or a single incident if sufficiently severe.

   Harassment and bullying are further defined in policy 1710/4021/7230, Prohibition Against Discrimination, Harassment and Bullying. Complaints of harassment will be investigated pursuant to policy 1720/4015/7225,

Discrimination, Harassment and Bullying Complaint Procedure. For incidents of misbehavior that do not rise to the level of harassment, see policy 4310, Integrity and Civility, which establishes the expectation that students will demonstrate civility and integrity in their interactions with others.

B. CONSEQUENCES

The disciplinary consequences for violations of this policy shall be consistent with Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy.

A student who is long-term suspended or reassigned to alternative education services as a result of assaulting or injuring a teacher shall not return to that teacher's classroom without the teacher's consent.

~~a. General Consequences~~

~~Violation of this section may result in short-term suspension up to 10 days, long-term suspension, 365 days suspension or expulsion. The procedures for long-term suspension or expulsion are provided in board policy 4353, Long-Term Suspension, 365 Days Suspension, Expulsion. A determination of the appropriate consequence will be made in accordance with the provisions of that policy except as otherwise provided below. Placement in an alternative educational setting may be made instead of suspension in accordance with policy 3470/4305 Alternative Learning Programs/Schools, and/or as provided in Ssections A.2.b and A.2.c of this policy.~~

~~b. Consequences for Serious Assaults on School Personnel~~

~~Any student who is found by the superintendent to be at least 13 years of age and to have physically assaulted and seriously injured school personnel must be removed to an alternative educational setting in accordance with G.S. 115C-391(d2). If an appropriate alternative educational setting is not available, the superintendent, upon recommendation of the principal, must suspend the student for no less than 300 days but no more than 365 days. A student may also be expelled for assaultive conduct when his or her behavior constitutes a clear threat to the safety of others. The~~

principal shall make recommendations to the superintendent regarding placement decisions and the recommended length of the placement or the suspension, within the limits established by law, based at least in part upon recommendations of the principal of the alternative school. This section does not apply when the student was acting in self-defense.

c. Consequences for Certain Physical Assaults of Adults and Students

Upon the recommendation of the principal, the superintendent may remove a student to an alternative educational setting if the student is at least 13 and has:

(1) physically assaulted a teacher or other adult who is not a student;
(2) physically assaulted another student if the assault is witnessed by school personnel; or
(3) physically assaulted and seriously injured another student.

This section applies to behavior that occurs on school property or at a school-sponsored or school-related event. It does not apply when a student was acting in self-defense. If no appropriate alternative educational setting is available, the superintendent may suspend the student for up to 365 days. A student may also be expelled for assaultive conduct when his or her behavior constitutes a clear threat to the safety of others. The principal will make recommendations to the superintendent regarding placement decisions and the recommended length of the placement or suspension, within the limits established by law.

If the student is under age 13, the consequences for assault will be determined in accordance with the general guidelines in policy 4353, Long-Term Suspension, 365 Day Suspension, Expulsion, and the school behavior management plan (see policy 4302, School Plan for Management of Student Behavior).

B. THREATENING ACTS

1. Prohibited Behavior

Students are prohibited from directing toward any other person any language that threatens force, violence or disruption, or any sign or act that constitutes a threat of force, violence or disruption.

2. Consequences

Violation of this section may result in short-term suspension up to 10 days, long-term suspension, or expulsion. The procedures for long-term suspension or expulsion are provided in policy 4353, Long-Term Suspension, 365 Days Suspension, Expulsion. A determination of the appropriate consequence will be made in accordance with the provisions of that policy. Placement in an alternative educational setting may be made instead of suspension in accordance with policy 3470/4305, Alternative Learning Programs/Schools. Consequences for bomb and terrorist threats are addressed in policy 4333, Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety and may include a 365 day suspension.

C. HARASSMENT

1. Prohibited Behavior

Students are prohibited from engaging in or encouraging any form of harassment against students, employees or any other individuals on school grounds or at school-related functions. Harassment is unwanted, unwelcomed and uninvited behavior that demeans, threatens or offends the victim and results in a hostile environment for the victim. The hostile environment may be created through pervasive or persistent misbehavior or a single incident if sufficiently severe. Harassment and bullying are further defined in policy 1710/4021/7230, Prohibition Against Discrimination, Harassment and Bullying.

2. Consequences

Complaints of harassment will be investigated pursuant to policy 1720/4015/7225, Discrimination, Harassment and Bullying Complaint Procedure. Incidents of misbehavior that do not rise to the level of harassment may violate policy 4310, Integrity and Civility, which establishes an expectation that students will demonstrate civility and integrity in their interactions with others. The consequences for harassment will be decided pursuant to policy 1745/4027 and will be more severe than for violations of the standards of integrity and will be decided

~~pursuant to policy 1720/4015/7225, Consequences may include disciplinary action up to and including expulsion, as appropriate.~~

Legal Reference: G.S. 14-33, -34 through ~~o~~ -34.2; 115C-47, -276(r), -288, -307, -390.2, -390.7 ~~-391~~

Cross Reference: Prohibition Against Discrimination, Harassment and Bullying (policy 1710/4021/7230), Discrimination, Harassment and Bullying Complaint Procedure (policy 1720/4015/7225, Student Behavior Policies (policy 4300), ~~Alternative Learning Programs/Schools (policy 3470/4305), School Plan for Management of Behavior (policy 4302),~~ Integrity and Civility (policy 4310), Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety (policy 4333~~), Long-Term Suspension, 365 Days Suspension, Expulsion (policy 4353)~~

Adopted: April 10, 2000
Updated: May 4, 2009
Updated: August 3, 2010
Updated:

The board will not tolerate the presence of weapons or destructive devices, bomb or terrorist threats or actions that constitute a clear threat to the safety of students or ~~and~~ employees. Any student who violates ~~ing~~ this policy will be removed from the classroom or school environment for as long as necessary to provide a safe and orderly environment for learning. ~~Except in cases when certain consequences for misbehavior are required by law, principals in the elementary grades are directed to use good judgments and reasonable discretion in determining the appropriate consequence for violation of board policies, school standards or school rules.~~

A. PROHIBITED BEHAVIOR ~~WEAPONS AND WEAPON-LIKE ITEMS~~

1. Weapons and Weapon-Like Items ~~Prohibited Behavior~~

Students are prohibited from possessing, handling, using or transmitting, whether concealed or open, any weapon, or any instrument that reasonably looks like a weapon or could be used as a weapon. Weapons include all of the following:

- loaded and or unloaded firearm, including guns, pistols ~~or~~ and rifles;
- ~~explosives, including a~~ destructive devices, as described in subsection B.2 of this policy, including explosives, such as dynamite cartridges, bombs, grenades or mines;
- knives, including pocket knives, bowie knives, switchblades, dirks and ~~or~~ daggers;
- slingshots and ~~or~~ slungshots;
- leaded canes;
- blackjacks;
- metal knuckles;
- BB guns;
- air rifles and ~~or~~ air pistols;
- stun guns and ~~or~~ other electric shock weapons, such as tasers
- icepicks;
- razors and ~~or~~ razor blades (except solely for personal shaving);
- fireworks; and
- any sharp pointed or edged instrument except unaltered nail files and clips and tools used solely for preparation of food, instruction and maintenance.

Examples of other objects that may be considered weapons are box

cutters and other types of utility blades and blowguns.

No student may knowingly or willfully cause, encourage or aid any ~~o~~ther student to possess, handle or use any of the weapons or weapon-like items listed above. A student who finds a weapon or weapon-like item, who witnesses another student or other person~~s~~ with such an item~~s~~, or becomes aware that another student or other person~~s~~ intends to possess, handle or use ~~such~~ an item~~s~~, must notify a teacher or the principal immediately.

This section does not apply to board-approved and –authorized activities for which the board has adopted appropriate safeguards to protect student safety. ~~pupils who are members of the Reserve Officer Training Corps and who are required to carry arms or weapons in the discharge of their official class duties; nor does this section apply to weapons used in school-approved instruction or ceremonies.~~

2. Bomb Threats ~~Consequences~~

Students are prohibited from making, aiding and/or abetting in making a bomb threat or perpetrating a bomb hoax against school system property by making a false report that a device designed to cause damage or destruction by explosion, blasting or burning is located on school property.

No student may knowingly or willfully cause, encourage or aid another student to make a bomb threat or perpetrate a bomb hoax. Any student who becomes aware that another student or antoher person intends to use a bomb, make a bomb threat or perpetrate a bomb hoax must notify a teacher or the principal immediately.

3. Terrorist Threats

Students are prohibited from making, aiding, conspiring and/or abetting in making a terrorist threat or perpetrating a terrorist hoax against school system property by making a false report that a device, substance or material designed to cause harmful or life-threatening injury to another person is located on school property.

No student may knowingly or willfully cause, encourage or aid another student to make a terrorist threat or perpetrate a terrorist hoax. Any student who becomes aware that another student or other person intends

to use a device, substance or material designed to cause harmful or life-threatening illness or injury to another person, make a terrorist threat or perpetrate a terrorist hoax must notify a teacher or the principal immediately.

4. Clear Threats to Student and Employee Safety

Students are prohibited from engaging in behavior that constitutes a clear threat to the safety of other students or employees. Behavior constituting a clear threat to the safety of others includes, but is not limited to:

a. theft or attempted theft by a student from another person by using or threatening to use a weapon;

b. the intentional and malicious burning of any structure or personal property, including any vehicle;

c. an attack or threatened attack bya student against another person wherein the student uses a weapon or displays a weapon in a manner found threatening to that person.

d. an attack by a student on any employee, adult volunteer or other student that does not result in serious injury but that is intended to cause or reasonably could cause serious injury;

e. an attack by a student on another person whereby the victim suffers obvious severe or aggravated bodily injury, such as broken bones, loss of teeth, possible internal injuries, laceration requiring stitches, loss of consciousness, or significant bruising or pain; or whereby the victim requires hospitalization or treatment in a hospital emergency room as a result of the attack;

f. any intentional, highly reckless or negligent act that results in the death of another person;

g. confining, restraining or removing another person from one place to another, without the victim's consent or the consent of the victim's parent, for the purpose of committing a felony of for the purpose of holding the victim as a hostage, for ransom, or for use as a shield;

h. the possession of a weapon on any school property, including in a

vehicle, with the intent to use or transmit for another's use or possession in a reckless manner so tht harm is reasonably foreseeable;

i. taking or attempting to take anything of value from the care, custody or control of another person or persons, by force, threat of force, or violence, or by putting the victim in fear;

j. any unauthorized and unwanted intentional touching, or attempt to touch, by one person of the sex organ of another, including the breast of the female and the genital areas of the male and female;

k. the possession, manufacture, sale or delivery, or any attempted sale or delivery, of a controlled substance in violation of Chapter 90 of the North Carolina General Statutes;

l. any behavior resulting in a felony conviction on a weapons, drug, assault or other charge that implicates the safety of other persons; and

m. any other behavior that demonstrates a clear threat to the safety of others in the school environment.

B. CONSEQUENCES

~~a.~~1. General Consequences

The disciplinary consequences for violations of this policy shall be consistent with Section D, of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy.

~~Violation of this section may result in short-term suspension up to 10 days, long-term suspension, 365 days suspension or expulsion. The procedures for suspension or expulsion are provided in board policy 4353, Long-Term Suspension, 365 Days Suspension, Expulsion. A determination of the appropriate consequence for firearms/explosives violations will be made in accordance with the provisions of that policy. Placement in an alternative educational setting may be made instead of suspension in accordance with policy 3470/4305, Alternative Learning Programs/Schools~~.

~~b. Consequences for Firearms/Explosives Violations~~

2. Specific Consequences Mandated by Law

As required by law, a student who brings or possesses a firearm or ~~powerful explosive~~ destructive device on school property or at a school-sponsored ~~curricular or extracurricular activity~~ event must be suspended for 365 days, unless the superintendent modifies, in writing, the required 365-day suspension for an individual student on a case-by-case basis ~~recommends and the board approves a modification~~. The superintendent shall not impose a 365-day suspension if the superintendent determines that the student (1) took or received the firearm or destructive device from another person at school or found the firearm or destructive device at school, (2) delivered or reported ther firearm or destructive device as soon as practicable to a law enforcement officer or school personnel and (3) had no intent to use the firearm or destructive device in a harmful or threatening way.

For the purpose of this subsection, ~~A~~ a firearm is (1) a weapon, including ~~es~~ any starter gun that will, is designed to or may readily be converted to expel a projectile by the action of an explosive, (2) the frame or receiver of any such weapon or (3) any firearm muffler or firearm silencer. ~~rifle, pistol or other weapon used for firing a projectile by means of an explosive charge.~~ A firearm does not include an inoperable antique firearm, a BB gun, a stun gun, an air rifle or an air pistol. For the purposes of this subsection, a destructive device is an explosive, incendiary or poison gas (1) bomb, (2) grenade, (3) rocket having a propellant charge of more than four ounces, (4) missile having an explosive or incendiary charge of more than one-quarter ounce, (5) mine or (6) similar device. ~~A powerful explosive includes a dynamite cartridge, blasting cap, trinitrotoluene (TNT), nitroglycerin, grenade or mine.~~

~~A student who possesses a firearm or powerful explosive on school property also will be referred to the criminal justice or juvenile justice system. For purposes of the subsection, "school property" includes any public school building, bus public school campus, grounds, recreational area or athletic field in the charge of the principal.~~

A student may not be suspended for 365 days for a weapons violation except in accordance with this subsection.

~~**B. BOMB THREATS**~~

~~1. Prohibited Behavior~~

~~Students are prohibited from making, aiding and/or abetting in making a bomb threat or perpetrating a bomb hoax against school district property by making a false report that a device designed to cause damage or destruction by explosion, blasting or burning is located on school property.~~

~~No student may knowingly or willfully cause, encourage or aid another student to make a bomb threat or perpetrate a bomb hoax. Any student who becomes aware that another student or other person intends to use a bomb, make a bomb threat or perpetrate a bomb hoax must notify a teacher or the principal immediately.~~

~~2. Consequences~~

~~As required by law, the board shall suspend for 365 days any student who:~~

~~a. makes a false report that there is a bomb or bomb-like device located on school property or at a school-related or school-sponsored activity; or~~

~~b. conceals, places or displays a device on school property or at a school-related or school-sponsored activity with the intent to cause others to believe the device is a bomb.~~

~~Upon the superintendent's recommendation, the board may modify the suspension. A student who violates this section also will be referred to the criminal justice and/or juvenile justice system.~~

~~**C. TERRORIST THREATS**~~

~~1. Prohibited Behavior~~

~~Students are prohibited from making, aiding, conspiring and/or abetting in~~

making a terrorist threat or perpetrating a terrorist hoax against school system property by making a false report that a device, substance or material designed to cause harmful or life-threatening injury to another person is located on school property.

No student may knowingly or willfully cause; encourage or aid another student to make a terrorist threat or perpetrate a terrorist hoax. Any student who becomes aware that another student or other person intends to use a device, substance or material designed to cause harmful or life-threatening illness or injury to another person, make a terrorist threat or perpetrate a terrorist hoax must notify a teacher or the principal immediately.

2. Consequences

As required by law, the board or superintendent will suspend for 365 days any student who:

a. makes a false report that there is a device, substance or material designed to cause harmful or life-threatening illness or injury to another person located on school property or at a school-related or school-sponsored activity;

b. conceals, places, disseminates or displays a device, machine, instrument, artifact, letter, package material or substance on school property or at a school-related or school-sponsored activity with the intent to cause others to believe the device is a substance or material capable of causing harmful or life-threatening illness or injury to another person.

c. threatens to commit on school property or at a school-related or school-sponsored activity an act of terror that is likely to cause death, with the intent to cause a significant disruption to the instructional day or school-sponsored activity or which actually causes such disruption;

d. makes a false report that there is about to occur or is occurring on school property or at a school-related or school-sponsored activity an , act of terror that is likely to cause serious injury or death with the intent to cause a significant disruption to the instructional day or school-sponsored activity or which actually causes such disruption; or

e. conspires to commit any of the above-described acts.

Upon the superintendent's recommendation, the board may modify the suspension. A student who violates this section also will be referred to the criminal justice and/or juvenile justice system.

D. CLEAR THREATS TO SAFETY OF STUDENTS AND EMPLOYEES

1. Prohibited Behavior

Students are prohibited from engaging in behavior that constitutes a clear threat to the safety of other students or employees. Behavior constituting a clear threat to the safety of others includes, but is not limited to:

a. theft or attempted theft by a student from another person by using, or threatening to use, a weapon;

b. the intentional and malicious burning of any structure or personal property, including vehicles;

c. an attack, or threatened attack, by a student against another person wherein the student uses a weapon or displays it in a manner found threatening to that person;

d. an attack by a student on any employee, adult volunteer, or another student which does not result in serious injury but which is intended to cause or reasonably could cause serious injury;

e. an attack by a student upon another person whereby the victim suffers obvious severe or aggravated bodily injury such as broken bones, loss of teeth, possible internal injuries, laceration requiring stitches, loss of consciousness, significant bruising or pain, or the victim requires hospitalization or treatment at a hospital emergency room as a result of the attack;

f. any intentional, highly reckless or negligent act that results in the death of another person;

g. confining, restraining, or removing another person from one place to another, without the victim's consent, or the consent of the victim's parents, for the purpose of committing a felony, or for the

purpose of holding the victim as a hostage or for ransom or for use as a shield;

h. possession of a weapon on any school property, including in vehicles;

i. the taking or attempting to take anything of value from the care, custody or control of another person or persons, by force, threat of force, or violence, or by putting the victim in fear;

j. any unauthorized and unwanted intentional touching, or attempt to touch, by one person of the sex organ of another, including the breasts of the female and the genital areas of the male and female.

k. the possession, manufacture, sale, or delivery, or any attempted sale or delivery, of a controlled substance in violation of Chapter 90 of the General Statutes;

l. any behavior resulting in a felony conviction on a weapons, drug, assault or other charge that implicates the safety of other persons; and

m. any other behavior that demonstrates a clear threat to the safety of others in the school environment.

2. Consequences

a. General Consequences

Violation of this section may result in long-term suspension or expulsion. In addition, violations that otherwise constitute bomb or terrorist threats under Section B or C of this policy or firearms/explosives violations under Section A.2.b of this policy may result in a 365 day suspension. The procedures for long- term suspension or expulsion are provided in board policy 4353, Long-Term Suspension, 365 Days Suspension, Expulsion. A determination of the appropriate consequence will be made in accordance with the provisions of that policy. Placement in an alternative educational setting may be made instead of suspension or expulsion in accordance with policy 3470/4305, Alternative Learning Programs/Schools.

~~b. Expulsion~~

~~Upon the recommendation of the superintendent, the board may expel a student who is fourteen years of age or older if the student's behavior indicates that his or her continued presence in school constitutes a clear threat to the safety of other students or employees. In determining whether expulsion is appropriate, the board will consider the culpability of the student, the dangerousness of the student and the harm caused by the student, in accordance with policy 4353, Long-Term Suspension, 365 Days Suspension, Expulsion.~~

~~The board may also expel a student who is subject to and in Accordance with policy 4260 Student Sex Offenders~~.

Legal Reference: Gun-Free Schools Act 20 U.S.C. 7151; G.S. 14-17 to -18, -27.2 through ~~o~~ -27.5A, -32, -33, -34 through ~~o~~ -34.2, -41, -60, -69.1, -69.2, -87, -87.1, -132, -132.2, -202.2 ~~1~~, -208.18, -269.2; -277.5; ch. 90, art. 5; 115C-47, -276(r), -288(g), -307, -390 .1, -390.2 -390.10 ; State Board of Education Policy HRSS-A-002

Cross Reference: ~~Alternative Learning Programs/Schools (policy 3470/4305),~~ Student Sex Offenders (policy 4260), Student Behavior Policies (policy 4300), Integrity and Civility (policy 4310), Disruptive Behavior (policy 4315), Theft, Trespass and Damage to Property (policy 4330), Assaults, Threats and Harassment (policy 4331), Criminal Behavior (policy 4335~~), Long-Term Suspension, 365 Days Suspension, Expulsion (policy 4353)~~

Adopted: April 10, 2000
Revised: January 12, 2009
Updated:

The board is committed to creating a safe, orderly environment for students and employees. Principals are authorized and responsible for investigating conduct that may violate a board policy ies, school standards or school rules or the Code of Student Conduct.

All employees and students, including students alleged to have engaged in misconduct, are expected to respond fully and truthfully to any questions or issues raised in the course of the investigation and any other related proceedings.

Any student who has violated s a board policy, or school standards, or school rules or the Code of Student Conduct must accept the consequences for his or her the misbehavior. All cConsequences must be administered in a fair and nondiscriminatory manner.

The school administrator shall take the following steps in addressing all cases of alleged misbehavior appropriately referred to his or her office:

1. investigate the facts and circumstances related to the alleged misbehavior;

2. offer the student an opportunity to be heard on the matter; and

3. determine whether a board policy, or school standards, or school rules or the Code of Student Conduct has ve been violated.

If a violation has occurred, the school administrator shall implement an appropriate consequence in accordance with the school's plan for managing student behavior, the Code of Student Conduct, or applicable board policy. Parents or guardians are to be notified and involved in accordance with policy 4341, Parental Involvement in Student Behavior Issues.

When the misbehavior may result in a suspension or an expulsion from school, procedures provided in related board policies also will apply. See policy 4351, Short-Term Suspension, and policy 4353, Long-Term Suspension, 365-Day Suspension, Expulsion.

A student child with disabilities recognized by Section 504 of the 1973 Rehabilitation Act or the Individuals with Disabilities Education Act (IDEA) will be accorded all rights granted by federal and state laws and regulations (see policy 4307, Disciplinary Action for Exceptional Children/Students with Disabilities).

Legal References: Americans with Disabilities Act, 42 U.S.C., 1213*1 et seq.* 4, 28. C.F.R. pt. 35; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et. seq*., 34 C.F.R. pt. 300; Rehabilitation Act of 1973, 29 U.S.C., 705(20), 794, 34 C.F.R. pt. 104; G.S. 115C, art. 9; 115C-47, -288, -390.4, -390.5, -390.6, -390.7, -390.8, -390.10, 390.11 ~~-391~~; *Policies Governing and Services for Children with* Disabilities, State Board of Education Policy ~~HSP~~ GCS-D-000.

Cross References: Student Behavior Policies (policy 4300), School Plan for Management of Student Behavior (policy 4302), Disciplinary Action for Exceptional Children/Students with Disabilities (policy 4307). Parental Involvement in Student Behavior Issues (policy 4341), Student Searches (policy 4342) Short-Term Suspension (policy 4351), Long-Term Suspension, 365 Days Suspension, Expulsion (policy 4353)

Adopted: April 10, 2000
Updated: May 4, 2009
Updated:

PARENTAL INVOLVEMENT IN STUDENT BEHAVIOR ISSUES

Policy Code: **DRAFT** **4341**

The board recognizes the need for parents and guardians to work with schools employees in helping students to learn and practice acceptable standards of behavior. School employees are directed to encourage parents to participate in discussions on effective strategies for correcting misbehavior and appropriate consequences for violations of board policies, the Code of Student Conduct, and other school standards and rules.

School employees personnel are expected, as a part of their school's student behavior management plan, to identify strategies that involve parents. At a minimum, the plan must provide for inviting parents to conferences whenever there are repeated violations of board policies, the Code of Student Conduct, school standards or rules or whenever there is a serious violation that may result in removing the student from his or her regular educational environment for any extended period of time. Parents also have the right to inspect or obtain copies of student records as provided in board policy 4700, Student Records.

When the principal decides to impose a short-term suspension, the principal shall:

1. Notify the parent in accordance with Section C of policy 4351, Short-Term Suspension before or as soon as is reasonably feasible after imposing any suspension, notify the parent of (1) the nature of the misbehavior ;(2) the board policy, school standard or rule that was violated; and (3) the consequence that may be or has been imposed;

2. maintain documents and relevant information that he or she receives about the misbehavior for review with the parent, taking into account the rights of other students or staff that may be involved;

3. make reasonable efforts, if appropriate, to meet with the parent before or at the time the student returns to school after any suspension; and

4. make available a copy of this policy, the Code of Student Conduct, and all other applicable board policies, school standards and rules;

When a short-term suspension has been imposed, the principal shall inform the parent of the student's rights under board policies 4351, Short-Term Suspension, and 4360, Appeals of Consequences No Greater than Short-Term Suspension.

When the principal decides to recommend a long-term suspension, a 365- day suspension or an expulsion, the principal shall inform the parent of the student's

rights as outlined ~~described~~ in policy 4353, Long-Term Suspension, 365- Day Suspension, Expulsion, If English is the second language of the parent or guardian, the principal shall provide the notice in English ~~as well as~~ and also in the parent's or guardian's first language when the appropriate foreign language resources are available.

All records of parental contact should be maintained in the student's records and retained at least through the end of the school year.

Legal References: G.S. 115C-47, -390.5, -390.6, -390.7, -390.8, -390.10, -390.11 ~~-391~~

Cross References: Parental Involvement (policy 1310/4002), Short-Term Suspension (policy 4351), Long-Term Suspension, 365 Day Suspension, Expulsion (policy 4353), Student Records (policy 4700)

Adopted: April 10, 2000
Updated: May 4, 2009
Updated: August 3, 2010
Updated:

A. The principal shall retain in each ~~the~~ student's file, either in paper or electronic form, all records related to violations of board policies, the Code of Student Conduct, school standards or school rules

As required by law, the superintendent shall maintain the following data on each student who was suspended for more than 10 days, reassigned for disciplinary reasons, ~~or~~ expelled or to whom corporal punishment was administered: race, gender, age, grade level, ethnicity, disability status, ~~the~~ type of incident or offense, ~~the~~ duration of the suspension, whether ~~an~~ alternative education services were ~~was considered or~~ provided, and whether the student had multiple suspensions in that academic year.

As secretary to the board, the superintendent also shall maintain records from the board'sconsiderations of 365- day suspensions and expulsions and any readmission reconsiderations of 365-day suspensions and expulsions.

The superintendent shall ensure that data on disciplinary incidents is reported using the North Carolina Window on Education (NC WISE) system in accordance with State Board of Education policies and procedures.

B. DISCLOSURE OF RECORDS

Confidential student records concerning conduct that posed a significant safety risk to the student or others in the school community may be disclosed to teachers and school officials, including teachers and school officials in other schools, who have legitimate educational interests in the behavior of the student.

C. REMOVAL OF RECORDS

1. End of Year Removal

The following types of discipline records may not be removed from student records, electronic files or databases at the end of the school year:

a. notice of any suspension for a period of more than10 days and the record of the conduct for which the student was suspended;

b. notice of any expulsion under G.S. 115C-390.11 ~~391~~ and the record of the conduct for which the student was expelled; and

c. any records (including of in-school suspension or short-term

a. suspensions) that need to be maintained in order to be able to serve the student appropriately or to protect the safety of others.

2. Expunging Records

The superintendent or designee shall expunge any records ~~regarding~~ of suspensions for a period of more than 10 days or expulsion if the following criteria are met:

a. A request that the record be expunged is made to the superintendent or designee by the student's parent or guardian, or by the student if the student is at least 16 years old or is emancipated.

b. The student either graduates from high school or is not suspended or expelled again during the two-year period commencing on the date of the student's return to school after the expulsion or suspension; and

c. The superintendent or designee determines that the maintenance of the record is no longer needed to adequately serve the child or to maintain safe and orderly schools.

In addition, the superintendent may expunge any notice of suspension or expulsion from a student's official record ~~any notice of suspension or expulsion~~ provided criteria b and c above are met.

This section is not intended to limit parents' right to request removal of information from a student's record under board policy 4700, Student Records.

Legal Reference: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g(h), 34 C.F.R. 99.31, 99.36; G.S. 115C-47, -276(r), -390.4, -390.7, -390.8, -390.10, -390.11, -390.12~~-391~~, -402

Cross Reference: Theft, Trespass and Damage to Property (policy 4330); Assaults, Threats and Harassment (policy 4331); Weapons, Bomb Threats, Terriorist Threats and Clear Threats to Safety (policy 4333); Long-Term Suspension, 365-Day Suspension, Expulsion (policy 4353), Student Records (policy 4700)

Adopted: April 10, 2000 Updated: May 4, 2009 Updated:

A short-term suspension is the disciplinary exclusion of a student from attending his or her assigned school for up to 10 school days. ~~denial to a student of the right to attend school and to take part in any school function for any period of time up to and including ten consecutive school days~~. A short-term suspension does not include (1) the removal of a student from class by the classroom teacher, the principal or other authorized school personnel for the remainder of the subject period or for less than one-half of the school day ~~and/~~or changing the student's location to another room or place on the school premises. A student who is placed on a short-term suspension will not be permitted to be on the school property or to take part in any school function during the period of suspension without prior approval of the principal.

The principal or designee has the authority to determine when a short-term suspension is an appropriate consequence and to impose the suspension, so long as all relevant board policies are followed.

In accordance with G.S. 115C-390.6(e) and 115C-45(c)(1), a student is not entitled to appeal the principal's decision to impose a short-term suspension to either the superintendent or the board unless it is appealable on some other basis.

A. PRE-SUSPENSION RIGHTS OF THE STUDENT

Except in the circumstances described below.~~Before a short-term suspension is imposed~~, a student must be ~~afforded~~ provided with an opportunity for an informal hearing with the principal before a short-term suspension is imposed. The principal may hold the hearing immediately after giving the student oral or written notice of the charges against him or her. At the informal hearing, the student has the right to be present, to be informed of the charges and the basis for the accusations against him or her, and to make statements in defense or mitigation of the charges. ~~the following rights:~~

The principal may impose a short-term suspension without first providing the student with an opportunity for a hearing if the presence of the student (1) creates a direct and immediate threat to the safety of other students or staff or (2) substantially disrupts or interferes with the education of other students or the maintenance of discipline at the school. In such cases, the principal shall give the student notice of the charges and an opportunity for an informal hearing as soon as practicable.

~~1, the student will be given an oral or written notice of the charges or allegations of misconduct against him or her~~

~~2. if the student denies the charges or allegations, the student will be provided an explanation of the evidence school officials have; and~~

~~3. the student will be given an opportunity to present his or her side of the story.~~

After the above procedures have been fulfilled, the principal may then suspend the student for 10 days or less. Any student suspended who is later found to be free of any fault will be permitted to make up any missed school work and will not be penalized in any way because of absence during his or her suspension.

B. A student under a short-term suspension must be provided with the following:

1. The opportunity to take textbooks home for the duration of the suspension;

2. Upon request, the right to receive all missed assignments and, to the extent practicable, the materials distributed to students in connection with such assignments; and

3. The opportunity to take any quarterly, semester or grading period examinations missed during the suspension period.

~~B~~ **C. NOTICE TO PARENT OR GUARDIAN**

~~The principal or designee shall give notice to the student's parent or guardian when a student receives a short-term suspension. The notice will include a description of the student's rights, including the following:~~

~~1. the opportunity to take textbooks home for the duration of the suspension;~~
~~2. the right to inquire about homework assignments for the duration of the suspension; and~~

~~3. and the opportunity to take any quarterly, semester or grading period examinations missed during the suspension period.~~

When imposing a short-term suspension, the principal or designee shall provide the student's parent or guardian with notice that includes the reason for the suspension and a description of the student conduct upon which the suspension is based. The principal or designee must give this notice by the end of the workday during which the suspension is imposed when reasonably ossible, bu in no even more than two days after the suspension is imposed. If English is the second language of the parent, the notice must be provided in English and in the parent's primary language, when the appropriate foreign language resources are readily available. Both versions must be in plain language and easily understandable.

~~Initial notice to the parent that the principal or designee has imposed a short-term suspension may be given by telephone, fax, e-mail or any other method reasonably designed to achieve actual notice to the parent~~. School officials also shall ~~send the parent written notice of the information listed above and~~ maintain a copy of the written notice in the student's educational record.

Multiple short-term suspensions for students with disabilities will be addressed in accordance with the *Policies Governing Services for Children with Disabilities* and other applicable state and federal law., ~~State Board of Education Policy HSP-D-000 and other applicable state and federal law.~~

Legal References: Americans ~~W~~ with Disabilities At, 42 U.S.C. 1213~~4~~1 *et seq.* ~~4~~, 28 C.F.R. pt. 35; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et. seq*., 34 C.F.R. pt. 300; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; G.S. 115C, art. 9; 115C-45(c); 115C-47, -276(r), -288, -307, ~~-390,~~ -39~~0.1~~0.; -390.2, -390.5, -390.6; *Policies Governing Services Disabilities*, State Board of Education Policy HSP-D-000.

Cross References: School Safety (policy 1510/4200/7270), School Plan for Management of Student Behavior (policy 4302), School Level Investigations (policy 4340), Parental Involvement in Student Behavior Issues (policy 4341), Removal of Student During the Day (policy 4352), ~~Appeals of Consequences No Greater Than Short-Term Suspension (policy 4360)~~

Adopted: April 10, 2000
Updated: May 4, 2009
Updated:

The principal is authorized to impose out-of-school short-term suspensions in accordance with board policy.

The principal may remove from school grounds a student ~~from school grounds~~ who has been suspended during the school day, under any of the following circumstances:

1. the parent ~~or guardian~~ has been ~~is~~ notified and is able to make arrangements for the student to leave the school or agrees to the student's using public transportation or driving himself or herself home;

2. the parent ~~or guardian~~ has been ~~is~~ notified and is available to receive the student and the principal is able to provide transportation from the school to the home; or

3. the principal involves law enforcement in the removal of the student from school grounds because such ~~this~~ action is necessary to provide a safe, orderly school environment.

If none of these circumstances exists, the suspension will begin on the next school day.

Legal References: G.S. 115C-47, -288, -390.3, -390.5, ~~-391~~, -391.1

Cross References: Short-Term Suspension (policy 4351) ~~, Long-Term Suspension, 365 Day Suspension, Expulsion (policy 4353)~~

Adopted: April 10, 2000
Updated: May 4, 2009
Updated:

A. DEFINITIONS

1. Superintendent

   For purposes of this policy, superintendent includes the superintendent and the superintendent's designee.

2. Principal

   For purposes of this policy, principal includes the principal and the principal's designee.

~~1.~~3. Long-Term Suspension

A long-term suspension is the disciplinary exclusion of a student from attending his or her assigned school for more than 10 school days. Disciplinary reassignment of a student to a full-time educational program that meets the academic requirements of the standard course of study established by the State Board of Education and that provides the student with the opportunity to make timely progress toward graduation and grade promotion is not a long-term suspension requiring the due process procedures set out in this policy.

Upon the recommendation of the principal, the superintendent may impose a long-term suspension on a student who willfully engages in a serious violation of the Code of Student Conduct and the violation either (1) threatens the safety of student, staff or school visitors, or (2) threatens to substantially disrupt the educational environment. The principal may recommend long-term suspension for a minor violation if aggravating circumstances justify treating the student's behavior as a serious violation.

If the offense leading to the long-term suspension occurred before the final quarter of the school year, the exclusion must be no longer than the remainder of the school year in which the offense was committed. If the offense leading to the long-term suspension occurred during the final quarter of the school year, the exclusion may include a period up to the remainder of the school year in which the offense was committed and the first semester of the following school year.

~~a denial to a student of the right to attend school and to take part in any~~

~~school function for any period in excess of 10 school days, up to the remainder of the school year. A long-term suspension may be imposed by the principal upon a student who willfully violates policies of conduct established by the board of education. The principal has the authority to impose a long-term suspension on a student if he or she has received prior approval from the superintendent.~~

~~2.~~4. 365~~-~~ Day Suspension

A 365-day suspension is the disciplinary exclusion of a student from attending his or her assigned school ~~a denial to a student of the right to attend school and to take part in any school function~~ for ~~a full~~ 365 calendar days. The superintendent may impose a 365 -day suspension only for certain ~~weapons and bomb or terrorist threat~~ firearm and destructive device violations, as ~~defined~~ identified in policy 4333, Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety, ~~or for certain types of assaults, described in board policies 4331, Assaults, Threats and Harassment and 4333. Modifications in the 365-day suspension may be made by the board upon the recommendation of the superintendent~~.

~~3.~~5 Expulsion

An expulsion is the indefinite exclusion ~~permanent removal~~ of a student from school enrollment for disciplinary purposes ~~and all the rights and privileges related to school attendance~~. Upon recommendation of the superintendent, the board may expel a ~~A~~ student who is 14 years of age or older ~~may be expelled~~ for misbehavior as provided in board policy ~~ies~~ 4325, Drugs and Alcohol, policy 4330, Theft, Trespass and Damage to Property, policy 4331, Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety, 4333, Assaults, Threats and Harrassment, and ~~4335, Criminal Behavior~~ .if the student's continued presence in school constitutes a clear threat to the safety of other students or employees. Additionally, a ~~A~~ student who is subject to policy 4260, Student Sex Offenders, may be expelled if the student's continued presence in school constitutes a clear threat to the safety of other students or employees.~~as provided in policy 4333. An expulsion may only be imposed by the board.~~ During the expulsion, the student is not entitled to be present on educational property and is not considered a student of the school system.

B. DETERMINATION OF APPROPRIATE CONSEQUENCE

1. Principal's Recommendation

The principal may impose a short-term suspension or any other consequence that is consistent with board policy ~~ies~~ 4351 Short-Term Suspension, ~~and~~ policy 4302, School Plan for Management of Student Behavior, and the Code of Student Conduct. If the principal determines that a suspension of more than ten days (either long-term or 365 day) or expulsion is an appropriate consequence, the principal will propose the discipline penalty based upon a documented review of the student's culpability, dangerousness and the harm caused by the student, plus any other mitigating or aggravating factors the principal finds relevant.

a. Culpability of Student – In assessing ~~T~~ the culpability of the student for his or her behavior, the principal may ~~will be assessed by~~ consider~~ing~~ criteria such as:

1) the student's age;
2) the student's ability to form the intent to cause the harm that occurred or could have occurred; and
3) evidence of the student's intent in engaging in the conduct.

b. Dangerousness of the Student – In assessing ~~T~~ the dangerousness of the student, the principal may ~~will be assessed by~~ consider~~ing~~ criteria such as:

1) the student's disciplinary ~~e~~ record or criminal record related to anti-social behavior or drugs and alcohol;
2) whether a weapon~~s were~~ was involved in the incident and if a weapon was involve, whether the student had the ability to inflict serious injury or death with ~~it~~ the weapon~~(s)~~;
3) evidence of the student's ability to cause the harm that was intended or that occurred; and;
4) whether the student is subject to policy 4260, Student Sex Offenders.

c. Harm Caused by the Student – In assessing the severity of harm caused by the student, the principal may consider criteria such as whether any of the following occurred:

1) someone was physically injured or killed;
2) someone was directly threatened or property extorted through ~~by~~ the use of a weapon;
3) someone was directly harmed, emotionally or psychologically;
4) ~~school~~ educational property or personal property of others was damaged; or
5) students, school employees or parents were aware of the presence of a weapon or of dangerous ~~other~~ behavior on the part of the perpetrator.

After considering the above factors, the principal shall make a recommendation to the superintendent, stating the nature of the offense, the substance of the evidence involved, and the length of suspension recommended. The principal also must consider and make a recommendation as to whether any alternative education services, counseling or other programs should be part of the consequence for violating board policy, the Code of Student Conduct, school standards or school rules.

If the principal recommends a 365-day suspension ~~for firearms and explosives is recommended, the principal~~ he or she must identify the type of firearm or ~~explosive~~ destructive device involved and the ~~specific~~ evidence ~~that~~ substantiating ~~es~~ that the student brought the weapon it to school grounds or to a school activity or possessed it ~~the weapon~~ on school grounds or at a school activity.

If the principal recommends an expulsion ~~is recommended~~, ~~the principal~~ he or she ~~will~~ shall identify the basis for determining that there is clear and convincing evidence that the student's continued presence in school constitutes a clear threat to the safety of other students or employees.

~~The principal also must consider and make a recommendation about any alternative education, counseling, or other program that should be a part of the consequence for violation of the board policy, school standards or rules~~.

2. Notice to the Student's Parent

The principal must provide the student's parent ~~or guardian~~ written notice of the recommendation for long-term suspension, 365 day suspension or expulsion by the end of the workday during which the long-term

suspension or expulsion is recommended, when reasonably possible or as soon thereafter as practicable, ~~but in no event later than the end of the following workday~~. The ~~written~~ notice must be written in plain English and, when appropriate language resources are readily available, also in the parent's narive language. The notice must contain the following ten elements:

a. ~~(1)~~ the notice type, i.e., notice of long-term suspension, 365-day suspension or expulsion;
b. a description of the incident and the student's conduct that lead~~ing~~ to the recommendation;
c. ~~(2)~~ the specific provision(s) of the Code of ~~s~~ Student ~~c~~ Conduct ~~policy or rule~~ that the student allegedly violated;
d. ~~(3) the possible consequences that may be imposed based upon the incident;~~ ~~(4)~~ the specific process by which the parent ~~or guardian~~ may request a hearing to contest the ~~suspension or expulsion~~ decision and the deadline for making the request;
e. ~~(5)~~ the process by which the hearing will be held, including all due process rights to be accorded the student during the hearing;
f. ~~(6)~~ notice of the right to retain an attorney to represent the student in the hearing process;
g. ~~(7)~~ notice that an advocate, instead of an attorney, may accompany the student to assist in the presentation of the appeal; ~~and~~
h. ~~(8)~~ notice of the right to review and obtain the student's educational records prior to the hearing.
i. a reference to policy 4345, Student Discipline Records, regarding the expungement of disciplinary records; and
j. the identity and phone number of a school employee whom the parent may call to obtain assistance in receiving a Spanish translation of the English language information included in the document.*

*This information must be provided on the notice in both English and Spanish

~~2~~.3. Superintendent's Decision

The student or ~~his or her~~ student's parent may request a hearing before the superintendent ~~or designee~~ within three days of receiving ~~pt of~~ notice from the principal regarding the recommendation for long-term suspension, 365- day suspension or expulsion. Any hearing held will follow the hearing procedures

outlined in Section A of policy 4370, Student Discipline Hearing Procedures. A decision will be rendered before the long-term suspension is imposed. If the student of parent makes a timely request for a hearing, ~~T~~ the superintendent ~~or designee will~~ shall confirm that the charges against the student, if substantiated could warrant the recommended disciplinary action and shall ~~notify~~ give the student and parent reasonable notice of the ~~hearing day~~ time and place of the hearing. ~~which any hearing held will follow the hearing procedures outlined in Section A of policy 4370, Student Discipline Hearing Procedures.~~

If neither the student nor parent appears for a scheduled hearing after being given reasonable notice of the time and place of the hearing, the student and parent are deemed to have waived the right to a hearing.

If the student and parent fail to make a timely request for a hearing or if they waive the right to a hearing by failing to appear for a duly scheduled hearing, the superintendent shall review the circumstances of the recommended long-term suspension. Following this review, the superintendent (1) may impose the long-term or 365-day suspension if it is consistent with board policies and appropriate under the circumstances, (2) may impose another appropriate penalty authorized by board policy or (3) may decline to impose any penalty.

If the student or parent requests a postponement of the hearing, or if the request for the hearing is untimely, the hearing will be scheduled, but the student does not have the right to return to school pending the hearing.

Based ~~up~~ on substantial evidence presented at the hearing, ~~relevant documents and any findings from a hearing~~, the superintendent ~~will~~ shall ~~determine~~ decide whether to uphold, modify or reject the principal's recommendation. ~~approve the long-term or 365-day suspension. The superintendent may modify the principal's recommended suspension on a case-by-case basis that includes but is not limited to consideration of whether the student has a disability. The superintendent may also provide for the student to receive alternative educational services that the superintendent deems appropriate.~~

The superintendent ~~or designee~~ shall immediately inform the principal of ~~his or her~~ the decision ~~with~~ regarding ~~to~~ the recommended disciplinary penalty of a long-term or 365- day suspension and, when applicable, of any modifications to the penalty recommended by the principal. ~~All disciplinary penalties may be imposed immediately.~~

The superintendent ~~or designee~~ shall send via certified mail to the student~~'s~~ and

parent. The notice must include: ~~or guardian a copy of the decision, notification about what information will be included in the student's official record, and the procedure for expungement of this information under G.S. 115C-402.~~

a. the basis of the decision with reference to any policies or rules that the student violated;
b. notice of what information will be included in the student's official record pursuant to G.S. 115C-402;
c. notice of the student's right to appeal the decision and the procedures for such appeal;
d. if the decision is to suspend the student for 365 days, notice of the student's right to petition the board for readmission under G.S. 115C-390.12;
e. if applicable, notice that the superintendent or designee is recommending to the board that the student be expelled and any required notifications related to the expulsion if the student did not already receive such notice from the principal or designee; and
f. if the student is to be suspended, notice of the superintendent's or designee's decision on whether to offer alternative education services to the student during the period of suspension, and, as applicable, a description of the services to be offered or the reason justifying the superintendent's or designee's decision to deny such services.

Following the issuance of the decision, the superintendent shall implement the decision by authorizing the student's return to school upon the completion of any short-term suspension or by imposing the suspension reflected in the decision. ~~If the superintendent/ or designee determines that expulsion is appropriate, the superintendent or designee shall submit a recommendation and the basis of the recommendation to the board with any proposal for alternative education. The superintendent shall provide a written copy of the recommendation to the parent or guardian in person or by certified mail.~~

The superintendent shall offer alternative education services to any student who receives a long-term or 365-day suspension unless the superintendent provides a significant or important reason for declining to offer such services. Alternative education services are part-time or full-time programs that provide direct or computer-based instruction to allow the student to progress in one or more core academic courses. Such services may include programs described in policy 3470/4305, Alternative Learning Programs/Schools.

The student may appeal to the board the superintendent's decision not to provide

alternative education services, as permitted by G.S. 115C-45(c)(1). Any appeal to the board must be made in writing within five days of receiving the superintendent's decision. The superintendent shall inform the board chairperson of the request for an appeal and arrange in a timely manner a hearing before the board. In advance of the hearing, the superintendent shall provide to the student and parent and to the board a written explanation for the denial of services along with any documents or other information supporting the decision. The hearing will be conducted pursuant to policy 2500, Hearings Before the Board. The board will provide to the student and parent and to the superintendent written notice of its decision within 30 days of receiving the appeal.

~~3~~.4. Hearings Before the Board

a. Long-Term or 365 Day Suspensions

A student or his or her parent ~~or guardian~~ may appeal an imposed long-term or 365 day suspension. The student or ~~his or her~~ parent ~~or guardian~~ must appeal to the board in writing within three days of receiving the superintendent's decision. The superintendent shall inform the board chairperson of the request for an appeal and shall arrange in a timely manner a hearing before the board. The suspension need not be postponed pending the outcome of the appeal. The hearing will be conducted pursuant to Section B of policy 4370, Student Discipline Hearing Procedures. The board will provide to the student and parent and to the superintendent written notice of its decision not more than 30 calendar days after receiving the appeal.

b. Expulsions

The student or ~~his or her~~ parent ~~or guardian~~ may request a hearing within five days of receiving notice that the superintendent is recommending the student be expelled. The hearing will be scheduled with the board within five days of the superintendent's receipt of the hearing request. The superintendent ~~or designee~~ shall notify the student and parent ~~or guardian~~ of the date, time and place of the hearing. Any appeal of a long-term or 365-day suspension will be addressed in the same hearing. The hearing will be conducted pursuant to Section B of policy 4370.

If a hearing is not requested by the student or parent~~, guardian or student,~~

the superintendent ~~will then~~ shall submit written evidence to support ~~the~~ his or her recommendation to the board. The board may elect to request a hearing or request additional records and documents.

When the board decides to expel a student, the board will document the basis for the board's determination that there is clear and convincing evidence that the student's behavior indicates that the student's continued presence in school constitutes a clear threat to the safety of other students or employees. The board also will consider and make a written determination of whether alternative educational services are to be provided for any expelled student. Regardless of whether alternative educational services are provided by the school district, the board expects the school district to work with other agencies to help the student and parent identify other types of services that may be of assistance to the student. The board will send via certified mail to the student's parent ~~or guardian~~ a copy of the decision, notification about what information will be included in the student's official record, ~~and~~ the procedure for expungement of this information under G.S. 115C-402, and notice of the right to petition for readmission pursuant to G.S. 115C-390.12.

C. EDUCATIONAL SERVICES FOR STUDENTS WITH DISABILITIES DURING LONG-TERM SUSPENSION, 365 -DAY SUSPENSION OR EXPULSION

Students with disabilities recognized by the Individuals with Disabilities Education Act must receive educational services during periods of suspension or expulsion to the extent required by *Policies Governing Services for Children with Disabilities* and state and federal law.

D. REDUCING SUSPENSION AND EXPULSION RATES

Though the board believes that suspension or expulsion may be an appropriate and necessary consequence in certain situations, the board also recognizes that excessive use of suspension and expulsion may have a negative impact on academic achievement and graduation rates. Thus, the board encourages school administrators to find ways to reduce suspension and expulsion rates in the schools.

Legal Reference: U.S. Const. amend. XIV, § 1; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq*., 34 C.F.R. pt. 300; N.C. Const. art. I, § 19; G.S. 14-208.18; 115C,. art. 9; 115C-47(55), -276(r), -288, -390.1, -390.2, -390.7, -390.8, -390.9, -390.10, -390.11, -390.12, -402, State Board of Education Policy -GCS-D-000; *Policies Governing Services for Children with Disabilities*.

Cross Reference: Hearings Before the Board (policy 2500), Alternative Learning Programs/Schools (policy 3470/4305), Student Sex Offenders (policy 4260); School Plan for Management of Student Behavior (policy 4302), Drugs and Alcohol (policy 4325), Theft, Trespass and Damage To Property (policy 4330), Assaults, Threats and Harassment (policy 4331), Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety (policy 4333), School Level Investigations (policy 4340), Student Discipline Records (policy 4345), Short-Term Suspension (policy 4351), Student Discipline Hearing Procedures (policy 4370)

Adopted: April 10, 2000
Revised: January 12, 2009
Updated: April 13, 2010
Updated:

All requests for readmission of students who have been suspended for 365 days or expelled will be considered in accordance with the procedures set out below.
~~At any time after the first July 1 that is at least six months after the board's decision to expel a student, a student may make a written request to the board to reconsider the decision.~~

A. REQUESTS BY STUDENTS SUSPENDED FOR 365 DAYS

A student who is serving a 365-day suspension may submit a request to the superintendent for readmission any time after the 180th calendar day of his or her suspension. Upon receipt of the request, the superintendent or designee shall offer the student an opportunity for an in-person meeting to be held within five days. ~~The student must be able to demonstrate that he or she is no longer a threat to the safety of students or employees. With the request,~~ t The student may provide documents in support~~ing~~ of the request, such as signed statements from individuals knowledgeable about the student or documents verifying that the student if participating in or has completed counseling or rehabilitative programs. If the student demonstrates to the satisfaction of the superintendent or designee that the student's presence in school no longer constitutes a threat to the safety of other students or employees, the superintendent must readmit the student.

Within 30 days of the student's request, the superintendent or designee shall provide written notice of his or her decision to the student, the student's parents and the board. ~~The superintendent or designee shall review the information and, within 20 days, provide the student and board with a written response in support of or opposition to the student's request.~~ If the superintendent or designee decides to readmit the student, ~~recommend that the student be readmitted,~~ the ~~superintendent~~ notice will ~~shall~~ include ~~in his or her response a recommendation as to~~ the date of readmission, the ~~what~~ school or program to which ~~would be appropriate for~~ the student ~~and a date for readmission~~ will be assigned and any reasonable restrictions placed on the readmission. If the superintendent or designee rejects the request for readmission, the notice will advise the parent of the right to appeal the decision to the board. Any appeal to the board must be made in writing within five days of receipt of the superintendent's or designee's decision. The superintendent or designee shall inform the board chairperson of the request for an appeal and arrange in a timely manner a hearing before the board. The hearing will be conducted in accordance with policy 2500, Hearings Before the Board. The board will provide to the student, the student's parent and the superintendent or designee written notice of its decision within 30 days of receiving the appeal of the superintendent's or designee's decision.

If the request for readmission is denied, no subsequent requests from that

student will be considered during that 365-day suspension.

B. REQUESTS BY EXPELLED STUDENTS

~~The board will review the request, the supporting documentation, and the superintendent's response. The board may, at its option, request that the student, the superintendent, and other knowledgeable individuals meet with the board in a closed session.~~

A student who has been expelled may submit a request to the board for readmission any time after 180 calendar days from the start date of the student's expulsion. The board chairperson immediately will forward the request to the superintendent, who shall arrange in a timely manner a hearing before the board. The hearing will be conducted in accordance with policy 2500. After considering the student's request and the superintendent's or designee's recommendation regarding readmission, ~~I~~ if the board determines that the student has satisfactorily demonstrated ~~s to the satisfaction of the board~~ that his or her presence in school no longer constitutes a clear threat to the safety of other students or employees, the board will readmit the student. The board will notify the student, the student's parents and the superintendent in writing of its decision within 30 days of the submission of the request for readmission. ~~as to whether the student will be readmitted or not.~~

If the board decides to readmit the student, the notice will include the date of readmission, ~~the board, based upon the recommendation of the superintendent, will determine which~~ the school or program to which the student will be assigned ~~to and the date the student will be readmitted~~ and any reasonable restriction placed on the readmission. If the student was expelled as a result of assaulting or injuring a teacher, the student will not be returned to that teacher's classroom following readmission without the teacher's consent.

If the expelled student's request for readmission is denied, the board will not consider a subsequent request for readmission of that student until six months after the submission of the previous request.

Legal References: G.S. 115C-47, -39.1, -390.12

Cross References: Hearings Before the Board (policy 2500), Long-Term Suspension, 365 Days Suspension, Expulsion (policy 4353)

Adopted: April 10, 2000
Updated: May 4, 2009

A. ADMINISTRATIVE HEARINGS

The ~~following~~ rules set out below will govern hearings held by the superintendent in assessing misbehavior and appropriate consequences. The purpose of the hearing will be to determine the fact relevant to the alleged misbehavior and the credibility of witnesses, based on the evidence presented at the hearing.

1. The hearing will be informal and ~~will be~~ conducted in private.

2. Prior to the hearing, the student and his or her parents and representative will have an opportunity to review any audio or video recordings of the incident and, consistent with federal and state student records laws and regulations, the information that may be presented as evidence against the student, including statements made by witnesses whose names are withheld in accordance with number 5, below.

3. The hearing ~~may~~ must be attended by the superintendent ~~or designee~~, the principal and/or assistant administrators~~, the student, the student's parents and, if desired, a representative such as an attorney,~~ and any persons the superintendent ~~or designee~~ deems necessary. The student has the right to be present at the hearing, to be accompanied by his or her parents and to be represented by an attorney or non-attorney advocate. Witnesses should be present only when providing information.

4. The ~~principal or other~~ school representatives ~~of the school~~ have the burden of proving the misbehavior, the violation of board policy, the Code of Student Conduct, ~~or~~ school standards or school rules and the appropriateness of the recommended consequence for the violation.

5. The school representatives will present first the witnesses and documentary evidence against the student first. School officials may withhold witness names or other identifying information if the identication of a witness could threaten the winess's safety.

6. ~~Next,~~ After the school representatives have presented their evidence, the student or his or her representative may present evidence relating to the alleged disciplinary infraction, the student's intent at the time of the incident, any mitigating or aggravating factors involved, the disciplinary and academic history of the student and the potential benefits to the student of alternative to the suspension. Such evidence may , include ~~ing~~ any oral testimony by the student

or witnesses, written statements and other documents ~~and witnesses~~. ~~Witnesses should be present only when providing information.~~

7. Both the ~~principal or~~ school representatives and the student or his or her parent or representative may examine the witnesses presented by the other side. The superintendent ~~designee~~ has the authority ~~power~~ to limit questioning by any person, if the ~~such~~ questioning is unproductive, unnecessarily lengthy, repetitive or irrelevant.

8. In reaching a determination in the matter, ~~T~~ the superintendent ~~or designee may~~ shall consider the ~~school records of the student, as well as~~ documents produced in the hearing, ~~and~~ the testimony of the witnesses and other evidence presented at the hearing. If the superintendent determines that a violation occurred, the superintendent also shall determine the appropriateness of the recommended consequences for the violation. Formal rules of evidence do not apply and the superintendent ~~or designee~~ may rely on evidence that a reasonably prudent person would consider in the conduct of serious affairs.

9. Following the hearing, the superintendent shall render a written decision based on substantial evidence presented at the hearing and shall notify the student and parent of that decision in accordance with the requirements of policy 4353, Long-Term Suspension, 365-Days Suspension, Expulsion.

10. The superintendent or designee shall provide for making a record of the hearing, including any findings or conclusions made by the superintendent~~'s designee~~. The student will have the right to make his or her own audio recording of the hearing.

B. BOARD HEARINGS

1. Appeal of Long-Term or 365 Day Suspension

The board will provide the opportunity for a hearing that follows the procedures established for administrative hearings, except that (1) the superintendent or designee will represent the school system and the board or a panel of the board will be the decision maker and (2) unless the board requests otherwise or doing so would create a substantial threat of unfairness, the board will limit presentations of testimony to the student, the student's parent and representative and the school system's representative and will limit documentation to the records and evidence presented ~~produced~~ at the administrative hearing. The board, at its discretion, may request additional information or evidence.

The board will review any records created by the superintendent's decision and the record created from any administrative hearing held. The board will review the superintendent's decision to ensure that: (1) there was a reasonable basis for determining that the student engaged in the specified misbehavior; (2) a board policy, the Code of Student Conduct, a school standard or a school rule was violated; (3) the consequence for the violation was reasonable; and (4) procedures established by board policy were followed.

2. Board Decision on Expulsion

The board will provide an opportunity for a hearing to review the superintendent's recommendation for expulsion. The rules established for ~~the~~ administrative hearings will be followed except that the superintendent or designee will represent the school system and the board ~~or panel of the board~~ will be the decision maker. The board may request additional records or witnesses. A decision will be made on the superintendent's recommendation following the standards established in policy 4353, Long-Term Suspension, 365 Days Suspension, Expulsion. ~~The student and his or her parents will be promptly notified of the board's decision.~~

Legal References: G.S. 115C-45, -47, -276, -288, -390.1, -390.2, -390-7, -390.8

Cross References: Long-Term Suspension, 365 Days Suspension, Expulsion (policy 4353)

Adopted: April 10, 2000
Updated: May 4, 2009
Updated: April 13, 2010
Updated:

Attendance in school and participation in class are an integral part of academic achievement and the teaching-learning process. Regular attendance develops patterns of behavior essential to professional and personal success in life. Regular attendance by every student is mandatory: the State of North Carolina requires that every child in the State between the ages of seven (or younger if enrolled) and 16 years attend school. Parents or legal guardians have the responsibility for ensuring that students attend and remain at school daily.

A. ATTENDANCE RECORDS

School officials will keep an accurate record of attendance, including accurate attendance records in each class. Attendance records will be used to enforce the Compulsory Attendance Law of North Carolina.

B. EXCUSED ABSENCES

When a student must miss school, a written excuse signed by a parent or guardian must be presented to the student's teacher on the day returning after an absence. If the student does not present a signed parental note within two days, the absence will be coded as unexcused and an excuse note will no longer be accepted. An absence may be excused for the following reasons:

1. personal illness or injury which makes the student physically unable to attend school;
2. isolation ordered by the State Board of Health;
3. death in the immediate family;
4. emergency medical or dental appointment or such an appointment which has been approved in advance by the principal;
5. participation under subpoena as a witness in a court proceeding;
6. a minimum of two days each academic year for observance of an event required or suggested by the religion of the student or the student's parent(s) with written prior approval from the principal; The student shall have the opportunity to make up any tests or other work missed due to the excused absence for a religious observance;
7. participation in a valid educational opportunity, such as travel, with prior approval from the principal; or
8. absence due to pregnancy and related conditions or parenting, when medically necessary.
9. Principal discretion.

In addition, a student whose parent or legal guardian (a) is an active duty member of the uniformed services as defined by policy 4050, Children of Military Families, and (b) has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat support posting will be granted additional excused absences at the discretion of the superintendent or designee to visit with his or her parent or legal guardian.

Absences due to extended illnesses generally require a statement from a physician.

In the case of excused absences and out of school suspensions, the student will be permitted to make up his or her work. The teacher will determine when work is to be made up. The student is responsible for finding out what assignments are due and completing them within the specified time period.

C. SCHOOL-RELATED ACTIVITIES

All classroom activities are important and difficult, if not impossible, to replace if missed. It is the intention of the board of education that classes missed be kept to an absolute minimum through close scrutiny and a monitoring system on the part of the principal. The following school-related activities will not be counted as absences from either class or school:

1. field trips sponsored by the school;
2. school-initiated and scheduled activities;
3. athletic events that require early dismissal from school; or in-school suspension.

Assignments missed for these reasons will be completed by students. The teacher will determine when work is to be made up. The student is responsible for finding out what assignments are due and completing them within the specified time period.

If no local funds are available, the classroom teacher will assume the responsibility for obtaining the money for gas through parent donations

D. EXCESSIVE ABSENCES

Class attendance and participation are critical elements of the educational process and may be taken into account in assessing academic achievement.

The principal will notify parents and take all other steps required by G.S. 115C-378 for excessive absences.

High School Attendance Policy

High school students can have no more than eight total (excused and unexcused) absences in a class per semester. Absence in excess of this amount will result in the student not receiving credit for the class. Each high school will have a standing Attendance Committee that meets bi-weekly to review attendance data, contact students and parents, and intervene as necessary to ensure success for all students. Violations of the North Carolina Compulsory Attendance Law will be reported as required by NC General Statutes.

High school students must make up time on an hour-for-hour basis. Make-up times will be arranged at the discretion of the principal, based upon the individual needs and resources of the school.

For the purposed of this policy, Montgomery County Schools recognizes that tardiness and early departures to and from school and individual classes is a major disruption to school operations and distracts from the learning environment of the student who is tardy and other students. High school students who are tardy or leave early from an individual class period five times (5) will be counted as absent for one (1) class period for that class. If total absences, including tardy/early departure absences exceed 8 for the class, the time must be made up on an hour-for-hour basis in order for the student to receive credit for the class. Persistent tardiness will be reviewed by the Attendance Committee and reported to parents/guardians.

At 3, 6 and 10 absences letter are sent to parents as required by NC General Statutes. Any student with excessive absences will also be required to meet with the Student Assistance Team.

A doctor's note may be required if the student is absent three days in a row.

High school students may request a waiver of the attendance requirement due to extraordinary, extenuating circumstances. Waiver request forms must be submitted five (5) days prior to the end of the semester. This timeframe may be adjusted at the discretion of the principal. The Attendance Committee will review the request for waiver and decide to grant or deny the request. If the request is denied, the student shall be allowed the opportunity to make up the missed time and work at the discretion of the principal.

Middle School Attendance Policy

Middle School students may not miss more than fifteen (15) days in a given school year. Any student who misses more that fifteen (15) days will be referred to the principal for possible retention. The principal/designee will notify the parent of the school's concern and remind the parent of the district's attendance policy, promotion standards/requirements, and the NC Compulsory Attendance Law requirements.

Students may make up time for any absence over fifteen (15) days at the discretion of the principal, based upon the needs and resources at the school.

If students do not make up required time under this policy, they may be retained in the current grade at the discretion of the principal. Parents/Guardians who feel that extraordinary, extenuating circumstances warranted the excessive absences can file a waiver request with the Attendance Committee at the school. The waiver request should be received at least five (5) days before the end of the final grading period. The Attendance Committee will grant or deny the waiver. If the request is denied, the student shall be allowed the opportunity to make up missed time and work at the discretion of the principal.

For the purposes of this policy, seven (7) tardies or early dismissals will equal one (1) class absence.

At 3, 6, and 10 absences letters are sent to parents as required by NC General Statutes. Any student with excessive absences will also be required to meet with the Student Assistance Team:

A doctor's note may be required if the student is absent three days in a row. Teachers must daily complete attendance reports for NCWISE.

Elementary School Attendance Policy

Recognizing that regular school attendance is the foundation for learning and that NC Compulsory Attendance Law requires students to be in attendance, students in the Montgomery County Schools are required to have regular attendance in order to be promoted to the next grade. An elementary student who is absent more than fifteen (15) days will be referred to the principal for possible retention. Upon the 5th absence (excused or unexcused) the principal or

designee will notify the parent/guardian of the school's concern and remind the parent of the district's attendance policy, promotion standards/requirements, and the NC Compulsory Attendance Law requirements.

If the principal determines that retention is necessary based upon attendance, the parent/guardian will be notified of this fact in writing. The parent/guardian may appeal the decision of the principal to retain the student to the Superintendent. Requests for appeal must be received by the Superintendent within five (5) days of receiving final notice of retention from the principal.

For purposes of this policy, ten (10) tardies or early dismissals will equal one day's absence.

At 3, 6 and 10 absences letter are sent to parents as required by NC General Statutes. Any student with excessive absences will also be required to meet with the Student Assistance Team.

A doctor's note may be required if the student is absent three days in a row.

E. TARDINESS AND EARLY DISMISSALS

Superintendent shall work with principals to develop procedures for enforcing this policy. The principal shall work with school staff to develop procedures for accurate accounting of tardies and early dismissals. Schools are encouraged to develop check out schedules whereby a child can only be checked out of school with a doctor's note.

Legal References: G.S. 115C-47, -84, -288(a), -375.5, -378 to -383, -407.5; 16 N.C.A.C. 6E.0102-.0103; State Board of Education Policies TCS-L-000,-002,-003

Cross References: Education for Pregnant and Parenting Students (policy 4023), Children of Military Families (policy 4050)

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Updated:

PROFESSIONAL
PERSONNEL REDUCTION IN FORCE

PolicyCode: ***DRAFT*** **7920**

The purpose of this policy is to establish an orderly procedure for reducing the number of licensed, professional employees of the school system.

A. GROUNDS FOR REDUCTION IN FORCE

A reduction in force may be implemented when the board determines that any of the following circumstances have resulted in the need to decrease the number of licensed ~~positions of~~ professional positions ~~personnel~~:

1. System Reorganization

   System reorganization is defined as (a) the closing, consolidation or reorganization of schools, school buildings or facilities (b) the elimination, curtailment or reorganization of a curriculum offering, program or school operation; or (c) the merger of two or more school systems.

2. Declining Enrollment

   Declining enrollment exists (a) when the enrollment or projected enrollment for the next succeeding school year causes a decrease in the number of teaching or administrative positions allocated by the State or any other funding source; or (b) when the enrollment or projected enrollment of a curriculum offering or program for the next succeeding school year is inadequate to justify continuation of the course or program.

3. Financial Exigency

   Financial exigency means (a) any significant decline in the board financial resources that compels a reduction in the school system's current operational budget; (b) any significant decrease or elimination in funding for a particular program; (c) or any insufficiency in funding that would render the board unable to continue existing programs at current levels.

B. PRELIMINARY DETERMINATION

1. The superintendent shall determine whether or not a reduction in force for licensed employees is necessary, appropriate or in the best interests of the school system.

2. If the superintendent decides to recommend to the board a reduction in force, he or she shall first determine which licensed positions shall be subject to th reduction. In making that determination, the superintendent shall account for both:

   a. structural considerations, such as identifying positions, departments, courses, programs, operations and other areas where there are (1) less essential, duplicative or excess personnel; (2) job responsibility and/or position inefficiencies; (3) opportunities for combined work functions; and/or (4) decreased student or other demands for curriculum, programs, operations or other services; and

   b. organizational considerations, such as anticipated organizational needs of the school system and program/school enrollment.

~~2.~~3. ~~When the superintendent believes that grounds exist for a reduction in force, t~~ The superintendent shall then present a recommendation to the board. The recommendation must include:

   a. the grounds for reduction in force;

   b. the ~~number or estimated number of~~ licensed ~~employees~~ positions to be reduced, categorized by area(s) of licensure and/or program responsibility; and

   c. the background information, data and rationale for the recommendation.

~~3.~~4. The board will review the superintendent's recommendation and will determine whether to reduce the number of licensed employees or to reduce their terms of employment.

~~4.~~5. If the board, after exploring, considering and discussing a variety of ways to avoid a reduction in force, determines that a reduction in force of licensed employees is necessary, the superintendent shall recommend to

the board which individuals are to be dismissed, demoted or reduced to part-time employment, based on the criteria set forth below.

C. CRITERIA

The primary consideration in any reduction in force will be the maintenance of a sound and balanced educational program that is consistent with the functions and responsibilities of the school system. The superintendent shall consider a variety of factors, including the following in determining which employees will be included in the reduction in force:

1. performance ratings;
2. areas of licensure;
3. highly qualified status;
4. program enrollment;
5. service in extra duty positions and ability to fill such positions;
6. length of service, with higher priority given to service in this school system; and
7. degree level.

The superintendent shall develop a system for using the above-mentioned factors to determine which employees will be recommended to the board for inclusion the reduction in force.

D. PROCEDURE FOR TERMINATION

The board will consider the superintendent's recommendation and may, by resolution, order dismissal or demotion of an individual or reduce an individual to part-time employment. All requirements of G.S. 115C-325 will be met, including time limits and procedures for notice and opportunity for a hearing, when any career ~~teacher~~ employee (as defined in G.S. 115C-325) is terminated, demoted or reduced to part-time employment due to reduction in force ~~or when any probationary teacher (as defined in G.S. 115C-325) is terminated, demoted or reduced to part-time employment during the term of the contract due to a reduction in force.~~

E. TERMINATION/REEMPLOYMENT OF A CAREER EMPLOYEE

When a career ~~teacher~~ employee is dismissed in accordance with this policy, his or her name will be placed on a list of available employees to be maintained by

the board. ~~Career teachers whose names are placed on such a list will have a priority on all positions for which they are qualified that become available in the school system for the three consecutive years succeeding their dismissal. If the school system offers the dismissed teacher a position for which the teacher is licensed and the position is refused, the teacher's name will be removed from the priority list.~~

F. NONRENEWAL OF AN EMPLOYEE

The board, upon recommendation of the superintendent, may refuse to renew the contract of a probationary teacher, to offer a new, renewed or extended contract to a school administrator or to reemploy any teacher who is not under contract for any cause it deems sufficient. ~~The~~ A decision (1) not to renew ~~nonrenewal of~~ a probationary teacher's contract, (2) not to renew, extend or offer a new contract to a school administrator or (3) to not reemploy ~~or non-reemployment of~~ any teacher who is not under contract is not considered a "termination" under this policy. ~~As a result,~~ In such circumstances the procedures set forth in this policy ~~will~~ are not ~~be~~ required to be followed before the board's decision ~~not to renew or reemploy such employee~~.

Legal References: G.S. 115C-325; S.L. 2011-145

Cross References:

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