

1131	Student Discipline Procedures
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Category	Foundations and Basic Commitments Governance
Accountability	Leadership, Teachers, Staff, Families, Students

Short Term Suspension

A short-term suspension is the disciplinary exclusion of a student from attending his or her assigned school for up to 10 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, (2) the changing of a student's location to another room or place on the school premises, or (3) a student's absence under [G.S. 130A-440](#) (for failure to submit a school health assessment form within 30 days of entering school). A student who is placed on a short-term suspension will not be permitted to be on school property or to take part in any school function during the period of suspension without prior approval from 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 Executive Director or the board unless it is appealable on some other basis.

A. Pre-Suspension Rights of the Student

Except in the circumstances described below, a student will be provided with an opportunity for an informal hearing with the principal or designee before a short-term suspension is imposed. The principal or designee 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 attend, to be fully informed of the charges and the reasons for them, and to share statements or information in defense or to explain circumstances related to the charges.

The principal or designee 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 or designee shall give the student notice of the charges and an opportunity for an informal hearing as soon as practicable.

Our Student Discipline Procedures, including the pre-suspension rights of students, are designed to ensure fairness, transparency, and consistency, while maintaining a safe and supportive learning environment for every member of our school community.

At the heart of this policy is a commitment to balancing high levels of accountability with compassion, helping students understand the impact of their choices, take responsibility for their actions, and grow through the process in ways that strengthen both their personal development and the well-being of the Pine Lake community.

B. Student Rights During the Suspension

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.

C. Notice to Parent or Guardian

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 possible, but in no event 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.

The initial notice may be by telephone, but it must be followed by timely written notice. The written notice must include all of the information listed above and may be sent by fax, e-mail, or any other method reasonably designed to give actual notice. School officials also shall maintain a copy of the written notice in the student's educational record.

Multiple short-term suspensions for a student with disabilities will be addressed in accordance with the *Policies Governing Services for Children with Disabilities* and other applicable state and federal law.

Removal of Student During the Day

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

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

1. the parent has been 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 has been notified and is available to receive the student, and the principal is able to arrange for 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 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.

Long-Term Suspension, 365-Day Suspension, Expulsion

Though the board believes that long-term 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.

A. Definitions

1. Executive Director

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

2. Principal

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

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, nor is an absence under [G.S. 130A-440](#) (for failure to submit a school health assessment form within 30 days of entering school).

Upon the recommendation of the principal, the Executive Director 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 students, 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.

4. 365-Day Suspension

A 365-day suspension is the disciplinary exclusion of a student from attending his or her assigned school for 365 calendar days. The Executive Director may impose a 365-day suspension only for certain firearm

and destructive device violations, as identified in policy 4333, Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety.

5. Expulsion

An expulsion is the indefinite exclusion of a student from school enrollment for disciplinary purposes. Upon the recommendation of the Executive Director, the board may expel a student who is 14 years of age or older for certain types of misbehavior as provided in Policy 1130 Student Code of Conduct. During the expulsion, the student is not entitled to be present on educational property and is not considered a student of the school system.

6. Appeal

Request for review by the Executive Director, or by the board of education, of action taken at formal long-term suspension hearing conducted can be made through the Executive Director.

7. Hearing Officer

The Executive Director's designee who conducts the formal hearings.

8. Natural parent, legal guardian, legal custodian, or custodial adult under [G.S. 115C-366](#).

9. School Property

That location over which the school or board of education has supervisory responsibility.

10. Short-Term Suspension

Removal from school for a period of up to and including ten (10) school days.

11. Student

Any person enrolled at Pine Lake Preparatory

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 the Code of Student Conduct. If the principal determines that a suspension of more than 10 days (either long-term or 365-day) or an expulsion is an appropriate consequence, the principal shall propose the disciplinary penalty based upon a review of the student's culpability and 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 the culpability of the student for his or her behavior, the principal may consider 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 when engaging in the conduct.
4. The amount and type of controlled substance or alcoholic beverage involved in the violation.

b. Dangerousness of the Student – In assessing the dangerousness of the student, the principal may consider criteria such as:

1. Prior disciplinary or criminal record of the student;
2. whether a weapon was involved in the incident, and if a weapon was involved, whether the student had the ability to inflict serious injury or death with the weapon;
3. evidence of the student's ability to cause the harm that was intended or that occurred.

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

1. someone was physically injured,
2. prior disciplinary or criminal record of student;
3. someone was directly threatened or property was extorted through the use of a weapon;
4. someone was directly harmed, either emotionally or psychologically;
5. educational property or others' personal property was damaged; or
6. students, school employees, or parents were aware of the presence of a weapon or of dangerous behavior on the part of the perpetrator.

After considering the above factors, the principal shall make a recommendation to the Executive Director, 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, he or she must identify the type of firearm or destructive device involved and the evidence substantiating that the student brought it to school grounds or to a school activity or possessed it on school grounds or at a school activity.

If the principal recommends an expulsion, he or she 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.

2. Notice to the Student's Parent

The principal must provide the student's parent 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. The notice must be written in plain English and, when appropriate language resources are readily available, also in the parent's native language. The notice must contain the following 10 elements:

- a. 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 led to the recommendation;
- c. the specific provision(s) of the Code of Student Conduct that the student allegedly violated;
- d. the specific process by which the parent may request a hearing to contest the decision and the deadline for making the request;*
- e. the process by which the hearing will be held, including all due process rights to be accorded the student during the hearing;

- f. notice of the right to retain an attorney to represent the student in the hearing process;
- g. notice that an advocate, instead of an attorney, may accompany the student to assist in the presentation of the appeal;
- h. notice of the right to review and obtain copies of the student's educational records prior to the hearing;
- i. a reference to the School's policy on 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.

3. Executive Director's Decision

The student or student's parent may request a hearing before the Executive Director within five calendar days of receiving notice from the principal of the recommendation for long-term suspension, 365-day suspension, or expulsion. Any hearing held will follow the hearing procedures outlined in this policy. A decision will be rendered before the long-term suspension is imposed.

If the student or parent makes a timely request for a hearing, the Executive Director shall confirm that the charges against the student, if substantiated, could warrant the recommended disciplinary action and shall give the student and parent reasonable notice of the time and place of the hearing.

If neither the student nor the 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 Executive Director shall review the circumstances of the recommended long-term suspension. Following this review, the Executive Director (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 on substantial evidence presented at the hearing, the Executive Director shall decide whether to uphold, modify, or reject the principal's recommendation. The Executive Director shall immediately inform the principal of the decision regarding 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.

The Executive Director shall send notice of the decision via certified mail to the student and parent. The notice must include:

- 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 Executive Director 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 Executive Director'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 Executive Director's or designee's decision to deny such services.

Following issuance of the decision, the Executive Director 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.

The student may appeal to the board the Executive Director's decision not to provide alternative education services, as permitted by [G.S. 115C-45\(c\)\(2\)](#). Any appeal to the board must be made in writing within five days of receiving the Executive Director's decision. The Executive Director 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 Executive Director 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 this policy. The board will provide to the student and parent and to the Executive Director written notice of its decision within 30 days of receiving the appeal.

If the Executive Director determines that expulsion is appropriate, the Executive Director shall submit to the board a recommendation and the basis for the recommendation along with any proposal for alternative education services.

4. Hearings Before the Board

a. Long-Term or 365-Day Suspensions

A student or his or her parent may appeal an imposed long-term or 365-day suspension. The student or parent must appeal to the board in writing within five calendar days of receiving the Executive Director's decision. The Executive Director 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 the procedures in this policy. The board will provide to the student and parent and to the Executive Director written notice of its decision not more than 30 calendar days after receiving the appeal.

b. Expulsions

The student or parent may request a hearing within five days of receiving notice of the Executive Director's recommendation that the student be expelled. The hearing will be scheduled with the

board within five days of the Executive Director's receipt of the hearing request. The Executive Director shall notify the student and parent 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 the procedures in this policy.

If a hearing is not requested by the student or parent, the Executive Director shall submit written evidence to support his or her recommendation to the board. The board may elect to request a hearing or to request additional records and documents.

When the board decides to expel a student, the board will document the basis for its 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 education services are to be provided to the expelled student. Regardless of whether the school system provides alternative education services, the board expects school system administrators 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 a copy of the decision, notification of what information will be included in the student's official record, 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 will 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.

IV. Student Discipline Hearing Procedures

A. Administrative Hearings

The rules set out below will govern hearings held by the hearing officer appointed by the Executive Director in assessing misbehavior and appropriate consequences. The purpose of the hearing will be to determine the facts 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 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 must be attended by the hearing officer appointed by the Executive Director, the principal and/or assistant administrators, and any persons the Executive Director 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 school representatives have the burden of proving the misbehavior; the violation of board policy, the Code of Student Conduct, school standards, or school rules; and the appropriateness of the recommended consequence for the violation.

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

6. 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 alternatives to suspension. Such evidence may include oral testimony by the student or witnesses, written statements, and other documents.

7. Both the school representatives and the student or his or her parent or representative may examine the witnesses presented by the other side. The hearing officer Executive Director has the authority to limit questioning by any person if the questioning is unproductive, unnecessarily lengthy, repetitive, or irrelevant.

8. In reaching a determination in the matter, the hearing officer appointed by the Executive Director shall consider the documents produced in the hearing, the testimony of the witnesses, and other evidence presented at the hearing. If the Executive Director determines that a violation occurred, the Executive Director also shall determine the appropriateness of the recommended consequences for the violation. Formal rules of evidence do not apply, and the Executive Director may rely on evidence that a reasonably prudent person would consider in the conduct of serious affairs.

9. Following the hearing, the hearing officer appointed by the Executive Director 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 this policy.

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

B. Board Hearings

1. Appeal of a 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 hearing officer appointed by the Executive Director 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 at the administrative hearing. The board, at its discretion, may request additional information or evidence.

The board will review any records created by the hearing officer appointed by the Executive Director's decision and the record created from any administrative hearing held. The board will review the hearing officer appointed by the Executive Director's decision to be sure 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 Executive Director's recommendation for expulsion. The rules established for administrative hearings will be followed, except that the Executive Director or designee will represent the school system and the board will be the decision maker. The board may request additional records or witnesses. A decision will be made on the Executive Director's recommendation following the standards for expulsion established in this policy.

V. Student Discipline Records

A. Retention of Records and Report of Data

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

As secretary to the board, the Executive Director also shall maintain records from the board's considerations of 365-day suspensions and expulsions and any readmission reconsiderations of 365-day suspensions and expulsions.

The Executive Director shall ensure that data on disciplinary incidents is reported using the state student information system application 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, and databases at the end of the school year:

- a. notice of any suspension for a period of more than 10 days and the record of the conduct for which the student was suspended;
- b. notice of any expulsion under [G.S. 115C-390.11](#) and the record of the conduct for which the student was expelled; and
- c. any records (including of in-school suspensions or short-term 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 Executive Director or designee shall expunge any record of suspension 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 Executive Director 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 Executive Director 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 Executive Director may expunge any notice of suspension or expulsion from a student's official record provided that 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.