FAIR AND CONSISTENT DISCIPLINE ADMINISTRATION

Policy Code: **4303**

The board intends that student discipline policies, procedures, and practices be applied fairly, impartially, and consistently in accordance with law, without regard to a student's race, color, national origin, disability, gender, status as an English Language Learner, or other characteristic protected by federal law. As provided in policy 4300, Student Behavior Policies, the superintendent is responsible for supervising the enforcement of the Code of Student Conduct to ensure that school disciplinary policies are uniformly and fairly applied throughout the school system.

The board recognizes the negative effects of exclusionary discipline on a range of student outcomes and therefore has reserved the sanctions of suspension and expulsion for only the most serious violations of the Code of Student Conduct, as provided in policy 4300. The board further recognizes that disproportionality (overrepresentation of a particular group of students in relation to their population in a school or across the school system) in exclusionary discipline may sometimes be the result of inconsistent application of discipline to similar offenses and may be a barrier to the board's overall objective of promoting successful educational outcomes for all students. Therefore, the board will monitor the administration of its discipline policies to determine whether disciplinary and other behavior management practices are affecting groups of students disproportionately and, if so, whether the disproportionality results from inconsistencies in the application of discipline to similar offenses.

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A. SUPERINTENDENT'S REVIEW OF STUDENT DISCIPLINE ADMINISTRATION

1. The board directs the superintendent to regularly review the administration of student discipline and behavior management policies across the school system to evaluate whether: (1) disciplinary practices and approaches are consistent with board policies; (2) disciplinary sanctions are consistent with the Code of Student Conduct; (3) routine misbehavior is handled consistently within each school as well as across the school system; (4) more extraordinary behavior situations are handled fairly and quickly to protect the welfare of students and employees in a manner that promotes learning and respect for others; (5) discipline policies are applied fairly and consistently to all students regardless of their race, color, national origin, disability, gender, status as an English Language Learner, or other protected personal characteristic.

2. The superintendent's review shall include consideration of the school system discipline data submitted to the North Carolina Department of Public Instruction for inclusion in the State Board of Education's Consolidated Data Report to the General Assembly and in the Civil Rights Data Collection conducted by the U.S. Department of Education, Office for Civil Rights.

B. SUPERINTENDENT'S REPORT TO THE BOARD

1. Annually, the superintendent shall provide to the board a report of the discipline data submitted to the North Carolina Department of Public Instruction as described in paragraph A.2, above. The data must be reported both system-wide and separately for each school and must be disaggregated on the basis of race/ethnicity, gender, disability, English Language Learner status, and/or such other basis as the board may specify.

2. At its discretion, the board may request additional data or analysis of data to assess whether disciplinary and other behavior management practices in the schools are affecting groups of students disproportionately and, if so, whether the disproportionality is the result of the inconsistent application of discipline or other behavior management practices to similar offenses.

3. If the data provided to the board reveals that, due to the inconsistent application of discipline or disciplinary practices, there is a pattern of discipline or disciplinary practices within or across schools that affects students disproportionately ~~due to inconsistent discipline or disciplinary practices~~ based on race, gender, ethnicity, disability, English Language Learner status, or other personal characteristic, the superintendent shall present to the board any recommendations for changes to discipline policies or practices to address the inconsistent application of discipline or disciplinary practices that result in ~~reduce the potential for~~ unjustifiable disproportionate outcomes.

C. PROFESSIONAL DEVELOPMENT TO SUPPORT EQUITABLE DISCIPLINARY PRACTICES

The superintendent shall provide a program of professional development that prepares employees to apply school discipline policies and practices in a fair and equitable manner so as not to disproportionately ~~impact~~ affect students of color, students with disabilities, English Language Learners, or other groups of students on the basis of their personal characteristics.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431 *et seq.*; Title IV of the Civil Rights Act of 1964, 42 U.S.C. 2000c *et seq.*; Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.*, 34 C.F.R. pt. 100; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104

Other Resources: Civil Rights Data Collection, available at http://ocrdata.ed.gov/

Adopted:

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