

A. DEFINITIONS

A long-term suspension is 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. The principal may impose a long-term suspension only with prior written approval of the superintendent.

A 365 day suspension is a denial to a student of the right to attend school and to take part in any school function for a full 365 days. The superintendent may impose a 365 day suspension only for weapons and bomb threat violations. Modifications in the 365 day suspension may be made by the board upon the recommendation of the superintendent.

An expulsion is the permanent removal of a student from school and all the rights and privileges related to school attendance. A student who is 14 years of age or older may be expelled for any behavior that indicates that the student's continued presence in school constitutes a clear threat to the safety of the students or employees (G.S. 115C-391(d)). Only the board may approve an expulsion, however a student may be suspended long-term under this policy while the board considers a recommendation for expulsion.

B. DETERMINATION OF APPROPRIATE CONSEQUENCE

1. Principal's Recommendation

The principal may impose a short-term suspension or any other consequence consistent with board policies. If the principal determines that a suspension beyond ten days is an appropriate consequence, the principal will propose the length of the suspension based upon a documented review of the student's culpability, dangerousness and the harm caused by the student.

- a. Culpability of Student - The culpability of the student for his or her behavior will be assessed by considering criteria such as:
 - (1) the student's age;
 - (2) the ability to form intent to cause 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 - The dangerousness of the student will be assessed by considering criteria such as:
 - (1) Student discipline record or criminal record related to anti-social behavior or drugs and alcohol;
 - (2) Whether any weapon was involved and the capacity to inflict serious injury or death with it; and
 - (3) Any evidence of the student's capability to cause harm intended or that occurred.

- c. Harm Caused by the Student - The severity of harm caused by the student will be assessed by considering criteria such as whether any of the following occurred:
 - (1) anyone was physically injured or killed;
 - (2) anyone was directly threatened or property extorted by the use of a weapon;
 - (3) anyone was directly harmed, emotionally or psychologically;

- (4) school property or personal property of others was damaged; or
- (5) students, school employees or parents were aware of the presence of a weapon or other behavior.

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. If a 365 day suspension for weapons is recommended, the principal must identify the type of weapon involved and the specific evidence that substantiates that the student brought the weapon onto campus. If expulsion is recommended, the principal will 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.

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, but in no event later than the end of the following workday. The written notice must contain: (1) a description of the incident leading to the recommendation; (2) the specific provisions of the student conduct policy or rule that the student allegedly violated; (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; (5) the process by which the hearing will be held; (6) notice of the right to retain an attorney to represent the student in the hearing process; (7) notice that an advocate, instead of an attorney, may accompany the student to assist in the presentation of the appeal; and (8) notice of the right to review the student's educational records prior to the hearing.

2. Superintendent

The superintendent or designee must notify the parent(s)/guardian of their right to request a hearing before the superintendent or his/her designee. The request must be received within five days of the parent's receipt of the notice. The hearing is to be held within five days of the parent's receipt of the principal's recommendation. The superintendent or designee will inform the parent of the possible consequences which are to be considered, including long-term or 365 day suspension, and make a recommendation to the board for expulsion, if appropriate. Any hearing held will follow the hearing procedures.

Based upon relevant documents and any findings from a hearing, the superintendent will determine whether to approve the long-term or 365 day suspension. The superintendent or designee will immediately inform the principal of his or her decision and a long-term suspension may be imposed immediately. The superintendent or designee will send a copy of the decision to the parent or guardian.

If the superintendent/designee also determines that any consequences mandated by law are applicable, the superintendent/designee shall submit a recommendation to the board with any proposed modification in the suspension, including the provision of alternative education services or reduction in the suspension. If the superintendent/designee determines that expulsion is appropriate, the

superintendent/designee shall submit a recommendation and the basis of the recommendation to the board with any proposal for alternative education. The superintendent shall send a copy of the recommendation to the parent or guardian in person or by certified mail.

3. Board

The long-term or 365 day suspension of a student may be appealed to the board as provided in board policy.

The parent may request a hearing within five days of receipt of the recommendation for expulsion. The hearing will be scheduled with the board within five days of the superintendent's receipt of the hearing request. The superintendent or designee will notify the parent or guardian of the date, time and place of the hearing. Any appeal of a long-term suspension will be addressed in the same hearing. Hearing procedures will be followed, except the board may review the record from the administrative hearing in addition to or instead of presentations of evidence by individuals other than the superintendent/designee or the parent, student or student's counsel.

If the parent/guardian and student wish to have a hearing on the recommendation for expulsion, the parent/guardian or student must give notice within two days of the scheduled hearing. If a hearing is not desired by the parent, guardian or student, the superintendent may then submit written evidence to support the recommendation to the board, provided that the board may elect to request a hearing or request additional records and documents.

If expulsion has been recommended, the board will provide in writing a determination and the basis for the determination of whether 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.

C. **Educational Services for Exceptional Children**

Students with disabilities recognized by the Individuals with Disabilities Education Act must receive alternative educational services during periods of suspension or expulsion to the extent required by law.

Legal References: U.S. Const. amend. XIV, § 1; N.C. Const. art. I, § 19; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et. seq.*, 34 C.F.R. pt. 300; IDEA Improvement Act of 1997, Pub. L. No. 105-17; The Rehabilitation Act of 1973, 29 U.S.C. 706(8), 794, 34 C.F.R. pt. 104; The Americans With Disabilities Act, 42 U.S.C. 12134, 28 C.F.R. pt. 35; G.S. 115C, art. 9; 115C-47, -276(r), -288, -391; Procedures Governing Programs and Services for Children with Special Needs, State Board Policy Number 10A100.