

WOODS CHARTER SCHOOL  
CONDUCT, DISCIPLINE, AND PROCEDURES  
BOARD POLICY #27  
ADOPTION ON 11/15/2012

1. Purpose

Woods Charter School's ("The School" or "School") essential purpose is to empower students to achieve their full potential and develop as young citizens equipped with a solid academic foundation, a passion for learning and exemplary character. These conduct and discipline procedures are implemented as a necessity to ensure the School's essential purpose is attainable.

2. Scope

The discipline, conduct, and procedure policies detailed below, in conjunction with other enacted policies shall govern the conduct of all Woods Charter School ("The School" or "School") students, teachers, and employees.

3. State Disciplinary Policies and Procedures

North Carolina state law requires the School to follow specific rules relating to the use of reasonable force, suspension and expulsions, under Article 27 of Chapter 115C of the General Statutes (as amended in 2011) as provided below.

4. Purpose and Definitions. The following provisions are governed by G.S. 115C-390.1. In order to create and maintain a safe and orderly School environment conducive to learning, School officials and teachers need adequate tools to maintain good discipline in Schools. The state and School recognize that removal of students from School, while sometimes necessary, can exacerbate behavioral problems, diminish academic achievement, and hasten School dropout. School discipline must balance these interests to provide a safe and productive learning environment, to continually teach students to respect themselves, others, and property, and to conduct themselves in a manner that fosters their own learning and the learning of those around them.

a. The following definitions apply to this policy:

- i. Alternative education services. – Part or full-time programs, wherever situated, providing direct or computer-based instruction that allow a student to progress in one or more core academic courses. Alternative education services

include programs established by the local board of education in conformity with G.S. 115C-105.47A and local board of education policies.

- ii. Corporal punishment. – N/A
- iii. School property. – Any School building or bus, School campus, grounds, recreational area, athletic field, or other property under the control of any local board of education or charter School.
- iv. Expulsion. – The indefinite exclusion of a student from School enrollment for disciplinary purposes.
- v. Firearm. – Any of the following:
  - 1. A weapon, including a starter gun, which will or 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.
  - 3. Any firearm muffler or firearm silencer.
  - 4. The term shall not include an inoperable antique firearm, a BB gun, stun gun, air rifle, or air pistol.
- vi. Long-term suspension (“LTS”). – The exclusion for more than 10 School days of a student from School attendance for disciplinary purposes from the School to which the student was assigned at the time of the disciplinary action. If the offense leading to the long-term suspension occurs before the final quarter of the School year, the exclusion shall be no longer than the remainder of the School year in which the offense was committed. If the offense leading to the LTS occurs 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.
- vii. Parent. – Includes a parent, legal guardian, legal custodian, or other caregiver adult who is acting in the place of a parent and is entitled to enroll the student in School.
- viii. Destructive device. – 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.
  6. Device similar to any of the devices listed in this subdivision.
  - ix. Principal. – Includes the School principal, director, headmaster or similar person in charge of the School and that person’s designee.
  - x. School official. – An administrator to whom the board or principal has delegated duties under this policy.
  - xi. School personnel. – Any of the following:
    1. An employee of the School.
    2. Any person working on School grounds or at a School function under a contract or written agreement with the public School system to provide educational or related services to students.
    3. Any person working on School grounds or at a School function for another agency providing educational or related services to students.
  - xii. Handbook of Student Conduct. – The Student Conduct Handbook (“Student Handbook” or “Handbook”) governs student behavior occurring on School property, at School-sponsored activities, plus all off-campus activity that threatens School safety or property, or that substantially disrupts or is likely to disrupt School operations.
  - xiii. Short-term suspension (STS). – The exclusion of a student from School attendance for disciplinary purposes for up to 10 School days from the School to which the student was assigned at the time of the disciplinary action.
  - xiv. Substantial evidence. – Such relevant evidence as a reasonable person might accept as adequate to support a conclusion; it is more than a scintilla or permissible inference.
- b. Notwithstanding the provisions of this policy, the policies and procedures for the discipline of students shall be consistent with the requirements of the Gun Free Schools Act, 20 U.S.C. § 7151, the Individuals with Disabilities Education Act (IDEA), 29 U.S.C. § 1400, et seq., section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 701, et seq., and with other federal laws and regulations.
5. Guidance for School Officials. The following provisions are governed by G.S. 115C-390.2 and shall be followed by school officials in disciplining students.

- a. The Handbook. These statutory requirements are considered a part of the School's Handbook of Student Conduct (the "Handbook"), giving notice to students and parents of expected behaviors and potential discipline for violations of the Handbook.
- b. Off-campus Behavior. A student may also be disciplined for any personal conduct occurring outside of School property or after School hours, when the student's conduct otherwise violates the Handbook of Student Conduct and the student's conduct has or is reasonably likely to have a direct and immediate impact on the orderly and efficient operation of the School or the safety of individuals in the School environment.
- c. Truancy. Students may be disciplined for but shall not be long-term suspended or expelled from School solely for truancy or tardiness offenses and shall not be short-term suspended for more than two days for such offenses.
- d. Limited Mandatory Long-term Suspensions and Expulsion. The School shall not impose mandatory LTS or expulsions for specific violations unless otherwise provided in state or federal law.
- e. Selected Use of LTS and Expulsion. The School shall minimize the use of LTS and expulsion by restricting the availability of LTS or expulsion to those violations deemed to be serious violations of the Handbook, which either threaten the safety of students, staff, or School visitors or threaten to substantially disrupt the educational environment. Examples of conduct that would not be deemed to be a serious violation include the use of inappropriate or disrespectful language, noncompliance with a staff directive, dress code violations, and minor physical altercations that do not involve weapons or injury. The principal may, however, in his or her discretion, determine that aggravating circumstances justify treating a minor violation as a serious violation.
- f. Disciplinary Considerations. The School shall not prohibit the School director and Principal from considering the student's intent, disciplinary and academic history, the potential benefits to the student of alternatives to suspension, and other mitigating or aggravating factors when deciding whether to recommend or impose LTS.

- g. Procedure. The statutes establish the procedures for suspending or expelling, any student.
- h. Publication and Notice of the Handbook. The School shall publish the Student Handbook and make it available to each student and his or her parent at the beginning of each School year via the School website and upon request.
- i. Positive Behavior Planning. The School will seek to adopt research-based behavior management programs that take positive approaches to improving student behaviors.
- j. Breadth of Disciplinary Options. The School will seek to use a full range of responses to violations of disciplinary rules, such as conferences, counseling, peer mediation, behavior contracts, instruction in conflict resolution and anger management, detention, academic interventions, community service, and other similar tools that do not remove a student from the classroom or School building.

6. Reasonable Force

School officials shall adopt practices and procedures regarding the use of reasonable force and physical restraint consistent with G.S. 115C-390.3 (as adopted in 2011).

7. Short-term Suspension

The following provisions are governed by G.S. 115C-390.5 (as adopted in 2011).

- a. The principal shall have authority to impose a STS on a student who willfully engages in conduct that violates a provision of the Handbook, which authorizes short-term suspension.
- b. If a student's STS accumulates to more than 10 days in a semester, to the extent the principal has not already done so, he or she shall apply any relevant considerations from the School's safe School planning.

- c. A student subject to short-term suspension shall be provided the following:
  - i. The opportunity to take textbooks home for the duration of the suspension.
  - ii. Upon request, the right to receive all missed assignments and, to the extent practicable, the materials distributed to students in connection with the assignment.
  - iii. The opportunity to take any quarterly, semester, or grading period examinations missed during the suspension period.

## 8. Short-term Suspension Procedures

The following provisions are governed by G.S. 115C-390.6 (as adopted in 2011).

- a. **Informal Hearing.** Except as authorized in this section, no STS shall be imposed upon a student without first providing the student an opportunity for an informal hearing with the principal. The notice to the student of the charges may be oral or written, and the hearing may be held immediately after the notice is given. The student has the right to be present, to be informed of the charges and the basis for the accusations, and to make statements in defense or mitigation of the charges.
- b. **Emergency STS with Prior Hearing.** The principal may impose a STS without providing the student an opportunity for a hearing if the presence of the student creates a direct and immediate threat to the safety of other students or staff, or substantially disrupts or interferes with the education of other students or the maintenance of discipline at the School. In such cases, the notice of the charges and informal hearing described in subsection (a) of this section shall occur as soon as practicable.
- c. **Notice to Parent.** The principal shall provide notice to the student's parent of any STS, including the reason for the suspension and a description of the alleged student conduct upon which the suspension is based. The notice shall be given 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. The notice shall be given by certified mail, telephone, facsimile, e-mail, or any other method reasonably designed to achieve actual notice.
- d. **Notice in Primary Language.** If English is the second language of the parent, the notice shall be provided in the parent's primary language, when the appropriate foreign language resources are readily available, and in English, and both versions shall be in plain language and shall be easily understandable.

- e. No Right of Appeal. A student is not entitled to appeal the principal's decision to impose a short-term suspension to the School director or School board. Further, such a decision is not subject to judicial review. Notwithstanding this subsection, the School board, in its discretion, may provide students an opportunity for a review or appeal of a STS to the School director or School board.

9. Long-term Suspension

The following provisions are governed by G.S. 115C-390.7 (as adopted in 2011).

- a. Principal's Authority. The principal may issue a LTS of any student who willfully engages in conduct that violates a provision of the Handbook that authorizes LTS.
- b. Right to Hearing. Before the principal imposes a LTS, the student must be provided an opportunity for a hearing consistent with the procedures required by this policy and G.S. 115C-390.8.
- c. Principal's Review. If the student recommended declines the opportunity for a hearing, the principal shall review the circumstances of the recommended LTS. Following such review, the principal (i) may impose the suspension if is it consistent with board policies and appropriate under the circumstances, (ii) may impose another appropriate penalty authorized by board policy, or (iii) may decline to impose any penalty.
- d. Return to Alternative Classroom in Cases of Assault. If a teacher is assaulted or injured by a student and as a result the student is long-term suspended or reassigned to alternative education services, the student shall not be returned to that teacher's classroom unless the teacher consents.
- e. Alternative Education Program. Disciplinary reassignment of a student to a full-time educational program that meets state academic requirements and provides the student with the opportunity to make timely progress towards graduation and grade promotion, is not considered a LTS requiring due process.

10. Long-term Suspension Procedures

The following provisions are governed by G.S. 115C-390.8 (as adopted in 2011).

- a. When a student is recommended by the principal for LTS, the principal shall give written notice to the student's parent. The notice shall be provided to the student's parent by the end of the workday during which the suspension was recommended when reasonably possible or as soon thereafter as practicable. The written notice shall provide at least the following information:
  - i. A description of the incident and the student's conduct that led to the LTS recommendation.
  - ii. A reference to the provisions of the Handbook that the student is alleged to have violated.
  - iii. The specific process by which the parent may request a hearing to contest the decision, including the number of days within which the hearing must be requested.
  - iv. The process by which a hearing will be held, including, at a minimum, the procedures described in subsection (e) of this section.
  - v. Notice that the parent is permitted to retain an attorney to represent the student in the hearing process.
  - vi. The extent to which the local board policy permits the parent to have an advocate, instead of an attorney, accompany the student to assist in the presentation of his or her appeal.
  - vii. Notice that the parent has the right to review and obtain copies of the student's educational records before the hearing.
  - viii. A reference to the board policy on the expungement of discipline records.
- b. Written Notice. Written notice may be provided by certified mail, fax, e-mail, or any other written method reasonably designed to achieve actual notice of the recommendation for long-term suspension. When School personnel are aware that English is not the primary language of the parent or guardian, the notice shall be written in both English and in the primary language of the parent or guardian when the appropriate foreign language resources are readily available. All notices described in this section shall be written in plain English, and shall include the following information translated into the dominant non-English language used by residents within the local School administrative unit:
  - i. The nature of the document, i.e., that it is a LTS notice.
  - ii. The process by which the parent may request a hearing to contest the LTS.
  - iii. The identity and phone number of a School employee that the parent may call to obtain assistance in understanding the English language information included in the document.

- c. Formal Hearing. No LTS shall be imposed on a student until an opportunity for a formal hearing is provided to the student. If a hearing is timely requested, it shall be held and a decision issued before a LTS is imposed, except as otherwise provided in this subsection. The student and parent shall be given reasonable notice of the time and place of the hearing.
  - i. If no hearing is timely requested, the principal shall follow the procedures described above as required by G.S. 115C-390.7(c).
  - ii. If the student or parent requests a postponement of the hearing, or if the hearing is requested beyond the time set for such request, the hearing shall be scheduled, but the student shall not have the right to return to School pending the hearing.
  
- d. Oversight of Hearing. The formal hearing may be conducted by the full School board, by the principal, or by a person or group of persons appointed by the School board or principal to serve as a hearing officer or hearing panel. Neither the board nor the principal shall appoint any individual to serve as a hearing officer or on a hearing panel who is under the direct supervision of the principal. If the hearing is conducted by an appointed hearing officer or hearing panel, such officer or panel shall determine the relevant facts and credibility of witnesses based on the evidence presented at the hearing. Following the hearing, the principal or board shall make a final decision regarding the suspension. The principal or board shall adopt the hearing officer's or panel's factual determinations unless they are not supported by substantial evidence in the record.
  
- e. Due Process. LTS hearings shall be conducted in accordance with the policies. The student shall be accorded procedural due process including, at a minimum, the following:
  - i. The right to be represented at the hearing by counsel or, in the discretion of the board, a non-attorney advocate.
  - ii. The right to be present at the hearing, accompanied by his or her parents.
  - iii. The right of the student, parent, and the student's representative to review before the hearing any audio or video recordings of the incident and, consistent with federal and state student records laws and regulations, the information supporting the suspension that may be presented as evidence at the hearing, including statements made by witnesses related to the charges consistent with subsection (h) of this section.
  - iv. The right of the student, parent, or the student's representative to question witnesses appearing at the hearing.

- v. The right to present evidence on his or her own behalf, which may include written statements or oral testimony, relating to the incident leading to the suspension, as well as any of the factors listed above as required by G.S. 115C-390.2(g).
  - vi. The right to have a record made of the hearing.
  - vii. The right to make his or her own audio recording of the hearing.
  - viii. The right to a written decision, based on substantial evidence presented at the hearing, either upholding, modifying, or rejecting the principal's recommendation of suspension and containing at least the following information:
    - 1. The basis for the decision, including a reference to any policy or rule that the student is determined to have violated.
    - 2. Notice of what information will be included in the student's official record pursuant to G.S. 115C-402.
    - 3. The student's right to appeal the decision and notice of the procedures for such appeal.
- f. **Decision Implementation.** Following the issuance of the decision, the principal shall implement the decision by authorizing the student's return to School or by imposing the suspension reflected in the decision.
- g. **Appeal to Board.** Unless the decision was made by the board, the student may appeal the decision to the local board in accordance with the limited hearing procedures allowed by G.S. 115C-45(c) and any subsequent policies adopted by the board. A student's appeal to the board of a decision upholding a long-term suspension shall be heard and a final written decision issued in not more than 10 calendar days following the request for such appeal.
- h. **Identity Disclosure.** Nothing in this section shall compel School officials to release names or other information that could allow the student or his or her representative to identify witnesses when such identification could create a safety risk for the witness.
- i. **Judicial Review.** A decision of the board to uphold the LTS is subject to judicial review in accordance with Article 4 of Chapter 150B of the General Statutes. The action must be brought within 10 days of the local board's decision. A person seeking judicial review shall file a petition in the superior court of the county where the board made its decision.

11. Alternative Education Services

The following provisions are governed by G.S. 115C-390.9 (as adopted in 2011).

- a. Alternative Educational Services. Students who are long-term suspended shall be offered alternative education services unless the principal provides a significant or important reason for declining to offer such services. The following may be significant or important reasons, depending on the circumstances and the nature and setting of the alternative education services:
  - i. The student exhibits violent behavior.
  - ii. The student poses a threat to staff or other students.
  - iii. The student substantially disrupts the learning process.
  - iv. The student otherwise engaged in serious misconduct that makes the provision of alternative educational services not feasible.
  - v. Educationally appropriate alternative education services are not available in the local School administrative unit due to limited resources.
  - vi. The student failed to comply with reasonable conditions for admittance into an alternative education program.
- b. Appeal to Board. If the principal declines to provide alternative education services to the suspended student, the student may seek review of such decision by the board pursuant to a hearing permitted by G.S. 115C-45(c)(2). If the student seeks such review, the principal shall provide to the student and the board, in advance of the board's review, a written explanation for the denial of services together with any documents or other information supporting the decision.

12. Mandatory 365-day Suspension for Gun Possession

The following provisions are governed by G.S. 115C-390.10 (as adopted in 2011).

- a. Grounds and Procedures. The board shall suspend for 365 days any student who has brought or has been in possession of a firearm or destructive device on School property, or to a School-sponsored event off of School property. The principal shall recommend to the board the 365-day suspension of any student believed to have violated these policies regarding weapons. The board has the authority to suspend for 365 days a student who has been recommended for such suspension by the principal when such recommendation is consistent with board policies. Notwithstanding the foregoing, the principal may modify, in writing, the required 365-day suspension for an individual student on a case-by-case basis. The

- principal shall not impose a 365-day suspension if the principal determines that the student took or received the firearm or destructive device from another person at School or found the firearm or destructive device at School, provided that the student delivered or reported the firearm or destructive device as soon as practicable to a law enforcement officer or a School employee and had no intent to use such firearm or destructive device in a harmful or threatening way.
- b. Legal Reporting. The principal will report all incidents of firearms or destructive devices on School property or at a School-sponsored event as required by law.
  - c. Exception. Nothing in this provision shall apply to a firearm that was brought onto educational property for activities approved and authorized by the board, provided that the board has adopted appropriate safeguards to protect student safety.
  - d. Request for Readmission. At the time the student and parent receive notice that the student is suspended for 365 days under this section, the principal shall provide notice to the student and the student's parent of the right to petition the board for readmission pursuant to readmission procedures state below, pursuant to G.S. 115C-390.12.
  - e. Procedures. The procedures applicable to a LTS (as required by G.S. 115C-390.8) shall apply to students facing a 365-day suspension pursuant to this section.
  - f. Alternative Educational Services. Students who are suspended for 365 days pursuant to this section shall be considered for alternative educational services consistent with the provisions above regarding of Alternative Educational Services (as required by G.S. 115C-390.9).

### 13. Expulsion

The following provisions are governed by G.S. 115C-390.11 (as adopted in 2011).

- a. Grounds and Procedures. Upon recommendation of the principal, the board may expel any student 14 years of age or older whose continued presence in School constitutes a clear threat to the safety of other students or School staff. Prior to the expulsion of any student, the board shall conduct a hearing to determine whether the student's continued presence in School constitutes a clear threat to the safety of other students or School staff. The student shall be given reasonable notice of the recommendation in accordance with comparable procedures

applicable to LTS as well as reasonable notice of the time and place of the scheduled hearing.

- i. The procedures described above regarding LTS procedures (as required by G.S. 115C-390.8(e)(1)-(8)) apply to students facing expulsion pursuant to this section, except that the decision to expel a student by the board shall be based on “clear and convincing” evidence (rather than the lower standard of “substantial evidence”) that the student's continued presence in School constitutes a clear threat to the safety of other students and School staff.
  - ii. The board may expel any student subject to G.S. 14-208.18 [regarding sexual offenses] in accordance with the procedures of this section. Prior to ordering the expulsion of a student, the board shall consider, at its discretion, whether there are alternative education services that may be offered to the student. As provided by G.S. 14-208.18(f), if the board determines that the student shall be provided educational services on School property, the student shall be under the supervision of School personnel at all times.
  - iii. At the time a student is expelled under this section, the student shall be provided notice of the right to petition for readmission pursuant to expulsion reinstatement provisions stated above (as required by G.S. 115C-390.12).
- b. Exclusion from School Property/Alternative Educational Services. During the expulsion, the student is not entitled to be present on any School property and is not considered a student of the School. Nothing in this section shall prevent the board from offering access to some type of alternative educational services that can be provided to the student in a manner that does not create safety risks to other students and School staff.

#### 14. Request for Readmission

The following provisions are governed by G.S. 115C-390.12 (as adopted in 2011).

- a. Request. All students suspended for 365 days or expelled may, after 180 calendar days from the date of the beginning of the student's suspension or expulsion, request in writing readmission to the School. The procedures shall be as follows.
  - i. For 365-day suspended students:
    1. At the board's discretion, either the principal or the board itself shall consider and decide on petitions for readmission. If the decision maker is the principal, the principal shall offer the student an opportunity for an in-person meeting. If the decision maker is the board, the board may offer

the student an in-person meeting or may make a determination based on the records submitted by the student and the principal.

2. The student shall be readmitted if the student demonstrates to the satisfaction of the board or principal that the student's presence in School no longer constitutes a threat to the safety of other students or staff.
3. The principal's decision not to readmit the student may be appealed to the board pursuant to the reduced hearing requirements of G.S. 115C-45(c). The principal shall notify the parents of the right to appeal.
4. There is no right to judicial review of the board's decision not to readmit a 365-day suspended student.
5. A decision on readmission under this subsection shall be issued within 10 days of the petition.

ii. For expelled students.

1. The board shall consider all petitions for readmission of expelled students, together with the recommendation of the principal on the matter, and shall rule on the request for readmission. The board shall consider the petition based on the records submitted by the student and the response by the administration and shall allow the parties to be heard in the same manner as provided by G.S. 115C-45(c).
2. The student shall be readmitted if the student demonstrates to the satisfaction of the board or principal that his or her presence in a School no longer constitutes a clear threat to the safety of other students or staff.
3. A decision by a board of education to deny readmission of an expelled student is not subject to judicial review.
4. An expelled student may subsequently request readmission not more often than every six months. The board is not required to consider subsequent readmission petitions filed sooner than six months after the previous petition was filed.
5. A decision on readmission under this section shall be issued within 10 days of the petition.

b. Assignment. If a student is readmitted under this section, the board and the principal have the right to assign the student to any program within the School and to place reasonable conditions on the readmission.

c. Return to Alternative Classroom. If a teacher was assaulted or injured by a student, and as a result the student was expelled, the student shall not be returned to that teacher's classroom following readmission unless the teacher consents.