

COMPREHENSIVE STUDENT DISCIPLINE POLICY 420

I. INTRODUCTION

Consistent, fair and respectful discipline is essential to the educational process. Discipline must be taught just as any other content matter. Instructors are expected to be fair, consistent, and respectful in their handling of discipline related matters. Most discipline issues should be handled in the classroom. Good planning, active and engaging learning, and good classroom management are the keys to prevent student discipline problems. All staff members are expected to adhere to the Guiding Behaviors Document and utilize Responsive Classroom as a classroom management model.

II. DEFINING INTERVENTIONS/CONSEQUENCES

Adherence to the school-wide rules is expected. Failure by students to behave as required will result in specific logical consequences, further consequences and interventions. Interventions are proactive strategies to address behavior(s) that are impeding learning of the student or others. Different students need different interventions. Behavior related to a child's disability will be managed in a manner consistent with applicable laws and regulations.

III. CORPORAL PUNISHMENT (*per § 115C 390.4*)

The CFCI Board of Directors prohibits the use of corporal punishment in any form. For the purpose of this policy, corporal punishment shall be defined as any kind of physical punishment inflicted upon the body of the student. Any employee shall be responsible for notifying the Director of any observed or suspected incidence of corporal punishment. Notwithstanding the prohibition on the use of corporal punishment, school personnel may use physical restraint in accordance with federal law and G.S. 115C-391.1 and reasonable force pursuant to G.S. 115C-390.3.

IV. ACTIONS SUBJECT TO DISCIPLINARY ACTION DISRUPTION OF THE EDUCATIONAL PROCESS

Students may not disrupt the educational process, and disruption of the educational process is an infraction and is subject to disciplinary action. Below is a list of actions that disrupt the educational process. This list is not all-inclusive; acts of misconduct not specified herein shall also be subject to discretionary action by appropriate school personnel. The criterion used for defining unacceptable behavior is whether or not it has the potential to disrupt the educational process. These guidelines follow state guidelines.

a. SUBSTANCE ABUSE AND TOBACCO

The exchange, possession, or use of illegal drugs, alcohol, or any other illegal substance including tobacco is prohibited while participating in or attending school events held at or away from school. This prohibition applies to fake substances or facsimiles thereof.

b. PUBLIC DISPLAYS OF AFFECTION

Inappropriate public displays of affection will not be tolerated.

c. Bodily Harm/Injury

Administration will take all factors into consideration including age and the developmental level of students, when making determination as to the type and intensity of the consequences for bodily harm.

d. MULTIPLE REFERRALS

CFCI is committed to creating a safe learning environment free of disruption and distraction. When behavioral concerns continue to occur after logical consequences and interventions, it may have the potential to be progressively more serious and/or problematic, warranting a higher level of intervention. Students will receive increasing severe consequences for repeated infractions even if they are of a less severe nature. *Note: A specific conduct violation may require administrative intervention regardless of the number of times it has occurred.*

e. THREATS

A threat is an expression of intent to harm another person or themselves. Threats may be spoken, written, or gestured. Threats may be direct or indirect, and need not be communicated directly to the intended victim or victims. Once a threat is reported to a staff member, an investigation will be conducted by school administration to determine as quickly as possible if the threat is transient or substantive. Possession of a weapon on school grounds is will be presumed to be a threat. As part of the investigative process, a threat assessment could be conducted using a research-based tool. Based on the outcome of the threat assessment, law enforcement could be notified. Once the investigation is complete, a plan of action will be created by the threat assessment team, which consists of the Director, Assistant Director, Counselor and one or more classroom teacher(s).

DISCIPLINARY CONSIDERATIONS STUDENTS WITH DISABILITIES

Students with disabilities are not immune from the district's disciplinary process once placement procedures are properly followed. Since the exclusion of a student with a disability from his/her education program for more than a total of ten (10) days during a school year may constitute a change in placement, the following considerations must be addressed:

- When considering a total number of suspension days that exceeds 10 school days, an Individualized Education Program (IEP) Team, or 504 team as appropriate, must first determine whether the behavior of concern is a manifestation of the student's disability.
- If the outcome of manifestation determination determines that the behavior is *not* a manifestation of the student's disability, disciplinary actions may be taken in accordance with the procedures in this policy.
- If the team determines either that the behavior is related to the student's disability, then the student may not be suspended and a team meeting must be convened to discuss changes to the student's plan .
- Any suspension that excludes a student from his/her special education services must be counted when calculating the total number of suspension days.
- The decision to remove a student from his/her services will be made on an individual basis.
- Procedural safeguards outlined by the US Department of Education will be followed.

- All federal guidelines regarding the provision of education continuation services for suspended special education students will be adhered to.

Manifestation Determination Process

- When a student with a disability, suspected or documented, receives the 11th day of suspension within a school year, a parent/teacher meeting must be conducted to determine if the behavior that led to the 11th day of suspension has a direct or substantial relationship to the disability. A meeting is necessary prior to the 11th day of suspension regardless if it is a suspension for a single incident or an accumulation of several short-term suspensions for several incidents.
- All manifestation determination meetings will follow state and federal requirements.
- In the event that a parent does not agree with the outcome of the Manifestation determination meeting, he or she may appeal, in writing, to the director of the school for a review of the relevant information. The director may request that the meeting be reconvened or uphold the original outcome.
- If the parent does not agree with the outcome of the manifestation determination appeal, he or she may follow state guidelines for a due process request.

STUDENT REFERRALS/INCIDENT REPORTS. From time to time, an incident may occur that, does not necessarily lead to an office referral. In these instances, a classroom referral form will be completed for documentation. Consequences appropriate for incidents will be assigned by the classroom teacher.

When an office referral is needed, the teacher will complete an office referral form. The following consequences may be assigned for office referrals:

- **SUSPENSION OF EXTRA-CURRICULAR PRIVILEGES.** Students may be removed, at the discretion of the principal, from any part or all of extra-curricular privileges for time periods up to one (1) full calendar year. Participation in extra-curricular activities is a privilege offered to and earned by students. Because participants are serving as representatives of their school and community, their conduct is expected to exemplify high standards at all times. Participants are expected to adhere to higher standards of academics and conduct than established for the general school population in order to maintain their extra-curricular privileges.
- **IN-SCHOOL SUSPENSION** (removal from setting and/or loss of privileges to an alternative supervised area). Students are responsible for keeping their class work current. Student will be allowed to make-up class work, homework, quizzes, etc. Students may or may not be allowed to participate in extracurricular/co-curricular activities/athletics during days of in-school suspension, at the discretion of the administrative authority. Parent/administrator contact and disciplinary notice issued.
- **SHORT-TERM SUSPENSION.** (removal from the entire school setting for a period of time not to exceed 10 school days). Short-term suspension will be at the discretion of the Director or designee and will address behaviors that disrupt the educational process. Administrators may impose Interventions/Consequences beyond the minimum mandatory in order to maintain the safety and security of the school population. In the event a short-term suspension is assigned, the director or designee will provide written notification to each of the student's teachers and

to the student's parents/legal guardians within one (1) school day of imposing any form of suspension. The school administration must keep on file a copy of the notification for any suspension occurring during a school year.

- **LONG-TERM SUSPENSION** (removal of a student from instruction and all school-related activities for more than ten (10) days and up to the balance of the semester). Similar to a short-term suspension, the director or designee will provide written notification to each of the student's teachers and to the student's parents/legal guardians within one (1) school day. If the student/parent would like to contest the long-term suspension, the student will be given the opportunity for a due process hearing prior to the 11th day of suspension. The student may, at his/her own expense, choose to be represented by an attorney at the hearing.
- **EXPULSION** occurs as a result of a recommendation by a hearing officer at a Disciplinary Due Process Hearing. Expulsion is the removal of a student from all school-related activities for a period of 365 calendar days. A student must be given a due process hearing prior to expulsion. The student may, at his/her own expense, choose to be represented by an attorney at the hearing.
- **REIMBURSEMENTS/RESTITUTION.** Restitution will be sought from anyone for damage or theft of personal or school property. This includes damage to the school facilities (i.e. bathrooms, Chromebooks, desks, etc.), damage to personal property of school employees or students or school neighborhood residents. Such matters may be referred to the police or other legal authority for further action.
- **REFERRAL FOR LEGAL ACTION.** Evidence of any illegal act or action by a student will be forwarded to the appropriate authority or law enforcement agency.

ACTIONS WHICH MAY RESULT IN SUSPENSION AND COULD RESULT IN EXPULSION

- a) **WEAPONS-** Use of or threatening with a firearm, knife, explosive, or other object, even if manufactured for a nonviolent purpose, that has a potentially violent use, or any look-alike" object that resembles an object that has a potentially violent use, with intent to cause bodily harm. This specifically includes "look-alike" guns and knives, such as toys or the sale or furnishing of weapons (gun, sharp object, club, or an object that could inflict serious bodily injury).
- b) **ARSON** – Category II Starting a fire resulting in damage to property over \$100.00 to property or starting a fire resulting in injury to a person.
- c) **SEXUAL OFFENSES** Committed or attempted to commit sexual assault or sexual battery (see aggravated assault) or repeated sexual harassment including but not limited to unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature that can be deemed as a threat.
- d) **ACTS OF VIOLENCE** Cause or attempt to cause physical injury to a staff member including:
 - a. Bomb threats
 - b. Repeated fighting
 - c. Causing physical harm to another person
 - d. Rioting or gang fighting
- e) **FIREARMS-** The possession, selling or otherwise furnishing a firearm or firearm look-alike or any explosive device as defined in general statutes.

- f) **SALE/DISTRIBUTION/USE/POSSESSION OF CONTROLLED/ILLEGAL SUBSTANCES, ALCOHOL, AND TOBACCO PRODUCTS (including vaping)**- Possession with intent to distribute alcohol or drugs, other illegal substances or look-alikes or the use and/or possession of drugs, alcohol, or any intoxicant **(including vaping)**.
- First Offense – Out of school suspension and loss of privilege to participate in extracurricular activities for a time period to be determined by administration.
 - Second Offense – Suspension pending referral to Disciplinary Hearing
 - All Offenses - Possible Legal Action, Long-term Suspension and/or Expulsion.
- g) **CONTRACT VIOLATION** The student's refusal to comply with expectations, policies, and procedures as set forth in a ~~Student Success Contract~~ student contract and agreed upon by student, parent, and school representative.
- h) **BULLYING/HARASSMENT**- Bullying is a series of deliberate and hurtful actions inflicted by one or more students who are perceived to be or are actually stronger, more confident, and/or more aggressive than the person(s) being bullied. Bullying can be: physical, verbal, social/relational and /or sexual harassment. This includes cyberbullying. Reporting bullying is a CFCI and State Board requirement. See Policy 257 for details.

DISCIPLINARY HEARING

- In the event a parent or guardian wishes to contest a long-term suspension or expulsion, he or she must submit, in writing, a request for a hearing within 3 days of written notification of the suspension. A hearing will be convened before a hearing panel, within a timely manner. A hearing panel will consist of three board members, including one community board member. Provided the parent makes the request within the 3-day window, the student long-term suspension will be pending the outcome of the hearing.
- The Hearing Panel must determine the relevant facts and credibility of witnesses based on the evidence presented at the hearing and choose to implement one of the following outcomes:
 - Uphold the school's recommendation for a long-term suspension
 - Modify the long-term suspension
 - Reject the long-term suspension recommendation
- The following procedures shall apply to Hearing Panel hearings:
 - The right of the student to be represented at the hearing by counsel or a non-attorney advocate;
 - The right of the student to be present at the hearing, accompanied by his or her Parents;
 - 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 except when the release of names or other information could create a safety risk for a witness;
 - The right of the student, Parent, or the student's representative to question witnesses appearing at the hearing;
 - The right of the student 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 the student's discipline and academic history, the potential benefits to the student of alternatives to suspension, and other mitigating factors;
- f. The right of the student to have a record made of the hearing;
 - g. The right of the student to make his or her own audio recording of the hearing; and
 - h. The right of the student to a written decision, based on Substantial Evidence presented at the hearing, either upholding, modifying, or rejecting the recommendation of the long-term suspension and containing at least the following information:
 - i. The basis for the decision, including a reference to any policy or rule that the student is determined to have violated.
 - ii. Notice of what information will be included in the student's official record pursuant to N.C.G.S. §115C-402.

ACTIONS TO BE REPORTED TO LAW ENFORCEMENT (*per § 115C-288*)

To Report Certain Acts to Law Enforcement and the Board Chair. - When the Director has personal knowledge or actual notice from school personnel that an act has occurred on school property involving: assault resulting in serious personal injury, sexual assault, sexual offense, rape, kidnapping, indecent liberties with a minor, assault involving the use of a weapon, possession of a firearm in violation of the law, possession of a weapon in violation of the law, or possession of a controlled substance in violation of the law, the principal shall immediately report the act to the appropriate local law enforcement agency.

Any of the above reportable offenses may result in suspension, long term suspension or expulsion.

Revised Policy 420 combined former policies:

420- Comprehensive Student Discipline,

422- Weapons, Violence and School Safety,

424- Drug, Tobacco and Alcohol Use by Students,

426- Corporal Punishment

Supplemental Documents/Procedures/Policies

Manifestation Determinization Notification

Long Term Suspension Notification

Expulsion Notification

Threat Assessment Protocol

255 and 257: Bullying and Harassment