



Section V – Procedures Relating to Disciplinary Action or Re-entry

To protect student rights, certain procedures are followed with regard to disciplinary actions. These procedures are developed as suggested or required by law or regulation. School and classroom discipline in areas not covered by these specific procedures are encouraged.

Corporal Punishment

Discipline shall be maintained without the use of corporal punishment, which is prohibited in the school district (Charlotte-Mecklenburg Board of Education Policy JK). However, staff is authorized by state law to use reasonable force in the exercise of lawful authority to restrain or correct students and maintain order. (N.C.G.S. § 115C-390.3 and 391.1).

Procedures for Short-term Suspensions (1-10 days)

A student accused of misconduct, which in the opinion of the principal (includes principal's designee) would require a short-term suspension from school, shall be afforded the procedures below. A student must be given an opportunity to complete assignments, take textbooks home, and take major tests or exams missed during the period of suspension. Details of the processes to be followed are provided in Policy JKD.

- Step 1:** The student must be notified by the principal/designee of the alleged rule violation.
- Step 2:** The student must be given the opportunity to have an informal hearing with the principal, to be informed of the basis for the charges and to present his/her version of the events and any defense. The informal hearing will typically occur immediately after the student is informed of the charges, but may be delayed until after the start of the short-term suspension if the student's continued presence on campus is a safety concern or substantially disrupts or interferes with the education of the other students or the maintenance of discipline at the school.
- Step 3:** The principal/designee shall make a decision as to whether or not a student is guilty of the misconduct, and if so, what disciplinary response will be imposed. Initial notices to impose suspension may be communicated orally to the parent; written notification must follow.
- Step 4:** The principal/designee shall report each suspension in writing to the student's parent/guardian. This report shall be sent to the parent by email, regular mail or other reliable means by the end of the day of the suspension when reasonably possible. Otherwise, it must be sent no more than 2 days later. Reasonable efforts shall be made to contact parents or guardians prior to the start of the suspension. If parents or guardians cannot be reached prior to the start of the suspension, the principal/designee may start the suspension without contacting them. In this event, the principal must continue efforts to reach the parent/guardian.
- Step 5:** At the discretion of the principal, a written behavior contract may be required upon the return of the student to school.
- Step 6:** Students are not entitled to appeal a principal's decision to impose a short-term suspension to the superintendent or the Board of Education.

Procedures for Long-term Suspensions (more than 10 days) or 365-day Suspensions and Disciplinary Reassignments

A student accused of a willful violation of the *Code of Student Conduct* which, in the opinion of the principal/designee, may require a long-term suspension or 365-day suspension from school, shall be afforded the procedural safeguards described below. A suspension of more than 10 days is appropriate only when the student willfully engages in conduct that threatens the safety of students, staff or school visitors, or threatens to substantially disrupt the educational environment. The procedures for a short-term suspension must be employed, as well as the following additional steps, prior to the imposition of a long-term suspension. Only the superintendent or his/her designee (the learning community superintendent) may impose a period of long-term suspension or 365-day suspension. A student serving a long-term suspension will not be provided assignments or permitted to take tests/exams missed during the period of suspension. Students covered under the Individuals with Disabilities Education Act (IDEA) will continue to receive special education services.

- 1. Notice of Long-Term Suspension:** When a principal decides to recommend that a long-term suspension be imposed, parents must be provided written notice of the recommendation by the end of the workday (when reasonably possible; otherwise as soon as is practicable).
- 2. Discipline Team Meeting:** Except for serious violations of the *Code of Student Conduct* for which the superintendent may recommend that the student be expelled, a Discipline Team Meeting (DTM), which consists of the principal/designee, the learning community administrator, the parent/guardian and the student, may be convened at the school within the 10-day short-term suspension. The purpose of this meeting is for the team to review the investigation completed by the school, the principal's recommended consequences, the due process procedures afforded, and any information provided by the student and the parent/guardian. Neither attorneys nor non-attorney advocates are permitted to attend. During the DTM, the community administrator may recommend that additional consequences be imposed. At this point the community superintendent will make a preliminary decision about the disciplinary consequence. Parents will be informed in writing of the community superintendent's decision.

3. **Disciplinary Reassignment:** If the decision of the learning community superintendent is to make a disciplinary reassignment of the student to an alternative school without any additional days of suspension, the student is not entitled to a due process hearing. Disciplinary reassignments are not long-term suspensions. After being assigned to Turning Point Academy, the student is required to attend school there. Each day the student does not attend will be counted as an unexcused absence. A parent may be prosecuted in a criminal action if a student between the ages of 7 and 16 has more than 10 unexcused absences. In addition, the student could be referred by the school to the Department of Juvenile Justice for the filing of a petition asking the court to find him or her to be undisciplined. The student may request an appeal of the school assignment to the Board by contacting the Student Discipline and Behavior Support Department. A form for this purpose is in the back of this book. The assignment will be immediately effective pending the appeal and remains in effect until a decision is rendered in the appeal. As provided in Board Policy JFAC, a student may not be represented by an attorney at the Board hearing at which the student appeals a disciplinary reassignment.

4. **Preliminary Decision to Impose Long-Term Suspension/Right to a Due Process Hearing:** For serious rule violations for which a decision to impose a long-term suspension is likely, a DTM will not be held and the learning community superintendent will make a preliminary decision on what consequence to impose based on the principal's investigation of the facts of the case. If the parent/guardian agrees with the preliminary decision of the learning community superintendent to impose a long-term suspension, then that decision shall become final and a due process hearing will not take place. If the parent/guardian disagrees with the decision of the learning community superintendent to impose a long-term suspension, the student is entitled by law to a hearing before a hearing officer. This hearing may be requested by making a written request to the community administrator within three business days. A form for this purpose is in the back of this book.

5. **Due Process Hearing** If parents request a due process hearing, the hearing will be scheduled within the initial 10 days of suspension. If parents/guardians miss the deadline or request a later hearing date or their scheduling conflicts cause the hearing to take place after the initial 10-day suspension, then the learning community superintendent shall impose the long-term suspension before the hearing occurs.

Notice: Written notice will be sent to parents/guardians advising them of the date, time and location of the hearing. The notice will describe the hearing process and advise parents/guardians of the student's rights under law. Details of the notice are provided in Policy JKD. The notice will be sent by email, US mail, hand delivery or other reliable means. For children in foster care, notice must also be sent to the foster parents and the Youth and Family Services (DSS) guardian. If neither the student nor parent appears at the scheduled hearing, they will have waived the right to the hearing and the superintendent will proceed with imposing the disciplinary consequences.

At the Hearing: The due process hearing will be held at the learning community offices or other designated location and the student will be able to exercise the rights identified in the notice, including the right to have an opportunity to present his/her version of the events, provide witnesses (or written witness statements) on his/her behalf, question the witnesses presented by the school administration and be represented by counsel (at the parent's own expense). Students shall also have the right to review before the hearing the evidence that may be presented by the district, as allowed by federal and NC law. The hearing officer shall make a written determination of the facts, based on substantial evidence presented at the hearing.

Decision Following the Hearing: The superintendent/designee shall make a final decision regarding the disciplinary consequences after the due process hearing has occurred (or, if no request is received, after the deadline has passed for requesting a hearing.) The superintendent/designee will not review the initial 10-day (short-term) suspension. A student shall be informed of the determination promptly.

6. **Appeal of Long-Term Suspension:** If the student disagrees with the decision of the superintendent/designee to impose a suspension of more than 10 days, he/she is entitled to appeal to the Board of Education. This appeal must be submitted in writing within 10 days of receiving the superintendent's decision. The disciplinary consequence remains in effect throughout all appeals. The student may appeal to the Board even if he/she did not request a due process hearing. A form for this purpose is located in the back of this book. Students under a long-term suspension from another district, who are seeking admission to CMS, may not appeal their long-term suspension through the CMS process.

7. **Board Hearing:** The Board hearing will be conducted and a decision rendered within 30 days of receiving the notice of the appeal, unless the student requests that the hearing be delayed. Students are entitled to be represented by counsel (at the parent's own expense) at hearings appealing a long-term suspension.