



Guilford County Board of Education

Policy Committee Meeting

August 13, 2:30 p.m.

Swann Room, GCS Central Administrative Offices

Committee Members: Winston McGregor, Chairperson Sharon L. Contreras, PhD, Staff Liaison
T. Dianne Bellamy Small
Byron Gladden
Pat Tillman

AGENDA	
Welcome and Introductions	<i>Discussion Leader: Winston McGregor</i>
Review of Minutes for (June 4, 2019)	<i>Discussion Leader: Winston McGregor</i>
JD – Student Discipline	<i>Discussion Leader: Sharon L. Contreras, PhD, and Wanda Legrand</i>
4400 – Attendance	<i>Discussion Leader: Sharon L. Contreras, PhD, and Wanda Legrand</i>
Proposed 2019-2020 Policy Committee Meeting Schedule	<i>Discussion Leader: Winston McGregor</i>
Other Business	<i>Discussion Leader: Winston McGregor</i>
Next Meeting: September 8, 2019	
Adjournment	

Members Present: Winston McGregor, T. Dianne Bellamy Small, Byron Gladden, Pat Tillman (via conference call)

Staff: Sharon L. Contreras, PhD, Nora Carr, Ed.D., Kim Hipp

Other: Linda Welborn

Approval of Minutes

Minutes from the May 8, 2018 meeting were approved as written.

Governance-Related Policies

- 1760/7280 – Prohibition Against Retaliation
 - Committee approved to send to Board for a First Reading, with specified revisions incorporated, at the June 11 Board of Education meeting.
- TBD – Constituent Services
 - Committee approved to send to Board for a First Reading, with specified revisions incorporated, at the June 11 Board of Education meeting.
- 2010 – Board and Superintendent Relations
 - Committee approved to send to Board for a First Reading, with specified revisions incorporated, at the June 11 Board of Education meeting.
- 2100 – Board Member Legal Status
 - Committee approved to send to Board for a First Reading, as presented, at the June 11 Board of Education meeting.
- 2110 – Board Member Elections
 - Committee approved to send to Board for a First Reading, with specified revisions incorporated, at the June 11 Board of Education meeting.
- 2115 – Unexpired Term Fulfillment
 - Committee approved to send to Board for a First Reading, with specified revisions incorporated, at the June 11 Board of Education meeting.

Other Policies

- 6140 – Student Wellness (formally IHB – Student Wellness)
 - Committee approved to send to Board for a First Reading, as presented, at the June 11 Board of Education meeting.
- TBD – Credit Recovery
 - Committee approved to send to Board for a First Reading, as presented, at the June 11 Board of Education meeting.

Next meeting

The next Policy Committee meeting is scheduled for August 13.

Submitted by:

Nora K. Carr, Ed.D.

Chief of Staff, Guilford County Schools

Guilford County Board of Education

Descriptor Term: STUDENT DISCIPLINE		Descriptor Code: JD	
Presented to the Board: January 13, 2004	Adopted by the Board: March 9, 2004 To be effective July 1, 2004	Revised by the Board: January 27, 2005 October 10, 2006 October 27, 2011	

Guilford County Schools (GCS) is committed to maintaining effective discipline in order to establish positive learning environments that ensure that every student has the maximum opportunity to receive appropriate education. GCS recognizes that establishing order and maintaining discipline in the school setting can be achieved only through the cooperative efforts of school personnel, students and parents/guardians.

State law addresses the responsibilities of teachers and principals as follows:

“It shall be the duty of all teachers, including student teachers, substitute teachers, voluntary teachers and teacher assistants when given authority over some part of the school program by the principal or supervising teacher, to maintain good order and discipline in their respective schools.” (G.S. 115C-307)

“The principal shall have the authority to exercise discipline over the pupils of the school pursuant to policies adopted by the local Board of Education as prescribed by G.S. 115C-390.” (G.S. 115C-288)

Discipline: A Cooperative Effort

In addition to meeting the requirements of the law, the district expects all school personnel to promote effective instruction and discipline through fair and non-discriminatory treatment of all students, to display an attitude of respect for all students, to initiate cooperative working relationships with all students and parents/guardians, and to seek parental/guardian input in planning and implementing discipline plans. It is the responsibility of all school personnel to consistently and impartially enforce the rules and regulations of the school and classroom while protecting the constitutional due process rights of the students.

Students are encouraged and expected to conduct themselves in a manner that is conducive to effective learning and that respects the personal, civil, and property rights of all members of the school community. Students are expected to know and to follow the rules and regulations of the school and each classroom teacher. If a student has a complaint or concern, he/she is encouraged to discuss the problem with school personnel and parents/guardians and to seek changes in an orderly, responsible manner.

Parents/guardians are encouraged to maintain regular communication with school personnel concerning their child’s academic progress and conduct, to attend conferences scheduled at a time mutually convenient for all concerned, and to bring to the attention of school personnel any concern or

problem that affects the education of their child. Parents/guardians are also expected to know and to encourage their child to follow the rules and regulations of the school and each classroom teacher.

To facilitate and promote cooperation between students, parents, and school personnel, the administration has established system-wide standards for the proper conduct and behavior of students in the Guilford County Schools. The handbook also sets out procedures for enforcing the Code and rights and responsibilities of students and parents in the event a disciplinary issue arises. This Code will be published annually in the Student Handbook. From time to time the practices and procedures change during the year. The Handbook is a guide. Updates to the Handbook and code should be available at school sites and the administrative offices, in addition to our policy website.

GCS has broad jurisdiction over students enrolled in the system. Therefore, the Code shall apply to all facets of student behavior in the system before, during and after school hours while a student is at school in any school building and on any school premises. It shall apply when students attend school-sponsored activities and while students are on or about any school-owned or operated vehicle and school-system contracted vehicles; while students are at designated bus stops; while students are off school property at any school-sponsored or school-approved activities or functions including, but not limited to, dances, field trips, and athletic events; during any period of time when students are subject to the authority of school personnel; and at any time when the student's behavior has a direct and immediate effect on maintaining order and discipline and protecting safety and welfare of students and staff.

The Code is not intended to restrict, in any way, the authority of principals or teachers to make rules, not inconsistent with the Code, as they are authorized by law to make for the operation of their respective schools and classrooms. The classroom teacher has the first level of responsibility in matters of student discipline and most matters should be handled by the teacher at that level.

Prevention is always preferred over intervention.

Any student who refuses to comply with reasonable rules, regulations or directives imposed by any principal, teacher, or authorized school employee shall be held in violation of the Code. It shall be the responsibility of the principal, or designee, to investigate fully the cases of students appropriately referred to his or her office for misbehavior and to determine what, if any, disciplinary action is warranted.

The Code uses a system of consequences and "ranges of consequences." In the event that a principal finds that mitigating or aggravating circumstances justify a different punishment, he or she shall so specify the circumstances in his/her Memorandum of Disciplinary Action (See Appendix A). Repeated violations of the Code of Conduct shall be considered an aggravating factor supporting consequences beyond the recommended measure. With the aforementioned circumstances, the principal is granted the authority to exercise his/her good judgment to apply a greater or lesser consequence than that specified herein.

Guilford County Schools focuses on improving the academic success of every student, and that success begins with ensuring that students can attend school every day, ready and able to learn. Students shall not be suspended for violating attendance policies.

Preventive Measures

When it is recognized that a student is behaving in a manner that indicates potential disciplinary problems, school personnel shall make reasonable efforts to initiate preventive measures. Possible preventive intervention procedures may include, but are not limited to:

- conferences with the student;
- conferences with the parents/guardians;
- periodic follow-up reports to parents/guardians; and
- referral to appropriate support personnel.

School personnel shall actively seek effective, positive methods and strategies to help each student learn to behave in a manner that is conducive to effective learning and that respects the rights of others. Each school principal shall systematically identify potential problem areas within his/her school that may contribute to discipline problems and shall work to maintain a positive school environment to minimize discipline problems.

Corporal Punishment, Use of Reasonable Force, Seclusion and Restraint

~~The district believes that a well-disciplined school system can be maintained without the use of corporal punishment. Therefore, t~~The district prohibits the use of corporal punishment by principals, assistant principals, teachers, substitute teachers and any other school system personnel, student teachers or volunteers.

While the district prohibits the use of corporal punishment as a means of discipline, school personnel may use reasonable force to control behavior or to remove a person from the scene in the following situations:

- to quell a disturbance threatening injury to others;
- to obtain possession of weapons or other dangerous objects on the person or within the control of a student;
- for self-defense;
- for the protection of persons or property, and
- to maintain order on school property, in the classroom, or at a school-related activity on or off school property.

Schools shall not use seclusion or restraint as a means of discipline except as provided by law. The Superintendent is directed to develop procedures regarding the use of seclusion, restraint and isolation.

Suspension and Expulsion

While the teacher has the major responsibility for classroom discipline, some disruptive behavior may require the attention of the principal or his/her designee. State law assigns the principal the authority to suspend for 10 days or less, or with prior approval of the Superintendent, for more than 10 days (G.S. 115C-390). Special statutory provisions apply in the event that a student enrolled in an exceptional children's program exhibits behavior which might result in suspension or expulsion (G.S. 115C-112). The Board expects the principal to treat any suspension or expulsion as a very serious matter and in such instances the principal should utilize resources at his/her disposal in an effort to affect another solution. In the event that a student must be suspended or excluded, the Board expects such action will be in full compliance with the provisions of the law and with the administrative policies and/or procedures.

DEFINITIONS

Aggravating Factors – Aggravating factors suggesting consequences beyond the recommended penalty include, but are not limited to: repeated violations, imminent danger to self or others, failing or refusing to follow the directives of school personnel while they are attempting to investigate or control

behavior during a potential Code violation, and other extreme circumstances within the discretion of the principal.

Alternative Setting – Educational services provided by the system or another provider in a setting other than the student’s school assignment.

Board – The Guilford County Board of Education.

Classroom – Locations where designated learning experiences take place and where school officials have supervisory responsibility.

Consequences – Consequences for violations of the Code of Conduct include, but are not limited to: conferences with parents, confiscation of property which disrupts the learning environment, detention, isolation, restitution, in-school suspension, suspension from school activities and events, suspension of bus privileges, after-school detention, out-of-school suspension and expulsion (See also the section titled Disciplinary Measures).

Day or Days – School days excluding teacher workdays, holidays, vacation days, weekends and days when school is cancelled due to inclement weather or other emergencies.

Destructive Device – An explosive, incendiary, or poisonous gas: bomb; grenade; rocket having a propellant charge of more than four ounces; missile having an explosive or incendiary charge of more than one-quarter ounce; mine, device similar to any of the devices listed in this subdivision. G.S. 115C-390.1(b)(8).

Expulsion – Permanent exclusion of a student from entering the school, school grounds or riding on a school-owned or operated vehicle and prohibiting a student from enrolling in Guilford County School. (Expulsion is only for students 14 or older).

In-School Suspension (hereinafter ISS) – The in-school suspension program is an alternative to students being suspended out-of-school. Purposes are to provide a form of consequence that result in improved behaviors without the removal of students from the school environment and supervision.

Firearm – Any of the following: 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, the frame or receiver or any such weapon, any firearm muffler or firearm silencer. The term shall not include an inoperable antique firearm, a BB gun, stun gun, air rifle, or air pistol. G.S. 115C-390.1(b)(5).

Long-Term Suspension – 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 long-term suspension 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.

Memorandum of Disciplinary Action – The written summation by the principal or his designee of the charges against the student, the principal’s findings and the disciplinary action assigned by the principal as a consequence of the action.

Mitigating Factors – Mitigating factors include, but are not limited to self-defense, provocation, former record of the student, and other factors in the discretion of the principal and Superintendent.

Out-of-School Suspension (hereinafter OSS) – The removal of the student from school, school activities and school grounds for a designated period of time as prescribed by law.

Parent – The natural parent, legal guardian, legal custodian or person serving in loco parentis having charge or control of any student enrolled in the Guilford County Schools.

Principal – The school principal or any school professional to whom the principal may officially delegate authority.

Short-Term Suspension – 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.

~~Student Services Administrator – The individuals who supervise school principals and support the regional superintendent and regional executive director Chief of Schools in management of discipline concerns. This individual works directly with the principal to create a positive, disciplined learning environment.~~

Restitution – To make whole, by replacement or restoration of property to its original condition, or payment of money sufficient to compensate for damage to property.

Student – Any person enrolled or attending any of the schools within the Guilford County School district.

Tardy – Late for a class or other school period as defined by the schools and North Carolina laws and regulations.

Teacher – The professional entrusted by the Board and the Superintendent with the responsibility pursuant to law for the education, health and well-being of students under his/her direction.

Teacher Assistant – The paraprofessional hired by the Board to provide classroom support and assistance to teachers.

Year-Long Suspension – Students who are in possession of a firearm or destructive device or physically assault teachers, other adults or students or who may be suspended up to 365 days or placed in an alternative setting if the criteria set out in N.C.G.S. 115C-390 are met. In some instances, a suspension for 365 days is mandatory.

GENERAL PROVISIONS

All students shall comply with all rules and regulations governing behavior and conduct. Violation of Board or Administrative Policies or Procedures, the Student Code of Conduct of the Guilford County School Administrative Unit, regulations issued by the individual school, rules designed by teachers to govern student behavior, or the North Carolina General Statutes may result in disciplinary action including suspension of the student from the Guilford County School Administrative Unit pursuant to the Due Process Procedures for Administrative Disciplinary Action of the Guilford County School Administrative Unit.

~~Students shall be informed by local school rules or local school authorities of any infractions not listed in this Code of Conduct that may result in short-term or long-term suspension or expulsion.~~ During the period that a student is suspended, he/she is prohibited from entering the grounds of any school of the Guilford County School Administrative Unit and from attending any school-related functions without express permission of the building principal. Further, a student suspended from riding school-provided transportation should not enter a school bus or contract vehicle for the purpose of being transported from home to school or from school to home during the period of suspension.

Pursuant to North Carolina General Statute 115C-288, "law enforcement authorities will be notified if the principal 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." Law enforcement will be called in other instances if the principal has reason to believe a crime may have been committed and may be called if the involvement of law enforcement would advance the principal's efforts to determine whether a crime has been committed, to quell a disturbance or to maintain order. School officials shall cooperate at all times with the efforts of law enforcement; however, school disciplinary measures will proceed independently of any criminal or juvenile investigation or prosecution.

Lockers, desks, and other school property remain at all times the property of the Board and shall be subject to search at the discretion of the Superintendent or his designee. Lockers, desks, parking lots, and any other property of the Guilford County Schools may not be used for any unlawful purpose, and any unlawful or disruptive or dangerous material found in or on school premises may be confiscated.

IMPLEMENTATION

In order to assure that all Guilford County students and their parents are aware of the Student Code of Conduct and the consequences for its violation and all rights and responsibilities following an allegation of a Code violation, teachers will distribute the Code to all students and verify, in writing, the Code's distribution and discussion of the Code. Additionally, each student will be required to provide a copy of the Code of Conduct to his or her parent and every student and parent will sign a verification form that they have read and reviewed the Code and understand the expected behavior and consequences resulting from unacceptable behavior. This verification will take place at the beginning of the school year, or, in the case of students enrolling after the beginning of school, at the time of enrollment. Forms for the verifications by teachers, students, and parents are found in Appendix B and C of this document.

PROCEDURE FOR DISCIPLINARY ACTIONS AND APPEALS

(In-School Suspension/ISS and Out-of-School Suspensions/OSS for 10 days or less)

North Carolina General Statute 115C-390.5(a) states that "the principal, or his delegate, shall have the authority to suspend for a period of up to 10 days or less any student who willfully violates policies of conduct established by the local board of education." A disciplinary action of any suspension in-school or a suspension out-of-school for 10 days or less shall be determined by the Superintendent or designee or principal (referred to as the "suspending authority").

The following procedure, pursuant to North Carolina General Statute 115C-390.6, will be utilized when a student is recommended for In-School Suspension/ISS and Out-of-School Suspensions/OSS for 10 days or less by the principal:

1. No short-term suspension 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.

2. The principal may impose a short-term suspension 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 shall occur as soon as practicable.
3. The principal shall provide notice to the student's parent of any short-term suspension, 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.
4. 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.
5. A student is not entitled to appeal the principal's decision to impose a short-term suspension to the superintendent or local board of education. Further, such a decision is not subject to judicial review. Notwithstanding this subsection, the local board of education, in its discretion, may provide students an opportunity for a review or appeal of a short-term suspension to the superintendent or local board of education.

(Out-of-School Suspensions/OSS of 10 days or more)

The following procedure will be utilized when a student is recommended for a long-term suspension by the principal:

1. The principal or designee shall investigate the alleged violation as it relates to the student;
 - a. A conference will be held with all parties involved in the situation including parent(s)/guardian(s), if they can be reached within a reasonable time,
 - b. The evidence related to the situation will be presented and reviewed during the conference,
 - c. If the investigation is complete at the conclusion of the conference, the parent/student will be informed of the long-term recommendation and given appeal information, and
 - d. If the investigation is incomplete at the conclusion of the conference, then the principal will render a decision as soon as the investigation is complete.
2. The principal or designee will notify the Superintendent's designee when a student is recommended for a long-term suspension.
3. The principal or designee will prepare and forward the long-term suspension recommendation letter and appeal information by hand delivery to the parent/student within two (2) school days. The letter will include notice of the time, place and date of the long-term suspension hearing before the Hearing Officer, who is the Superintendent's designee. The principal or designee must deliver the letter to the parent, guardian or custodian or to the address of record for the student contained in the student's official school file:
 - It is the goal of the Board that every student will be given a hearing with the hearing officer within six (6) school days from the student's initial date of suspension,
 - The principal or designee will present to the Hearing Officer the evidence supporting the recommendation of long-term suspension and the parent/student will have an opportunity to present evidence disputing the recommendation of the principal,
 - The hearing will be recorded and the student will have a right to a copy of the recording if requested at cost,

- The student has a right to legal representation at the hearing (at the student's expense) to present evidence, and to examine and present witnesses, including witnesses for the administration, and
- At the conclusion of the hearing the Hearing Officer, as the Superintendent's designee, will determine whether the principal's recommendation for long-term suspension should be upheld. In the alternative, the hearing officer may also consider disciplinary reassignment and a Behavior Modification Contract (BMC).

Disciplinary Reassignment Instead of Long-term Suspension with a Behavior Modification Contract (BMC)

In certain cases, at the discretion of the Hearing Officer, following the hearing regarding the long-term suspension recommendation of the principal, a student who is recommended for long-term suspension may be reassigned to an alternative school for a period of time, with a goal toward re-entry into the regular school community. Students will be placed on a Behavior Modification Contract (BMC). Conditions in the BMC will include disciplinary reassignment to the alternative school, acceptable attendance and appropriate behaviors at the alternative school. Other conditions may also be imposed. In the event that the student and parent consent to the reassignment and BMC and the terms of the BMC are met, the student will be eligible for reassignment back to the home school or another school at the beginning of the grading period following successful completion of the BMC. In the event the student successfully completes the BMC, the student's record will show the student was reassigned for a period of time and will not reflect a long-term suspension. In the event, however, that the BMC is not successfully completed or attendance at the alternative school is not satisfactory, the long-term suspension shall be activated and the student's record will reflect that the student was long-term suspended.

Appeal of the Superintendent's Decision to the Board of Education

The parent/student may appeal the decision of the hearing officer to a panel of the Board of Education. If the parent/student wishes to pursue an appeal to a panel of the Board, the written request must be received by the hearing officer within two (2) school days upon receipt of the written decision of the hearing officer.

A Board panel, composed of not less than three (3) members of the Board of Education, will hear and act upon the Hearing Officer/Superintendent's recommendation in the name of and on behalf of the Board.

1. The school administration and the parent/student will have the opportunity to present their case(s) to the Panel. The hearing will be recorded.
2. The student is entitled to have legal representation (at the student's expense), to present evidence, to present and examine witnesses, including witnesses for the administration.
3. The Panel will render a decision in a timely fashion.
4. The parent/student may request a copy of the recording of the proceedings at cost.

(Student Expulsion)

N.C.G.S. §115C-390.11(a) provides that a student can be expelled from the Guilford County Schools if the Principal and Superintendent recommend expulsion to the Guilford County Board of Education and the Board finds, based on 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 procedure for the decision-making process is as follows:

A. Administrative Level:

The Principal determines if the conduct warrants recommendation for expulsion. The Principal shall:

1. Gather all documentary evidence, including written statements, photos, weapons, police reports, student discipline record for current year, and any evidence of long-term suspensions from previous years, etc. and take this information to his/her ~~Student Services Administrator~~Superintendent's designee for a review and discussion;
2. If the ~~Student Services Administrator~~Superintendent's designee and Principal concur that evidence supports expulsion by clear and convincing standards, the Principal should put the recommendation in writing and forward it to the Superintendent's designee with copy of the recommendation to the parent or guardian. Upon receipt of the recommendation, the Superintendent's designee shall set a time, date and place for a hearing and send notice of the hearing to the student and his or her parent or guardian. The notice should include:
 - a. The details of the behavior which form the basis for the principal's recommendation,
 - b. A statement that before expulsion can be invoked, the student has a right to a hearing before the Board of Education or a panel thereof as provided in N.C.G.S. §115C-45(c),
 - c. The fact that if the Board of Education upholds the Superintendent's recommendation, the student will be excluded from school and all related services and activities for an indefinite period of time,
 - d. A date, time, and place for the hearing before the Superintendent's designee,
 - e. A statement that the student has the right to be represented at the hearing by legal counsel; provided, however, that if the student intends to be represented, he/she must notify the Superintendent's designee for the Guilford County School system thereof prior to the date set for the hearing, and
 - f. A summary of the evidence that the Principal has available at the time the notice is sent and that will be introduced at the hearing, a copy of Student Code of Conduct, and a copy of the expulsion procedures.

A form shall be attached to the notice by which the student may waive his right to a hearing before the Superintendent's designee.

3. The hearing shall be for the purpose of finding the facts as a basis for serious discipline. In those instances where the administration is recommending both long-term suspension and expulsion, the evidence and facts that form the basis of the recommendations can be heard simultaneously.
4. The Principal shall present the evidence for the administration and the student and/or his parent or guardian shall present the evidence on the student's behalf. At the conclusion of the hearing, the Superintendent's designee shall determine whether there is sufficient evidence to recommend expulsion to the Board of Education.

B. Board of Education Level:

If the Superintendent's designee determines that the conduct warrants recommendation for expulsion, he or she should:

1. Determine who will serve on behalf of the administration to present the case to the School Board. The Superintendent's designee has the right in the event that the student is represented by counsel to request that the administration also be represented by counsel;
2. Send notice to the student and his/her parent or guardian, including;

- a. The details of the behavior that form the basis for the Superintendent's recommendation,
- b. A statement that before expulsion can be invoked, the student has a right to a hearing before the Board of Education or a panel thereof as provided in N.C.G.S. §115C-45(c),
- c. The fact that if the Board of Education upholds the Superintendent's recommendation, the student will be excluded from school and all related services and activities for an indefinite period of time,
- d. A date, time and place for the hearing before the Board,
- e. A statement that the student has the right to be represented at the hearing by legal counsel; provided, however, that if the student intends to be represented, he/she must notify the Superintendent for the Guilford County School system prior to the date set for the hearing, and
- f. A summary of the evidence that the administration has available at the time notice is sent and that will be introduced at the hearing, a copy of Student Code of Conduct, and a copy of the expulsion procedures.

A form shall be attached to the notice by which the student may waive his/her right to a hearing before the Board.

3. The hearing before the Board shall be scheduled at the next available scheduled hearing date following the receipt of the notice described above. (Typically, the Board hears student matters every two weeks on Thursday afternoons, although the schedule is subject to some variance.); and
4. The Board Panel shall;
 - a. Consist of at least three members,
 - b. Record the hearing and keep a permanent file of all proceedings and all written documentation reviewed at the hearing,
 - c. Consider the student's age and maturity when determining its findings relative to the guidelines for expulsion,
 - d. As Trier of fact, make findings based on the standard of CLEAR AND CONVINCING EVIDENCE as follows:
 1. Did the conduct at issue occur?
 2. Is the conduct, considered with other pertinent data, evidence that the student is a threat to the safety of others?
 3. Is there an alternative placement within the school system or in the community?
 4. Should the student be removed from the rolls of the Guilford County Schools?
 - e. Send written notice by certified mail of its decision regarding expulsion. If the Board determines that the student should be expelled, the letter should contain a thorough description of expulsion, describe the findings of the Board Panel in summary fashion, and forbid the student from entering the property of GCS without written authorization from the building supervisor, and
 - f. (f) Maintain records of expulsion hearings at least until the student reaches age twenty-one (21).

MAINTENANCE OF DISCIPLINE RECORDS (EXPUNGEMENT)

1. When notice is given to parents, guardians or students of a suspension of more than ten (10) days or an expulsion, the notice shall inform them that records of such suspensions and expulsions shall be included in the student's official school record and will give them information as to the procedure for expungement or removal of this information under N.C.G.S. 115C-402.

2. The record shall include the term of the suspension or expulsion, a description of the violation(s) for which the student was suspended or expelled, and any supporting documentation.
3. The student's parent, legal guardian or custodian or the student, if the student is age 16 or older or emancipated, may submit a request for removal of records of long-term suspensions or expulsions to the superintendent or the Superintendent's designee. The request may be made using the Expungement of Disciplinary Records form. A copy of the form is in the appendix of this document.
4. The parent, guardian or eligible student may make the request based on the following criteria:
 - a. The student has either graduated from high school or has not been expelled or suspended again during the two-year period beginning on the date of the student's return to school after the suspension or expulsion;
 - b. The superintendent or the superintendent's designee determines the record of the long-term suspension or expulsion is no longer needed to maintain safe and orderly schools; and
 - c. The superintendent or the superintendent's designee determines the record of the long-term suspension or expulsion is no longer needed to adequately serve the student.
5. The superintendent or the superintendent's designee will review the expungement request and any supporting documentation as well as other appropriate information including, but not limited to, the student's disciplinary, attendance and academic records.
6. The superintendent or the superintendent's designee shall expunge the record of long-term suspension or expulsion if the above criteria in subsection 4 are met.
7. If the superintendent or the superintendent's designee determines that the record of the long-term suspension or expulsion should not be removed from the student's record based upon the criteria in subsection 4, the student's parent or guardian or the eligible student has a right to submit to the superintendent or the superintendent's designee a statement of reasonable length explaining the objections to the suspension or expulsion notice contained in the records. This explanation submitted by the parent/guardian/student shall be placed in the student's permanent record to be disclosed by the school whenever the contested portion of the cumulative record is disclosed.
8. The superintendent or his designee will render a written decision to the parent, guardian, or eligible student within seven (7) to ten (10) school days of receiving the request for expungement.
9. The superintendent or the superintendent's designee may expunge any record of a long-term suspension or expulsion provided that all other criteria under subsection 4 outlined above are met even if the eligible student or the student's parent or guardian does not request that the record be removed.

DISCIPLINARY MEASURES

The Board shall delegate to the Superintendent and his staff the responsibility for establishing and enforcing necessary regulations and procedures not in conflict with state or federal law so as to govern and control the conduct of students. The Board of Education expects school administrators to provide for and maintain an environment suitable for an orderly learning process. These disciplinary

measures are consequences of violating the Student Code of Conduct and may include, but are not limited to the following:

- Conference with Parents - Parents are encouraged to set up an appointment with any teacher, counselor or administrator to discuss their child's progress or problems. School officials may also request such a conference.
- Confiscation - Any student's property which disrupts the learning environment will be removed from that student's possession.
- Court Referral - In case of a drug offense, assault or other violations of the North Carolina statutes, a student may be taken to court.
- Detention - Any teacher or principal may have a student serve detention before or after regular school hours;
- Expulsion - Permanent prohibition/exclusion from the school system requires the recommendation of the principal and Superintendent and Board action. (Expulsion is only for students 14 or older).
- In-School Suspension - A student is excluded from attending regular classes but not from attending school and is required to do assignments developed by his/her regular teachers. Credit is given for this work. A student will not be allowed to participate in any extra-curricular activities during the period of in-school suspension. Principals shall notify parents when a student is assigned to in-school suspension.
- Isolation - Any student may be removed from regular class activities for any portion of a school day as long as he/she is placed under the supervision of an adult.
- Involvement of Law Enforcement Agencies - In cases of violations of North Carolina General Statutes or as provided for by law, law enforcement agencies may be contacted.
- Loss of Privileges - Principals, teachers, and/or their designees may withdraw specific school privileges from students who exhibit inappropriate behaviors.
- Out-of-School Suspension - A student may be suspended from attendance at school for violations of the Student Code of Conduct.
 - Short-term suspension – An out of school suspension of 10 or less consecutive school days.
 - Long-term suspension – An out of school suspension of more than 10 consecutive school days.
 - 365 Day Suspension – A suspension for 365 days consecutive days.
- Parent Contact - Teachers, counselors, and school administrators may contact parents by telephone or letter in an effort to inform them of student misconduct and to gain their support in altering that behavior.
- Referral to the Intervention Support Team (IST) - Students who have been referred to the principal for discipline two or more times may be referred by the teacher to a school based committee, and the committee may recommend that the principal provide additional advice to the teacher, transfer the student to another classroom, assign the student to an alternative setting, refer the student to the multi-disciplinary committee, or provide other services.
- Removal from School-Provided Transportation - Students exhibiting inappropriate behavior may be prohibited from riding the bus or other school-provided transportation for periods of time specified in the Code's bus transportation rule or for any period of time up to the remainder of the school year should the misconduct warrant a longer suspension.
- Removal from the Classroom - The removal of a student from class by a classroom teacher or other school official for the remainder of a class period or school day and placement at some other place on the school premises shall not be considered a short-term suspension and shall not come under the rules and procedures governing suspensions.
- Restitution - The replacement of or payment for property taken, damaged, or destroyed will be required.

- Suspension from Extra-curricular Activities - A student may be suspended from participating in any or all extra-curricular activities, including graduation exercises.

The Superintendent will establish a Code of Conduct and rules for violations of the Code of Conduct that will be contained in a Student Handbook distributed to parents and students at the beginning of each school year. The Superintendent will also propose alternative learning opportunities for students who are disruptive to the learning environment or negatively impact the safety and welfare of students and staff in the regular education setting.

Attendance in school and participation in class are critical to academic achievement and are integral to the teaching-learning process. Through regular attendance, students develop patterns of behavior essential to professional and personal success in life. Regular attendance by every student is mandatory. The State of North Carolina requires that every child in the State between the ages of 7 (or younger if enrolled) and 16 attend school. Parents and legal guardians are responsible for ensuring that students attend and remain at school daily. Guilford County Schools is committed to supporting students and families in their efforts to attend school every day.

A. ATTENDANCE RECORDS

School officials shall keep accurate records of attendance, including accurate attendance records in each class. Attendance records will be used to enforce the Compulsory Attendance Law of North Carolina. To be considered “in attendance,” a student must be present in school for at least one-half of the school day (one-half of the class period for class-attendance in secondary schools). Students who are on an approved homebound placement based on medical recommendations will be considered in attendance.

B. LAWFUL (EXCUSED) ABSENCES

When a student must miss school, a written excuse explaining the absence signed by a parent or guardian must be presented to the student’s teacher or attendance office official as soon as possible but no later than within three (3) days of the student’s return. Absences due to extended illnesses may also require a statement from a physician. Parents and guardians are requested to contact school officials immediately when unanticipated absences occur. All anticipated periods of absence should be reported to school officials prior to the period of absence and must receive prior approval from the school principal or designee. No student may leave school after arrival on campus except with the permission of a designated school official and in accordance with the school’s established sign-out procedures.

An absence may be lawful/excused for any of the following reasons:

1. personal illness or injury that makes the student physically unable to attend school;
2. isolation ordered by the local health officer or by the State Board of Health;
3. death in the immediate family (includes, but is not necessarily limited to, grandparents, parents, brothers, and sisters);
4. medical or dental appointments;

5. participation as a party or under subpoena as a witness in a court or administrative tribunal proceeding, including a proceeding before the Guilford County Schools Board of Education;
6. a minimum of two days each academic year for observance of an event required or suggested by the religion of the student or the student's parent(s);
7. participation in a valid educational opportunity, such as travel or service as a legislative or ~~g~~Governor's page, with prior approval from the principal;
8. child care: illness or medical appointment during school hours of a child of whom the student is the custodial parent; or
9. visitation with the student's parent or legal guardian, at the discretion of the Superintendent or designee, if the parent or legal guardian (a) is an active duty member of the uniformed services as defined by policy 4050, Children of Military Families, and (b) has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat support posting.

In the case of lawful/excused absences, short-term out-of-school suspensions, and absences under G.S. 130A-440 (for failure to submit a school health assessment form within 30 days of entering school) the student will be permitted to make up his or her work. (See also policies 4110, Immunization and Health Requirements for School Admission, and 4351, Short-Term Suspension.) The student is responsible for finding out what assignments are due and completing them within the specified time period.

C. UNLAWFUL (UNEXCUSED) ABSENCES

All absences for reasons other than those identified under Section B, Lawful (Excused) Absences, will be deemed unlawful. ~~In addition, an otherwise lawful absence will be deemed unlawful if the student's parent or guardian fails to provide written documentation of the reason(s) for the absence within three (3) school days of the student's return to school.~~

Out-of-school suspension or expulsion will not be considered unlawful absence for purposes of the compulsory attendance law described in Section D of this policy.

C.D. SCHOOL-RELATED ACTIVITIES

All classroom activities are important and difficult, if not impossible, to replace if missed. Principals shall ensure that classes missed by students due to school-related activities are kept to an absolute minimum. The following school-related activities will not be counted as absences from either class or school:

1. field trips sponsored by the school;
2. job shadows and other work-based learning opportunities, as described in G.S. 115C-47(34a);

3. school-initiated and -scheduled activities;
4. athletic [contests or other competitions](#) events that require early dismissal [or absence](#) from school;
5. Career and Technical Education student organization activities approved in advance by the principal; and
6. in-school suspensions.

Assignments missed for these reasons are eligible for makeup by the student. The teacher will determine when makeup work is to be submitted. The student is responsible for finding out what assignments are due and completing them within the specified time period.

D.E. EXCESSIVE ABSENCES

Class attendance and participation are critical elements of the educational process and may be taken into account in assessing academic achievement. Students are expected to be at school on time and to be present at the scheduled starting time for each class.

Excessive absences may impact eligibility for participation in interscholastic athletics. See policy 3620, Extracurricular Activities and Student Organizations.

F. ~~ATTENDANCE STANDARDS~~ CHRONIC ABSENTEEISM

Guilford County Schools focuses on improving the academic success of every student, and that success begins with ensuring that students can attend school every day, ready and able to learn. Guilford County Schools defines chronic absenteeism as missing ten percent or more of school days due to absences for any reason, lawful/excused or unlawful/unexcused, for any student who is enrolled for at least 10 school days during the year. Students shall not be suspended for violating attendance policies. For instance, if a student is enrolled 180 school days and he or she misses 18 or more school days, the student is considered chronically absent during such school year. In efforts to reduce chronic absenteeism, the Board has identified attendance as a key performance indicator for student achievement.

Legal References: G.S. 115C-47, -84.2, -288(a), -375.5, -378 to -383, -390.2(d), -390.2(l), -390.5, -407.5; 130A-440; 16 N.C.A.C. 6E .0102, .0103; State Board of Education Policies ATND-000, -003, NCAC-6E.0104

Cross References: Extracurricular Activities and Student Organizations (policy 3620), Education for Pregnant and Parenting Students (policy 4023), Children of Military Families (policy 4050),

Immunization and Health Requirements for School Admission (policy 4110), Short-Term Suspension (policy 4351)

[Replaces: JBD \(Revised February 23, 2012\)](#)

Adopted:

Committee Members

Winston McGregor, Chairperson

T. Dianne Bellamy Small

Byron Gladden

Pat Tillman

Sharon L. Contreras, PhD, Staff Liaison

2019-2020 Meeting Schedule

Wednesday, August 13

~~Thursday, September 5~~ – *proposing Wednesday, September 11*

~~Wednesday, October 9~~ – *proposing Wednesday, October 16*

~~Thursday, November 7~~ – *proposing Wednesday, November 6*

~~Tuesday, December 3~~ – *proposing Thursday, December 12*

Proposing Wednesday, January 15

Proposing Thursday, February 20

Proposing Wednesday, March 11

Proposing Wednesday, April 15

Proposing Wednesday, May 13

Proposing Wednesday, June 17

Meeting time: 2:30 p.m., unless otherwise noted
Meeting location: Swann Room, GCS Administrative Offices