

**A. PURPOSES**

The Transylvania County Board of Education (the “board”) is committed to the goal of providing a safe and orderly learning environment in each school. The educational program, school student behavior management plans, school improvement plans, and numerous other strategies identified in board policy, are intended to create such an environment and to help each student be a successful and contributing member of the school community. As used in this policy and context, an alternative learning program or school may serve as the site to: (1) deliver educational services required by G.S. 115C-390.9 or -390.10 to a student who is serving a long-term or 365-day suspension; (2) provide concentrated support for students at risk of academic failure; and/or (3) deliver educational and other services to students who are or may be disruptive to a safe and orderly learning environment in the regular educational setting.

**B. STANDARDS FOR ALTERNATIVE LEARNING PROGRAMS/SCHOOLS**

Prior to implementing a new alternative learning program or school, the board will develop a program proposal that is consistent with the State Board of Education standards for alternative learning programs. The board then will submit the proposal to the State Board for its review. After the proposal has been reviewed by the State Board, the board will consider any recommendations from the State Board to modify the proposal before implementing the alternative learning program or school.

The board will review on a regular basis whether the school system’s alternative learning programs and schools comply with State Board standards.

**C. TRANSFER TO ALTERNATIVE LEARNING PROGRAMS OR SCHOOLS****1. Basis for Transfer**

Students generally are assigned to a school based on attendance area. However, as provided by law, the board may assign any student to a school outside of his or her attendance area in order for the student to attend a specialized school or for any other reason the board, in its sole discretion, deems sufficient. In all cases, the assignment or transfer of a student with a disability will comply with applicable federal and/or state requirements for students with disabilities.

Students may be transferred to an alternative learning program or school on a voluntary or involuntary basis under any of the following circumstances:

- a. the student’s parent or guardian and the principal agree, and a multi-disciplinary team agrees, that the transfer would be in the best interest of the student and the efficient administration of the public schools;

- b. the student has been recommended for long-term suspension or expulsion;
- c. the student poses a significant disruption to the educational environment in the regular educational setting due to continuing social/behavioral problems;
- d. the student is at risk of dropping out or not meeting standards for promotion due to academic, developmental, and/or behavioral problems, and resources in addition to or different from those available in the regular educational setting are needed to address the issue;
- e. the student is a clear threat to the safety of other students or personnel; or
- f. the student has been charged with a felony or with any crime that allegedly endangered the safety of others, and it is reasonably foreseeable that the student's continued presence will significantly disrupt the regular educational environment.

The board encourages parental involvement in decisions regarding the child's education and in identifying effective options for addressing concerns regarding the child's behavior or academic performance.

## 2. Responsibilities of Personnel at Referring School

In addition to any other procedures required by this policy, prior to referring a student to an alternative learning program or school, the principal of the referring school must:

- a. document the procedures that were used to identify the student as being at risk of academic failure or as being disruptive or disorderly;
- b. provide the reasons for referring the student to an alternative learning program or school; and
- c. provide to the alternative learning program or school all relevant student records, including anecdotal information.

## 3. Referral

- a. Students who are recommended for long-term suspension or expulsion and who receive due process through the disciplinary process for violations of the Code of Student Conduct do not require additional referral procedures prior to transfer.

b. Prior to a transfer in circumstances where a student is experiencing academic or developmental difficulties or continuing social/behavioral problems, the principal or school-based committee of the referring school shall document the student's behavior and academic performance and efforts to assist the student in the regular educational environment. School administrators are encouraged to meet with the student's parents or guardians to try to reach a consensus on how to address the student's difficulties at school.

c. In all cases where a basis for transfer exists, other than where the student has received due process pursuant to a recommendation for long-term suspension or expulsion, the principal must refer the student to a multi-disciplinary team to determine whether the student should be transferred to an alternative school. The principal must provide in writing: (1) an explanation of the student's behavior or academic performance that is at issue; (2) documentation or a summary of the documentation of the efforts to assist the student in the student's regular educational setting, if applicable; and (3) documentation of the circumstances that support the referral. A copy of the referral and other documentation must be provided to the parent or guardian by certified mail or in person.

The multi-disciplinary team shall consist of the student's parent or guardian and at least three school system employees who are informed about the student's needs. The team shall meet to consider the principal's referral and determine whether the student will be assigned to an alternative school and shall perform all other duties assigned to it by State Board of Education policy. The student's parent or guardian shall be provided written notice of the time, place, and date of the meeting.

At the meeting, the multi-disciplinary team shall determine whether the student will be transferred to the alternative school. The student's parent or guardian shall be provided written notice of the team's decision, as well as notice of the parent or guardian's appeal and due process rights. If the student's parent or guardian attended the team meeting, such notice shall be provided at the end of the meeting. If the student's parent or guardian did not attend the meeting, such notice shall be provided by certified mail within one business day of the meeting. If the multi-disciplinary team approves the transfer, the principal of the regular educational setting and the principal of the alternative school shall make all necessary arrangements.

4. Responsibilities of School Personnel at the Alternative Learning Program or School

Once a student is placed in an alternative learning program or school, the appropriate school personnel of the program or school must meet to review the student's records and any other documentation forwarded by the referring school. Based on these records and any input provided by the parent or guardian concerning the student's needs, the personnel at the alternative program or school shall determine the support services and intervention strategies that are recommended for the student.

If a student who is subject to G.S. 14-208.18 is assigned to an alternative school, the student must be supervised by school personnel at all times.

5. Assignment of Student with Disabilities to Alternative Programs/Schools

Students who receive services under the Individuals with Disabilities Education Act (IDEA) are entitled to all of the processes and protections pursuant to the IDEA. All additional requirements specific to the assignment of students with disabilities to an alternative program or school established by State Board of Education policy shall be observed.

**D. APPEALS PROCESS**

If the student's transfer is the result of an IEP team decision for a student with a disability, parents or guardians who are dissatisfied with the decision must comply with the due process procedures set forth in *Procedures Governing Policies and Services for Children with Disabilities*, as adopted by the State Board of Education.

In all other cases, within three business days of receiving written notice of the decision to assign the student to an alternative program or school, the parent or guardian may appeal the decision to the superintendent, who shall review the documentation and render a decision within five business days, absent extraordinary circumstances that require additional response time. Parents and guardians who are dissatisfied with the superintendent's decision may appeal to the board. The board will hear the appeal in closed session and will follow its procedures as provided in policy 2500, Hearings Before the Board. During the period of the appeal, the student may be transferred to the alternative learning program or school, except as prohibited by the IDEA.

**E. ADMINISTRATIVE ASSIGNMENTS**

1. Assignment During a Long-Term or 365-Day Suspension

Any student who receives a long-term or 365-day suspension must be offered alternative education services unless the superintendent provides a significant or important reason for declining to offer such services. Alternative education

services include, but are not limited to, the alternative programs or schools established in this policy in accordance with G.S. 115C-105.47A.

2. Assignment of Student Sex Offenders

The board may decide, pursuant to G.S. 115C-390.11(a)(2), to assign a student who is subject to G.S. 14-208.18 to an alternative learning program or school.

**F. TRANSITION FROM ALTERNATIVE LEARNING PROGRAMS OR SCHOOLS**

In most instances, the goal of the alternative learning program or school is to return the student to the regular educational setting with the skills necessary to succeed in that environment as soon as practicable. The personnel of the alternative learning program or school and those of the regular educational setting shall work together to help create a successful transition for the student.

If the student is not or will not be returned to the regular educational setting, the alternative learning program or school will assist in the student's transition to other educational settings, including other programs offered by the school system or a community college or vocational school.

For students identified as eligible under the IDEA, the student's IEP team shall make all transition decisions that would result in a change in placement.

**G. ASSIGNMENT OF PROFESSIONAL PERSONNEL TO ALTERNATIVE LEARNING PROGRAMS OR SCHOOLS**

When assigning professional personnel to an alternative learning program or school, the superintendent shall consider the experience and evaluation ratings of the professional employee who may be assigned to the program or school. As school system resources allow, the superintendent shall strive to avoid assigning to an alternative school or program less experienced professional personnel or professional personnel who have received unfavorable evaluations. Additionally, all school personnel at alternative learning programs or schools should receive training so that students enrolled in such programs or schools receive appropriate educational services.

**H. EVALUATION OF ALTERNATIVE LEARNING PROGRAMS OR SCHOOLS**

1. State Accountability

The board will determine annually how each alternative school will participate in the State Alternative Schools' Accountability Model. The superintendent shall provide for this information to be reported to the North Carolina Department of Public Instruction by August 1 of each year.

2. Information to be Reported to the Board of Education

Each year, the board will evaluate each alternative learning program or school based upon reports provided by the superintendent and any other information the board wishes to consider.

Legal References: G.S. 14-208.18; 115C-47(32a), -105.27, -105.47A, -105.48, -276(r), -288, -367, -369, -390.7, -390.9, -390.10, -390.11; State Board of Education Policy ACCT-038, ALTP-002, DROP-001, EXCP-000; *Policies Governing Services for Children with Disabilities*, as amended (Public Schools of N.C.); *Policies and Procedures for Alternative Learning Programs and Schools* (NC Dept. of Public Instruction, October 2014), available at <https://eboard.eboardsolutions.com/Meetings/Attachment.aspx?S=10399&AID=31595&MID=1590> <https://www.dpi.nc.gov/students-families/enhanced-opportunities/alternative-learning-programs#development,-implementation,-and-operations>

Cross References: Parental Involvement (policy 1310/4002), Hearings Before the Board (policy 2500), School Improvement Plan (policy 3430), Conflict Resolution (policy 3431), Student Sex Offenders (policy 4260), School Plan for Management of Student Behavior (policy 4302), Student Discipline Records (policy 4345), Long-Term Suspension, 365-Day Suspension, Expulsion (policy 4353), Assignments/Reassignments/Transfers (policy 7440)

Adopted: August 1, 2011

Revised: January 19, 2016; June 5, 2017; December 17, 2018; [DATE]