

1 **A. PURPOSES**  
2

3 The Transylvania County Board of Education (the “board”) is committed to the goal of  
4 providing a safe and orderly learning environment in each school. The educational  
5 program, school student behavior management plans, school improvement plans, and  
6 numerous other strategies identified in board policy, are intended to create such an  
7 environment and to help each student be a successful and contributing member of the  
8 school community. As used in this policy and context, an alternative learning program or  
9 school may serve as the site to: (1) deliver educational services required by G.S. 115C-  
10 390.9 or -390.10 to a student who is serving a long-term or 365-day suspension; (2)  
11 provide concentrated support for students at risk of academic failure; and/or (3) deliver  
12 educational and other services to students who are or may be disruptive to a safe and  
13 orderly learning environment in the regular educational setting.  
14

15 **B. STANDARDS FOR ALTERNATIVE LEARNING PROGRAMS/SCHOOLS**  
16

17 Prior to implementing a new alternative learning program or school, the board will  
18 develop a program proposal that is consistent with the State Board of Education standards  
19 for alternative learning programs. The board then will submit the proposal to the State  
20 Board for its review. After the proposal has been reviewed by the State Board, the board  
21 will consider any recommendations from the State Board to modify the proposal before  
22 implementing the alternative learning program or school.  
23

24 The board will review on a regular basis whether the school system’s alternative learning  
25 programs and schools comply with State Board standards.  
26

27 **C. TRANSFER TO ALTERNATIVE LEARNING PROGRAMS OR SCHOOLS**  
28

29 1. Basis for Transfer  
30

31 Students generally are assigned to a school based on attendance area. However,  
32 as provided by law, the board may assign any student to a school outside of his or  
33 her attendance area in order for the student to attend a specialized school or for  
34 any other reason the board, in its sole discretion, deems sufficient. In all cases,  
35 the assignment or transfer of a student with a disability will comply with  
36 applicable federal and/or state requirements for students with disabilities.  
37

38 Students may be transferred to an alternative learning program or school on a  
39 voluntary or involuntary basis under any of the following circumstances:  
40

- 41 a. the student’s parent or guardian and the principal agree, and a multi-  
42 disciplinary team agrees, that the transfer would be in the best interest of  
43 the student and the efficient administration of the public schools;  
44

- 45           b.     the student has been recommended for long-term suspension or expulsion;  
46  
47           c.     the student poses a significant disruption to the educational environment in  
48           the regular educational setting due to continuing social/behavioral  
49           problems;  
50  
51           d.     the student is at risk of dropping out or not meeting standards for  
52           promotion due to academic, developmental, and/or behavioral problems,  
53           and resources in addition to or different from those available in the regular  
54           educational setting are needed to address the issue;  
55  
56           e.     the student is a clear threat to the safety of other students or personnel; or  
57  
58           f.     the student has been charged with a felony or with any crime that  
59           allegedly endangered the safety of others, and it is reasonably foreseeable  
60           that the student's continued presence will significantly disrupt the regular  
61           educational environment.  
62

63           The board encourages parental involvement in decisions regarding the child's  
64           education and in identifying effective options for addressing concerns regarding  
65           the child's behavior or academic performance.  
66

## 67           2.     Responsibilities of Personnel at Referring School

68  
69           In addition to any other procedures required by this policy, prior to referring a  
70           student to an alternative learning program or school, the principal of the referring  
71           school must:  
72

- 73           a.     document the procedures that were used to identify the student as being at  
74           risk of academic failure or as being disruptive or disorderly;  
75  
76           b.     provide the reasons for referring the student to an alternative learning  
77           program or school; and  
78  
79           c.     provide to the alternative learning program or school all relevant student  
80           records, including anecdotal information.  
81

## 82           3.     Referral

- 83  
84           a.     Students who are recommended for long-term suspension or expulsion and  
85           who receive due process through the disciplinary process for violations of  
86           the Code of Student Conduct do not require additional referral procedures  
87           prior to transfer.  
88

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

97  
98           c.       In all cases where a basis for transfer exists, other than where the student  
99           has received due process pursuant to a recommendation for long-term  
100          suspension or expulsion, the principal must refer the student to a multi-  
101          disciplinary team to determine whether the student should be transferred to  
102          an alternative school. The principal must provide in writing: (1) an  
103          explanation of the student's behavior or academic performance that is at  
104          issue; (2) documentation or a summary of the documentation of the efforts  
105          to assist the student in the student's regular educational setting, if  
106          applicable; and (3) documentation of the circumstances that support the  
107          referral. A copy of the referral and other documentation must be provided  
108          to the parent or guardian by certified mail or in person.

109  
110          The multi-disciplinary team shall consist of the student's parent or  
111          guardian and at least three school system employees who are informed  
112          about the student's needs. The team shall meet to consider the principal's  
113          referral and determine whether the student will be assigned to an  
114          alternative school and shall perform all other duties assigned to it by State  
115          Board of Education policy. The student's parent or guardian shall be  
116          provided written notice of the time, place, and date of the meeting.

117  
118          At the meeting, the multi-disciplinary team shall determine whether the  
119          student will be transferred to the alternative school. The student's parent  
120          or guardian shall be provided written notice of the team's decision, as well  
121          as notice of the parent or guardian's appeal and due process rights. If the  
122          student's parent or guardian attended the team meeting, such notice shall  
123          be provided at the end of the meeting. If the student's parent or guardian  
124          did not attend the meeting, such notice shall be provided by certified mail  
125          within one business day of the meeting. If the multi-disciplinary team  
126          approves the transfer, the principal of the regular educational setting and  
127          the principal of the alternative school shall make all necessary  
128          arrangements.

129  
130          4.       Responsibilities of School Personnel at the Alternative Learning Program or  
131          School  
132

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

140  
141 If a student who is subject to G.S. 14-208.18 is assigned to an alternative school,  
142 the student must be supervised by school personnel at all times.

143  
144 5. Assignment of Student with Disabilities to Alternative Programs/Schools  
145

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

151  
152 **D. APPEALS PROCESS**  
153

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

158  
159 In all other cases, within three business days of receiving written notice of the decision to  
160 assign the student to an alternative program or school, the parent or guardian may appeal  
161 the decision to the superintendent, who shall review the documentation and render a  
162 decision within five business days, absent extraordinary circumstances that require  
163 additional response time. Parents and guardians who are dissatisfied with the  
164 superintendent's decision may appeal to the board. The board will hear the appeal in  
165 closed session and will follow its procedures as provided in policy 2500, Hearings Before  
166 the Board. During the period of the appeal, the student may be transferred to the  
167 alternative learning program or school, except as prohibited by the IDEA.

168  
169 **E. ADMINISTRATIVE ASSIGNMENTS**  
170

171 1. Assignment During a Long-Term or 365-Day Suspension  
172

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

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

178  
179 2. Assignment of Student Sex Offenders

180  
181 The board may decide, pursuant to G.S. 115C-390.11(a)(2), to assign a student  
182 who is subject to G.S. 14-208.18 to an alternative learning program or school.

183  
184 **F. TRANSITION FROM ALTERNATIVE LEARNING PROGRAMS OR SCHOOLS**

185  
186 In most instances, the goal of the alternative learning program or school is to return the  
187 student to the regular educational setting with the skills necessary to succeed in that  
188 environment as soon as practicable. The personnel of the alternative learning program or  
189 school and those of the regular educational setting shall work together to help create a  
190 successful transition for the student.

191  
192 If the student is not or will not be returned to the regular educational setting, the  
193 alternative learning program or school will assist in the student's transition to other  
194 educational settings, including other programs offered by the school system or a  
195 community college or vocational school.

196  
197 For students identified as eligible under the IDEA, the student's IEP team shall make all  
198 transition decisions that would result in a change in placement.

199  
200 **G. ASSIGNMENT OF PROFESSIONAL PERSONNEL TO ALTERNATIVE LEARNING PROGRAMS**  
201 **OR SCHOOLS**

202  
203 When assigning professional personnel to an alternative learning program or school, the  
204 superintendent shall consider the experience and evaluation ratings of the professional  
205 employee who may be assigned to the program or school. As school system resources  
206 allow, the superintendent shall strive to avoid assigning to an alternative school or  
207 program less experienced professional personnel or professional personnel who have  
208 received unfavorable evaluations. Additionally, all school personnel at alternative  
209 learning programs or schools should receive training so that students enrolled in such  
210 programs or schools receive appropriate educational services.

211  
212 **H. EVALUATION OF ALTERNATIVE LEARNING PROGRAMS OR SCHOOLS**

213  
214 1. State Accountability

215  
216 The board will determine annually how each alternative school will participate in  
217 the State Alternative Schools' Accountability Model. The superintendent shall  
218 provide for this information to be reported to the North Carolina Department of  
219 Public Instruction by August 1 of each year.

220  
221  
222  
223  
224  
225  
226  
227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243

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; **16 N.C.A.C. 6G .0314**; 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), available at <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; September 21, 2020; **[DATE]**