

1 The [Transylvania County Board of Education \(the “board”\)](#) intends that student discipline
2 policies, procedures, and practices be applied fairly, impartially, and consistently in accordance
3 with law, without regard to a student’s race, color, national origin, disability, gender, status as an
4 English Language Learner, or other characteristic protected by federal law. As provided in
5 policy 4300, Student Behavior Policies, the superintendent is responsible for supervising the
6 enforcement of the Code of Student Conduct to ensure that school disciplinary policies are
7 uniformly and fairly applied throughout the school system.
8

9 The board recognizes the negative effects of exclusionary discipline on a range of student
10 outcomes and therefore has reserved the sanctions of suspension and expulsion for only the most
11 serious violations of the Code of Student Conduct, as provided in policy 4300. The board further
12 recognizes that disproportionality (overrepresentation of a particular group of students in relation
13 to their population in a school or across the school system) in exclusionary discipline may
14 sometimes be the result of inconsistent application of discipline to similar offenses and may be a
15 barrier to the board’s overall objective of promoting successful educational outcomes for all
16 students. Therefore, the board will monitor the administration of its discipline policies to
17 determine whether disciplinary and other behavior management practices are affecting groups of
18 students disproportionately and, if so, whether the disproportionality results from inconsistencies
19 in the application of discipline to similar offenses.
20

21 **A. SUPERINTENDENT’S REVIEW OF STUDENT DISCIPLINE ADMINISTRATION**
22

- 23 1. The board directs the superintendent to regularly review the administration of
24 student discipline and behavior management policies across the school system to
25 evaluate whether: (1) disciplinary practices and approaches are consistent with
26 board policies; (2) disciplinary sanctions are consistent with the Code of Student
27 Conduct; (3) routine misbehavior is handled consistently within each school as
28 well as across the school system; (4) more extraordinary behavior situations are
29 handled fairly and quickly to protect the welfare of students and employees in a
30 manner that promotes learning and respect for others; (5) discipline policies are
31 applied fairly and consistently to all students regardless of their race, color,
32 national origin, disability, gender, status as an English Language Learner, or other
33 protected personal characteristic.
34
- 35 2. The superintendent’s review shall include consideration of the school system
36 discipline data submitted to the North Carolina Department of Public Instruction
37 for inclusion in the State Board of Education’s Consolidated Data Report to the
38 General Assembly and in the Civil Rights Data Collection conducted by the U.S.
39 Department of Education, Office for Civil Rights.
40

41 **B. SUPERINTENDENT’S REPORT TO THE BOARD**
42

- 43 1. Annually, the superintendent shall provide to the board a report of the discipline

44 data submitted to the North Carolina Department of Public Instruction as
45 described in paragraph A.2, above. The data must be reported both system-wide
46 and separately for each school and must be disaggregated on the basis of
47 race/ethnicity, gender, disability, English Language Learner status, and/or such
48 other basis as the board may specify.

49
50 2. At its discretion, the board may request additional data or analysis of data to
51 assess whether disciplinary and other behavior management practices in the
52 schools are affecting groups of students disproportionately and, if so, whether the
53 disproportionality is the result of the inconsistent application of discipline or other
54 behavior management practices to similar offenses.

55
56 3. If the data provided to the board reveals a pattern of discipline or disciplinary
57 practices within or across schools that affects students disproportionately due to
58 inconsistent discipline or disciplinary practices based on race, gender, ethnicity,
59 disability, English Language Learner status, or other personal characteristic, the
60 superintendent shall present to the board any recommendations for changes to
61 discipline policies or practices to reduce the potential for unjustifiable
62 disproportionate outcomes.

63
64 **C. PROFESSIONAL DEVELOPMENT TO SUPPORT EQUITABLE DISCIPLINARY PRACTICES**

65
66 The superintendent shall provide a program of professional development that prepares
67 employees to apply school discipline policies and practices in a fair and equitable manner
68 so as not to disproportionately impact students of color, students with disabilities, English
69 Language Learners, or other groups of students on the basis of their personal
70 characteristics.

71
72 Legal References: Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35;
73 Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300;
74 McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431 *et seq.*; Title IV of the Civil Rights
75 Act of 1964, 42 U.S.C. 2000c *et seq.*; Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d
76 *et seq.*, 34 C.F.R. pt. 100; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et*
77 *seq.*, 34 C.F.R. pt. 106; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104

78
79 Cross References: Student Behavior Policies (policy 4300), School Plan for Management of
80 Student Behavior (policy 4302), Disciplinary Action for Exceptional Children/Students with
81 Disabilities (policy 4307)

82
83 Other References: Civil Rights Data Collection, available at <http://ocrdata.ed.gov/>

84
85 Adopted: