

1 **A. DEFINITIONS**
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3 1. **Superintendent**
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5 For purposes of this policy, superintendent includes the superintendent and the
6 superintendent’s designee.
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8 2. **Principal**
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10 For purposes of this policy, principal includes the principal and the principal’s
11 designee.
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13 3. **Long-Term Suspension**
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15 A long-term suspension is the disciplinary exclusion of a student from attending
16 his or her assigned school for more than 10 school days. Disciplinary
17 reassignment of a student to a full-time educational program that meets the
18 academic requirements of the standard course of study established by the State
19 Board of Education and that provides the student with the opportunity to make
20 timely progress toward graduation and grade promotion is not a long-term
21 suspension requiring the due process procedures set out in this policy, nor is an
22 absence under G.S. 130A-440 (for failure to submit a school health assessment
23 form within 30 days of entering school).
24

25 Upon the recommendation of the principal, the superintendent may impose a
26 long-term suspension on a student who willfully engages in a serious violation of
27 the Code of Student Conduct and the violation either (1) threatens the safety of
28 students, staff, or school visitors, or (2) threatens to substantially disrupt the
29 educational environment. The principal may recommend long-term suspension
30 for a minor violation if aggravating circumstances justify treating the student’s
31 behavior as a serious violation.
32

33 If the offense leading to the long-term suspension occurred before the final
34 quarter of the school year, the exclusion must be no longer than the remainder of
35 the school year in which the offense was committed. If the offense leading to the
36 long-term suspension occurred during the final quarter of the school year, the
37 exclusion may include a period up to the remainder of the school year in which
38 the offense was committed and the first semester of the following school year.
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40 4. **365-Day Suspension**
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42 A 365-day suspension is the disciplinary exclusion of a student from attending his
43 or her assigned school for 365 calendar days. The superintendent may impose a

44 365-day suspension only for certain firearm and destructive device violations, as
45 identified in policy 4333, Weapons, Bomb Threats, Terrorist Threats, and Clear
46 Threats to Safety.
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48 **5. Expulsion**

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50 An expulsion is the indefinite exclusion of a student from school enrollment for
51 disciplinary purposes. Upon the recommendation of the superintendent, the board
52 may expel a student who is 14 years of age or older for certain types of
53 misbehavior as provided in policy 4325, Drugs and Alcohol, policy 4330, Theft,
54 Trespass, and Damage to Property, policy 4331, Assaults, Threats, and
55 Harassment, and policy 4333, Weapons, Bomb Threats, Terrorist Threats, and
56 Clear Threats to Safety, if the student’s continued presence in school constitutes a
57 clear threat to the safety of other students or employees. Additionally, a student
58 who is subject to policy 4260, Student Sex Offenders, may be expelled if the
59 student’s continued presence in school constitutes a clear threat to the safety of
60 other students or employees. During the expulsion, the student is not entitled to
61 be present on educational property and is not considered a student of the school
62 system.
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64 **B. DETERMINATION OF APPROPRIATE CONSEQUENCE**

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66 **1. Principal’s Recommendation**

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68 The principal may impose a short-term suspension or any other consequence that
69 is consistent with policy 4351, Short-Term Suspension, policy 4302, School Plan
70 for Management of Student Behavior, and the Code of Student Conduct. If the
71 principal determines that a suspension of more than 10 days (either long-term or
72 365-day) or an expulsion is an appropriate consequence, the principal shall
73 propose the disciplinary penalty based upon a review of the student’s culpability
74 and dangerousness and the harm caused by the student, plus any other mitigating
75 or aggravating factors the principal finds relevant.
76

77 a. Culpability of Student – In assessing the culpability of the student for his
78 or her behavior, the principal may consider criteria such as:

- 79
80 1) the student’s age;
81
82 2) the student’s ability to form the intent to cause the harm that
83 occurred or could have occurred; and
84
85 3) evidence of the student’s intent when engaging in the conduct.
86

- 87 b. Dangerousness of the Student – In assessing the dangerousness of the
88 student, the principal may consider criteria such as:
89
90 1) the student’s disciplinary or criminal record related to anti-social
91 behavior or drugs and alcohol;
92
93 2) whether a weapon was involved in the incident and if a weapon
94 was involved, whether the student had the ability to inflict serious
95 injury or death with the weapon;
96
97 3) evidence of the student’s ability to cause the harm that was
98 intended or that occurred; and
99
100 4) whether the student is subject to policy 4260, Student Sex
101 Offenders.
102
103 c. Harm Caused by the Student – In assessing the severity of the harm
104 caused by the student, the principal may consider criteria such as whether
105 any of the following occurred:
106
107 1) someone was physically injured or killed;
108
109 2) someone was directly threatened or property was extorted through
110 the use of a weapon;
111
112 3) someone was directly harmed, either emotionally or
113 psychologically;
114
115 4) educational property or others’ personal property was damaged; or
116
117 5) students, school employees, or parents were aware of the presence
118 of a weapon or of dangerous behavior on the part of the
119 perpetrator.

120
121 After considering the above factors, the principal shall make a recommendation to
122 the superintendent, stating the nature of the offense, the substance of the evidence
123 involved, and the length of suspension recommended. The principal also must
124 consider and make a recommendation as to whether any alternative education
125 services, counseling, or other programs should be part of the consequence for
126 violating board policy, the Code of Student Conduct, school standards, or school
127 rules.
128

129 If the principal recommends a 365-day suspension, he or she must identify the
130 type of firearm or destructive device involved and the evidence substantiating that
131 the student brought it to school grounds or to a school activity or possessed it on
132 school grounds or at a school activity.
133

134 If the principal recommends an expulsion, he or she shall identify the basis for
135 determining that there is clear and convincing evidence that the student's
136 continued presence in school constitutes a clear threat to the safety of other
137 students or employees.
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139 **2. Notice to the Student's Parent**
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141 The principal must provide to the student's parent written notice of the
142 recommendation for long-term suspension, 365-day suspension, or expulsion by
143 the end of the workday during which the long-term suspension or expulsion is
144 recommended when reasonably possible or as soon thereafter as practicable. The
145 notice must be written in plain English and, when appropriate language resources
146 are readily available, also in the parent's native language. The notice must
147 contain the following 10 elements:
148

- 149 a. the notice type, i.e., notice of long-term suspension, 365-day suspension,
150 or expulsion;*
- 151
- 152 b. a description of the incident and the student's conduct that led to the
153 recommendation;
- 154
- 155 c. the specific provision(s) of the Code of Student Conduct that the student
156 allegedly violated;
- 157
- 158 d. the specific process by which the parent may request a hearing to contest
159 the decision and the deadline for making the request;*
- 160
- 161 e. the process by which the hearing will be held, including all due process
162 rights to be accorded the student during the hearing;
- 163
- 164 f. notice of the right to retain an attorney to represent the student in the
165 hearing process;
- 166
- 167 g. notice that an advocate, instead of an attorney, may accompany the student
168 to assist in the presentation of the appeal;
- 169
- 170 h. notice of the right to review and obtain copies of the student's educational
171 records prior to the hearing;

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- i. a reference to policy 4345, Student Discipline Records, regarding the expungement of disciplinary records; and
 - j. the identity and phone number of a school employee whom the parent may call to obtain assistance in receiving a Spanish translation of the English language information included in the document.*

180 *This information must be provided on the notice in both English and
181 Spanish.

182
183 **3. Superintendent’s Decision**
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185 The student or student’s parent may request a hearing before the superintendent
186 within three days of receiving notice from the principal of the recommendation
187 for long-term suspension, 365-day suspension, or expulsion. Any hearing held
188 will follow the hearing procedures outlined in Section A of policy 4370, Student
189 Discipline Hearing Procedures. A decision will be rendered before the long-term
190 suspension is imposed.

191
192 If the student or parent makes a timely request for a hearing, the superintendent
193 shall confirm that the charges against the student, if substantiated, could warrant
194 the recommended disciplinary action and shall give the student and parent
195 reasonable notice of the time and place of the hearing.

196
197 If neither the student nor the parent appears for a scheduled hearing after being
198 given reasonable notice of the time and place of the hearing, the student and
199 parent are deemed to have waived the right to a hearing.

200
201 If the student and parent fail to make a timely request for a hearing or if they
202 waive the right to a hearing by failing to appear for a duly scheduled hearing, the
203 superintendent shall review the circumstances of the recommended long-term
204 suspension. Following this review, the superintendent (1) may impose the long-
205 term or 365-day suspension if it is consistent with board policies and appropriate
206 under the circumstances, (2) may impose another appropriate penalty authorized
207 by board policy, or (3) may decline to impose any penalty.

208
209 If the student or parent requests a postponement of the hearing, or if the request
210 for the hearing is untimely, the hearing will be scheduled, but the student does not
211 have the right to return to school pending the hearing.

212
213 Based on substantial evidence presented at the hearing, the superintendent shall
214 decide whether to uphold, modify, or reject the principal’s recommendation. The

**LONG-TERM SUSPENSION,
365-DAY SUSPENSION, EXPULSION**

Policy Code: **4353**

215 superintendent shall immediately inform the principal of the decision regarding
216 the recommended disciplinary penalty of a long-term or 365-day suspension and,
217 when applicable, of any modifications to the penalty recommended by the
218 principal.

219
220 The superintendent shall send notice of the decision via certified mail to the
221 student and parent. The notice must include:

- 222
- 223 a. the basis of the decision, with reference to any policies or rules that the
224 student violated;
 - 225
 - 226 b. notice of what information will be included in the student’s official record
227 pursuant to G.S. 115C-402;
 - 228
 - 229 c. notice of the student’s right to appeal the decision and the procedures for
230 such appeal;
 - 231
 - 232 d. if the decision is to suspend the student for 365 days, notice of the
233 student’s right to petition the board for readmission under G.S. 115C-
234 390.12;
 - 235
 - 236 e. if applicable, notice that the superintendent or designee is recommending
237 to the board that the student be expelled and any required notifications
238 related to the expulsion if the student did not already receive such notice
239 from the principal or designee; and
 - 240
 - 241 f. if the student is to be suspended, notice of the superintendent’s or
242 designee’s decision on whether to offer alternative education services to
243 the student during the period of suspension, and, as applicable, a
244 description of the services to be offered or the reason justifying the
245 superintendent’s or designee’s decision to deny such services.
 - 246

247 Following issuance of the decision, the superintendent shall implement the
248 decision by authorizing the student’s return to school upon the completion of any
249 short-term suspension or by imposing the suspension reflected in the decision.

250
251 The superintendent shall offer alternative education services to any student who
252 receives a long-term or 365-day suspension unless the superintendent provides a
253 significant or important reason for declining to offer such services. Alternative
254 education services are part-time or full-time programs that provide direct or
255 computer-based instruction to allow the student to progress in one or more core
256 academic courses. Such services may include programs described in policy
257 3470/4305, Alternative Learning Programs/Schools.

258
259 The student may appeal to the board the superintendent’s decision not to provide
260 alternative education services, as permitted by G.S. 115C-45(c)(2). Any appeal to
261 the board must be made in writing within five days of receiving the
262 superintendent’s decision. The superintendent shall inform the board chairperson
263 of the request for an appeal and arrange in a timely manner a hearing before the
264 board. In advance of the hearing, the superintendent shall provide to the student
265 and parent and to the board a written explanation for the denial of services along
266 with any documents or other information supporting the decision. The hearing
267 will be conducted pursuant to policy 2500, Hearings Before the Board. The board
268 will provide to the student and parent and to the superintendent written notice of
269 its decision within 30 days of receiving the appeal.
270

271 If the superintendent determines that expulsion is appropriate, the superintendent
272 shall submit to the board a recommendation and the basis for the recommendation
273 along with any proposal for alternative education services.
274

275 **4. Hearings Before the Board**

276 **a. Long-Term or 365-Day Suspensions**

277 A student or his or her parent may appeal an imposed long-term or 365-
278 day suspension. The student or parent must appeal to the board in writing
279 within three days of receiving the superintendent’s decision. The
280 superintendent shall inform the board chairperson of the request for an
281 appeal and shall arrange in a timely manner a hearing before the board.
282 The suspension need not be postponed pending the outcome of the appeal.
283 The hearing will be conducted pursuant to Section B of policy 4370,
284 Student Discipline Hearing Procedures. The board will provide to the
285 student and parent and to the superintendent written notice of its decision
286 not more than 30 calendar days after receiving the appeal.
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290 **b. Expulsions**

291 The student or parent may request a hearing within five days of receiving
292 notice of the superintendent’s recommendation that the student be
293 expelled. The hearing will be scheduled with the board within five days of
294 the superintendent’s receipt of the hearing request. The superintendent
295 shall notify the student and parent of the date, time, and place of the
296 hearing. Any appeal of a long-term or 365-day suspension will be
297 addressed in the same hearing. The hearing will be conducted pursuant to
298 Section B of policy 4370.
299
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301 If a hearing is not requested by the student or parent, the superintendent
302 shall submit written evidence to support his or her recommendation to the
303 board. The board may elect to request a hearing or to request additional
304 records and documents.

306 When the board decides to expel a student, the board will document the
307 basis for its determination that there is clear and convincing evidence that
308 the student’s behavior indicates that the student’s continued presence in
309 school constitutes a clear threat to the safety of other students or
310 employees. The board also will consider and make a written
311 determination of whether alternative education services are to be provided
312 to the expelled student. Regardless of whether the school system provides
313 alternative education services, the board expects school system
314 administrators to work with other agencies to help the student and parent
315 identify other types of services that may be of assistance to the student.
316 The board will send via certified mail to the student’s parent a copy of the
317 decision, notification of what information will be included in the student’s
318 official record, the procedure for expungement of this information under
319 G.S. 115C-402, and notice of the right to petition for readmission pursuant
320 to G.S. 115C-390.12.

322 **C. EDUCATIONAL SERVICES FOR STUDENTS WITH DISABILITIES DURING LONG-TERM**
323 **SUSPENSION, 365-DAY SUSPENSION, OR EXPULSION**

325 Students with disabilities recognized by the Individuals with Disabilities Education Act
326 will receive educational services during periods of suspension or expulsion to the extent
327 required by *Policies Governing Services for Children with Disabilities* and state and
328 federal law.

330 **D. REDUCING SUSPENSION AND EXPULSION RATES**

332 Though the board believes that suspension or expulsion may be an appropriate and
333 necessary consequence in certain situations, the board also recognizes that excessive use
334 of suspension and expulsion may have a negative impact on academic achievement and
335 graduation rates. Thus, the board encourages school administrators to find ways to
336 reduce suspension and expulsion rates in the schools.

338 Legal References: U.S. Const. amend. XIV, § 1; Individuals with Disabilities Education Act, 20
339 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; N.C. Const. art. I, § 19; G.S. 14-208.18; 115C art. 9;
340 115C-45(c)(2), -47(55), -276(r), -288, -390.1, -390.2, -390.7, -390.8, -390.9, -390.10, -390.11, -
341 390.12, -402; 130A-440; *Policies Governing Services for Children with Disabilities*, State Board
342 of Education Policy EXCP-000

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344 Cross References: Hearings Before the Board (policy 2500), Alternative Learning
345 Programs/Schools (policy 3470/4305), Student Sex Offenders (policy 4260), School Plan for
346 Management of Student Behavior (policy 4302), Drugs and Alcohol (policy 4325), Theft,
347 Trespass, and Damage to Property (policy 4330), Assaults, Threats, and Harassment (policy
348 4331), Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety (policy 4333),
349 Criminal Behavior (policy 4335), School-Level Investigations (policy 4340), Student Discipline
350 Records (policy 4345), Short-Term Suspension (policy 4351), Student Discipline Hearing
351 Procedures (policy 4370)

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353 Adopted:

NEW