

STUDENT CODE OF CONDUCT
Hope Charter Leadership Academy Board of Directors Due Process Policy

It is the objective of Hope Charter Leadership Academy Board of Directors (Board) to maintain the orderly, efficient, and safe operation of Hope Charter Leadership Academy while respecting the individual rights of students. Students may be suspended from school or expelled only in accordance with state law and Board policy. All levels of student violations will initiate disciplinary consequences.

Definitions

1. **Appeal** – parent request for review by the Board, of action taken at a formal long-term suspension hearing.
2. **Board** – Members of the Hope Charter Leadership Academy Board of Directors.
3. **Formal Hearing** - a process of review conducted at the Board level by the hearing officer and select Board members.
4. **Hearing Officer** - The Board's designee who conducts formal hearings.
5. **Informal Hearing** - The provision for direct communication between the principal and the student to assure the opportunity for a student to respond to any allegation giving rise to disciplinary action.
6. **Long-Term Suspension** - removal from school for a period of more than ten (10) school days up to the remainder of the school year.
7. **Parent** - legal parent, legal guardian, legal custodian, or custodial adult under **G.S. 115C-366**.
8. **Principal** - school principal or any other school professional to whom official authority has been delegated.
9. **School Property** - that location over which the school or Board has supervisory responsibility.
10. **Short-Term Suspension** - removal from school for a period of up to and including (10) school days.
11. **Summary Suspension** - immediate removal from school for a period of up to and including three (3) school days to prevent further disruption and ensure safety at the school.
12. **Expulsion** – removal from school for a period of 365 consecutive days.

Procedure

The Principal or designee shall investigate all instances of alleged misconduct, including violations of the State of North Carolina General Statutes (G.S.) occurring on school property and violations of the Student Code of Conduct (Code) or other Board policy.

The Principal or designee shall attempt, within reason, to hear every side of the controversy. The student will be confronted with the allegations and given the opportunity to respond to the allegations. The Principal will attempt to question witnesses requested by the student if applicable.

A. Summary Suspension

If the Principal witnesses or is made aware of any serious student misconduct and has reasonable grounds to believe that immediate removal of the student is necessary to restore order or to protect school property or persons on the school grounds, the student may be suspended immediately for not more than three (3) school days. In such cases, the Principal is not required to conduct a full investigation before suspending the student. In all cases, however, the student is entitled to minimal due process, as described in section B for short-term suspensions, as soon as reasonably possible.

After further investigation, the Principal may carry out further disciplinary action, if any is warranted. If subsequent investigation convinces the Principal that the student receiving the summary suspension is not guilty of the misconduct in question, the student shall have the right to make up work missed, receive credit for such work, and will be counted present for days missed.

B. Short-Term Suspension

A short-term suspension is removal from school for a period up to and including ten (10) school days. The principal may invoke a short-term suspension only after investigating the misconduct and confronting the student with the allegations against the student and giving the student an opportunity to respond. The principal may invoke a short-term suspension only for a violation of Board policy or procedure or as provided in **G.S. 115C-391**.

When a student is issued a short-term suspension, the Principal shall:

1. Send a written notice to the parent adequately stating the charge against the student and containing sufficient facts to describe the nature of the offense.
2. Make every effort to hold a conference with the parents before or at the time the student returns to school.

A short-term suspension may not be appealed to the Board.

C. Sending a Student Home during the School Day

When a student is suspended, a reasonable attempt shall be made to reach the student's parents to inform them of the school's action and request that they come to the school or make arrangements for the student to leave the school. If the parents are available to receive the student, but unable to make arrangements for pick up, the school may provide transportation. A suspended student may only be released to a parent or to another adult at the request of the parent. If the parents are unreachable, then the student must remain on school property until the close of the school day, unless, in extreme circumstances, immediate removal of the student from school grounds is necessary to restore or maintain order or to protect school property or people on the school grounds.

D. Long-Term Suspension - Initiation of Notice and Proceeding

If the Principal, following the investigation, determines that a long-term suspension is appropriate, a short-term suspension of ten (10) school days shall be invoked and a recommendation to invoke a long-term suspension shall be made, in writing, to the Board.

The Principal also shall send a copy of the recommendation by mail to the student's parent. The student and parent shall be informed of the Procedures for Suspensions and Expulsions.

The written recommendation to the Board shall state the charges against the student and contain sufficient facts to describe the nature of the offense. The Board shall approve or disapprove the long-term suspension within five (5) school days following receipt of the principal's recommendation if the parent does not ask for a formal hearing.

If the Board approves the long-term suspension, it shall identify the information that will be included in the student's official record and describe the procedure for expunging that information.

E. Formal Hearing

If a formal hearing is desired, the parent must notify the Board in writing within three (3) school days following the notice of impending long-term suspension.

If the parent fails to appeal within three (3) school days, they waive the right to a formal hearing.

The Board shall appoint one board member to serve as the hearing officer. The hearing officer shall have no vote.

Upon receipt of a notice of appeal, the principal shall notify the hearing officer who shall appoint two panel members and a recorder from the Board.

The hearing shall be convened and conducted by the hearing officer within five (5) school days following the request.

The following rules shall govern all formal hearings:

1. The hearing shall be private and informal. Rigid rules of evidence need not be observed. The hearing may be attended by the Principal or designee, the student, the student's parents and if desired, the student's representative, the hearing panel and such other persons as the hearing officer deems necessary. If the parent chooses to have legal representation present, notification must be given to the Board and/or hearing officer at least two (2) calendar days prior to the hearing for the Board to engage its own legal representation.
2. The hearing panel may consider the testimony of any witness, including hearsay evidence considered reliable by the hearing officer.
3. At the hearing, the principal or other representative of the school shall offer competent evidence concerning the student's violation of the Code. The student, parent or the student's representative may then present evidence, including documents and witnesses.
4. The Principal or school representative and the student, parent or his or her representative may question the witness presented by the other side. The hearing officer has the power to limit questioning by any person if such questioning is repetitive, immaterial or irrelevant.
5. Minutes shall be kept of the hearing.
6. After the evidence has been presented and the hearing adjourned, the hearing panel shall proceed to reach a decision in private. The hearing officer may provide advice on policy or procedural issues but will not vote. The decision will be reached by simple majority and will be based solely on the evidence presented at the hearing. Written notification of the hearing panel's decision will be sent to the Principal by the end of the next school day following the hearing. The notice should include a finding as to whether the student violated the Code, and if so shall make a recommendation as to the severity of the punishment. The notice should explain the findings upon which the decision was based as well as any conditions associated with the decision.
7. The hearing panel has the final recommendation and shall send written notification of the decision to the parents.

F. 365 - Day Expulsion for Firearms/ Explosives

The procedures for long-term suspension above shall apply in cases involving bomb threats or hoaxes or the possession or use of a firearm or explosive except as follows: The hearing panel shall only decide whether the student committed the violation and not what form of discipline is appropriate. If the hearing panel finds there was a violation, the student or parent/guardian may appeal to the Board as provided in Paragraph E above.

G. Suspension of Children with Disabilities

The policies and procedures for the discipline of students with disabilities shall be consistent with federal laws and regulations. Any change in placement shall be made by the student's IEP team. The procedures for the suspension of children with disabilities are addressed in Procedures Governing Programs and Services for Children with Disabilities.

LEGAL REF: G.S. 1115C-112, G.S. 115C-288(e), G.S. 115C-307, G.S. 115C-390, and G.S. 115C-391

HCLA Board approved, 6-28-17