

NCDPI Center for Safer Schools

# North Carolina Discipline Data Reporting Procedures

For Use in Reporting 2020–21 Discipline Data  
and  
Alternative Learning Program Roster Data



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## Discipline Data Benefits and Requirements

The North Carolina Department of Public Instruction (NCDPI) is responsible for creating procedures for complying with statutory requirements and carrying out State Board of Education (SBE) policies, including the collection of disciplinary data. Schools must report to NCDPI all data required by statute and/or SBE policy, and NCDPI produces reports for the SBE in accordance with applicable statutes and policies. The data NCDPI collects on suspensions, expulsions, alternative learning program (ALP) placements and acts of crime and violence are also needed to produce reports for the federal government.

### Value of Disciplinary Data for the State, LEA, and School

The collection of discipline data allows the Department of Public Instruction to fulfill its data reporting obligations in the areas of school crime and violence, suspensions and expulsions, and student placements in alternative learning programs. The accumulation of this information in one database allows for statewide analyses of relationships between these incident variables, for example, between acts of crime and suspensions. Analyses may also be performed on the demographics of student offenders, the frequency of occurrence of certain offenses, and the relationships between incident data and other student, teacher, or school data collected by NCDPI. The ongoing collection of the data each year helps NCDPI to analyze trends which may indicate whether certain local and statewide programming efforts are yielding results.

Discipline data in the aggregate is public information. Data from PowerSchool is used in the NC School Report Card (<https://www.dpi.nc.gov/data-reports/school-report-cards>). The Report Card makes available the school crime rate and the rate of suspensions and expulsions for each school and LEA. All information about individual incidents, including disciplinary consequences and the names of offenders and victims, is kept confidential.

LEAs and schools may also use information from PowerSchool to study the numbers of certain types of minor offenses, the numbers of in-school suspensions or other disciplinary actions, and the possible effects of local policies or behavioral intervention programs on these offenses and consequences. For example, an LEA that has implemented the Positive Behavior and Intervention Support (PBIS) system might want to determine if the numbers of “Inappropriate language/disrespect” or “Insubordination” acts have been reduced or if the numbers of out-of-school or in-school suspensions have declined since the program was implemented.

### Discipline Data Terminology

Discipline data reporting is organized around **incidents** occurring at sites under the jurisdiction of the reporting school. Some incidents may involve a single **behavior**, or act, by a single **offender** (or perpetrator). Other incidents may involve multiple behaviors by an offender. Occasionally, incidents such as fights will involve multiple offenders, each of whom may be charged with one or more acts. If applicable, the reporting system can record information about one or more **victims** of an offender and the use of one or more **weapons** by an offender. The system can also record a number of disciplinary **actions** (or consequences) for each offender, which may include assigned in-school or out-of-school **suspension days**.

## Authority to Report Discipline Data

North Carolina General Statute 115C-288(g) requires that certain criminal offenses occurring in the schools be reported to law enforcement immediately. (See “What Must Be Reported to Law Enforcement” on page 9 for details.) General Statute 115C-12(21) requires that an annual report of crimes be compiled by the SBE. These offenses must be reported if they occur on any site under the jurisdiction of the school regardless of the identity of the offender and even if the offender is unknown.

In SBE Policy SSCH-000 (see [https://simbli.eboardsolutions.com/SB\\_ePolicy/SB\\_PolicyOverview.aspx?S=10399](https://simbli.eboardsolutions.com/SB_ePolicy/SB_PolicyOverview.aspx?S=10399)) the SBE lists school offenses that must be reported to NCDPI within five school days. Many of these are defined in state criminal statutes (see Appendix B), however other offenses are not criminal in nature. Nine of the offenses are considered dangerous per SSCH-006. These nine are:

- Homicide
- Assault Resulting in Serious Bodily Injury
- Assault Involving Use of a Weapon
- Rape
- Sexual Offense
- Sexual Assault
- Kidnapping
- Robbery with a Dangerous Weapon
- Taking Indecent Liberties with a Minor

A high rate of these dangerous acts committed over a two-year period may lead to a school being designated “persistently dangerous” by the SBE. Currently the threshold for this status is at least two dangerous acts and a ratio of at least five dangerous acts per thousand students.

State Board policy SSCH-006 (see [https://simbli.eboardsolutions.com/SB\\_ePolicy/SB\\_PolicyOverview.aspx?S=10399](https://simbli.eboardsolutions.com/SB_ePolicy/SB_PolicyOverview.aspx?S=10399)) requires that victims of these dangerous acts be offered a transfer to another public school if there is another school in the district with that student’s grade level. Whether the transfers are offered and accepted must be reported to NCDPI in the PowerSchool Incidents module.

General Statute 115C-12(27) requires the SBE to compile annual reports of school crimes, suspensions, expulsions, uses of corporal punishment, and placements in alternative programs. These reports are compiled from the incident data entered at the schools.

Over the years the US Department of Education has issued new data collection requirements that have increased the number of student behaviors that must be reported regardless of disciplinary consequences. These include the possession of tobacco products, acts of harassment, and violent acts resulting in injuries that fall below the threshold defined by the SBE for a reportable assault resulting in “serious” injury.

## Office of Civil Rights Data Collection (CRDC)

In 2014 the Department of Public Instruction took over responsibility for the Office of Civil Rights reporting that was previously done directly by the LEAs. Additional actions and behaviors were added to PowerSchool so that schools could report everything called for by the Civil Rights Data Collection (CRDC).

Unique reporting requirements for CRDC include:

- reporting incidents to law enforcement (see pages 15-16)
- school-related arrests (see page 6)
- zero tolerance expulsions (see below)
- harassment based on race/ethnicity, gender, disability, religious affiliation, and sexual orientation (see pages 13-14)
- seclusions and restraints reported based on federal definitions that differ from state definitions (see page 11 and Appendix D)

**Reporting Zero Tolerance Expulsions.** A requirement of the CRDC report is for LEAs to report the numbers of students that were subjected to “No Tolerance Expulsions” in accordance with unique federal definitions of “expulsion” and of “no tolerance policy.” The definitions for the CRDC report read as follows:

Expulsion under zero-tolerance policies refers to an action taken by the local educational agency of removing a child from his/her regular school for the remainder of the year or longer because of zero-tolerance policies. A zero-tolerance policy is a policy that results in mandatory expulsion of any student who commits one or more specified offenses (e.g., offenses involving guns, or other weapons, or violence, or similar factors, or combinations of these factors). A policy is considered "zero tolerance" even if there are some exceptions to the mandatory aspect of the expulsion, such as allowing the chief administering officer of a local educational agency to modify the expulsion on a case-by-case basis.

The federal definition of expulsion is the removal of a child from his/her regular school for the remainder of the year or longer. Removals include both suspensions and assignments to alternative programs.

Note that the federal definition of expulsion is not the same as the state definition. For state purposes, the definition of expulsion is an indefinite or permanent removal of a student from a local education agency or charter school (although a student may apply for readmission under certain conditions).

To report a Zero Tolerance Expulsion in PowerSchool simply add an additional disciplinary action of (110) Zero Tolerance Expulsion to the incident in question. Adding this action will not increase the number of either suspensions or expulsions for state reporting.

## What Must Be Reported in Discipline Data

Due to state and federal statutes and State Board of Education policies, a record of incidents involving the following must be reported:

- Any act resulting in an in-school suspension, out-of-school suspension, or expulsion.
- Any assignment to an alternative school or alternative learning program. The assignment should be reported as a consequence of (or an action on) the behaviors in an incident and as an alternative school/program enrollment on the PowerSchool Special Program Assignment screen.
- Any use of corporal punishment
- Any of the following offenses, regardless of consequences assigned:
  - robbery without a weapon
  - robbery involving the use of a weapon or robbery with a firearm
  - possession of a weapon
  - possession of a firearm
  - possession of a controlled substance
  - possession, underage sales, provision, or consumption of alcohol
  - burning of a school building
  - bomb threat
  - homicide
  - assault resulting in serious personal injury
  - assault with a weapon or physical attack with a firearm
  - kidnapping
  - sexual assault
  - sexual offense
  - rape
  - taking indecent liberties with a minor
  - assault on school personnel
  - bullying
  - cyberbullying
  - discrimination
  - verbal harassment
  - sexual harassment
  - bullying or harassment based on sex (sexual harassment), race, disability, sexual orientation, or religious affiliation
  - a violent assault not resulting in serious injury (as defined by criminal statute)
  - fighting
  - affray
  - communicating threats
  - gang activity
  - extortion
  - property damage
  - possession of tobacco products
  - use of tobacco products
- Any victim of the following offenses:
  - robbery involving the use of a weapon
  - homicide
  - assault resulting in serious personal injury
  - assault with a weapon

- kidnapping
- sexual assault
- sexual offense
- rape
- taking indecent liberties with a minor
- sexual harassment
- harassment or bullying based on race, color, or national origin
- harassment or bullying based on disability
- Whether or not the victim of the following acts was offered a transfer to another public school and whether the victim accepted the transfer for the crimes listed below (see page 16 for more information):
  - robbery involving the use of a weapon
  - assault resulting in serious personal injury
  - assault with a weapon
  - kidnapping
  - sexual assault
  - sexual offense
  - rape
  - taking indecent liberties with a minor
- Any occurrence of following actions by school staff and any student victim of the actions listed below (see page 11 and Appendix D for more information):
  - aversive procedure (per state definition)
  - physical restraint (per state and/or federal definition)
  - mechanical restraint (per state and/or federal definition)
  - seclusion (per state and/or federal definition)
- Whether a disciplinary action is considered a “No Tolerance Expulsion” per federal definition (see page 4 for more information)
- Actions related to law enforcement involvement:
  - any incident reported to law enforcement, including an on-site SRO (see pages 15-16 for more information)
  - school-related arrest\* (see definition below)

\* Arrest of a student for any activity conducted on school grounds, during off-campus school activities (including while taking school transportation), or due to a referral by any school official.

In addition, the discipline data system may also be used to record other more minor disciplinary incidents, although this is not required. Using the system to record all incidents can help principals and LEA officials gain perspective on the entirety of disciplinary incidents and consequences. (It also eliminates the decision of whether to enter the incident in the system.) For example, a principal may want to know what proportion of all school incidents resulted in a parent conference, an in-school suspension, or an out-of-school suspension.

## **What Must Be Reported to Law Enforcement**

Principals are required by law to report to police those crimes specified in NC General Statute 115C-288(g):

- Assault Resulting in Serious Bodily Injury
- Assault Involving Use of a Weapon
- Rape
- Sexual Offense
- Sexual Assault
- Kidnapping
- Taking Indecent Liberties with a Minor
- Possession of a Firearm
- Possession of a Weapon
- Possession of a Controlled Substance

# Procedures for Reporting Incident Data

Each school should have at least one person responsible for documenting disciplinary acts and consequences, the “discipline data coordinator” for the purposes of this discussion. The school discipline data coordinator must be familiar with the definitions of the 16 reportable criminal acts, the lists of offenses and actions in the PowerSchool system, and the reporting guidance provided in this manual. The coordinator may or may not be the same person who inputs the discipline data, however the coordinator is responsible for data accuracy. The coordinator should contact the LEA discipline data coordinator for guidance on local policies and procedures.

Regardless of who determines the data to enter and who enters the data, the principal is ultimately responsible for the discipline data. Principals must be thoroughly familiar with the definitions of the 16 reportable acts, as they are responsible for reporting certain crimes to law enforcement per GS 115C-288(g).

## Reporting Incidents in PowerSchool

PowerSchool is the system designated by NCDPI to record disciplinary incidents as part of the Uniform Education Reporting System (UERS). The Quick Reference Document on entering incidents in PowerSchool may be found at:

[http://www.nc-sis.org/Documents/student\\_info/PS\\_QRD\\_Incidents.pdf](http://www.nc-sis.org/Documents/student_info/PS_QRD_Incidents.pdf)

PowerSchool allows for the reporting of offenders, offenses (behaviors) and disciplinary consequences (actions). See pages 26-32 for a listing of Behavior Types and pages 32-33 for a listing of Action Types. Behaviors that are not listed should be reported as “Other or “Other School Defined Offense.” Actions not listed should be reported as “Other.”

Generally, students involved the same or related misbehaviors are included in the same PowerSchool incident, however schools may use discretion on whether to include multiple students in the same incident. Sometimes in complex cases it may be necessary to create separate incidents so that PowerSchool reports the data correctly, for example, when there are multiple victims and offenders. (There is no mechanism in PowerSchool for attaching victims to specific offenders or to specific offenses if there are more than one offender or offense in an incident.)

## Editing Incidents in PowerSchool

The Quick Reference Document mentioned above does not describe how to edit the offenses (behaviors) committed or the disciplinary actions assigned. The steps for editing behaviors or actions are as follows:

- 1) Place cursor over behavior or action
- 2) Click on yellow pencil
- 3) Make changes to behavior or action
- 4) Click “Update Behavior” or “Update Action”

**IMPORTANT: After entering or updating incidents, schools and LEAs must run the Discipline Report (before reviewing the report) in order for any new incidents to be**

**included and for the data to be accessible to the state. It may also be necessary to click the “Clear Cache” button at the bottom of the report and rerun the report in order to display the most recent information.**

### **Using Reports to Check Incidents in PowerSchool**

Schools are responsible for entering required discipline data into the PowerSchool Incidents Management module or other compatible system. LEAs are responsible for checking data for accuracy and completeness.

The PowerSchool State Discipline Report provides on-screen “views” of suspension and crime data displaying the authoritative school and LEA totals of **16 reportable crimes** and the **reportable actions** of short-term suspension, long-term suspension, and expulsion. The on-screen views may also be printed as reports. The Discipline Report also provides views of **transfers offered to victims of violent crimes, uses of seclusion and restraints**, and a comprehensive **incident detail** file.

PowerSchool has an additional set of “sqlReports” related to incident data. These reports contain information that is particularly useful to school administrators. Current sqlReports are:

Disciplinary Actions by Offense Type and Race/Ethnicity

Incident Report by School

Incident Victim Report by School

Individual Student Historical Incidents

Individual Student Incident Report

Student Incident Report

Student Individual Incident Report

### **Disciplinary Actions by Offense Type and Race/Ethnicity Report**

This report breaks down offenses by the type of disciplinary action assigned to students in each race/ethnicity category, allowing administrators to check for disproportionate outcomes at either school or LEA level. For each behavior reported, the number of students receiving a particular disciplinary action will be reported by race/ethnicity. The report uses the standard state abbreviations for race/ethnicity: A, B, H, I, M, P, W for Asian, Black, Hispanic, American Indian, Multiracial, Hawaiian/Pacific Islander, and White.

The report will count an action assigned to a student under each behavior that was reported in the incident. For example, if an Asian student receives a short-term suspension (STS) for an incident in which the behaviors Cutting Class and Possession of Tobacco are reported, the STS would be recorded in the Asian column under both the Cutting Class and the Possession of Tobacco behaviors.

Because of the number of offense types and action types, some behaviors and actions with similarities were clustered into categories. Behavior categories and the behavior type codes included in those categories are:

- (UB - Bullying and Harassment): 025, 038, 052, 094, 101, 102, 109, 110

- (RO – Possession of Controlled Substance): 005, 006, 007, 017, 087,118

- (RO – Sale of Controlled Substances): 054, 055, 056, 057,119

- (UB – Simple Assault): 044, 045, 071, 072

As an aid to assessing the proportionality of disciplinary assignments, many of the action types are clustered into categories of similar severity. All long-term suspensions and expulsions are clustered together in the LTS/EXP category, which represents the most severe disciplinary action. Actions such as Lunch Detention and Time Out were combined in a general Detention category. The “Other” category was created to represent a set of relatively mild disciplinary consequences. Clusters and action type codes are:

- Other: 001, 023, 025, 027, 029, 030, 031, 032, 063, 101, 113, 114, 116, 117
- Detention: 021, 024, 026, 034, 064, 107
- STS: 003 or 035 with less than 11 suspension days assigned
- ALP: 008, 009, 010, 036, 037, 038, 100, 102
- LTS/EXP: 003 or 035 with 11 or more suspension days assigned, 004, 005, 006

Even though this report does not contain student identifiers, it must be kept confidential (meaning the details of the report can only be shared with school and LEA officials who need to know this information). The small numbers of students in certain race/ethnicity groups coupled with information on crimes and other offenses might be used to identify a student offender. In following the federal FERPA law, NCDPI uses a “small cell” rule of not publishing data on subgroups smaller than ten. This report may contain some cells larger than ten, but most cells will likely be less than ten.

## **Reporting Behaviors Committed by an Offender**

The school discipline data coordinator should consult the current listing of Behaviors in Appendix A and the descriptions of the Reportable Crimes in Appendix B in deciding how to report the acts committed by an offender. Behaviors that can be assigned to students have prefixes to indicate severity:

- PD – Dangerous crimes. Victims of these crimes must be offered a transfer to another school in the district (if the student’s grade level is available).
- RO – “Reportable” Crimes. These crimes along with the PD crimes are used in calculations of the school and school district’s crime rates that are displayed on the School Report Card.
- UB – Unacceptable behavior.

**IMPORTANT: Behaviors with a PD or RO prefix should not be entered in PowerSchool without the explicit authorization of a principal or designee.** Consultations with the investigating law enforcement officer are recommended if there are any doubts about whether a crime was committed or the type of crime that was committed. Crimes that are tracked for reporting on the School Report Card (behaviors with PD or RO designations) should always be reported to NCDPI if the offender’s behavior appeared to contain the elements of a specific crime. Many cases will result in an arrest or a juvenile petition; however, these actions are not necessary conditions of the requirement to report PD and RO offenses.

Use the following guidelines to help decide which offense(s) to report, especially when serious offenses are committed. Each offender involved in an incident should be considered separately.

1. For each offender in an incident, report the most serious offense(s) first.

2. Report each additional offense committed that is not subsumed by a previously reported offense. For example, in a knife assault the act of “Possession of a Weapon” is subsumed by the more serious “Assault Involving the Use of a Weapon,” (because the knife must be possessed in order for the assault to take place) so “Possession of a Weapon” for the knife does not have to be reported. In contrast, for an offender who commits a knife assault and has possession of alcohol, “Assault Involving the Use of a Weapon” does not subsume “Possession of Alcoholic Beverage,” (because possession of alcohol is not required for the assault to occur) so both acts would have to be reported. If the student also had a handgun, but did not use it in an assault, “Possession of a Firearm” would be reported for the possession of the handgun (because possession of a handgun is not required for a knife assault to take place).
3. For each weapon-related offense, the type of weapon should be reported.
4. Report multiple behaviors for incidents involving multiple victims if the offenses are clearly separate events in time. For example, if a student robbed two students using a weapon, even if the two events happen very close together in time, these are distinct acts, and two acts of “Robbery with a Weapon” should be recorded. (In PowerSchool, the second act of “Robbery with a Weapon” will automatically be listed in the Incident Detail when the second victim is listed in the incident.) However, if a student waved a handgun at a group of students and threatened them collectively, only one act of “Assault Involving Use of a Weapon” should be recorded.
5. Report a separate behavior for each possession, use, or sale of a specific contraband item. Do not report a separate behavior if a student possesses multiple containers of the same item in the same incident. For example, if a student is caught in possession of two baggies of marijuana and one bottle of pills, record this as two crimes, “Possession of Marijuana,” and “Possession of a Controlled Substance – Other.”
6. Crimes should be reported to the police or a School Resource Officer who is a sworn police officer.
7. Any behavior that must be reported to the state should be reported in PowerSchool whenever school officials become aware that the act occurred, regardless of when the act occurred. Therefore, it is possible that a behavior that occurred in a previous year will need to be reported in the current year’s data.
8. Report summer school incidents whenever they occur. June 2020 incidents may be entered in the 2019-20 data, while incidents occurring in July and August of 2019 should be reported in the 2020-21 data. If a June 2020 incident cannot be entered before June 30 (EOY), it is acceptable to enter the incident for 2020-21.
9. School crimes must be reported at the school at which they occur. If a student from School A commits a reportable crime at School B, the crime should be recorded at School B and the perpetrator should be classified as “Student from Another School.” The disciplinary action for the student should be recorded at School A. To avoid double reporting the crime, record the behavior at School A as “Other.” Use the narrative to explain the reason for the disciplinary action and the reason that the crime was not reported at School A.
10. Use a technique similar to the one in #9 above when reporting Actions that are assigned to a student after June 30 (EOY) for incidents occurring before June 30. Report the behavior at the time of occurrence and any actions applied in year 1. Then, if additional actions are applied in the next year, create an incident record in year 2, report the additional actions applied in year 2, and use the behavior type “Other.”

## Reporting Behaviors – Examples

These scenarios illustrate the selection of behaviors in reporting incidents. All these scenarios involve reportable crimes, which require a police investigation. Although not mentioned in the scenarios, the reporting official should also use information from police investigations in determining how to report the acts.

1. A teacher smells alcohol on a student's breath. The student is sent to the assistant principal, who investigates and finds a plastic bag of marijuana and another plastic bag of pills in the student's book bag.

**Reporting:** Because the pills and the marijuana are separate items, two behaviors will be reported, "Possession of a controlled substance in violation of law – marijuana" and "Possession of a controlled substance in violation of law-other." Note that both behavior types will map to the reporting category of "Possession of Controlled Substance in Violation of Law," resulting in two reportable crimes. Because the student wasn't seen drinking alcohol on the school campus and no alcohol was found in the student's possession, the behavior types "Alcohol Possession" and "Use of Alcoholic Beverages" are not used. The behavior type "Under the Influence of Alcohol" may be used to note that the student came onto campus intoxicated.

2. Several witnesses have come forward to report that a student has been using physical intimidation to take money from other students. The victims all reported that the offender displayed a small pocketknife during the robberies. After talking with the student, the victims, and the witnesses, the assistant principal determines that at least four occurrences occurred.

**Reporting:** First note that the size of the pocketknife blade does not matter. All robberies and assaults with weapons must be reported. Because the robberies took place at different times there should be four acts of "Robbery with a Dangerous Weapon" reported. Each of the four victims should be listed in the incident. PowerSchool does not allow the same behavior to be added to a certain offender more than once in an incident, so the state Incident Detail was programmed to add an additional crime in an incident for each victim, yielding the correct number of crimes committed by an individual. Adding the four victims to the incident will yield four acts of "Robbery with a Dangerous Weapon." Another way to report these acts is to create a separate incident for each robbery and victim. Numbers of incidents are not counted in the data, only numbers of criminal acts. Either method will yield four reported crimes.

3. A teacher tries to restrain a student who is fighting. The student is enraged and turns on the teacher, hitting him several times and knocking him down. The teacher is hospitalized for several days for a concussion and an eye injury. The eye injury results in decreased visual acuity and appears to be a permanent condition.

**Reporting:** Because the attack resulted in a "permanent or protracted condition that causes extreme pain," the first act reported is "Assault Resulting in Serious Injury." Because a teacher is the victim "Assault on School Personnel" might be reported, except for the rule that specifically limits this act to assaults on school personnel not involving serious injuries. Therefore, "Assault on School Personnel" should not be reported in this case. Because the victim was assaulted by only one of the students, do not report the behavior of "Fighting" in the same incident. Report the behavior of fighting in a separate incident and reference the attack on the teacher in the incident notes.

## Reporting Assaults

A variety of behavior types are available to report assaults. An assault should be reported when an unprovoked physical attack occurs or when a physical response to an altercation is disproportionate. When an altercation involves somewhat similar levels of violence by both (or multiple) parties it is appropriate to cite both with the act type of “Fighting” or “Affray.”

Report serious assaults resulting in major injuries as (01) PD: Assault Resulting in Serious Injury. See Appendix B for the definition.

For assaults resulting in less severe injuries, use (90) UB: Violent Assault Not Resulting in Serious Injury, which is defined as “an intentional physical attack resulting in pain and/or fear of severe harm for the victim but resulting in an injury less severe than that described in the definition of Assault Resulting in Serious Injury.”

Minor assaults less serious than “Assault Resulting in Serious Injury” and “Violent Assault Not Resulting in Serious Injury” may be reported. Any of the behavior types below may be used in cases where pain and trauma experienced by the victim is minimal, particularly when younger children are the offenders and/or victims. The behavior types for minor assaults are:

- (44) UB: Assault on Student
- (45) UB: Assault – other
- (71) UB: Assault on non-student w/o weapon & not resulting in serious injury
- (72) UB: Assault on student w/o weapon & not resulting in serious injury

## Reporting Bullying

North Carolina law, GS §115C-407.15(a), defines bullying and harassing behavior as:

any pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication, that takes place on school property, at any school-sponsored function, or on a school bus, and that:

- (1) places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property; or
- (2) creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities, or benefits. For purposes of this section, "hostile environment" means that the victim subjectively views the conduct as bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior.

Thus, bullying may be one or more of the following:

- **Written, electronic, verbal;**
- **Physical;**
- **Social or relational; OR**

- **Harassment**

If the student’s motivation for bullying can be evidentially attributed to a certain class to which the target belongs, or is perceived to belong, specific categories of harassment behavior and the victim(s) **must be reported**. The demographic information for both the offender and the victim(s) is used in the federal Civil Rights Data Collection report. If the student’s motivation for harassment cannot be determined, this section should not be completed.

- If the motivation can be attributed primarily to the target’s sex, then report the behavior as “**Sexual Harassment**”
- If the motivation for bullying can be attributed primarily to the target’s race, ethnicity, or national origin, then report the behavior as “**Harassment—Racial**”
- If the motivation can be attributed primarily to the target’s disability, report the behavior as “**Harassment—Disability**”
- If the motivation can be attributed primarily to the target’s sexual orientation, then report the behavior as “**Harassment—Sexual Orientation**”
- If the motivation can be attributed primarily to the target’s religious affiliation, report the behavior as “**Harassment—Religious Affiliation**”

#### Reporting Bullying with Another Act

Bullying may be reported with another act, especially when that act is serious enough to be reported on its own. For example, if a student engages in bullying and, in the process, physically hurts another student, both bullying and assault should be reported (two acts in one incident). In addition to violent acts, other acts such as communicating threats, theft, extortion, property damage, or gang activity, might be the primary means through which bullies inflict physical and emotional damage; therefore, these acts should be reported along with the bullying.

#### Second Offenses

Second offenses are not required to be reported with bullying. A teacher or principal may deem a student to be bullying simply because of the repetitiveness of the behavior, especially after warnings to stop the behavior.

#### Definitions

1. **Social or relational bullying**: indirect, covert attempts to affect the target’s reputation or social standing. It may or may not include “cyberbullying,” which is the use of electronic communication, such as email or social media, to intentionally harm others.
2. **Sexual harassment**: conduct on the basis of sex that satisfies one or more of the following:
  - (1) Any form of *quid pro quo* harassment;
    - *Quid pro quo* harassment à A school employee conditioning the provision of an aid, benefit, or service of the school on an individual’s participation in unwelcome sexual conduct
  - (2) “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30); OR
  - (3) Any unwelcome conduct that a reasonable person would find “so severe, pervasive, and objectively offensive” that it effectively denies a person equal access to the school’s education program or activity.
3. **Racial Harassment**: refers to intimidation or abusive behavior toward a student based on actual or perceived race, color, or national origin. Harassing conduct may take many forms,

including verbal acts and name-calling, as well as non-verbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful or humiliating. The conduct can be carried out by school employees, other students, and non-employee third parties.

4. **Disability Harassment:** refers to intimidation or abusive behavior toward a student based on the student’s actual or perceived disability—such as a physical, developmental, intellectual, emotional, or sensory disability.
5. **Sexual Orientation Harassment:** refers to intimidation or abusive behavior toward a student based on actual or perceived sexual orientation. Harassing conduct may take many forms, including verbal acts and name-calling, as well as non-verbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful or humiliating. The conduct can be carried out by school employees, other students, and non-employee third parties.
6. **Religious Affiliation Harassment:** refers to intimidation or abusive behavior toward a student based on actual or perceived religion. Harassing conduct may take many forms, including verbal acts and name-calling, as well as non-verbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful or humiliating. The conduct can be carried out by school employees, other students, and non-employee third parties.

#### Protecting Victims

When entering data into PowerSchool regarding these incidents, it is imperative to protect the victim from further bullying or harassment, and narrative on harassment type should be respectful of the privacy of the victim.

#### **Reporting Uses of Seclusion and Restraint**

These events are not disciplinary incidents, but the PowerSchool Incidents module was selected as the system to record any uses of seclusion and restraint. The federal definitions of seclusion and restraint differ from the state definitions. Seclusions and restraints per federal definitions will likely occur more frequently in a school setting than impermissible uses of seclusions and restraints by state definitions. See Appendix D and GS 115C-391.1 for more information on these differences.

The following offenses apply only to uses of seclusion and restraint by authority figures:

- 097-Aversive Procedure (staff only – State report)
- 098-Physical Restraint (staff only – State report)
- 099-Mechanical Restraint (staff only – State report)
- 100-Seclusion (staff only – State report)
- 111-Mechanical restraint (staff only – OCR report)
- 112-Physical restraint (staff only – OCR report)
- 113-Seclusion (staff only – OCR report)

Do not use these act types for offenses committed by students. These act types are to be used for the behavior of authority figures only. Federal guidelines do not restrict reporting of seclusions and restraints to school staff only, so codes 111, 112, and 113 should also be used to report seclusion and restraint by any authority figure, such as a law enforcement officer.

To document school staff uses of seclusion and restraint, report the appropriate offense(s) listed above, enter the staff member as the offender, and enter the student affected as the victim. Because the identity of the staff member is not required for state or federal reporting, LEAs and schools may choose to enter “Anonymous” or “Other” as the offender instead of the staff member’s name.

Because PowerSchool requires an Action Type to complete an incident, enter “Other” as the Action Type.

## **Reporting the Actions Assigned to an Offender**

When students misbehave, schools assign consequences based on the seriousness of the offense and sometimes on the student’s history of misbehavior. Consequences are based on the totality of the student’s misbehavior during an incident; therefore, they are linked to the incident and not to a specific act. In the PowerSchool Incidents module, consequences are referred to as Actions.

Use the following guidelines in reporting Actions.

1. Sometimes the assignments of suspension days to an offender in an incident occur at different points in time (e.g., when students are first short-term suspended and later long-term suspended based on a disciplinary hearing). LEAs should have a process in place to update the incident so that the total days suspended are displayed in the Actual Duration box in PowerSchool. Use the Duration Notes to describe how the separate assignments of suspension days (the original suspension imposed by the principal, followed by a second one based on a hearing or district decision) were combined to yield the total displayed in the Actual Duration box.
2. Do not report suspension days for time that students spend in alternative learning programs or alternative schools. If students are long-term suspended and allowed to attend an alternative program, adjust the length of suspension to include only the length of time out of school. In situations where students report immediately to an alternative program and do not miss any days of schools, remove the suspension altogether and replace it with the action type of assignment to an ALP program or alternative school.
3. The action type “Homebound Instruction” may not be used as a replacement for an out-of-school suspension as a disciplinary consequence. Because homebound instruction is limited in nature, students receiving this service while suspended must be classified as suspended. However, do list “Homebound Instruction” when it is provided. This information is needed for federal reporting on the category of students receiving education services while suspended.
4. When LEAs provide continuing access to courses and supervising teachers for those courses while students are long-term suspended but that access does not meet the standards for an ALP program or alternative school, an Action Type of “Community Based or Other Agency ALP” may be assigned instead of suspension days. (Such students are **not** to be assigned to an Alternative Program in the Program Assignment screen in PowerSchool.) Assignments to such a program do not count as suspensions in state reporting, but EC students will be counted as long-term suspended for federal EC reporting purposes.
5. Often students are assigned to alternative schools or programs for short periods of time, and instead of receiving instruction from ALP teachers, the students work on assignments

sent by teachers from the student's home school. For reporting purposes, these short-term assignments should be considered **in-school suspensions** and not ALP placements.

6. EC Students (only) assigned to an ALP who would have been long-term suspended but instead were assigned to an alternative school or alternative learning program should be assigned in PowerSchool the **additional** Action Type of "EC Serve LTS in ALP." These assignments of EC students to ALPs with the additional designation do not count as suspensions for state reporting, but they are counted as long-term suspensions for federal EC reporting purposes.
7. OSS for Remainder of Year (action code 004) should only be used for suspensions of eleven (11) days or longer. If a student is suspended for the remainder of the school year and there are fewer than eleven days left, use OSS (code 003) as the action type. However, if the suspension is to carry over into the next school year (and it is not a 365-day suspension), OSS for Remainder of Year may be used.
8. The action of not allowing students to attend school because they lack a required immunization is not considered a disciplinary suspension. You are not required to enter this information in the Incidents module in PowerSchool. However, if you would like to capture the information in the Incidents module, assign the student the behavior code of 065 – No Immunization and the action code of 135 -- OSS Medical Reasons.

### **Recording "Report to Law Enforcement"**

The Office of Civil Rights Data Collection requires that schools collect data on "students who were referred to a law enforcement agency or official." This reporting requirement is complicated by two factors:

- 1) Many schools have School Resource Officers present on site, and they may investigate potential criminal activity without receiving a report from another school official.
- 2) The reporting requirement includes "referrals" that may not involve arrests or juvenile petitions.

To comply with this requirement, use these guidelines on whether to enter "Report to Law Enforcement" as an action type in an incident:

- Enter "Report to Law Enforcement" on an incident when a school official calls a law enforcement agency or directly notifies a law enforcement official (including a School Resource Officer) of some act or acts in which crimes may have occurred (even if no student is charged with a crime).
- Enter "Report to Law Enforcement" on an incident when a school official asks a School Resource Officer to consult with a student regarding the behaviors reported in the incident (even if no student is charged with a crime).
- Enter "Report to Law Enforcement" on an incident where a School Resource Officer initiates an investigation that eventually leads to a student being charged with a crime.
- Do not enter "Report to Law Enforcement" when a School Resource Officer reacts to or is dispatched to a disruptive situation that does not involve a crime. Example: SRO breaks up an altercation in the hallway, and students are referred to the office. After consulting with the SRO, principal assigns behaviors of Fighting or Aggressive Behavior to one or more of the students in the incident to be reported in PowerSchool.

- Do not enter "Report to Law Enforcement" when a School Resource Officer initiates an investigation, and the investigation determines that no crimes were committed.

### **Recording Partial Suspension Days**

Because PowerSchool allows decimal values of days (e.g., 0.5, 1.5, etc.) schools may enter fractional days of suspension. However, if a decimal value is entered, the system will not compute an end date for the suspension. The end date is not required for state reporting, so this may be an acceptable method to use in certain cases.

Another acceptable method is to enter only whole numbers of days. Round any suspension of a half-day or more to one whole day and omit any suspension of less than one-half day. For in-school suspensions of less than one-half day, enter the action type ISS Partial Day. If a student begins an out-of-school suspension and misses less than half of that school day, enter the action type Sent Home Early in addition to the action type OSS that includes the number of suspension days assigned.

### **Entering the Number of Days for a 365-day Suspension**

When assigning a 365-day suspension, select OSS-365 Days as the Action Type, then enter the Begin Date. In order to capture only the suspension days that the state needs to report for the current-year suspension data collection, enter the number of school days remaining in the school year. The system will generate the last day of school as the End Date. Then to document when the student is eligible to return to school, overwrite this date with the correct date from the next school year that the suspension will end.

The same general process may be used for entering the number of suspension days for a student suspended for the remainder of the year. The PowerSchool calendar function will assist in determining the number of days remaining in the school year. If you enter an estimated suspension length in the Days field, the End Date will be displayed. Keep increasing the number days until the End Date displays a blank. Then back up one day and the system will correctly display the last day of school and the correct suspension length.

### **Reporting Incidents with Victims**

A victim or victims must be entered in incidents involving dangerous crimes (see page 3), sexual harassment, and harassment based on race or disability. When multiple victims are entered, multiple data lines will be generated in the Incident Detail report. The offense will be repeated for each victim, correctly yielding multiple acts of the offense. The actions applied to the offender will only be seen in the first line, so that the actions are not duplicated in the data. The PowerSchool system currently will also duplicate other crimes in the incident, even if those crimes are victimless or do not apply to all the victims. Therefore, it may be necessary to create a separate incident for the offense(s) that apply to all named victims. Other offenses can be listed in a separate incident with a description tying the offenses together. Do not repeat the action applied to the offender in this separate incident.

## **Reporting Transfers Offered to and Accepted by Victims of Violent Acts**

State Board policy SSCH-006 requires schools to offer a transfer to student victims of the nine violent acts listed on pages 6-7 if the grade level of the student is available elsewhere in the LEA. The policy also requires reporting to NCDPI if these transfers are offered and whether they are accepted. On the Add Action screen, select Victim Actions and make one or two selections to attach to the victim. Select Victim Offered Transfer, Victim Not Offered Transfer, or No Transfer Available in LEA, depending on the circumstances. If a transfer is offered, also select Victim Accepted Transfer Offer or Victim Declined Transfer Offer. Attach the selection(s) to the victim.

## **Entering Incident Descriptions – Restrictions on Student Data Collection**

N.C. Gen. Stat. §115C-402 states that: “the following information about a student or a student’s family shall not be collected in nor reported as part of the student information system:

1. biometric information,
2. political affiliation,
3. religion, or
4. voting history (2014-50, s. 1.)”

These data must not be explicitly stated when entering in the incident description into PowerSchool.

## **Expungement of Student Disciplinary Records**

In accordance with N.C. Gen. Stat. §115C-402, the local superintendent or the local superintendent’s designee must expunge the notice of long-term suspension or expulsion from a student’s official record if the local superintendent or local superintendent’s designee determines the requirements under §115C-402(b) have been met.

If the student’s parent, legal guardian, custodian, or the student who is either 16 years old or emancipated does not make a request for expungement, then the local superintendent or the local superintendent’s designee has the discretion to expunge the notice of long-term suspension or expulsion from the student’s official record. The requirements under §115C-402(b)(2), (3), and (4), however, must be met.

When a district expunges the notice of long-term suspension or expulsion from a student’s official record, the district must notify the North Carolina Department of Public Instruction. NCDPI will then remove the student’s identifying data from the state’s data. NCDPI will not, however, remove the incident or the long-term suspension or expulsion. Rather, NCDPI will remove the student’s identifying information from the incident. As a result, the district must provide, at a minimum, the following information to NCDPI:

- (1) The school year in which the incident occurred;
- (2) The long- term suspension or expulsion that occurred;
- (3) The incident number; and
- (4) The student’s unique identifier

You may locate N.C. Gen. Stat. § 115C-402 at the following link:

[https://www.ncleg.gov/enactedlegislation/statutes/pdf/bysection/chapter\\_115c/gs\\_115c-402.pdf](https://www.ncleg.gov/enactedlegislation/statutes/pdf/bysection/chapter_115c/gs_115c-402.pdf).

# Procedures and Guidance for Reporting Preschool Discipline Data

Beginning with the 2020-2021 school year, federal laws require the collection and reporting of incidents involving disciplinary action for children ages birth through 5 served by LEAs in preschool programs. This section of the manual will provide guidance on data reporting procedures.

## Federal Regulation(s)

The Office of Special Education Programs (OSEP) requires states to analyze data to determine significant disproportionality in identification and disciplinary actions for students ages 3 - 21 by the 7 reported racial categories. For disciplinary actions, states must analyze 5 areas: out-of-school suspensions and expulsions of 10 days or fewer; out-of-school suspensions and expulsions of more than 10 days; in-school suspensions and expulsions of 10 days or fewer; in-school suspensions and expulsions of more than 10 days; and total disciplinary removals (including in-school, out-of-school suspensions and expulsions, removal by school personnel to interim alternative educational settings, and removals by hearing officers). LEAs determined to have significant disproportionality are required to reserve the maximum amount of federal funds (15 percent) to provide comprehensive coordinated early intervening services. ([IDEA Sec. 300.647\(b\)\(3\)\(i\) and \(ii\)](#))

## NC General Statute(s)

The Section 115C, Article 27 of the NC General Statutes provides authority for LEAs to establish and maintain disciplinary procedures consistent with federal regulations and state law. This section primarily focuses on definitions and appropriate expectations and procedures for school age children with some applicability to children under the age of 6 and not kindergarten age-eligible. For instance, § 115C-390.11 allows expulsion only for children ages 14 and older and should be appropriately applied to preschool students. Other allowable actions under this statute, for example, seclusion, isolation, or use of a mechanical restraint are not appropriate for students under the age of 6. The definitions in this section of the *Discipline Reporting Manual* are approved by NCDPI for preschool students. ([§ 115C-390](#))

## Supporting Social Emotional Development for Young Children

It is important to determine if a student who presents with a challenging and/or dangerous behavior understands the behavioral expectations of him/her in the classroom before denying him/her access to the program. Social-emotional health and development in young preschool students provides the foundation to support other learning and growth. The preschool program should provide intentional teaching around the set of skills that young children need to monitor their own and others' emotions, and the ability to use emotions to guide their own thinking.

Two documents have been developed by NCDPI to support public school administrators and teachers in understanding the history, context, and impact of early childhood discipline. These documents also serve as an introduction to developmentally normative behaviors as well as evidence-informed practices to support the social emotional development of young children.

- ***Early Childhood Discipline Practices in North Carolina (2018)***,  
<https://inclusioninstitute.fpg.unc.edu/sites/inclusioninstitute.fpg.unc.edu/files/handouts/WP-Discipline-Final.pdf>
- ***North Carolina Guiding Practices in Early Childhood Discipline (2019)***,  
[https://nceln.fpg.unc.edu/sites/nceln.fpg.unc.edu/files/resources/GP\\_Discipline3319.pdf](https://nceln.fpg.unc.edu/sites/nceln.fpg.unc.edu/files/resources/GP_Discipline3319.pdf)

Use these resources and the following guidance to define and describe disciplinary behaviors and actions taken with preschool students.

### ***NC Preschool Pyramid Model (NC PPM)***

NC PPM is funded through the 619 Preschool Disabilities grant to help improve child outcomes for preschool children with disabilities and to increase opportunities for instruction in the least restrictive environment (LRE). This initiative is intended for all collaborative partners who work with special education to implement inclusive preschool programs throughout North Carolina. Since 2009 the Early Learning Network, in collaboration with NCDPI, has provided training, consultation, and on-going support for Local Education Agencies (LEAs) to implement the NC PPM framework district-wide throughout the state. The PPM is easily integrated into PBIS and MTSS structures at the school and district level. During the 2018-2019 school year, the NC PPM supported 340 preschool classrooms in 46 LEAs. The NCDPI Office of Early Learning and Exceptional Children Division continue to support the development of a statewide system of support for implementing PPM practices to fidelity across LEAs. For more information please visit the North Carolina Early Learning Network PPM page at <https://nceln.fpg.unc.edu/ncppmresources>.

### **Reporting Incidents in Early Childhood Settings**

All suspensions, in-school and out-of-school, as well as any expulsions of preschool students must be reported via PowerSchool. For children enrolled in the preschool exceptional children program, placement decisions must be made by the IEP Team. Also remember that a typical school day may vary based on program enrollment. The applicable program school day should be assigned using the guidance in the ***Preschool Enrollment, Attendance, and Discipline Reporting QRD*** at <https://bit.ly/PKQRD2020>.

### ***Children Enrolled in a LEA Preschool EC Program Who Attend Non-LEA Settings***

The federal regulations regarding the reporting of disproportionality apply to all students served by an LEA and is inclusive of preschool students enrolled in the preschool exceptional children program who attend non-LEA settings (e.g., private child care centers, community Head Start programs, etc.). All suspensions, in-school and out-of-school, as well as any expulsions of preschool students, including preschool students served in non-LEA settings, must be reported via PowerSchool. To facilitate accurate reporting of this data, itinerant EC staff must collect relevant information using the ***Preschool Discipline Incident Tracking Form***. This data must be reported via PowerSchool.

## Early Childhood Discipline Reporting Guidance

The behavior and consequence coding recommendations listed below are appropriate for use with preschool students. Remember, at this age, behavior is a form of communication and it is important to remain objective and grounded in developmentally normative expectations. Always consider the intent and learning opportunities related to the actual behavior. Any behavior code not found in the table below is not typically appropriate for use with preschool students. Some consequence codes are appropriate for use with preschool students and are simply not included here as they do not align with specified terms.

The definitions of the terms included below can be found in the *North Carolina Guiding Practices in Early Childhood Discipline (2019)* located here:

[https://nceln.fpg.unc.edu/sites/nceln.fpg.unc.edu/files/resources/GP\\_Discipline3319.pdf](https://nceln.fpg.unc.edu/sites/nceln.fpg.unc.edu/files/resources/GP_Discipline3319.pdf).

**PK Time-Out Guidance.** Time-out is a behavior management technique in which a student is separated from other students for a limited period of time in a monitored setting. For young children, the length of time-out should be no more than five minutes. Time-outs are meant to de-escalate a volatile situation and help children regain control. Time-outs should be used when less intrusive discipline procedures have been tried and deemed unsuccessful. Documentation of each incidence of time-out should be provided to the parents the day of the event and should be followed by an administrative conference with the parents.

**Scenario:** During dismissal time two preschool students, a boy and a girl, are waiting in the carpool line for their parents to pick them up when they begin to argue. The girl kicks the boy's backpack off the curb and into the street. Without reaching out to an adult to assist in the situation, the boy demonstrates dangerous behavior by pushing the girl into the street. The teacher quickly pulls the girl out of the street and gives the boy a "time-out" for four minutes after which she debriefs the situation, asks both children to problem-solve why their behavior was dangerous and come up with a better solution to solve the situation. This was followed-up with a conference with the parents about the consequence administered.

**Reporting:** The teacher coded the incident as *Aggressive Behavior* (UB: 027) with the consequence of *time-out* (026) and *Administrative Conference with Parent* (030).

**Expulsion of Preschool Children Guidance.** Expulsion must not be used in LEA early childhood environments. GS§ 115C-390 further speaks to the appropriate use of expulsion. Expulsions of students enrolled in the preschool EC program, and attending non-LEA settings, must be reported in PowerSchool. LEAs must further comply with any programmatic requirements of any applicable funding sources (e.g., Head Start, NC Pre-K, etc.).

**Out-of-School Suspension Guidance.** Out of school suspension in a preschool setting is when the parent/guardian/grandparent is asked to remove a child from school because of challenging behavior in the absence of an intervention plan within the Multi-Tiered System of Support. Out-of-School suspension must be used only as a last resort in extraordinary circumstances where there is a serious safety threat that cannot be reduced or eliminated by the provision of reasonable modifications. No child shall be suspended, nor the length of the instruction day be changed due to behavioral concerns without an active individual child intervention plan (intensive Tier III,

and/or behavior goals added to the child's IEP) has been completed and documented. There must be a clear plan to reinstate the original amount of time in the program as soon as possible.

**Scenario:** After 6 weeks of attending class, a preschool student continues to react violently during transitions based on the established classroom schedule and does not anticipate what is coming next in the routine of the day. No intervention plan was in place. One day the student reacted to the teacher's signal to transition to a new activity by falling on the ground, kicking his/her feet at others, striking others, and screaming uncontrollably, causing the teacher assistant to remove the other students to the playground while the teacher worked with the student to calm down for over 20 minutes. The teacher and principal called the student's parents/guardians to come and pick him up from school.

**Reporting:** The behavior was coded as *Aggressive Behavior* (UB: 027) with the consequence of *Out-of-school suspension* (003).

**PK In-school Suspension Guidance.** In-school suspension in preschool is when a teacher or school administrator removes a student from his/her regular classroom to the office or another class due to challenging behavior in the absence of an intervention plan within the Multi-Tiered System of Support.

**Scenario #1:** A preschool student has an IEP and attends class on Tuesdays and Thursdays. The student forcefully takes toys away from others and will not give the toys back unless the teacher intercedes. One day, the student scratches another child during an altercation over a preferred toy. Afterward, the classroom teacher takes the student to the self-contained preschool classroom in the building for the remainder of the day.

**Reporting:** The behavior was coded as *Aggressive Behavior* (UB: 027) and the consequence was coded as an *In-school suspension* (002) since the child was denied access to her regular education setting due to behavior issues.

**Scenario #2:** A preschool student without an IEP has been in class five days a week for three months. One day during nap time the child refused to lay down on his cot. Instead, he got up and began touching other children and talking. After repeatedly failing to follow instructions by the teacher to lay down on his cot, the teacher removed him from the classroom and took him to the principal's office where he stayed until dismissal time.

**Reporting:** The behavior was coded as *Disruptive Behavior* (042) and the consequence was coded as an *In-school suspension* (002) since the child was denied access to her regular education setting due to behavior issues.

## Coding Considerations for Reporting Common Preschool Discipline Incidents (Behavior and Action Codes)

Please see appendix A for a comprehensive list of available codes.

<b>Preschool Discipline Term</b>	<b>Code/Description</b>
<b><i>Challenging Behavior</i></b>	032 UB: Inappropriate language/disrespect 033 UB: Insubordination 037 UB: Bus misbehavior 039 UB: Property damage 040 UB: Inappropriate items on school property 041 UB: Possession of tobacco 042 UB: Disruptive behavior 052 UB: Bullying 058 UB: Other School Defined Offense 061 UB: Disrespect of faculty/staff 063 UB: Excessive display of affection 069 UB: Other 105 UB: Threat of physical attack with a firearm 106 UB: Threat of physical attack with a weapon 107 UB: Threat of physical attack without a weapon 114 UB: Inappropriate Behavior 115 UB: Indecent Exposure
<b><i>Dangerous Behavior</i></b>	024 UB: Fighting 027 UB: Aggressive behavior 044 UB: Assault on student 045 UB: Assault - other 059 UB: Being in an unauthorized area 066 UB: Leaving class without permission 067 UB: Leaving school without permission 071 UB: Assault on non-student w/o weapon & not resulting in serious injury 072 UB: Assault on student w/o weapon & not resulting in serious injury 090 UB: Violent assault not resulting in serious injury
<b><i>Supervised Activities</i></b>	001 Supervised Activities
<b><i>Expulsion*</i></b>	006 Expulsion
<b><i>Corporal Punishment</i></b>	007 Corporal Punishment
<b><i>Mechanical Restraint</i></b>	099 Mechanical restraint (staff only – State report) 111 Mechanical restraint (staff only – OCR report)
<b><i>Persistent</i></b>	092 UB: Repeat offender
<b><i>Restraint</i></b>	097 Aversive procedure (staff only – State report) 098 Physical restraint (staff only – State report)

	112 Physical restraint (staff only – OCR report)
<b><i>Seclusion</i></b>	100 Seclusion (staff only – State report) 113 Seclusion (staff only – OCR report)
<b><i>In-School Suspension*</i></b>	002 ISS - In School Suspension
<b><i>Out-of-School Suspension*</i></b>	003 OSS 004 OSS for Remainder of Year 005 OSS 365 days
<b><i>Bus Suspension</i></b>	022 Bus Suspension
<b><i>Time-out</i></b>	026 Time Out
<b><i>Administrative Conf with Parent</i></b>	030 Administrative Conference with Parent
<b><i>Administrative Conf with Student</i></b>	031 Administrative Conference with Student
<b><i>Sent Home Early</i></b>	091 Sent Home Early
<b><i>EC Change in Placement</i></b>	100 Unilateral change in placement (EC only)
<b><i>Community Agency Referral</i></b>	113 Referral to Community Agency

\* Action codes listed for these disciplinary incidents are required to be used for reporting.

## Resources

***Assistance to States for the Education of Children With Disabilities; Preschool Grants for Children With Disabilities***, <https://www.federalregister.gov/documents/2018/07/03/2018-14374/assistance-to-states-for-the-education-of-children-with-disabilities-preschool-grants-for-children>

***Early Childhood Discipline Practices in North Carolina (2018)***, [https://nceln.fpg.unc.edu/sites/nceln.fpg.unc.edu/files/resources/Final%20WhitePaper\\_BlackFoot.docx](https://nceln.fpg.unc.edu/sites/nceln.fpg.unc.edu/files/resources/Final%20WhitePaper_BlackFoot.docx)

***NC Early Learning Network Preschool Pyramid Model***, <https://nceln.fpg.unc.edu/ncppmresources>.

***NC DHHS Division of Child Development and Early Education: Early Childhood Suspension and Expulsion Policy (2017)***, [https://ncchildcare.ncdhhs.gov/Portals/0/documents/pdf/D/DCDEE\\_Suspension\\_and\\_Expulsion\\_Policy.pdf?ver=2017-07-21-091108-103](https://ncchildcare.ncdhhs.gov/Portals/0/documents/pdf/D/DCDEE_Suspension_and_Expulsion_Policy.pdf?ver=2017-07-21-091108-103)

***NC PPM Early Childhood Plan for Addressing Challenging Behaviors***, [https://nceln.fpg.unc.edu/sites/nceln.fpg.unc.edu/files/resources/NC%20PPM%20PSPlanChallengingBehavior\\_rev%20Dec2018.docx](https://nceln.fpg.unc.edu/sites/nceln.fpg.unc.edu/files/resources/NC%20PPM%20PSPlanChallengingBehavior_rev%20Dec2018.docx)

***North Carolina Guiding Practices in Early Childhood Discipline (2019),***  
[https://nceln.fpg.unc.edu/sites/nceln.fpg.unc.edu/files/resources/GP\\_Discipline3319.pdf](https://nceln.fpg.unc.edu/sites/nceln.fpg.unc.edu/files/resources/GP_Discipline3319.pdf)

***US Departments of Education and Health and Human Services: Joint Policy Statement on Suspension and Expulsion,*** <https://www2.ed.gov/policy/gen/guid/school-discipline/policy-statement-ece-expulsions-suspensions.pdf>

***US DoE Civil Rights Data Collection Data Snapshot: Early Childhood Education (2014),***  
<https://www2.ed.gov/about/offices/list/ocr/docs/crdc-early-learning-snapshot.pdf>

# Procedures for Reporting Alternative Learning Program (ALP) Roster Data and ALP Consequences in PowerSchool

## Alternative Schools and Alternative Learning Programs

North Carolina law requires that schools provide assistance to those students who are at risk of academic failure or of engaging in disruptive or disorderly behavior. The North Carolina State Board of Education is charged with establishing the guidelines for setting up and evaluating Alternative Learning Programs (ALPs) that address the needs of at-risk students. An annual report is produced for the SBE on the demographics of students placed in ALPs.

Students may be assigned to an ALP for unacceptable behavior or for other reasons, such as pregnancy, exceptionality, or other special academic needs. Some students are assigned to ALPs by parental request.

North Carolina maintains stand-alone alternative schools and alternative programs. Programs can be sited at a numbered school or located at another site.

Alternative schools and programs provide a student's primary instruction in core courses or in all courses for a designated period of time, usually a minimum of one academic grading period. More information on standards and procedures for operating ALPs may be found at: <http://www.dpi.state.nc.us/alp/develop/>.

**ALP Assignments for Disciplinary Reasons.** Long-term placements in alternative schools and alternative learning programs for disciplinary reasons should be reported as an Action (or disciplinary consequence) in the Incidents Management System in PowerSchool. Assignment to an alternative school is action type 008. Assignment to an alternative learning program is action type 009.

All LEAs are required to maintain at least one alternative school or program that meets state standards. Students who receive an assignment to alternative instruction not meeting state ALP standards (but more extensive than Homebound Instruction) should receive the action type of "Community Based or Other Agency ALP" in PowerSchool (action type 010).

For reporting purposes, assignments to alternative schools or programs for a short period of time should be considered **in-school suspensions** (action type 002) and not ALP placements.

**ALP Roster Data Requirement.** LEAs are responsible for entering each ALP student placement whether for disciplinary or other reasons as a Special Program assignment in PowerSchool and running the ALP report under State Reports in order to push the data into the state dataset. This data is used to produce the legislatively mandated annual report on the demographics of state ALP placements.

## Entering "Alternative Program" as a Program Assignment in PowerSchool

The following procedures may be used to enter ALP enrollments. It is recommended that each student assignment be entered upon entry of the student into the school or program. The exit date

should be recorded when the student leaves the program. All students should have an exit date, even if they are expected to return the following year. Students who remain in the program until the end of the school year should be given the last day of school as the exit date.

- 1) Select the student that should be assigned to an Alternative Program.
- 2) In the PowerSchool menu on the left side of the main page under Enrollment, select Special Programs.
- 3) Click “New.”
- 4) Enter the Entry Date by typing or clicking on the date in the calendar.
- 5) Enter the Exit Date (only if student has exited).
- 6) Next to “Program” select “Alternative Program” from the dropdown box.
- 7) Next to “Enter Code” select the appropriate ALP entry reason from the dropout box. Only use reasons that begin with “ALP.” See the end of Appendix A for a complete list of Enter Codes.
- 8) Click “Submit.”

Note: Alternative Schools may follow the procedures for Mass Enrollments to assign the “Alternative Program” program assignment for all enrolled students. However, in using this method, all students must receive the same entry date. Records of students with different entry dates would then have to be modified. Enter codes for all students would need to be added or modified.

### **Running the ALP Report**

You must run the Alternative Learning Program Report to view the ALP roster data for a school or LEA and to push that data up to NCDPI.

- 1) Select “State Reports” under “Reports” in the PowerSchool menu bar on the left of the home page.
- 2) Find “Alternative Learning Program Report” in the list of Detail Reports and click “Run.”
- 3) At the top right of the page, click “Refresh” one or more times to cause the system to complete the processing of the report.
- 4) Click “Review” (next to the “Run” tab).
- 5) On the Alternative Learning Program Report page, you will see “Data Views” selected next to “Select area to review.” Under “Data Views,” select “ALP Detail” to view the report. You may change the selection from “Data Views” to “Exceptions” to view any Exceptions (Error) Reports. If there are no Exceptions Reports, “No Validations” will be displayed.
- 6) After the ALP Detail report is displayed, click “Clear Cache” at the bottom right of the first page of data. Repeat steps 2-5. You may now print the report, if desired, by clicking “Export” at the bottom of the page.

### **Status of Alternative Learning Programs and Alternative Schools**

LEAs are responsible for notifying the NCDPI regarding any changes in status or contact information for all alternative schools or alternative learning programs in the district. Contact Dave Prickett at [Dave.Prickett@dpi.nc.gov](mailto:Dave.Prickett@dpi.nc.gov) or James Ellerbe at [James.Ellerbe@dpi.nc.gov](mailto:James.Ellerbe@dpi.nc.gov).

# Appendix A – Codes and Descriptions

## Incident Site Codes

Code	Site Description
001	Classroom
002	Hallway
003	Cafeteria
004	Office
005	Restroom
006	Gym
007	Stairway
008	Other location in school bldg.
009	Parking lot
010	School grounds
011	Off school grounds
012	On school bus
013	Bus stop
014	Playground
015	Media Center

## Offender Types

Code	Offender Description
01	Student from this school
02	Teacher
03	Staff
04	Administrator
05	Parent/caregiver or relative
06	Student from another school
07	Non-student/non-staff
08	Other professional
09	Non-professional
10	Other
11	Unidentified Offender
12	Volunteer

## Reporting Categories

Reporting Category (RC)*	Reportable Crime Category Definition	State Reporting Abbreviation
01	Assault Resulting in Serious Injury	AR
02	Assault Involving Use of a Weapon	AW
03	Assault on School Personnel	AP
04	Bomb Threat	BT

05	Burning of a School Building	BS
06	Death by Other Than Natural Causes	D
07	Kidnapping	K
08	Possession of Alcoholic Beverage	PA
09	Possession of Controlled Substance in Violation of Law	PS
10	Possession of a Firearm or Powerful Explosive	PF
11	Possession of a Weapon	PW
12	Rape	R
13	Robbery WITH a Dangerous Weapon (Armed Robbery)	RW
15	Sexual Assault (Not Involving Rape or Sexual Offense)	SA
16	Sexual Offense	SO
17	Taking Indecent Liberties with a Minor	IM

**PowerSchool Behavior Types (Numerical Order)**

<b>Code</b>	<b>Description of Behavior</b>	<b>RC*</b>
001	PD: Assault resulting in a serious injury	01
002	PD: Assault involving the use of a weapon	02
003	RO: Assault on school personnel not resulting in a serious injury	03
004	PD: Homicide	06
005	RO: Possession of controlled substance in violation of law - cocaine	09
006	RO: Possession of controlled substance in violation of law - marijuana	09
007	RO: Possession of controlled substance in violation of law - Ritalin	09
009	RO: Possession of a firearm or powerful explosive	10
008	RO: Possession of a weapon (excluding firearms and powerful explosives)	11
010	PD: Robbery with a dangerous weapon	13
011	Do Not Use – PD: Robbery without a dangerous weapon	
012	PD: Rape	12
013	PD: Sexual offense	16
014	PD: Sexual assault not involving rape or sexual offense	15
015	PD: Taking indecent liberties with a minor	17
016	PD: Kidnapping	07
017	RO: Possession of controlled substance in violation of law - other	09
018	UB: Unlawfully setting a fire	
019	UB: Communicating threats (G.S. 14-277.1)	
020	RO: Alcohol Possession (G.S. 18B)	08
021	UB: Affray (G.S. 14-33)	
022	UB: Disorderly conduct (G.S. 14-288.4(a)(6))	
023	UB: Extortion	
024	UB: Fighting	
025	UB: Harassment - verbal	
026	UB: Hazing	
027	UB: Aggressive behavior	
028	UB: Honor code violation	
029	UB: False fire alarm	

<b>Code</b>	<b>Description of Behavior</b>	<b>RC*</b>
030	UB: Truancy	
031	UB: Dress code violation	
032	UB: Inappropriate language/disrespect	
033	UB: Insubordination	
034	UB: Gambling	
035	UB: Falsification of information	
036	UB: Theft	
037	UB: Bus misbehavior	
038	UB: Harassment - sexual	
039	UB: Property damage	
040	UB: Inappropriate items on school property	
041	UB: Possession of tobacco	
042	UB: Disruptive behavior	
043	RO: Bomb threat	04
044	UB: Assault on student	
045	UB: Assault - other	
046	UB: Possession of counterfeit items	
047	UB: Use of counterfeit items	
048	RO: Use of alcoholic beverages	08
049	RO: Use of controlled substances	09
050	RO: Use of narcotics	09
051	UB: Possession of chemical or drug paraphernalia	
052	UB: Bullying	
053	RO: Burning of a school building (G.S. 14-60)	05
054	RO: Sale of controlled substance in violation of law - cocaine	09
055	RO: Sale of controlled substance in violation of law - marijuana	09
056	RO: Sale of controlled substance in violation of law - Ritalin	09
057	RO: Sale of controlled substance in violation of law - other	09
058	UB: Other School Defined Offense	
059	UB: Being in an unauthorized area	
060	UB: Cell phone use	
061	UB: Disrespect of faculty/staff	
062	Do Not Use – UB: Distribution of a prescription drug	
063	UB: Excessive display of affection	
064	UB: Excessive tardiness	
065	UB: No Immunization	
066	UB: Leaving class without permission	
067	UB: Leaving school without permission	
068	UB: Mutual sexual contact between two students	
069	UB: Other	
070	UB: Use of tobacco	
071	UB: Assault on non-student w/o weapon & not resulting in serious injury	
072	UB: Assault on student w/o weapon & not resulting in serious injury	
074	UB: Cutting class	

<b>Code</b>	<b>Description of Behavior</b>	<b>RC*</b>
075	UB: Skipping school	
076	Do Not Use – UB: Possession of a prescription drug	
077	UB: Physical exam	
078	UB: Late to class	
079	UB: Gang activity	
080	UB: Discrimination	
086	UB: Possession of student's own prescription drug	
087	RO: Possession of another person's prescription drug	09
088	RO: Distribution of a prescription drug	09
090	UB: Violent assault not resulting in serious injury	
091	UB: Misuse of school technology	
092	UB: Repeat offender	
093	UB: Robbery without a weapon	
094	UB: Cyber-bullying	
095	UB: Under the influence of alcohol	
096	UB: Under the influence of controlled substances	
097	Aversive procedure (staff only – State report)	
098	Physical restraint (staff only – State report)	
099	Mechanical restraint (staff only – State report)	
100	Seclusion (staff only – State report)	
101	UB: Harassment - Racial	
102	UB: Harassment - Disability	
103	PD: Robbery with a firearm or explosive device	13
104	PD: Physical attack with a firearm or explosive device	02
105	UB: Threat of physical attack with a firearm	
106	UB: Threat of physical attack with a weapon	
107	UB: Threat of physical attack without a weapon	
109	UB: Harassment – Sexual orientation	
110	UB: Harassment – Religious affiliation	
111	Mechanical restraint (staff only – OCR report)	
112	Physical restraint (staff only – OCR report)	
113	Seclusion (staff only – OCR report)	
114	UB: Inappropriate Behavior	
115	UB: Indecent Exposure	
116	UB: Possession of Vaping (Non-Tobacco) Device	
117	UB: Use of Vaping (Non-Tobacco) Device	
118	RO: Possession of controlled substance in violation of law - opioid	09
119	RO: Sale of controlled substance in violation of law - opioid	09

\*RC – reporting categories as defined above

**PowerSchool Behavior Types (Prefix/Alphabetical Order)**

<b>Code</b>	<b>Description of Behavior</b>	<b>RC*</b>
002	PD: Assault involving the use of a weapon	02
001	PD: Assault resulting in a serious injury	01

<b>Code</b>	<b>Description of Behavior</b>	<b>RC*</b>
004	PD: Homicide	06
016	PD: Kidnapping	07
104	PD: Physical attack with a firearm or explosive device	02
012	PD: Rape	12
010	PD: Robbery with a dangerous weapon	13
103	PD: Robbery with a firearm or explosive device	13
013	PD: Sexual offense	16
014	PD: Sexual assault not involving rape or sexual offense	15
015	PD: Taking indecent liberties with a minor	17
020	RO: Alcohol Possession (G.S. 18B)	08
003	RO: Assault on school personnel not resulting in serious injury	03
043	RO: Bomb threat	04
053	RO: Burning of a school building (G.S. 14-60)	05
088	RO: Distribution of a prescription drug	09
087	RO: Possession of another person's prescription drug	09
005	RO: Possession of controlled substance in violation of law - cocaine	09
006	RO: Possession of controlled substance in violation of law - marijuana	09
118	RO: Possession of controlled substance in violation of law - opioid	09
017	RO: Possession of controlled substance in violation of law - other	09
007	RO: Possession of controlled substance in violation of law - Ritalin	09
009	RO: Possession of a firearm or powerful explosive	10
008	RO: Possession of a weapon (excluding firearms and powerful explosives)	11
054	RO: Sale of controlled substance in violation of law - cocaine	09
055	RO: Sale of controlled substance in violation of law - marijuana	09
119	RO: Sale of controlled substance in violation of law - opioid	09
056	RO: Sale of controlled substance in violation of law - Ritalin	09
057	RO: Sale of controlled substance in violation of law - other	09
048	RO: Use of alcoholic beverages	08
049	RO: Use of controlled substances	09
050	RO: Use of narcotics	09
021	UB: Affray (G.S. 14-33)	
027	UB: Aggressive behavior	
071	UB: Assault on non-student w/o weapon & not resulting in serious injury	
044	UB: Assault on student	
072	UB: Assault on student w/o weapon & not resulting in serious injury	
045	UB: Assault - other	
059	UB: Being in an unauthorized area	
052	UB: Bullying	
037	UB: Bus misbehavior	
060	UB: Cell phone use	
019	UB: Communicating threats (G.S. 14-277.1)	
074	UB: Cutting class	
094	UB: Cyber-bullying	
080	UB: Discrimination	

<b>Code</b>	<b>Description of Behavior</b>	<b>RC*</b>
022	UB: Disorderly conduct (G.S. 14-288.4(a)(6))	
061	UB: Disrespect of faculty/staff	
042	UB: Disruptive behavior	
031	UB: Dress code violation	
063	UB: Excessive display of affection	
064	UB: Excessive tardiness	
023	UB: Extortion	
029	UB: False fire alarm	
035	UB: Falsification of information	
024	UB: Fighting	
034	UB: Gambling	
079	UB: Gang activity	
102	UB: Harassment - disability	
101	UB: Harassment - racial	
110	UB: Harassment – religious affiliation	
038	UB: Harassment - sexual	
109	UB: Harassment – sexual orientation	
025	UB: Harassment - verbal	
026	UB: Hazing	
028	UB: Honor code violation	
114	UB: Inappropriate behavior	
040	UB: Inappropriate items on school property	
032	UB: Inappropriate language/disrespect	
115	UB: Indecent Exposure	
033	UB: Insubordination	
078	UB: Late to class	
066	UB: Leaving class without permission	
067	UB: Leaving school without permission	
091	UB: Misuse of school technology	
068	UB: Mutual sexual contact between two students	
065	UB: No Immunization	
069	UB: Other	
058	UB: Other School Defined Offense	
077	UB: Physical exam	
051	UB: Possession of chemical or drug paraphernalia	
046	UB: Possession of counterfeit items	
086	UB: Possession of student's own prescription drug	
041	UB: Possession of tobacco	
116	UB: Possession of Vaping (Non-Tobacco) Device	
039	UB: Property damage	
092	UB: Repeat offender	
093	UB: Robbery without a weapon	
075	UB: Skipping school	
036	UB: Theft	

<b>Code</b>	<b>Description of Behavior</b>	<b>RC*</b>
105	UB: Threat of physical attack with a firearm	
106	UB: Threat of physical attack with a weapon	
107	UB: Threat of physical attack without a weapon	
030	UB: Truancy	
095	UB: Under the influence of alcohol	
096	UB: Under the influence of controlled substances	
018	UB: Unlawfully setting a fire	
047	UB: Use of counterfeit items	
070	UB: Use of tobacco	
117	UB: Use of Vaping (Non-Tobacco) Device	
090	UB: Violent assault not resulting in serious injury	
097	Aversive procedure (staff only – State report)	
098	Physical restraint (staff only – State report)	
099	Mechanical restraint (staff only – State report)	
100	Seclusion (staff only – State report)	
111	Mechanical restraint (staff only – OCR report)	
112	Physical restraint (staff only – OCR report)	
113	Seclusion (staff only – OCR report)	
062	Do Not Use – UB: Distribution of a prescription drug	
076	Do Not Use – UB: Possession of a prescription drug	
011	Do Not Use – PD: Robbery without a dangerous weapon	

\*RC – reporting categories as defined above

### **Consequence (Action) Types**

<b>Code</b>	<b>Action Description</b>
001	Supervised Activities
002	ISS - In School Suspension
003	OSS
004	OSS for Remainder of Year
005	OSS 365 days
006	Expulsion
007	Corporal Punishment
008	Alternative School (with school number)
009	ALP program
010	Community Based or Other Agency ALP
012	Report to Law Enforcement
021	After School Detention
022	Bus Suspension
023	Conference
024	Lunch Detention
025	Student Pays Restitution
026	Time Out
027	Student Written Warning

028	Revoke Driving Privileges
029	Student Oral Warning
030	Administrative Conference with Parent
031	Administrative Conference with Student
032	Work Detail
033	Homebound instruction
034	Saturday Academy
035	OSS Involving a Hearing
036	DJJDP Alternative Program
037	NCDPI Alternative Program
038	EC Serve LTS in ALP
063	Other
064	Detention – In School
091	Sent Home Early
092	School related arrest
100	Unilateral change in placement (EC only)
101	Hearing held, no change in placement (EC only)
102	Hearing held, change in placement (EC only)
107	Before School Detention
110	Zero Tolerance Expulsion (OCR)
113	Referral to Community Agency
114	Restriction of School Privileges
115	ISS Partial Day
116	Tobacco Awareness Class
117	Drug/Alcohol Class
135	OSS Medical Reasons (will not count in suspension data)

### **Victim Types**

<b>Code</b>	<b>Victim Description</b>
01	Student
02	Teacher
03	Staff
04	Administrator
05	Parent/caregiver or relative
06	Student from another school
07	Non-student/non-staff
08	Other professional
09	Non-professional
10	Other
12	Unknown
13	Volunteer

**Weapon Types**

<b>Code</b>	<b>Weapon Description</b>
01	Handgun
02	Rifle
03	Shotgun
04	Pocket Knife
05	Box Cutter
06	Razor
07	Other Firearm
08	Other
09	Handgun (discharged)
10	Other Firearm (discharged)
11	Rifle (discharged)
12	Shotgun (discharged)
13	Knife

**ALP Enter (Entry Reason) Codes**

<b>Code</b>	<b>Entry Reason Description</b>
PLT	Placed instead of long-term suspension
PLC	Placed because of chronic misbehavior
PLF	Placed because of a felony charge
PLD	Placed after EC Hearing for discipline reasons
PLA	Placed after EC Hearing for academic reasons
DIF	Academic difficulty
ACC	Academic acceleration or credit recovery
CHO	Student and/or parent choice
EMP	Employment related
PRG	Pregnancy related
ATT	Attendance problems
PER	Personal and/or family problems
EMO	Emotional and/or psychological problems
XFR	Transfer from ALP or therapeutic/correctional facility
DRP	Dropout recovery

# Appendix B – Crime Definitions

1. **Assault Resulting in Serious Personal Injury:** An intentional offer or attempt by force or violence to do injury to the person of another that causes reasonable apprehension of immediate bodily harm resulting in one of the following: (1) substantial risk of death, (2) serious permanent disfigurement, (3) a coma, (4) a permanent or protracted condition that causes extreme pain, (5) permanent or protracted loss or impairment of the function of any bodily member or organ, or (6) that results in prolonged hospitalization.
  - If an offender used a weapon in an assault resulting in serious injury, report both Assault Resulting in Serious Injury and Assault Involving Use of a Weapon.
  
2. **Assault Involving Use of a Weapon:** An intentional offer or attempt by force or violence to do injury to the person of another that causes reasonable apprehension of immediate bodily harm through the use of one of the following: (1) any gun, rifle, pistol, or other firearm, (2) BB gun, (3) stun gun, (4) air rifle, (5) air pistol, (6) bowie knife, (7) dirk, (8) dagger, (9) slingshot, (10) leaded cane, (11) switchblade knife, (12) blackjack, (13) metallic knuckles, (14) razors and razor blades, (15) fireworks, or (16) any sharp-pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction, and maintenance.
  - If a firearm or other weapon is used in the commission of any offense, the type of weapon must be identified in the *Weapon Used/Possessed* column of the Date Collection Form.
  
3. **Assault on School Officials, Employees, and Volunteers:** An intentional offer or attempt by force or violence to do injury to a school official, employee, or volunteer that causes reasonable apprehension of immediate bodily harm while the school official, employee, or volunteer is discharging or attempting to discharge his/her duties.
  - The “duties” of a school official, employee, or volunteer include the following: (1) all activities on school property, (2) all activities during a school authorized event or the accompanying of students to or from that event, and (3) all activities relating to the operation of school transportation.
  - An “employee” includes (1) one who is employed by a local board of education, (2) one who is employed by a charter school, (3) one who is employed by a nonpublic school that operates under Part 1 or Part 2 of Article 39 of Chapter 115C of the General Statutes, or (4) an independent contractor if the independent contractor or employee of the independent contractor carries out duties customarily performed by employees of the school.
  - A “volunteer” is one who volunteers his/her services or presence at any school activity and is under the supervision of an employee.
  - This offense includes assaults on school personnel that do not involve the use of a weapon and do not result in apparent serious injury.
  
4. **Making Bomb Threats or Engaging in Bomb Hoaxes:** A person who, with intent to perpetrate a hoax, conceals, places, or displays in or at a public building any device, machine, instrument, or artifact, so as to cause any person reasonably to believe the same to be a bomb or other device capable of causing injury to persons or property.
  - A “public building” encompasses all educational property, as defined in G.S. 14-269.2, including: (1) any school building or bus, and (2) school campus, grounds, recreational area, athletic field, or other property owned, used, or operated, by any board of education or school board of trustees or directors for the administration of any school.

-“Public buildings” also include: (1) hospitals, and (2) buildings that house only State, federal, or local government offices, or the offices of the State, federal, or local government located in a building that is not exclusively occupied by the State, federal, or local government.

- This offense includes when a person communicates a bomb threat by any means.
5. **Willfully Burning a School Building**: A person who wantonly and willfully sets fire to, burns, causes to be burned, or aids, counsels, or procures the burning of any schoolhouse or building owned, leased, or used by any public school, private school, college, or educational institution.
  6. **Homicide**: A murder which is perpetrated by one of the following means: (1) nuclear, biological, or chemical weapon of mass destruction, (2) poison, (3) lying in wait, (4) imprisonment, (5) starving, (6) torture, (7) any other kind of willful, deliberate, and premeditated murder, (8) during the perpetration or attempted perpetration of an arson, rape, sex offense, robbery, kidnapping, burglary, or other felony committed or attempted with the use of a deadly weapon, (9) the unlawful distribution and ingestion by someone of opium or any other synthetic or natural salt, compound, derivative, or preparation of opium, cocaine, or methamphetamine resulting in death, or (10) all other types of murder.
  7. **Kidnapping**: A person who unlawfully confines, restrains, or removes from one place to another, any other person 16 years of age or over without the consent of such person, or any other person under the age of 16 years old without the consent of a parent or legal guardian of such person, shall be guilty of kidnapping if such confinement, restraint, or removal is for the purposes of one of the following: (1) holding such other person for a ransom, as a hostage, or using such other person as a shield, (2) facilitating the commission of any felony or facilitating the flight of any person following the commission of a felony, (3) doing serious bodily harm to or terrorizing the person so confined, restrained, or removed by any other person, (4) holding such other person in involuntary servitude, (5) trafficking another person with the intent that the person be held in involuntary servitude or sexual servitude, or (6) subjecting or maintaining such other person for sexual servitude.
  8. **Unlawful, underage sales, purchase, provision, possession, or consumption of alcoholic beverages**: It shall be unlawful for a person younger than 21 years of age to possess, sell, give, or purchase any alcoholic beverages. It is also unlawful for any person to aid and abet a person under the age of 21 years old in his/her attempt to obtain an alcoholic beverage.
    - An “alcoholic beverage” includes the following: (1) malt beverage, (2) fortified wine, (3) unfortified wine, (4) spirituous liquor, (5) mixed beverages, or (6) beer.
  9. **Possession of Controlled Substance in Violation of Law**: It is unlawful for a person to possess or have in his/her immediate control any of the following: Marijuana, Heroin, LSD, Methamphetamine, Cocaine, or any other drug listed in Schedules I - VI of the North Carolina Controlled Substances Act. (G.S. §90-89 through 90-94.)
    - The unauthorized possession of a prescription drug is included under this offense.
    - The principal should confer with law enforcement personnel if there is doubt as to whether or not a certain drug is considered a controlled substance.
  10. **Possession of a Firearm**: It is unlawful for any person to possess or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm of any kind on educational property or to a curricular or extracurricular activity sponsored by a school.
    - This offense does not apply to a BB gun, stun gun, air rifle, or air pistol.

- Persons authorized to carry weapons on school property are law enforcement officers, firefighters, and emergency service personnel when discharging their official duties.

**11. Possession of a Weapon:** It is unlawful for any person to possess or carry, whether openly or concealed, any of the following weapons on campus or other educational property: (1) any BB gun, (2) stun gun, (3) air rifle, (4) air pistol, (5) bowie knife, (6) dirk, (7) dagger, (8) slingshot, (9) leaded cane, (10) switchblade knife, (11) blackjack, (12) metallic knuckles, (13) razors and razor blades, (14) fireworks, or (15) any sharp-pointed or edged instrument, except instructional supplies, unaltered nail files, clips, and tools used solely for preparation of food, instruction, maintenance.

-“Educational Property” refers to any school building or bus, school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by any board of education or school board of trustees, or directors for the administration of any school.

- Persons authorized to carry weapons on school property are individuals carrying a concealed handgun with a permit as authorized by Chapter 14, Article 54B of the NC General Statutes as amended by Session Law 2013-369, and law enforcement officers, firefighters, and emergency service personnel when discharging their official duties.

**12. Rape:** A person is guilty of rape if that person engages in vaginal intercourse with another person by force and against the will of the other person, or if the person being assaulted is mentally disabled, mentally incapacitated, or physically helpless and the person performing the act knows or should reasonably know that the other person is mentally disabled, mentally incapacitated, or physically helpless.

- Statutory rape is vaginal intercourse committed on a child under the age of 16 by a person who is at least 12 years old and at least 4 years older than the victim, regardless of whether the victim consented.

**13. Robbery With a Dangerous Weapon:** Any person or persons who, having in possession or with the use or threatened use of any firearms or other dangerous weapon, implement or means, whereby the life of a person is endangered or threatened, unlawfully takes or attempts to take personal property from another or from any place of business, residence, or banking institution or any other place where there is a person or persons in attendance, at any time, either day or night, or who aids or abets any such person or persons in the commission of such crime.

**14. Sexual Assault (not involving rape or sexual offense):** A person is guilty of sexual battery if he/she, for the purpose of sexual arousal, sexual gratification, or sexual abuse, engages in sexual contact with another person by force and against the will of the other person, or if the person being assaulted is mentally disabled, mentally incapacitated, or physically helpless and the person performing the act knows or should reasonably know that the other person is mentally disabled, mentally incapacitated, or physically helpless.

- NCGS 14-27.1 defines "sexual contact" as touching the sexual organ, anus, breast, groin or buttocks of any person or a person touching another person with their own sexual organ, anus, breast, groin, or buttocks.

- The difference between a sexual assault and a sexual offense is that the sexual assault involves forcible and intentional touching without penetration, and a sexual offense involves penetration of a sex organ or anus by any object, or touching another’s mouth or anus by the male sex organ.

**15. Sexual Offense:**

-**First-degree sexual offense:** A person is guilty of a sexual offense in the first degree if the person engages in a sexual act with (1) a victim who is a child under the age of 13

years and the defendant is at least 12 years old and is at least four years older than the victim, or (2) with another person by force and against the will of the other person, and (a) employs or displays a dangerous or deadly weapon or an article which the person reasonably believes to be a dangerous or deadly weapon, (b) inflicts serious personal injury upon the victim or another person, or (c) the person commits the offense aided and abetted by one or more other persons.

**-Sexual offense with a child (adult offender):** A person is guilty of sexual offense with a child if the person is at least 18 years of age and engages in a sexual act with a victim who is a child and under the age of 13 years.

**-Second-degree sexual offense:** A person is guilty of a sexual offense in the second degree if the person engages in a sexual act with another person (1) by force and against the will of the other person, or (2) who is mentally disabled, mentally incapacitated, or physically helpless, and the person performing the act knows or should reasonably know that the other person is mentally disabled, mentally incapacitated, or physically helpless.

**-Statutory rape or sexual offense of person who is 13, 14, or 15 years old:** A person is guilty if he/she engages in vaginal intercourse or a sexual act with another person who is 13, 14, or 15 years old and the person committing the act is at least four years older than the person, except when the person committing the act is lawfully married to the other person.

- The difference between a sexual assault and a sexual offense is that the sexual assault involves forcible and intentional touching without penetration, and a sexual offense involves penetration of a sex organ or anus by any object, or touching another's mouth or anus by the male sex organ.

**16. Taking Indecent Liberties With A Minor:** A person is guilty of taking indecent liberties with a child if, being 16 years of age or more and at least five years older than the child in question, he/she either: (1) willfully takes or attempts to take any immoral, improper, or indecent liberties with any child of either sex under the age of 16 years for the purpose of arousing or gratifying sexual desire, or (2) willfully commits or attempts to commit any lewd or lascivious act upon or with the body or any part or member of the body of any child of either sex under the age of 16 years.

-A "lewd and lascivious act" is defined as an act that is obscene, lustful, or indecent, or tending to deprave the morals with respect to sexual relations.

# Appendix C – Guidelines for the Use of Information from Juvenile Courts

The Family Educational Rights and Privacy Act (FERPA) establishes the general rule that personally identifiable information in the student's education records must be kept confidential unless the parent agrees in writing to disclose the records or one of several narrow exceptions specified in FERPA exist. In addition, G.S. B-3000 requires that the records of juvenile cases maintained by the clerk of superior court be kept confidential, except that the juvenile, his parent or guardian may examine the records or the judge may order disclosure. Therefore, the general rule regarding juvenile court records is that these records are strictly confidential.

Recognizing that a juvenile on probation attending school needs the full support of the school to meet the conditions of his probation and that school officials need to provide a safe environment for students and staff, the General Assembly enacted G.S. 7b-3101 to provide a narrow exception to the general rule that juvenile court records must be maintained in strictest confidence. G.S. 7B-3101(c) states that the juvenile court counselor must tell the principal of the juvenile's school orally and in writing when any of the following conditions exist:

- a felony petition has been filed against the juvenile;
- the court transfers jurisdiction of the juvenile from delinquency court to adult criminal court;
- the court dismisses a felony petition against the juvenile;
- the court has ordered the juvenile to attend school as a condition of probation for a felony offense;
- and
- the court modifies or vacates any order for a juvenile adjudicated of a felony.

G.S. 7B-3101 goes on to provide that notification of the school principal in person or by telephone must be made before the beginning of the next school day. Delivery must be made as soon as practicable but at least within five days of the action, and must be made in person or by certified mail. Notification that a petition has been filed must describe the crime charged. Notification of a dispositional order, a modified or vacated order, or a transfer to superior court shall describe the court's action and any applicable disposition requirements.

The following State Board of Education guidelines control the principal's disclosure and maintenance of the notification received from the juvenile court counselor.

1. The principal receives notification from the juvenile court counselor after the court has entered a probation order.
2. The principal may disclose the notification to appropriate staff members in a conference. At the conclusion of the conference, the staff members must state in writing that they have read the notification and agree to maintain its confidentiality.
3. Appropriate staff members are (a) school employees or agents who have direct guidance, teaching, or supervisory responsibility for the student or (b) other school employees or agents who have a specific need to know in order to protect the safety of the student or other persons.
4. The principal shall consider the following factors when making a decision whether to disclose all or a portion of the contents of the notification to appropriate staff members:
  - a. whether the disclosure will enhance the juvenile's opportunities and abilities to meet the conditions of probation;
  - b. whether the disclosure will increase the juvenile's ability to comply with school rules;
  - c. whether the disclosure will increase the juvenile's opportunities to improve his academic, social, and adaptive skills;
  - d. whether the disclosure is necessary to protect the safety of the juvenile or other persons;
  - e. whether the possibility of stigmatizing the juvenile outweighs the benefit of making the disclosure;
  - f. whether disclosing information to school employees about the juvenile other than the nature

of the offense and the probation conditions may achieve the objective of the principal without disclosing the offense and the fact that the juvenile is on probation.

5. The principal shall not provide a copy of the written document received from the court counselor to any other school employee, substitute teacher or volunteer.
6. During the time period that the juvenile is on probation, the principal must maintain the notification received from the juvenile court counselor in a safe, locked file separate from the student's cumulative record. After the juvenile's probation ends, the principal shall shred or burn the notification.
7. If the student transfers to another school during the period of probation, the principal will return the notification to the juvenile court counselor and inform him of the name and address of the school to which the student is transferring, if known.

In order to protect the safety of or improve the educational opportunities for the juvenile student or others, G.S. 115C-404 requires that the principal share the juvenile's court information with those who have (a) direct guidance, teaching or supervisory responsibilities for the student, (b) a specific need to know, and (c) agree in writing to maintain the confidentiality of the information. If the presiding judge dismisses the petition filed in the juvenile's case, transfers it to superior court, or expunges it, the principal shall destroy all such court information, and retain no copies of it when the principal finds that the school no longer needs the information to protect the safety of or to improve the educational opportunities for the student or others. Until this time, the principal must maintain the information in safe, locked storage that is separate from the student's other records. If the student graduates, withdraws or is expelled from school, or is suspended for the remainder of the school year, the principal shall return the information to the juvenile court counselor.

## **Appendix D – Differences in Federal and State Reporting of Seclusion and Restraints**

North Carolina public schools must comply with differing requirements for the state and federal governments when reporting the staff use of seclusion and restraints in schools. Both federal and state definitions and reporting requirements are in this appendix.

Most uses of seclusion and restraints in the schools must be included in the biennial Office of Civil Rights (OCR) report. Incidents that fall under the broad OCR definitions of seclusion and restraints will likely be more numerous than those that must be reported to comply with the state statute.

GS 115C-391.1 provides the state definitions and reporting requirements for staff uses of seclusion and restraint. Federal reporting does not specify staff and would seem to include any other authority secluding or restraining a student on a school campus.

In PowerSchool, the following Behavior Codes should be used for reporting seclusions and restraints:

<b>Code</b>	<b>State Reportable Staff Behaviors</b>	<b>Code</b>	<b>Federal Reportable Staff Behaviors</b>
097	Aversive procedure (staff only – State report)	111	Mechanical restraint (staff only – OCR report)
098	Physical restraint (staff only – State report)	112	Physical restraint (staff only – OCR report)
099	Mechanical restraint (staff only – State report)	113	Seclusion (staff only – OCR report)
100	Seclusion (staff only – State report)		

### Federal Reporting

Federal guidelines from OCR direct schools not to report the use of handcuffs as mechanical restraints during the arrest of a student. However, schools are to report the use of a mechanical restraint to OCR when handcuffs are used and no arrest is made.

The table below displays the federal definitions of seclusion, physical restraint, and mechanical restraint that may be used to determine when to report these incidents. The table also displays the federal exceptions for reporting each type. Any action that fits one of the definitions and is not covered by an exception should be reported in PowerSchool by entering the staff member or authority as offender, entering the appropriate behavior code (111, 112, or 113), and entering the student as a victim. “Other” should be entered as the disciplinary action, since disciplinary action for staff members may not be appropriate and the Incidents module in PowerSchool is not the place to record such actions.

The OCR report that is extracted from PowerSchool lists the number of each type of incident along with demographic characteristics of the victim. The report does not include the name of the staff member or authority.

<b>Federal</b>	<b>Seclusion</b>	<b>Mechanical Restraint</b>	<b>Physical Restraint</b>
Definition	Involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving.	Any device that restricts a student's freedom of movement EXCEPT devices implemented by trained school personnel or prescribed by an appropriate medical or related services professional.	A personal restriction that immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely.
What Must be Reported	Use of Seclusion	Use of Mechanical Restraint	Use of Physical Restraint
Stated Exceptions to Reporting	1. The confinement is a "timeout," which is defined as a behavior management technique that is part of an approved program, involves the monitored separation of a student in a non-locked setting, and is implemented for the purpose of calming.	1. adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices.	1. A physical escort, which is defined as a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location.
		2. Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.	
		3. Restraints for medical immobilization.	
		4. Orthopedically prescribed devices that permit a student to participate in activities without risk of harm.	

State Reporting

GS 115C-391.1 provides state definitions of seclusion and restraints and state reporting requirements. It requires parents to be notified when certain incidents occur. A sample reporting form and a brief description of reporting requirements may be found at:

<http://www.dpi.state.nc.us/cfss/reports/reporting/>

Reporting Use of Mechanical Restraints for the State Report

The state and federal definitions of mechanical restraint are similar. North Carolina General Statute 115C-391.1 requires the reporting of any prohibited use of mechanical restraint, however

the statute lists more exceptions than for federal reporting. The statute includes the same federal exceptions for seat belts and assistive technology and also the following additional cases in which mechanical restraints are not prohibited:

- 1) As reasonably needed to obtain possession of a weapon or other dangerous objects on a person or within the control of a person.
- 2) As reasonably needed for self-defense.
- 3) As reasonably needed to ensure the safety of any student, school employee, volunteer, or other person present.

In addition, law enforcement officers (who may be staff members as School Resources Officers) have a general exclusion when mechanical restraints are used “in the lawful exercise of their law enforcement duties.”

Currently the PowerSchool Incidents module is used to report these incidents.

#### Reporting Use of Physical Restraints for the State Report

GS 115C-391.1(c)(1) defines the conditions under which physical restraint is considered to be a reasonable use of force, including when needed to break up a fight or obtain possession of a weapon. However, the reasonability of the use of force is not a factor in the state reporting requirement. Instead it is the extent of injury sustained by a student. Any use of physical restraint resulting in observable physical injury to a student must be reported in PowerSchool and to the parents or guardians of the injured student. See <http://www.dpi.state.nc.us/cfss/reports/reporting/> for a form that can be used to report the injury to parents or guardians.

#### Reporting Use of Seclusion for the State Report

State and federal laws both define seclusion as the confinement of a student alone in an enclosed space from which the student is physically prevented from leaving. In addition, state statute also includes as seclusion the situation in which a student is not capable of leaving the space due to physical or intellectual incapacity.

Like the federal exception of a “timeout” shown in the table above, the state also includes an exception for monitored periods of isolating students in a safe, well-ventilated, and well-lit space in accordance with an IEP or Section 504 Plan. (The federal exception specifies that the room be left unlocked.) The state statute allows for seclusion in any of the following additional circumstances:

- 1) As reasonably needed to respond to a person in control of a weapon or other dangerous object.
- 2) As reasonably needed to maintain order or prevent or break up a fight.
- 3) As reasonably needed for self-defense.
- 4) As reasonably needed when a student’s behavior poses a threat of imminent physical harm to self or others or imminent substantial destruction of school or another person’s property.

Any use of seclusion not meeting any of these exceptions or any use exceeding ten (10) minutes or the amount of time specified in the student’s IEP or 504 Plan must be reported in the Power School Incidents module.

#### Reporting Use of Aversive Procedures

All uses of aversive procedures must be reported. See 115C-391.1(b)(2) for a definition.

### Reporting in PowerSchool

The incidents are to be entered in PowerSchool in the same manner as was described for the federal uses of seclusion and restraint. The staff member should be entered as the offender and the student as the victim. The appropriate state behavior (97, 98, 99, or 100) should be entered. "Other" should be entered as the disciplinary action. Enter both state and federal behaviors if the both definitions apply to the incident.

The State report that is extracted from PowerSchool lists the number of each type of incident. The report does not include the name of the staff member.