

DPI Safe and Healthy Schools Support Division

North Carolina Discipline Data Reporting Procedures

**For Use in Reporting 2014-15 Discipline Data
and
Alternative Learning Program Roster Data**



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Rationale for Reporting Discipline Data

The Department of Public Instruction (DPI) 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 DPI all data required by statute and/or SBE policy, and DPI produces reports for the SBE in accordance with applicable statutes and policies. The data DPI 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.

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 3 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 HRS-A-000 (see <http://sbepolicy.dpi.state.nc.us/>, the SBE lists school offenses that must be reported. Most are defined in state criminal statutes (see Appendix B). Nine of the offenses are considered dangerous per HRS-A-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 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.

The Unsafe School Choice provision of the No Child Left Behind Act 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 DPI.

General Statute 115C-12(27) requires that the SBE 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 a number of 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.

In 2014 the Department of Public Instruction took over responsibility for the Office of Civil Rights (OCR) reporting that was previously done by the LEAs. As a result, some data that was previously compiled in the LEAs for direct submission to OCR now must be entered into the PowerSchool Incidents module.

Use of PowerSchool

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

http://www.nc-sis.org/Documents/student_info/PS_QRD_Incidents_10032013.pdf

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. **IMPORTANT: After entering 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.**

PowerSchool has the capacity for directly entering any impermissible uses of seclusion and restraints and transfers as defined by state statute and uses of seclusion and restraints as defined by federal rules. The federal definitions of seclusion and restraint differ from the state definitions of impermissible uses of seclusion and restraint. See Appendix D for more information on these differences.

The PowerSchool State Discipline Report provides on-screen “views” of suspension and crime data, which reflect 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 sum of the 16 criminal offenses reported is used for computing school, LEA, and state crime rates. The Discipline Report also provides views of **transfers offered to victims of violent crimes, impermissible uses of seclusion and restraints**, and a comprehensive **incident detail** file.

LEAs using third-party software for disciplinary data must ensure that the software can deliver compatible data files to PowerSchool.

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 (or action) of an incident and as an enrollment on the PowerSchool 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 on the basis of race, color, or national origin
 - harassment or bullying on the basis of disability
 - harassment or bullying on the basis of sexual orientation
 - harassment or bullying on the basis of religious affiliation
- Whether or not the victim of the following acts was offered a transfer to another public school and whether or not the victim accepted the transfer for the following crimes:
 - 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
- Any occurrence of following actions by school staff and any student victim of these actions:
 - 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 section on **Reporting No Tolerance Expulsions** below)
- Actions related to law enforcement involvement:
 - incident reported to law enforcement
 - school-related arrest*

* 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 on whether or not to enter the incident in the system.) For example, a principal may want to know what proportion of all school incidents resulted in a student conference, a parent conference, an in-school suspension, or an out-of-school suspension.

Reporting No Tolerance Expulsions for the Federal OCR Report

A requirement of the federal Office of Civil Rights Data Collection (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 embedded in the first sentence above. An expulsion for federal purposes 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.

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

Disciplinary Data Terminology

Disciplinary 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 a **victim** of a particular offender, the use of a **weapon** by an offender, or a police **investigation**. 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**.

PowerSchool allows for the reporting of a number of the most commonly occurring acts (offenses) and disciplinary consequences. See pages 21-24 for a listing of Behavior Types and pages 24-25 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.”

Value of Disciplinary Data to the State, LEA, and School

PowerSchool enables 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 DPI. The ongoing collection of the data each year helps DPI to analyze trends which may indicate whether certain local and statewide programming efforts are yielding results.

Disciplinary data in the aggregate is public information. Data from PowerSchool is used in the NC School Report Card (<http://www.ncschoolreportcard.org>). The Report Card makes available for each LEA and school the rate of crime and violence (the 16 reportable offenses) and the rate of suspensions and expulsions. 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 consequences, 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.

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, often an assistant principal, 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 section. 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 elements that are required by statutes or SBE policies. Principals must be thoroughly familiar with the definitions of the 16 reportable acts, as they are responsible for reporting to law enforcement any act that falls within the definitions [(GS 115C-288(g))].

Entering data in PowerSchool is similar to the former process of entering data in NC WISE, with a few exceptions.

Reporting Incidents in PowerSchool

1. Incident title. The PowerSchool Incident module has a field for entering the title of an incident. There are no state requirements for the use of this field, however **it is a required field.** It is recommended that the main offense be included as part of the incident title, however schools and/or LEAs are free to devise rules or guidelines for naming incidents. PowerSchool also generates an Incident Number as a unique identifier for each incident.

2. Incident Descriptions. PowerSchool has several fields on the Incident Description screen and on the Add Action screen where users can enter text descriptions. The description of an incident and the description of a disciplinary action are not state requirements. Therefore, LEAs may create policies and procedures for the manner in which these fields are used. However, DPI recommends the following procedures for the use of description fields:

- a) In the Incident Description section of the Incident Detail screen, use the **Description** field to enter the general description of what occurred in an incident. LEAs and schools can designate particular uses of the Location Description field, if desired.
- b) On the Add Action screen, use the **Action Taken Detail** screen to enter any needed details about the school’s initial disciplinary action, for example “Recommended LTS, hearing date set for 9/25/14, letter sent to parent” or “3 days assigned per Student Code of Conduct.” Use the **Duration Notes** or **Action Change Reason** fields to describe additional disciplinary actions taken by the school or action taken by the school district, for example, when initially assigned suspension days are later modified (see #4 below). An example Duration Note or

Action Change Reason might be “Hearing held 9/25/14, 20 additional suspension days assigned, beginning 9/26, letter sent to parent.”

3. Duration of suspension determines STS or LTS. Select OSS for all out-of-school suspensions except suspensions involving a district hearing, 365-day suspensions, and suspensions for the remainder of the year. The Actual Duration of the OSS will determine whether the OSS is classified as STS (1-10 days) or LTS (over 10 days).

4. Record all suspension data within an incident as a single action. A single action should be used to record all in-school or out-of-school suspension days assigned to a student for a single incident. If a student is assigned a short-term suspension pending a hearing or district decision, there are two ways to make a record of the resulting suspension days:

- 1) Enter the initially assigned suspension days. Route the referral form in accordance with local procedures to ultimately capture any additional suspension days assigned by the district. If additional suspension days are assigned, modify the action by changing the Assigned Duration and Actual Duration of the suspension. Use the Duration Notes or the Action Change Reason to describe the way the initial and additional suspension days resulted in the total Actual Duration of the suspension.
- 2) Do not enter any data from the referral form until the district has determined the student's entire suspension. Enter in the Assigned Duration box (thereby populating the Actual Duration box) the entire length of the student's suspension. Note--this method may not be appropriate if the school wishes to use information regarding the student's initial suspension to generate a letter for parents.

5. Entering the number of days for a 365-day suspension. When assigning a 365-day suspension, select OSS -365 Days as the Action Type. Enter the Begin Date. In order to capture only the suspension days 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.

6. Use the system to report uses of seclusion and restraint by school staff. (See Appendix D for more information.)

The following offenses have been added which only apply to actions of school staff:

- 097-SR: Aversive Procedure
- 098-SR: Illegal Physical Restraint
- 099-SR: Illegal Mechanical Restraint
- 100-SR: Illegal Seclusion

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.)

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.

7. Use the system to report transfers offered to and accepted by victims of violent acts.

State Board policy requires schools to offer a transfer to student victims of the nine violent acts listed on page 4 if the grade level of the student is available elsewhere in the LEA. In 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.

8. Methods for recording partial suspension days. Because PowerSchool allows decimal values of days (e.g., 0.5, 1.5, etc.) to be entered 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 the school day, enter the action type Sent Home Early in addition to the action type OSS that includes the number of suspension days assigned.

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 into PowerSchool without the explicit authorization of a principal or designee. Consultations with the investigating law enforcement officer are recommended if there is any doubt about whether a crime was committed or about the type of crime committed. Crimes (behaviors with PD or RO designations) should be reported to DPI if the offender’s behavior appeared to contain the elements of a particular crime. Many cases will result in an arrest or 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 a particular 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 of these 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 robs 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” would be recorded. However, if a student waves a handgun at a group of students and threatens them collectively, only one act of “Assault Involving Use of a Weapon” would be recorded.
5. Report a separate Behavior for each possession, use, or sale of a particular 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 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 2015 incidents may be entered in the 2014-15 data, while incidents occurring in July and August should be reported in the 2015-16 data. If a June 2015 incident cannot be entered before June 30 (EOY), it is acceptable to enter the incident for 2015-16.
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 above when reporting Actions that are assigned to a student after June 30 (EOY) for incidents occurring before June 30. Report the behavior when it occurs 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 of 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 of these 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. A student walks into a classroom with a small handgun and tells a teacher and two students in the room they are not to leave or he will shoot them. He does not hold the gun near or toward any particular individual. Police were dispatched to the scene, and after two hours a police negotiator convinces the student to surrender to police.

Reporting: This incident involves at least one reportable crime, “Possession of a Firearm,” and one dangerous crime, “Kidnapping,” because the teacher and students were confined in a room without their consent. In addition, either Assault involving the use of a weapon” or “Threat of physical attack with a firearm” should be reported. Since “Assault involving the use of a weapon” is a reportable crime, law enforcement should be consulted to determine if the circumstances contained the elements of that crime. If not, report “Threat of physical attack with a firearm” to cover the offender’s verbal threat. In either case, there are two behaviors having victims to be reported. Only one act of each behavior should be reported because the acts were committed against all three victims at the same time. Both students and the teacher should be listed as victims. Because PowerSchool’s Incident Detail Report creates a line of data with the offender’s behavior repeated for each victim, DPI should be contacted to possibly adjust the final data. Note that this is only necessary if a crime has this rare condition where the victims are harmed simultaneously.

3. A number of 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, three of them on different days.

Reporting: Because the robberies took place at different times there should be four acts of “Robbery with a Dangerous Weapon” and the four victims should be listed. The acts could be documented as occurring in three incidents or four. The organization of acts into incidents is for organizational purposes and is not of major importance in reporting the crimes to the state.

4. 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 “permanent or protracted loss or impairment of the function” of one eye, 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. Do not report the behavior of “Fighting” in the same incident because PowerSchool reports would interpret the teacher as a victim of both students in the incident instead of the one student who assaulted the teacher. Report the student behaviors of a 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.”

In 2008, a new offense type was added for serious assaults in which the victim suffers injuries less severe than those specified in the reportable act “Assault Resulting in Serious Injury.” Because of the violence, this offense must be reported regardless of disciplinary consequences. The new act, “Violent Assault Not Resulting in Serious Injury” 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 other act types with the word “assault” may be used in cases where pain or violent intent is minimal, particularly when younger children are the offenders and victims. The Behavior Types include:

- (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

The School Violence Prevention Act passed in 2009 (Session Law 212) defines bullying 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.

Experts in the field have defined bullying as a series of deliberate and hurtful actions inflicted by one or more students who are perceived to be or are actually stronger, more confident, and/or more aggressive than the target or who simply outnumber the target.

Bullying may be:

- 1) physical,
- 2) verbal,
- 3) social/relational, and/or
- 4) sexual harassment.

Social/relational bullying consists of indirect, covert attempts to affect the target’s reputation or social standing. It may or may not include “**cyberbullying**,” which is the use of information and

communication technologies such as email, cell phone and pager text messages, instant messaging, and defamatory personal polling web sites to intentionally harm others.

In 2009 the General Assembly passed House Bill 1261, which made cyber-bullying a criminal offense punishable as a misdemeanor. For definitions and more information refer to NC Statute 14-458.1.

Bullying (or cyber-bullying) should be reported as a single act committed by one or more offenders. Bullying is to be reported after repeated, deliberate acts (e.g. taunts, threats, shoving, chasing, etc.) are observed or reported over time.

Often, Bullying will be reported along with another act, especially when that other act is serious enough to be reported on its own. For example, if a student engages in bullying behavior and, in the process, physically hurts another student, both Bullying and Assault should be reported (two Acts in the one Incident). In addition to the serious reportable acts, other acts, such as Communicating Threats, Theft, Extortion, Property Damage, or Gang Activity, might be the primary means through which bullies inflict their physical and emotional damage; therefore, these acts should be reported along with the Bullying:

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

If the motivation for bullying can be attributed a particular class to which the target belongs or is perceived to belong, specific categories of harassment behavior and the victim(s) must be reported. This information is pulled for the federal OCR report. If the motivation for the bullying can be attributed to the target's sex, report the behavior as "Sexual Harassment." If the motivation for bullying can be attributed to the target's race, ethnicity, or national origin, report the behavior as "Harassment—Racial." If the motivation can be attributed to the target's disability or perceived disability, report as "Harassment--Disability." If the motivation can be attributed to the target's perceived sexual orientation, report as "Harassment—Sexual Orientation." Finally, if the motivation can be attributed to the target's perceived religious affiliation, report as "Harassment—Religious Affiliation."

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. If the assignments of suspension days for an offender in a particular incident occur at different points in time (as sometimes occurs when students are short-term suspended

pending the results of a hearing), report the total days suspended in the Actual Duration box in PowerSchool. Use the Duration Notes to describe how the separate assignments of suspension days (e.g., an original suspension imposed by the principal, followed by a second one based on a hearing or district decision) were combined to yield the totals in the Assigned Duration and Actual Duration boxes.

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 consequence 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 continued access to courses and a supervising teacher 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.

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 criminal or 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, which can be administered within a numbered school or can be 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/>.

Long-term placements in alternative schools and alternative learning programs for disciplinary reasons should be reported as an Action taken (or disciplinary consequence) in the Incidents Management System in PowerSchool.

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

All LEAs are required to maintain at least one alternative school or program that meets state standards (or seek a waiver from the State Board of Education). Students who are assigned to such alternative schools or programs for disciplinary reasons should have those disciplinary consequences entered in the discipline incident in PowerSchool. Student who receive an assignment to alternative instruction not meeting state ALP standards (but more extensive than Homebound Instruction) should receive the consequence of "Community Based or Other Agency ALP" in PowerSchool.

LEAs are responsible for entering each ALP student placement (whether for disciplinary or other reasons) as a Program Assignment in PowerSchool and running the ALP report under State Reports in order to push the data into the state dataset.

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 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 and no enter code. Records of students with different entry dates would then have to be modified. Enter codes for all students would need to be added.

Running the ALP Report

In order to view the ALP roster data for a school or LEA and to push that data up to DPI, you must run the Alternative Learning Program Report.

- 1) Select “State Reports” under “Reports” in the PowerSchool menu bar on the left of the home page.
- 2) Find “Alternative Learning Program Report” is 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 in order to view the report. You may change the selection from “Data Views” to “Exceptions” in order 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 Safe and Healthy Schools Support Division of DPI regarding any changes in status or contact information for all alternative schools or alternative learning programs in the district. Contact Ken Gattis at (919) 807-3940 or kenneth.gattis@dpi.nc.gov regarding status changes.

Appendix A – Codes and Descriptions

Incident Site Codes

- 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

- 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

PowerSchool Behavior Types

Code	Description of Behavior	RC*
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

Code	Description of Behavior	RC*
008	RO: Possession of a firearm or powerful explosive	10
009	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	
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

Code	Description of Behavior	RC*
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	
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	

Code	Description of Behavior	RC*
096	UB: Under the influence of controlled substances	
097	SR: Aversive (per state law) procedure (staff only)	
098	SR: Impermissible (by state law) physical restraint (staff only)	
099	SR: Impermissible (by state law) mechanical restraint (staff only)	
100	SR: Impermissible (by state law) seclusion (staff only)	
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	

*RC – reporting categories as defined below

Reporting Categories

- 01 Assault Resulting in Serious Injury
- 02 Assault Involving Use of a Weapon
- 03 Assault on School Personnel
- 04 Bomb Threat
- 05 Burning of a School Building
- 06 Death By Other Than Natural Causes
- 07 Kidnapping
- 08 Possession of Alcoholic Beverage
- 09 Possession of Controlled Substance in Violation of Law
- 10 Possession of a Firearm or Powerful Explosive
- 11 Possession of a Weapon
- 12 Rape
- 13 Robbery WITH a Dangerous Weapon (Armed Robbery)
- 15 Sexual Assault (Not Involving Rape or Sexual Offense)
- 16 Sexual Offense
- 17 Taking Indecent Liberties with a Minor

Consequence (Action) Types

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

- 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

Investigator Types

- 01 Police
- 02 Counselor
- 03 Security Officer
- 04 Truancy Officer
- 05 School Resource Officer
- 06 School Administrator
- 07 Sworn (Police) School Resource Officer

Weapon Types

- 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

- 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.

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. 7A-675 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 amended G.S. 7A-649(8)(b) to provide a narrow exception to the general rule that juvenile court records must be maintained in strictest confidence. G.S. 7A-649(8)(b), as amended, permits judges to determine that the principal of the juvenile's school be notified of the nature of the juvenile's offense and the probation requirements related to school attendance when each of the following conditions exist:

- the court has found the juvenile to be delinquent;
- the offense involved a threat to the safety of the juvenile or others;
- the court has placed the juvenile on probation; and
- the court has ordered the juvenile to attend school as a condition of probation.

G.S. 7A-649(8)(b) goes on to provide that if the judge orders that the principal is to be notified, the juvenile court counselor must within five days or before the juvenile begins to attend school, whichever happens first, notify the principal in writing of the nature of the offense and the probation requirements related to school attendance.

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.

To further support a juvenile attending school, as well as school officials who need to provide a safe environment for students and staff, the General Assembly further amended G.S. 7A-675.2 requirements relative to notification of schools, Article 29 of Chapter 115C stipulations relative to use of juvenile court information, and G.S. 15A-505 relative to notification of schools. These amendments very much track the amendments of G.S. 7A-649(8) referenced above.

G.S. 7A-675.2 mandates judges/juvenile court counselors or law enforcement officers to notify the principal of the juvenile's school, within five days, in all cases of more serious alleged crimes for which juveniles can now be prosecuted (e.g. felony, if committed by an adult).

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 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 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. 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 uses of seclusion and restraints in schools. 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 be much more numerous than those that must be reported to comply with the state statute.

The state statute (GS 115C-391.1) requires the reporting of “impermissible uses of seclusion and restraint,” which are actions that school staff reasonably should be able to avoid by following proper procedures. These impermissible uses of seclusion and restraint must also be reported to the student’s parent or guardian.

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

Code	State Reportable Staff Behaviors	Code	Federal Reportable Staff Behaviors
97	SR: Aversive procedure (staff only)	111	Mechanical restraint (staff only – OCR report)
98	SR: Illegal physical restraint (staff only)	112	Physical restraint (staff only – OCR report)
99	SR: Illegal mechanical restraint (staff only)	113	Seclusion (staff only – OCR report)
100	SR: Illegal seclusion (staff only)		

School resource officers working under contract with schools may be considered school staff. North Carolina General Statute 115C-391.1 deems permissible “the use of mechanical restraint devices such as handcuffs by law enforcement officers in the lawful exercise of their law enforcement duties.” Federal guidelines from OCR also 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 compares the federal and state definitions of seclusion, physical restraint, and mechanical restraint that are used to determine when to report these incidents. The table also lists federal and state exceptions. Note that the state has a number of exceptions to cover situations in which a staff member believes it is necessary to restrain or seclude students for safety reasons.

Because the federal definitions are broader than the state definitions, any action by a teacher that must be reported as an impermissible restraint or seclusion for the state would also need to be reported for the federal OCR report.

Federal	Seclusion	Mechanical Restraint	Physical Restraint
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	Seclusion	Mechanical Restraint	Physical Restraint
Definition	Same as federal, but also includes confinement of a student alone in an enclosed space from which the student is not capable of leaving due to physical or intellectual incapacity.	Same as federal.	Same as federal.
What Must be Reported	<u>Impermissible</u> Use of Seclusion	<u>Impermissible</u> Use of Mechanical Restraint	<u>Impermissible</u> Use of Physical Restraint
Stated Exceptions to Reporting (Permissible Uses)	Same exceptions as federal with the addition of:	Same exceptions as federal with the addition of:	Same exceptions as federal with the addition of:
	1. As reasonably needed to respond to a person in control of a weapon or dangerous object.	1. As reasonably needed to obtain possession of a weapon or other dangerous objects on a person or within the control of a person.	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.	2. As reasonably needed for self-defense.	2. As reasonably needed for self-defense.
	3. As reasonably needed when a student's behavior poses a threat of imminent physical harm to self or others or imminent substantial destruction or school or another person's property.	3. As reasonably needed to ensure the safety of any student, school employee, volunteer, or other person present.	3. As reasonably needed to ensure the safety of any student, school employee, volunteer, or other person present.
	4. As reasonably needed to maintain order or prevent or break up a fight.		4. As reasonably needed to teach a skill.

State (continued)	Seclusion	Mechanical Restraint	Physical Restraint
<p>Stated Exceptions to Reporting (Permissible Uses)</p>	5. When used as as specified in the student's IEP, and...		5. As reasonably needed to calm or comfort a student.
	a. the student is monitored while in seclusion by an adult in close proximity who is able to see and hear the student at all times.		6. As reasonably needed to prevent self-injurious behavior.
	b. the student is released from seclusion upon cessation of the behavior that led to the seclusion or as otherwise specified in the student's IEP or Section 504 plan.		7. As reasonable needed to escort a person safely from one area to another.
	c. the space in which the student is confined has been approved for such use by the LEA.		
	d. the space is appropriately lighted.		
	e. the space is appropriately ventilated and heated or cooled.		
	f. the space is free of objects that unreasonably expose the student or others to harm.		