

academic requirements of the standard course of study established by the State Board of Education as provided in G.S. 115C-12 and provides the student with the opportunity to make timely progress towards graduation and grade promotion is not a long-term suspension requiring the due process procedures described in G.S. 115C-390.8. (2011-282, s. 2.)

Expulsion from the Academy: In extreme cases expulsion from the Academy may be necessary. A student who is expelled may not return to the school for a time period equivalent to one full academic school year (G.S. 115C-390.11) At the time a student is expelled under this section, the student shall be provided notice of the right to petition for readmission pursuant to G.S. 115C-390.12.

Due Process for Disciplinary Action

The Encore Board of Directors assumes its responsibility to assure every student's right to an equal education opportunity. The Board further assumes its responsibility to assure an atmosphere conducive to learning and the expression of individual responsibility while protecting the individual rights of all students in accordance with standards of due process required by law and accepted standards of fairness. These procedures include a notification of discipline and an opportunity for students to explain their version of what happened. When discipline involves long-term suspension or expulsion, students may also request a formal hearing. This procedure is not designed to deal with ordinary classroom discipline. The law requires that all teachers "maintain good order and discipline" and the Board joins with parents and students in supporting every reasonable effort of teachers to meet this obligation.

DISCIPLINARY ACTIONS AND MINIMUM PENALTIES:

Every student has the innate right to an education free from being threatened in any fashion. In addition, every teacher has the right to teach, just as every student has the right to learn. Any disruption to this process will not be tolerated. The following is a list of some unacceptable student behaviors and the suggested *minimum* starting penalties. Should a violation not be listed, administrative discretion will be exercised and a proper penalty imposed for the violation.

Violations may have different circumstances and therefore administrative discretion may be imposed to apply appropriate consequences and penalties to each individual situation to ensure fairness.

If a student misses class for an in school or out of school suspension, they are responsible for speaking with their teacher and making up the work from the class period(s) they missed.

Offense	Definition	K-3 Minimum Penalty	4-8 Minimum Penalty
Dress Code Violation Minor (1-5 pts.)	Out of compliance with proper Encore uniform, defined in handbook (untucked shirt will be treated as insubordination)	Refer to Dress Code section of handbook	Refer to Dress Code section of handbook

Rough housing/verbal confrontation Intermediate Infraction (5-10 pts.)	Exhibiting physically aggressive or unsafe behavior, including acting carelessly and putting others in danger; instigating or engaging in verbal confrontations where abusive, vulgar, irreverent, lewd, or indecent conduct, including gestures, pictures, stories, or language used	-Removal from class for designated period of time -Parent contact -Parent conference if necessary	-Removal from class for designated period of time -Parent contact -Up to 5 day out of school suspension
Fighting Major Infraction (10 pts.)	An extreme act of physical aggression that is designed to seriously harm or injure another person	-1 day suspension -Referral to counselor/social worker -Days may increase with the number of violations	-1 day out of school suspension to expulsion depending on severity of the situation -Days will increase with multiple violations -After 10 days automatic referral for expulsion
Insubordination Minor Infraction (1-5 pts.)	Deliberate refusal to obey a reasonable request or order by Academy personnel, documented by the Academy personnel and submitted to the office	-Removal from class for a designated period of time -Parent contact -Parent conference if necessary	-Removal from class -Appropriate form of suspension -Continued violation warrants dismissal from Academy

<p>Disrespect to Authority</p> <p>Minor Infraction (1-5 pts.)</p>	<p>To use inappropriate voice tone, voice level, language, insinuations, mockery, gestures, threats, intimidation, etc.</p>	<ul style="list-style-type: none"> -In house suspension to out of school suspension -Referral to counselor/social worker -Days may increase with number of violations 	<ul style="list-style-type: none"> -Referral to counselor/social worker -1 day out of school suspension up to dismissal from Academy -Additional day for each additional occurrence up to 10 with referral for expulsion
<p>Harassment</p> <p>Intermediate Infraction (5-10 pts.)</p>	<p>To disturb persistently; torment as with troubles or cares; bother</p>	<ul style="list-style-type: none"> -Removal from class for a designated period 	<ul style="list-style-type: none"> -1 day out of school suspension up to expulsion

	continually; pester; persecute (Please refer to section on bullying for additional information)	of time - Parent conference -Referral to counselor/social worker	-Notification to authorities if appropriate -Referral to counselor/social worker
Serious Threats Intermediate Infraction (5-10 pts.)	Written or verbal threats towards self, another person's life or wellbeing, or the school	-Removal from class for a designated period of time -Investigation by Administrative staff and when necessary contact to local authorities and child protective services -Parent contact -Recommendation for counseling evaluation if appropriate	-Immediate removal from class -Investigation by Administrative staff -Minimum 3 day suspension- not to return to school until psychological evaluation determined not a threat to self or others. Required to make up all missed assignments if eligible to return to school -Notification to authorities and child protective services if appropriate

Sexual Harassment Intermediate Infraction (5-10 pts.)	The making of offensive sexual advances, touching of personal areas, or of sexually offensive remarks, gestures, or acts that make another person feel uncomfortable	-Parent Notification -Removal from class -Referral to counselor/social worker -Recommendation for counseling evaluation	-1 day out of school suspension up to expulsion -Notification to authorities if appropriate -Referral to counselor/social worker
Forgery Intermediate Infraction (5-10 pts.)	Falsely making or altering a writing by which the legal rights or obligations of another person are apparently affected; simulated signing of another person's name to any such writing whether or not it is also the forger's name	-Parent notification -Dependent upon what and how forgery occurred, loss of some form of school privilege to suspension	-Administration determined appropriate form of suspension for situation -Parent notification -Notification of authorities if appropriate

Profanity or Obscenities Minor Infraction (1-5 pts.)	The use of abusive, vulgar, irreverent, lewd, or indecent conduct, including gestures, pictures, stories, or language	-Parent notification -Time out of class to in-school suspension	-1 day of out of school suspension to expulsion
Cell Phone Minor Infraction (1-5 pts.)	Possessing or using a cell phone for any purpose during school hours	-1 st offense the item will be taken and released only to a parent or legal guardian -2 nd offense the item will be kept until the last day of school and released only to a parent or legal guardian -Refusing to surrender a cell phone will result in further disciplinary action	

Bullying			
Intermediate Infraction (5-10 pts.)	<p>Harassment or Bullying is any gesture or written, verbal, graphic, or physical act (including electronically transmitted acts-i.e. internet, cell phone, personal digital assistant (pda), or wireless hand held device) that is reasonable perceived as being motivated either by any actual or perceived characteristic such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or mental, physical, or sensory disability or impairment or by any other distinguishing characteristic. This also includes ANY behavior that could be perceived as being aimed at intimidating, threatening, or coercing another person. Such behavior is considered harassment or bullying whether it takes place on or off school property, at</p>	<ul style="list-style-type: none"> -Parent notification -Removal from class for a designated period of time to suspension and in extreme cases expulsion -Referral to counselor/social worker 	<ul style="list-style-type: none"> -3 days of out of school suspension to expulsion -Recommendation for counseling evaluation if appropriate

	<p>any school sponsored function, or in a school vehicle. <u>Encore Academy adheres to a ZERO TOLERANCE BULLYING POLICY.</u></p>		
<p>Stealing Intermediate Infraction (5-10 pts.)</p>	<p>To take (the property of another or others) without permission or right, esp. secretly or by force</p>	<ul style="list-style-type: none"> -Return of items or cost of missing items -Parent notification -Time out of class -Loss of some type of school privilege -Recommendation for counseling evaluation if appropriate 	<ul style="list-style-type: none"> -Return of items or cost of missing items -In school suspension to out of school suspension -Days may increase with the number of violations -Recommendation for counseling evaluation if appropriate
<p>Plagiarism and Academic Dishonesty Intermediate Infraction (5-10 pts.)</p>	<p>To copy or present someone else's work as your own OR to not be able to distinguish your work from a group of students you are working with</p>	<ul style="list-style-type: none"> -Consequence is determined by Encore Academy staff and may include withholding credit until the student retakes the class or reproduces the assignment 	

Skiping Class/Loitering Intermediate Infraction (5-10 pts.)	Being out of class during instructional time without a pass, arriving 5 or more minutes late to class without a pass, or not attending class without proper authorization; being present in unauthorized areas in the building or school grounds	-Parent notification to removal from class	-1 st offense: Parent notification -2 nd offense: In school suspension to 2 days out of school suspension
Gambling/Gambling Paraphernalia Intermediate Infraction (5-10 pts.)	Being found in possession of gaming paraphernalia such as dice, chips, etc.; exhorting and/or collecting money under betting or unwarranted circumstances	-Parent notification -Child Protective Services notification if appropriate	-Up to 5 days of out of school suspension and dismissal from Encore Academy
Vandalism Intermediate Infraction (5-10 pts.)	Deliberate defacing or destruction of school or individual student, staff, or guest property	-Student to remove or parent to pay for removal or replacement of damaged property -Time out of class	-Student to remove or parent to pay for removal or replacement of damaged property -1 day suspension to expulsion -Notification to authorities

Trespassing/Loitering Intermediate Infraction (5-10 pts.)	Students and parents being on school grounds 15 minutes after dismissal or after a school related function, even in a vehicle. Students and/or parents being on school grounds when banned from the school building/property	-Verbal warning; reported to local authorities -After 3 incidents, Child Protective Services will be notified -Dismissal from Encore
Leaving school without proper authorization Intermediate Infraction (5-10 pts.)	Leaving the premises of the school without following check-out procedures and protocols	-In school suspension to 3 days of out of school suspension
False Fire Alarm Major Infraction (10-20 pts.)	Deliberately pulling or setting off the fire alarms	-Parents will be fined by the local fire department -1 day suspension -Parents will be fined by the local fire department -3 day suspension to expulsion
Possession/Usage of Weapon Major Infraction (10-20 pts.)	Any instrument of attack used to cause serious harm to another	-Contact authorities to 10 suspension and referral for immediate expulsion -Notification to Child Protective Services -Recommendation for counseling evaluation if appropriate -Contact authorities to 10 day suspension and referral for immediate expulsion -Notification to authorities and Child Protective Services -Recommendation for counseling evaluation if appropriate

Alcohol Major Infraction (10-20 pts.)	Possession of an intoxicating liquid containing some form of alcohol	-Contact Child Protective Services -Appropriate disciplinary action and/or out of school	-5 day suspension to expulsion -Notification to authorities and Child Protective Services
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		<p>suspension to expulsion -Recommendation for counseling evaluation if appropriate</p>	
Drugs/paraphernalia Major Infraction (10-20 pts.)	Possession of chemical substances, illegal or otherwise, that affects the central nervous system causing changes in behavior and often addiction. Possession of any equipment used in making, using, or concealing such a substance.	<ul style="list-style-type: none"> -Notification to authorities and Child Protective Services -Appropriate disciplinary action and/or out of school suspension -Recommendation for counseling evaluation if appropriate 	<ul style="list-style-type: none"> -Notification to authorities to 10 day suspension and referral for immediate expulsion -Notification to Child Protective Services -Recommendation for counseling evaluation if appropriate
Tobacco Intermediate Infraction (5-10 pts.)	Possession and/or use of tobacco containing product including cigarettes, chewing tobacco or other	<ul style="list-style-type: none"> -Notification to Child Protective Services -Appropriate disciplinary action and/or out of school suspension to expulsion 	<ul style="list-style-type: none"> -1st offense: 3 day suspension -2nd offense: 5 day suspension and notification to authorities -3rd offense: 10 day suspension and notification to authorities and dismissal from the Academy
Fire Type Materials Intermediate Infraction (5-10 pts.)	Possession of fireworks, stink bombs, lighters, matches, smoke bombs, etc.	<ul style="list-style-type: none"> -Situation subjective -Parent notification -1 day suspension -Notification to Child Protective Services -Recommendation for counseling evaluation if appropriate 	<ul style="list-style-type: none"> -3 day suspension to expulsion -Recommendation to counseling evaluation if appropriate

<p>Compromise of public safety (teachers, staff, and students)</p> <p>Intermediate Infraction (5-10 pts.)</p>	<p>Exhibiting physically aggressive or unsafe behavior including acting carelessly and putting others in danger; disregard for directives and/or authoritative figure</p>	<ul style="list-style-type: none"> -Out of school suspension to expulsion -Notification to authorities and Child Protective Services if appropriate -Dismissal from Encore
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Weapons usage, arson, criminal sexual conduct Major Infraction (10-20 pts.)	If a student possesses a dangerous weapon in a weapon free school zone (on school property and/or a vehicle used by a school to transport students to or from school property), or commits arson or criminal sexual conduct in a school building or on school grounds, the student must be expelled from school permanently, subject to possible reinstatement provided for in the law.	-Any student who commits a physical assault against an Academy employee or against a person engaged as a volunteer or contractor for the Academy on Academy property, on an Academy related vehicle, or at an Academy sponsored activity or event will be suspended and may be permanently expelled for a period of not less than 180 days or one full academic school year.
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PARENT GRIEVANCES

Encore Academy is committed to an equitable and timely process for grievances. A student, parent, or guardian may initiate the grievance procedure to appeal any final decision (a decision from a school employee from which no further appeal to a school administrator is available) of school personnel within the school system, as outlined in this policy. Grievances that involve an alleged violation of board policy or state or federal law or regulation by a final administrative decision may be appealed to the School Board. All other grievances may be appealed to the superintendent/designee but may only be appealed to the board at its discretion.

Step I: Principal Conference: A student, parent, or guardian wishing to invoke the grievance procedure shall make a written request for a conference with the principal to discuss the grievance and seek resolution according to the following guidelines:

- 1.) The request shall detail the basis for the grievance, name the specific policy, rule, or law believed to have been violated, and specify the relief being sought.
- 2.) No grievance shall be heard unless it has been filed in writing within thirty calendar days after the act or condition giving rise to the grievance.
- 3.) The principal shall grant the conference within five school days following receipt of the request. The principal will state in writing his/her position on the question to the student or parent within five school days following the conference.
- 4.) Only the parent, guardian, or someone acting in loco parentis shall be permitted to join or represent the student in the conference with the principal.

Step II: Appeal to the Superintendent: If the grievance is not resolved at Step I, the student, parent, or guardian may appeal the principal's decision in writing to the superintendent. The appeal must be made within five school days following receipt of the principal's written response in Step I. The superintendent or his/her designee shall review the grievance within five days following receipt of the appeal. If the superintendent or his/her designee determines that