

# North Carolina Discipline Data Reporting and Procedures Manual

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For Use in Reporting 2023–2024 Discipline Data and Alternative Learning  
Program Roster Data

**Prepared By:** Center for Safer Schools and the Division of Digital Teaching and Technology  
Services/Office of Data, Reporting, and Privacy.

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## Discipline Data Benefits and Requirements

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

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

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

PSUs and schools may also use information from PowerSchool to study the numbers of certain types of minor offenses, the numbers of in-school suspensions or other disciplinary actions, and the possible effects of local policies or behavioral intervention programs on these offenses and consequences. For example, a PSU 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.

### Authority to Report Discipline Data

North Carolina 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.

North Carolina General Statute [115C-288\(g\)](#) requires that certain criminal offenses occurring in the schools be reported to law enforcement immediately. (See *Guidance on Reporting Consequences/Actions>What Must Be Reported to Law Enforcement* for details.)

In [SBE Policy SSCH-000](#), the SBE lists offenses that occur on 1) school property or 2) off school property on a school-sponsored field trip that must be reported to NCDPI within five school days. School property is defined as “any public school building, bus, public school campus, grounds,

recreational area, athletic field in the charge of the principal”. Many of these are defined in state criminal statutes (see *Appendix B*); however, other offenses are not criminal in nature.

Nine of the offenses that must be reported are considered dangerous per [SSCH-006](#). A high rate of these dangerous acts committed over a two-year period may lead to a school being designated “persistently dangerous” by the SBE. Currently the threshold for this status is at least two dangerous acts and a ratio of at least five dangerous acts per thousand students.

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

State Board Policy [SSCH-006](#) requires that victims of these dangerous acts be offered a transfer to another public school if there is another school in the district with that student’s grade level. Whether the transfers are offered and accepted must be reported to NCDPI in the PowerSchool Incidents module.

North Carolina General Statute [115C-12\(27\)](#) requires the SBE to compile annual reports of dropout rates, suspensions, expulsions, uses of corporal punishment, and placements in alternative programs. These reports are compiled from the incident data entered by the schools and submitted to the NCDPI.

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

[Office of Civil Rights’ Civil Rights Data Collection](#) (CRDC) requires PSUs and schools to submit a variety of data bi-annually including discipline data. In 2014, the North Carolina Department of Public Instruction began facilitating the transfer of data required for the CRDC that was previously submitted by the PSUs directly to the United States Department of Education (USED). To support the data collection, additional actions and behaviors were added to PowerSchool. More information on the CRDC can be found on NCDPI’s [website](#).

Unique reporting requirements for CRDC include:

- Out-of-school suspensions based on the federal definitions
- Expulsions based on the federal definitions
- Reporting incidents to law enforcement
- School-related arrests
- Harassment based on race/ethnicity, gender, disability, religious affiliation, and sexual orientation
- Seclusions and restraints reported based on federal definitions

[Elementary and Secondary Education Act of 1965](#) requires that state and local report cards are published annually and are to report on the disciplinary data collected in the Office of Civil Rights' Civil Right Data Collection. The discipline data to be included in the report cards are the rates of in-school suspension, out-of-school suspensions, expulsions, referrals to law enforcement, school-related arrests, crime and violence, and bullying and harassment.

The [Office of Special Education Programs \(OSEP\)](#) requires states to analyze data to determine significant disproportionality in identification and disciplinary actions for students ages 3 – 21. The federal regulations regarding the reporting of disproportionality apply to all students served by an LEA (PSU) and is inclusive of preschool students enrolled in the preschool exceptional children program who attend non-LEA settings (e.g., private child care centers, community Head Start programs, etc.). All suspensions, in-school, and out-of-school, as well as any expulsions of preschool students, including preschool students served in non-LEA settings, must be reported.

[Section 115C, Article 27](#) of the NC General Statutes provides authority for PSUs to establish and maintain disciplinary procedures consistent with federal regulations and state law.

## 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 to the NCDPI:

- Any incident that results in following disciplinary actions:
  - In-school suspension,
  - Out-of-school suspension, or
  - Expulsion.
- Any assignment to an alternative school or alternative learning program.
  - The assignment should be reported as a consequence of (or an action on) the behaviors in an incident and as an alternative school/program enrollment on the PowerSchool Special Program Assignment screen.
- Any use of corporal punishment.
- Any disciplinary actions that were taken as a result of “Zero-Tolerance Policies”.
- Whether incidents were,
  - reported to the appropriate law enforcement agency, including an on-site SRO, or
  - resulted in a school-related arrest.
- Any of the following crimes and offenses, regardless of the disciplinary action taken by the school and the identity of the offender. ***These crimes and offenses must be reported to NCDPI within 5 school days of occurrence.***
  - Assault as defined in G.S. 14-33 but not resulting in an injury as severe as defined in G.S. 14-32.4,
  - Assault on school officials, employees, and volunteers as defined in G.S. 14-33(c)(6),
  - Assault resulting in serious personal injury as defined in G.S. 14-32.4,
  - Assault with a firearm or powerful explosive as defined in G.S. 14-34 through 14-34.10 and 14-49 through 14-50.1,
  - Assault with a weapon as defined in G.S. 14-32 through 14-34.10,
  - Bullying or harassing behavior prohibited under policies adopted under G.S. 115C-407.16,
  - Communicating threats in violation of G.S. 14-277.1,
  - Cyberbullying as defined in G.S. 14-458.1 and 14-458.2,

- Discrimination as defined in Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d; Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681-1688; Americans with Disabilities Act, 42 U.S.C. 12101,
- Extortion as defined in G.S. 14-118.4,
- Fighting, or affray as defined in G.S. 14-33,
- Gang activity as defined in G.S. 14-50.17, 14-50.19 and 14-50.20,
- Harassment – Disability as defined in § 115C-407.15,
- Harassment – Gender identity as defined in §115C-407.15,
- Harassment – Race/Ethnicity as defined in §115C-407.15,
- Harassment – Religious affiliation as defined in §115C-407.15,
- Harassment – Sexual orientation as defined in §115C-407.15,
- Homicide as defined in G.S. 14-17 and 14-18 ,
- Indecent liberties with a minor as defined in G.S. 14-202.1, 14-202.2 and 14-202.4,
- Kidnapping as defined in G.S. 14-39,
- Making bomb threats or engaging in bomb hoaxes as defined in G.S. 14-69.2,
- Possession of a controlled substance in violation of the law as defined in G.S. 90-86 through 90- 113.8,
- Possession of a weapon, firearm, and powerful explosive on campus or other educational property in violation of G.S. 14-269.2,
- Possession or use of tobacco products as defined in G.S. 14-313,
- Property damage as defined in G.S. 115C-398,
- Rape as defined in G.S. 14-27.21 through 14-27.25,
- Robbery as defined in G.S. 14-87, but without the use of a dangerous weapon,
- Robbery with a dangerous weapon as defined in G.S. 14-87,
- Robbery with a firearm or dangerous explosive as defined in G.S. 14-87,
- Sexual activity, battery, contact and penetration under pretext of medical treatment as defined in G.S. 14-31 through 33,
- Sexual harassment as defined in G.S. 115C-335.5; Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e,
- Sexual offense as defined in G.S. 14-27.26 through 14-27.30,
- Threat of assault with a firearm or powerful explosive as defined in G.S. §14-277.1,
- Threat of assault with a weapon as defined in G.S. §14-277.1,
- Threat of assault without a weapon as defined in G.S. §14-277.1,
- Unlawful, underage sales, purchase, provision, possession, or consumption of alcoholic beverages as defined in G.S. 18B-302,
- Verbal harassment as defined in G.S. 115C-407.15,
- Willfully burning a school building as defined in G.S. 14-60.
- Any victim of the following crimes or offenses:
  - Assault resulting in serious personal injury,
  - Assault involving the use of a weapon,
  - Harassment – Disability,
  - Harassment – Gender identity,
  - Harassment – Race/Ethnicity,
  - Harassment – Religious affiliation,
  - Harassment – Sexual orientation,
  - Homicide,
  - Kidnapping,
  - Rape,
  - Robbery with a dangerous weapon,
  - Sexual activity, battery, contact and penetration under pretext of medical treatment,
  - Sexual harassment,
  - Sexual offense,

- Indecent liberties with a minor
- Whether or not the student victim of the following crimes or offenses was offered a transfer to another public school and whether the victim accepted the transfer for the crimes listed below:
  - Assault resulting in serious personal injury,
  - Assault with a weapon,
  - Kidnapping,
  - Rape,
  - Robbery with a dangerous weapon,
  - Sexual activity, battery, contact and penetration under pretext of medical treatment,
  - Sexual harassment,
  - Sexual offense,
  - Indecent liberties with a minor,
- Any occurrence of the use of the following by school staff and any student directly affected:
  - Physical restraint (per federal definition),
  - Mechanical restraint (per federal definition),
  - Seclusion (per federal definition),
  - Aversive procedure (per state definition),
  - Illegal Physical restraint (per state definition),
  - Illegal Mechanical restraint (per state definition), or
  - Illegal Seclusion (per state definition)

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 PSU officials gain perspective on the entirety of disciplinary incidents and actions. (It also eliminates the decision of whether to enter the incident in the system.) For example, a principal may want to know what proportion of all school incidents resulted in a parent conference, an in-school suspension, or an out-of-school suspension.

## Publicly Available Reports

All information about individual incidents, including disciplinary actions and the names of offenders and victims, are kept confidential. Discipline data in the aggregate is public information. In compliance with State and Federal mandates and requirements, discipline data is published annually or bi-annual in the following reports.

- [NC School Report Card](#) makes the following available to the public for each school and PSU by student subgroup:
  - Crime rates
  - Bullying and Harassment rates
  - Rates of Referrals to Law Enforcement
  - Rates of School Related Arrests
  - Rates of In-school and Out-of-school Suspensions and Expulsions for each school and PSU and by student subgroup.
- The [Consolidated Data Report](#) consists of six separate reports and contains state, PSU, and school level data. This report is made public in March of every year when it is submitted to the NCGA Joint Legislative Education Oversight Committee.
  - Annual Report on School Crime & Violence
  - Annual Report on Suspensions and Expulsions

- Annual Report on the Use of Corporal Punishment
  - Annual Report on Reassignments for Disciplinary Reasons
  - Annual Report on Alternative Learning Placements
  - Annual Report on Dropout Rates
- Federal Office of Elementary and Secondary Education collects data [through EdFacts Submissions](#) for reporting in [Consolidated State Performance Reports \(CSPR\)](#) and [National Center for Education Statistics](#). Data around discipline and school safety are included in this collection.
  - Federal Office of Civil Rights' [Civil Rights Data Collection \(CRDC\)](#) in a bi-annual survey and data collection that includes data on the following:
    - Preschool and K-12 Suspensions and Expulsions
    - Preschool and K-12 Corporal Punishment
    - K-12 Referrals to Law Enforcement and School-related Arrests
    - Transfers to Alternative Learning Settings
    - Criminal Offenses
    - Bullying and Harassment
    - Uses of Seclusions and Restraints
  - The [Office of Special Education Programs \(OSEP\)](#) requires states to analyze data to determine significant disproportionality in identification and disciplinary actions for students ages 3 - 21 (preschool and K12 students) by the 7 reported racial and ethnic categories. For disciplinary actions, states must analyze 5 areas and publish in an annual performance report:
    - Out-of-school suspensions and expulsions (under federal definitions) of 10 days or fewer;
    - Out-of-school suspensions and expulsions (under federal definitions) of more than 10 days;
    - In-school suspensions and expulsions of 10 days or fewer;
    - In-school suspensions and expulsions of more than 10 days;
    - and Total disciplinary removals (including in-school, out-of-school suspensions and expulsions, removal by school personnel to interim alternative educational settings, and removals by hearing officers).

PSUs determined to have significant disproportionality are required to reserve the maximum amount of federal funds (15 percent) to provide comprehensive coordinated early intervening services. ([IDEA Sec. 300.647\(b\)\(3\)\(i\) and \(ii\)](#))

## Guidance and Procedures for Reporting Incident Data

PowerSchool is the system designated by NCDPI to record disciplinary incidents and uses of seclusion and restraint as part of the Uniform Education Reporting System (UERS).

The *What Must Be Reported in Discipline Data* section of this report provides a comprehension list of what must be reported to fulfill both federal and state reporting requirements. In SBE Policy [SSCH-000](#), the SBE lists school offenses that must be reported to NCDPI within five school days of occurrence. In addition to these required behaviors and actions, additional behaviors and actions are available for schools and PSUs to use when entering incident to support local reporting and analytical needs.

Each school should have at least one person responsible for documenting disciplinary acts and actions and uses of seclusion and restraint, the “discipline data coordinator” for the purposes of this discussion. The school discipline data coordinator must be familiar with the definitions of the Violent Crimes, Reportable Offenses, and the Reportable Behaviors, the lists of offenses and actions available, and the reporting guidance provided in this manual. The coordinator may or may not be the same person who inputs the discipline data; however, the coordinator is responsible for data accuracy. The school-level coordinator should contact the PSU discipline data coordinator for guidance on local policies and procedures.

Regardless of who determines the data to enter and who enters the data, the principal is ultimately responsible for the discipline data. Principals must be thoroughly familiar with the definitions of the Violent Crimes and Reportable Offenses as they are responsible for reporting certain crimes and offenses to law enforcement per [GS 115C-288\(g\)](#).

## Best Practices for Reporting Discipline Data

1. Be familiar with State and Federal reporting requirements and reports.
2. Review the North Carolina Discipline Data Manual for guidance on how to enter and report data.
3. Know the definitions and rules for reporting behaviors, actions, and weapons.
4. Consult the investigating law enforcement officers, SRO, or the PSU's legal counsel when questions arise.
5. Report crimes/behaviors and actions where they occur.
6. Report crimes/behaviors committed by any offender (unknown offenders, parents, staff, volunteers, students in all grades PK-13, XG, UG, students from other schools, and others etc.)
7. Understand the underlying discipline data model and its limitations.
8. Avoid undercounting and overcounting of behaviors, actions, and victims.
9. Be aware of common data entry errors.
10. Use available reports to help ensure accuracy of data reporting.

## Discipline Data Terminology

Discipline data reporting is organized around incidents that occur at sites under the jurisdiction of the reporting school. Some incidents may involve a single behavior (or act or offense) by a single offender (or perpetrator). Other incidents may involve multiple behaviors by an offender. Occasionally, incidents, such as those involving fights, will involve multiple offenders, each of whom may have one or more behaviors. An offender may use or be in possession of one or more weapons. There may also be one or more victims of an offender's behavior. Each offender in an incident may have a number of disciplinary actions that occurred or were taken by the school as a result of the incident, which may include the number of assigned in-school or out-of-school suspension days.

Behaviors are reported by selecting the appropriate behavior type from a standard list provided by NCDPI. All behavior types have a unique 3-digit behavior type code (e.g., "001"), a unique behavior description (e.g., "Assault resulting in serious injury") and in most behaviors have a general behavior category indicator\*\* (e.g., "PD" for Persistently Dangerous/Violent Crimes). Together these are often displayed as "001-PD: Assault resulting in a serious injury". See Appendix A for a complete list of all behavior types and their descriptions available.

Actions are reported by selecting the appropriate action type from a standard list provided by NCDPI. An action may have one or more action type that can be used to report the action. All action types have a unique 3-digit action type code (e.g., "001") and a unique action description (e.g., "Supervised Activities"). Together these are often displayed as "001 Supervised Activities". See Appendix A for a complete list of all action types available.

A Glossary of Terms and Definitions can be found at the end of this manual.

\*\*As of the publication of this manual, the general behavior category indicator "UB" is used for both the Unacceptable Behavior and Reportable Behavior general behavior category. Changes are underway to update the indicator for all Reportable Behaviors to "RB" instead of "UB". In addition, the general behavior category indicator for behaviors within the general Seclusion and Restraint (SR) and Non-Disciplinary/Outside Incidents (ND) categories are also being updated (see the Behavior and Action Types, Categories, and Clusters section below).

# Behavior Categories and Action Clusters

## General Behavior Categories

At the highest level, behaviors are categorized into six general behavior categories\*\*:

- Persistently Dangerous/Violent Crimes (PD),
- Reportable Offenses (RO),
- Reportable Behaviors (RB),
- Unacceptable Behaviors (UB),
- Seclusion and Restraints (SR), and
- Non-Disciplinary/Outside Incidents (ND).

All behaviors in the **Persistently Dangerous/Violent Crimes**, **Reportable Offenses**, and the **Reportable Behaviors** categories are required to be reported to NCDPI within five school days of occurrence and are defined in North Carolina General Statute and in some cases further defined by federal reporting requirements.

The **Persistently Dangerous/Violent Crimes** and the **Reportable Offenses** are often reported together and collectively referred to as the Reportable Crimes, Reportable Offenses, or the Reportable Criminal Offenses.

The behaviors in the **Reportable Behavior** category are defined in statute or federal regulation. These behaviors are also to be reported to NCDPI within 5 days of occurrence. As of the publication of this manual, the general behavior category indicator “UB” is used for both the Unacceptable Behavior and Reportable Behavior general behavior category. Changes are underway to update the indicator for all Reportable Behaviors to “RB” instead of “UB”.

The behaviors in the **Unacceptable Behavior** category are not defined in statute. These behaviors are available for PSUs and schools use for their own reporting purposes and needs. Guidance and definitions provided in this manual for behaviors in the Unacceptable Behavior should be considered illustrative and should not supersede any guidance found in the PSU’s Student Code of Conduct

All behaviors in the **Seclusion and Restraints** category are defined either by federal regulation or statute and must also be reported to NCDPI.

**Non-Disciplinary/Outside Incident** category contains behaviors that result in an action being taken by a school. These are behaviors that are not required to be reported as they:

- 1) were reported in a previous school year, but the action continued into the current school year (e.g., 365 day Out-of-School Suspension),
- 2) occurred off school grounds and not on a school field trip, but due to local board policy an action was taken by the school in response (e.g., felony charge for a crime committed while in the community or nearby neighborhood/community threat), and
- 3) are not crimes, offenses, or unacceptable behaviors, but resulted in an action being taken by the school (e.g., threats of harms to self or no immunization records).

## Reportable Criminal Offenses

### Persistently Dangerous/Violent Crimes

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

### Reportable Offenses

- Assault on School Personnel
- Bomb Threat
- Burning of a School Building
- Possession of a Firearm or Powerful Explosive
- Possession of a Weapon
- Possession of Alcoholic Beverage
- Possession of Controlled Substance

## Reportable Behaviors

- Assault
- Bullying
- Communicating threats
- Cyberbullying
- Discrimination
- Extortion
- Fighting or Affray
- Gang activity
- Harassment – Disability
- Harassment – Gender identity
- Harassment – Racial
- Harassment – Religious affiliation
- Harassment – Sexual
- Harassment – Sexual orientation
- Harassment – Verbal
- Possession or use of tobacco
- Property damage
- Robbery without a weapon
- Threat of attack with firearm
- Threat of attack with weapon
- Threat of attack without weapon

The behaviors within the Unacceptable Behavior, Seclusion and Restraints, and the Non-Disciplinary/Outside Incident categories can be found in Appendix A.

## Behavior Reporting Categories

In addition to the general categories, behaviors are often categorized into various reporting categories based on the specific reporting requirements of various state and federal reports. In many state reports each of the Reportable Criminal Behaviors are treated as being a unique reporting category. However, these behaviors along with the Reportable Behaviors are often reporting together in various reports. The most common reporting categories are:

- Violent Crimes
- Reportable Offenses
- Assaults
- Bullying and Harassment
- Communicating Threats

- Discrimination
- Extortion
- Fighting and Affray
- Gang Activity
- Possession of Tobacco
- Property Damage
- Robbery without a Weapon
- Dangerous Behaviors
- Defiant Behaviors
- Interpersonal Behaviors
- Attendance Related Behaviors
- Substance Use Related Behaviors
- Other Unacceptable Behaviors
- Immunization/Health Assessments
- Non-Disciplinary/Outside Incident
- Seclusion and Restraint

## Action Clusters

Actions are often categorized into various reporting cluster based on the specific reporting requirements of various state and federal reports. The most common action clusters are:

- In-school suspensions
- Out-of-school suspension
  - Short-term Out-of-school suspensions
  - Long-term Out-of-school suspensions
- Alternative Learning Placements
- Expulsions
- Referrals to Law Enforcement

## General Guidance for Reporting Incidents

### A. All Disciplinary Incidents:

- a. Report an incident regardless of the identity of the offender. This includes, but is not limited to, students from another school/district, staff, parents/guardians, volunteers, and unknown offenders.
- b. Report an incident for disciplinary action that occurs in the school year even if the behavior occurred in a previous school year.
- c. Report any incident that occurs from July 1 to June 30 of every year on school grounds or on a school-related field trip. This includes incidents that occur before and after school hours, during intersession breaks, summer sessions, when school is in session, and when school is not in session.
- d. All disciplinary incidents require a reporter, an offender, a behavior, and an action, even if the offender or the action is unknown or undetermined.
- e. Behaviors:
  - i. Report crimes/behaviors where they occur.
  - ii. Report crimes/behaviors committed by any offender (unknown offenders, parents, staff, volunteers, students in all grades PK-13, XG, UG, students from other schools, etc.)
  - iii. Report up to five behaviors for an offender.
  - iv. Weapons should also be reported in incidents with weapon-related behaviors.
- f. Actions:
  - i. Report up to five actions for an offender.
  - ii. Only one full day, out-of-school suspension action type can be entered for an offender. See *Guidance on Reporting Actions>Reporting Out-of-School Suspension*.
  - iii. Only one full day, in-school suspension action type can be entered for an offender. See *Guidance on Reporting Actions>Reporting In-School Suspensions*.
- g. Weapons:
  - i. Report up to three weapons for an offender.

### B. Incidents with more than one offender:

- a. Multiple offenders can be entered in an incident.
- b. Generally, students involved in the same or related misbehaviors are included in the same incident; however, schools may use discretion on whether to include multiple students in the same incident. Sometimes it may be necessary to create separate incidents so that the data is reported correctly and to avoid overcounting of behaviors.
- c. Each offender involved in an incident should be considered separately.
  - An action and a behavior must be entered for each offender in the incident.

### C. Incidents where the offender is a student from another school:

- a. Behaviors and crimes must be reported at the school where they occurred, even if the offender is a student from another school within the same PSU or from another PSU. The principal of the school where the behavior or crime occurs is also responsible for reporting certain criminal act(s) to law enforcement as required by GS 115C-288(g):
  - Example: A student from School B commits an offense at School A. School A would only report the offense and any action taken as a result by School A.

School B, where the student is enrolled, would only report the actions taken by School B and would report the behavior as “069: UB Other” since the offense did not occur at school B. Use the narrative to explain the reason for the disciplinary action and the reason that the crime was not reported at School B. It may be necessary for School A and School B to work with each other and/or the PSU’s Discipline Data Coordinator to ensure that the incident was entered correctly at both schools.

D. Incidents with more than one behavior for an offender:

- a. Up to five behaviors can be reported per offender in an incident.
- b. For each offender in an incident, report the most serious offense(s) first. See the *Guidance on Reporting Behaviors/Acts>Reporting Multiple Behaviors* section.
- c. Report each additional offense committed that is not subsumed by a previously reported offense. See the *Guidance on Reporting Behaviors/Acts>Reporting Reportable Offenses that are Subsumed by Other Reportable Offenses* section for more details.
- d. Generally, students involved in the same or related misbehaviors are included in the same incident; however, schools may use discretion on whether to include multiple students in the same incident. Sometimes it may be necessary to create separate incidents so that the data is reported correctly and to avoid overcounting of behaviors.
- e. The same reportable offense behavior listed under Incident Elements cannot be entered more than once for an offender.

E. Incidents with weapon-related offenses:

- a. For each weapon-related offense, the type of weapon should be reported.
  - Example: For an offender who had a knife on school grounds, report the “Possession of weapon” as the behavior and add an object of “Knife”.
- b. If an offender is in possession of more than one weapon, report a separate possession of weapon for each.

F. Incidents with victims:

- a. For all Violent crimes and certain behaviors, such as Bullying and Harassment, a victim(s) should be reported with the incident. In these incidents, especially if there are multiple offenses associated with the offender and/or multiple victims, the incident might need to be entered as multiple incidents to avoid overcounting of behaviors. The *Reporting Incidents with Victims* section goes into detail on how to report these incidents.
- b. If it is necessary to separate an incident and enter it as multiple incidents, if an offender(s) is in multiple incidents, only enter the offender action(s) in one of the incidents. For the other incidents, the action should be entered as “145 Concurrent Incident/Duplicative Action”.

G. Incidents involving Possession, Use or Sale of Contraband items:

- a. Enter a separate behavior for each possession, use, or sale of a specific contraband item. Do not report a separate behavior if a student possesses multiple containers of the same item in the same incident. The *Guidance on Reporting Behaviors/Acts>Reporting Possession of Controlled Substances* section goes into detail on how to report these incidents.
- b. 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.”

- H. Incidents when a crime or behavior is reported to Law Enforcement:
  - a. Any reportable offense (crimes) should be reported to the police or a School Resource Officer who is a sworn police officer. This is captured by entering “Report to Law Enforcement” as an action in the incident.
  - b. Incidents, not involving crimes, that were referred to law enforcement should also be reported as an action. See the *Guidance on Reporting Actions>Recording “Report to Law Enforcement”* Section for more detail on when to enter “Report to law enforcement” as an action.
- I. Incidents with behaviors that occurred in a different school year:
  - a. Any behavior that must be reported to the state should be reported in PowerSchool whenever school officials become aware that the act occurred, regardless of when the act occurred. Therefore, it is possible that a behavior that occurred in a previous year will need to be reported in the current year’s data.
- J. Incidents that occurred during summer school or during the summer:
  - a. Report summer school incidents whenever they occur. June incidents may be entered in the current school year data, while incidents occurring in July and August should be reported in the next school year data. If a June incident cannot be entered before June 30 (EOY), it is acceptable to enter the incident in the next school year.
- K. Incidents where the action applied to the offender occurs in two different school years:
  - a. For actions that are assigned to a student after June 30 (EOY) for incidents occurring before June 30, report the behavior at the time of occurrence and any actions applied in year 1. Then, if additional actions are applied in the next year, create an incident record in year 2, report the additional actions applied in year 2, and use the behavior type “121: Continuation of Disciplinary Action from Previous Year.”
  - b. For actions such as 365-day suspensions or long-term suspensions that continue into the second year, create an incident record in year 2, report the actions applied in year 2, and use the behavior type “121: Continuation of Disciplinary Action from Previous Year”.

# Procedures for Entering and Submitting Discipline Data

## Restrictions on Student Data Collection

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

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

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

## System Rules

When entering incidents, there are rules programmed into the system on entering specific behaviors and actions to avoid the overcounting of behaviors and actions in reports. These rules are:

1. Only one out-of-school suspension action type can be entered for an offender.
2. Only one in-school suspension action type can be entered for an offender.
3. The same reportable offense behavior listed under Incident Elements cannot be entered more than once for an offender.

In addition to the above restrictions for entering data through Incident Management, the system will also check to ensure these, and other rules, have not been violated (see *State Discipline Report – Exception Views* for more detail.)

When entering incidents with victims, there no mechanism to assign a specific victim to the offender(s) entered in Incident Management nor is there a mechanism to assign specific behaviors of an offender to a specific victim or victims. Rules were written into the State Discipline Report to avoid overcounting within these incidents (see *Using PowerSchool Reports to Verify Accuracy of the Data and to Monitor Trends in Discipline Data>State Discipline Report – Incident Detail Report\** and *Guidance on Reporting Victims* for more detail.)

## Required Fields

Discipline data should be entered in PowerSchool through Incident Management. To create a new incident, select “Create Detailed Incident” on the Incident Management page. The details (data) of the incident will be collected/entered on the Incident Detail page.

The Incident Detail page has three sections: the Incident Description section, Incident Builder section, and the Attendance Related Action section. The required data listed below is what is required before the incident can be saved in PowerSchool.

In the Incident Description section, the following fields are required before the incident will be saved in PowerSchool.

1. School (if entering the incident through the PSU office)
2. Incident Type = "Discipline"
3. Incident Date
4. Incident Time
5. Title (text box)
6. Location
7. Description (text box) \*not required, but recommended\*

In the Incident Builder section, the following are required and must be entered before the incident will be saved in PowerSchool.

1. A reporter
2. An offender
3. A behavior (Do not enter more than 5 behaviors for each offender)
4. An action (Do not enter more than 5 actions for each offender)

The Attendance Related Action section is only available when In-School Suspensions, Out-of-School Suspensions, Remainder of the Year Suspensions, and 365-Day Suspension action types are entered as an action. For these action types, this section must be completed before the incident will save. **Note:** When *updating* attendance related actions, click on the yellow pencil icon beside the action that was updated. If attendance codes have been updated for the offender outside of the Incident Management page, uncheck "Override Existing Attendance Codes" then select "OK".

Appendix A provides a list of locations, offender types, victim types, offender behaviors, offender actions, victim actions, and weapon types that are available in PowerSchool for entering incidents in the Incident Detail page. Behaviors that are not listed should be reported as "069:UB Other" or "058:UB Other School Defined Offense." Actions not listed should be reported as "063 Other."

NCDPI is responsible for adding new or changing existing locations, offender types, victim types, offender behaviors, offender actions, victim actions, and weapon types to be used in reporting. PSUs should contact NCDPI regarding any desired additions or changes.

**IMPORTANT:** After entering or updating incidents, schools and PSUs must run the Discipline Report for any new incidents or any updates to be included in the State Discipline Report AND for the data to be submitted 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.

The Quick Reference Document on entering incidents in PowerSchool may be found at:

[https://files.nc.gov/dpi/documents/student\\_info/PS\\_QRD\\_Incidents.pdf](https://files.nc.gov/dpi/documents/student_info/PS_QRD_Incidents.pdf)

## Assigning Incident Numbers

When a new incident is entered, the system will generate a unique incident number for the incident. This incident number will be unique across the PSU for that school year, meaning the same incident number will not be assigned to incidents in different schools within the PSU. In state reports and in data that is submitted to the state, the 3-digit PSU code will be added to the front of the incident number. This will create a unique incident number for all incidents across all PSUs in the state. For example: if the incident number for an incident at a school in McDowell County Schools is 24556, the state incident number will be 59024556. If there is an incident in Clay County with an incident number of 24556, the state incident number will be 22024556.

## Editing Incidents in PowerSchool

The steps for editing behaviors, objects, or actions are as follows:

- 1) Place cursor over behavior, object, or action,
- 2) Click on yellow pencil icon,
- 3) Make changes to behavior or action,
- 4) Click “Update Behavior”, “Update Object”, or “Update Action”
  - **IMPORTANT:** When updating attendance related actions, click on the yellow pencil icon beside the action that was updated. If attendance codes have been updated for the offender outside of the Incident Management page, uncheck “Override Existing Attendance Codes” then select “OK”.
- 5) Click on “Submit Incident”

**IMPORTANT:** After entering or updating incidents, schools and PSUs must run the Discipline Report for any new incidents or any updates to be included in the State Discipline Report AND for the data to be submitted 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.

## Submitting Discipline Data to NCDPI

In SBE Policy [SSCH-000](#), the SBE lists school offenses that must be reported to NCDPI within five school days of occurrence. In order to report these data to NCDPI, the Discipline Reports under State Reports in PowerSchool must be run. Additionally, after any edits or updates to previously entered incidents are made, the Discipline Report under State Reports must be re-run for any edits or updates to be reflected in the data that is submitted to the NCDPI.

The school level Discipline Report has been set up to auto-run once a week to help schools stay in compliance with the SBE reporting requirements. However, these reports can be run manually at any time. The PSU level Discipline Report is not set up to be auto-run and must be run manually.

In PowerSchool, the Discipline Report can be found under Reports<State Reports<State Reporting Dashboard<Current School-Level Collections.

## Reviewing Incident Data for Errors and Accuracy

There are rules within PowerSchool around how behaviors and actions should be entered for an incident in Incident Management. When the school level Discipline Report is run, the system will check to ensure these rules have not been violated. Anything entered that violates these rules is considered to be a potential data entry error and will trigger an exception. These exceptions can either be classified as “Fatal” or “Warning”. An error that triggers a “fatal” exception will not load into the Discipline Report. These incidents will need to be edited before they will load properly into the Discipline Report. Anything that triggers a “warning” exception will still be loaded into the Discipline Report; however, these incidents should be reviewed to ensure they were entered correctly.

To review the incidents that triggered any of the exceptions, select the “Review” button beside the Discipline Report. On the Review-Discipline Report page, select the “category” of “Disc Exceptions”

and then select the exception to review under the “data view”. Appendix E provides a list of the exceptions, their descriptions, and suggestions for resolving the errors.

In addition, the State Discipline Report provides 10 on-screen summary and detail “views” of the Violent Crimes, Reportable Offenses, Reportable Actions (out-of-school suspensions, in-school suspensions, expulsions, and corporal punishment), Transfer offered to Victims, and Uses of Seclusions and Restraints. The Incident Detail Report “view” contains details for all incidents entered and is especially useful for reviewing and verifying how incidents were entered and how behaviors, victims, and actions will be counted and reported. See the *Using PowerSchool Reports to Verify Accuracy of the Data and to Monitor Trends in Discipline Data* section for more information about the individual “views” and other reports available in PowerSchool.

## Final Approval of Discipline Data in PowerSchool at EOY

**Schools and PSUs are required to manually approve the State Discipline Report in PowerSchool between June 1 and June 30<sup>th</sup> of each year.** During this window of time, an “approval” button will be displayed beside the State Discipline Report for schools and PSUs to approve the incident data in the report. Before approving the report at the PSU level, please verify that the report has been run and approved for all schools inside the PSUs. **Once the report is approved, the data are considered final and will be used in federal and state reporting.**

## Expungement of Student Disciplinary Records

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

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

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

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

## Using State Discipline Reports to Verify Accuracy of the Data and to Monitor Trends in Discipline Data

Schools are responsible for entering required discipline data into the PowerSchool Incident Management module or other compatible system. PSUs are responsible for checking data for accuracy and completeness. There are multiple reports and views available in PowerSchool which can be used to ensure the accuracy and completeness of the incident data entered. These reports can also be used by schools and districts to monitor trends, such as disproportionality, within the data during the school year.

All reports available in PowerSchool must be kept confidential (meaning the details of the report can only be shared with school and PSU officials who need to know this information). Even reports that do not contain student identifiers might be used to identify the students. For example, in the Disciplinary Actions by Offense Type and Race/Ethnicity report, the small numbers of students in certain race/ethnicity groups coupled with information on crimes and other offenses might be used to identify a student offender. In following the federal FERPA law, NCDPI uses a “small cell” rule of not publishing data on subgroups smaller than ten.

### State Discipline Report – Exception Views

There are rules within PowerSchool around how behaviors and actions should be entered for an incident in Incident Management. When the school level Discipline Report is run, the system will check to ensure these rules have not been violated. Anything entered that violates these rules is considered to be a potential data entry error and will trigger an exception. These exceptions can either be classified as “Fatal” or “Warning”. An error that triggers a “fatal” exception will not load into the Discipline Report. These incidents will need to be edited before they will load properly into the Discipline Report. Anything that triggers a “warning” exception will still be loaded into the Discipline Report; however, these incidents should be reviewed to ensure they were entered correctly.

To review the incidents that triggered any of the exceptions, select the “Review” button beside the Discipline Report. On the Review-Discipline Report page, select the “category” of “Disc Exceptions” and then select the exception to review under the “data view”. Appendix E provides a list of the exceptions, their descriptions, and suggestions for resolving the errors.

### State Discipline Report – Summary and Detail Views

The State Discipline Report provides 10 on-screen summary and detail “views” of the Violent Crimes, Reportable Offenses, Reportable Actions (out-of-school suspensions, in-school suspensions, expulsions, and corporal punishment), Transfer offered to Victims, and Uses of Seclusions and Restraints. The on-screen views may also be printed as reports.

The available “Disc Views” can be accessed after selecting the “Review” button to the right side of the Discipline Report.

- Reportable Crime Summary View
- Reportable Crime Detail View

- Reportable Actions Summary View
- Reportable Actions Detail View
- Impermissible Uses of Seclusion and Restraint Summary View
- Impermissible Uses of Seclusion and Restraint Detail View
- Transfers Offered to Violent Crime Victims Summary View
- Transfers Offered to Violent Crime Victims Detail View
- Violent Crime Summary View
- Incident Detail View

## State Discipline Report – Incident Detail Report View

The Incident Detail Report found under the State Discipline Report can be used to review all incidents entered in PowerSchool. The incident data found in this report is what is sent to NCDPI and what is used in Federal and State reporting. As such, this report is especially useful when reviewing and verifying how incidents were entered as well as the counts of behaviors, weapons, victims, and actions that will be reported.

In the Incident Data Report, incident data is displayed in a table-style report similar to a spreadsheet or Google sheet. There are 80 columns in the report: each column contains data specific to the incident.

- **Incident descriptive data:** e.g., location, date, incident number – 8 columns
- **Offender descriptive data:** e.g., offender type, offender id, offender demographics – 14 columns.
- **Offender behavior:** e.g., behavior type, behavior type code, and state behavior code for each of the 5 possible behaviors – 15 columns.
- **Offender weapons data:** e.g., weapon type and weapon description for each of the 3 possible weapons – 6 columns.
- **Offender action:** e.g., action type, action type code, and state action code for each of the 5 possible behaviors – 15 columns.
- **Suspension days:** ISS days and OSS days – 2 columns: pulled from the Actual Duration.
- **Action Type Cluster:** in-school suspension, short-term suspension, long-term suspension, 365-day suspension, Remainder of the Year suspension, expulsion, and ALP placement. The values in these columns are “0” or “1.” “1” indicates that the action type was found in any of the offender actions listed in the incident. “0” indicates the action was not found.
- **Victim descriptive data:** e.g., victim type, victim id, victim demographics, transfers offered, and transfers accepted – 13 columns

### Understanding Each Row in the Incident Detail Report View

The number of records (rows) in the report will vary depending on the number of incidents, offenders, and victims entered into the system.

For **incidents with no victims or one victim**, the system will generate a single record for each offender in an incident. The victim data for the one victim entered will be attached to the single record created for each offender. Since there is no mechanism to assign a specific victim to the offender(s) entered in Incident Management, the victim data will be attached to each offender in an incident

For **incidents with more than one victim**, since there is no mechanism to assign a specific victim to the offender(s) entered in Incident Management, all victims entered in an incident are attached to each offender in an incident. As such, for each offender there will be a row generated for every victim in the incident. For example, if there are two offenders and two victims, there will be four records in the reports: two for each offender. The first record for each offender will have the data from the first victim entered and the second record for each offender will have the data from the second victim.

Because all victims are attached to each offender in an incident *and* there is no mechanism for associating specific behaviors or objects (weapons) to specific victims, rules were programmed into the report to exclude certain offender related data in any additional row created in that incident. These rules are to avoid overcounting of behaviors and actions in incidents with more than one victim. Specifically, offender actions, offender behaviors that are considered victimless (e.g., Possession of Controlled Substances, Truancy, etc.) and any objects (weapons) will only be written in one record for the offender(s) in that incident. These rules will eliminate overcounting in *most* incidents involving victims; however, in complex incidents it may be necessary to divide the incident into multiple incidents to further avoid overcounting (see *Guidance on Reporting Victims* for more detail).

An additional rule was programmed into the report to prevent overcounting of certain actions when reported along with an expulsion for an offender. When the action type of "006: Expulsion" is entered as one of the five actions for an offender, if any of the other actions entered in the incident are in-school suspension, out-of-school suspension, suspension for the remainder of the year, or 365-day suspension, only the action type for expulsion will be written in offender record.

Table 1. below provides examples of the records that would be created in the Incident Detail Report for the following 7 incidents.

1. Incident 1 (Row #1) had one offender and no victims so only one record was created for the incident.
2. Incident 2 (Row #2 and #3) had two offenders and no victims and as a result two records were created. In these records, the columns that contain incident descriptive data (e.g., school, incident date, location code, and incident number) are the same for each offender. The columns that contain offender related data contain only data that was entered for that offender (Offender Type, Offender ID, Behavior, Weapon, Action, ISS Days, and OSS Days).
3. Incident 3 (Row #4) had one offender and one victim so only one record was created for the incident.
4. Incident 4 (Row #5 and #6) had two offenders and one victim so two records were created for the incident. In these records, the columns that contain incident descriptive data were the same for each offender. The columns that contained offender related data contain only data that was entered for that offender (Offender Type, Offender ID, Behavior, Weapon, Action, ISS Days, and OSS Days). The victim information was written to each offender record.
5. Incident 5 (Rows #7, #8, and #9) had one offender and three victims. Three records were created for the offender: one for each victim. Each record contained the same incident descriptive data and the same offender demographic data. However, the first record (Row #7) for the offender was the only record that contained all behaviors, actions, and objects.

Rules for avoiding overcounting were applied to how the second and third record was written. In the second record (Row #8), the incident descriptive data, offender descriptive data, offender behavior (that was not considered victimless) and information for the second victim were reported. In the third record (Row #9), the incident descriptive data, offender descriptive data, the offender behavior (that was not considered victimless) and information for the third victim were reported.

6. Incident 6 (Rows #10, #11, #12, and #13) had two offenders and two victims. Four records were written in the report: two records for each offender to capture the data for the two victims in the incident. All four records contained the same incident descriptive data. Each of the records for each offender contained the same offender descriptive data. However, the first record for each offender (Row #10 and #12) was the only record that contained all behaviors, actions, and objects. Rules for avoiding overcounting were applied to how the second record for each offender was written.
  - a. In the second record for offender 1 (Row #11), only the offender behavior that was not considered victimless and information for the second victim was reported.
  - b. In the second record for offender 2 (Row #13), the behavior reported for offender 2 was considered victimless so no behavior was reported on this row. This record also contained no action or object associated with the offender.
7. Incident 7 (Rows #14 and #15) had one offender and two victims. Two records were created for the offender: one for each victim. Each record contained the same incident descriptive data and the same offender demographic data. However, the first record (Row #14) for the offender was the only record that contained all behaviors, actions, and objects. Rules for avoiding overcounting were applied to how the second record was written. The second record (Row #15) does not contain the action or object associated with the offender to avoid overcounting.

**Table 1. Incident Detail Report Example 1**

Row #	School#	Incident Date	Incident #	Offender Type	Behavior 1	Behavior 2	Weapon	Action 1	Victim
1	320306	10/25/2022	1	OFFENDER 1	008-RO: Possession of a weapon		Knife	003 OSS	
2	320306	1/26/2023	2	OFFENDER 1	024-UB: Fighting			002 ISS	
3	320306	1/26/2023	2	OFFENDER 2	024-UB: Fighting			003 OSS	
4	320306	2/3/2023	3	OFFENDER 1	003-RO: Assault on School Personnel			003 OSS	VICTIM 1
5	320306	2/24/2023	4	OFFENDER 1	010-PD: Robbery with a Weapon		Knife	003 OSS	VICTIM 1
6	320306	2/24/2023	4	OFFENDER 2	010-PD: Robbery with a Weapon			003 OSS	VICTIM 1
7	320306	10/27/2022	5	OFFENDER 1	052-UB: Bullying			003 OSS	VICTIM 1
8	320306	10/27/2022	5	OFFENDER 1	052-UB: Bullying				VICTIM 2
9	320306	10/27/2022	5	OFFENDER 1	052-UB: Bullying				VICTIM 3
10	320306	3/27/2023	6	OFFENDER 1	003-RO: Assault on School Personnel	049-RO: Use of Controlled Substance		003 OSS	VICTIM 1
11	320306	3/27/2023	6	OFFENDER 1	003-RO: Assault on School Personnel				VICTIM 2
12	320306	3/27/2023	6	OFFENDER 2	049-RO: Use of Controlled Substance			003 OSS	VICTIM 1
13	320306	3/27/2023	6	OFFENDER 2					VICTIM 2
14	320306	10/26/2022	7	OFFENDER 1	001-PD: Assault Resulting in Serious Injury	008-RO: Possession of a Weapon	Knife	005 365 days	VICTIM 1
15	320306	10/26/2022	7	OFFENDER 1	001-PD: Assault Resulting in Serious Injury				VICTIM 2

## Additional Reports and Data Views in PowerSchool

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

- Disciplinary Actions by Offense Type and Race/Ethnicity\*
- Incident Report by School
- Incident Victim Report by School
- Individual Student Historical Incidents
- Individual Student Incident Report
- Student Incident Report
- Student Individual Incident Report

\*Disciplinary Actions by Offense Type and Race/Ethnicity report breaks down offenses by the type of disciplinary action assigned to students in each race/ethnicity category, allowing administrators to check for disproportionate outcomes at either school or PSU level. For each behavior reported, the number of students receiving a particular disciplinary action will be reported by race/ethnicity. The report uses the standard state abbreviations for race/ethnicity: A, B, H, I, M, P, W for Asian, Black, Hispanic, American Indian, Multiracial, Hawaiian/Pacific Islander, and White. The report will count an action assigned to a student under each behavior that was reported in the incident.

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

## Guidance on Entering Participants in an Incident: Offenders, Reporters, and Victims

Due to State and Federal reporting requirements, all **offenders** – regardless of the identity of the offender, even if unknown – who commit certain behaviors on school property or off school property on a school related trip, **victims** of the nine Violent Crimes and Harassment or Bullying, and **school personnel/authority figures** who secluded, mechanically restrained, physically restrained, or used an aversive procedure on a student and the **student(s)** directly affected must be reported to the NCDPI.

### General Guidance

- A. All Disciplinary Incidents:
  - a. Report an incident regardless of the identity of the offender. This includes, but is not limited to, students from another school/district, staff, parents/guardians, volunteers, and unknown offenders.
  - b. Report an incident for disciplinary action that occurs in the school year even if the behavior occurred in a previous school year.
  - c. Report any incident that occurs from July 1 to June 30 of every year on school grounds or on a school-related field trip. This includes incidents that occur before and after school hours, during intersession breaks, summer sessions, when school is in session, and when school is not in session.
  - d. All disciplinary incidents require a reporter, an offender, a behavior, and an action, even if the offender or the action is unknown or undetermined.
  - e. Behaviors:
    - ii. Report crimes/behaviors where they occur.
    - iii. Report crimes/behaviors committed by any offender (unknown offenders, parents, staff, volunteers, students in all grades PK-13, XG, UG, students from other schools, etc.)
    - iv. Report up to five behaviors for an offender.
    - v. Weapons should also be reported in incidents with weapon-related behaviors.
  - f. Actions:
    - i. Report up to five actions for an offender.
    - ii. Only one full day, out-of-school suspension action type can be entered for an offender. See *Guidance on Reporting Actions>Reporting Out-of-School Suspension*.
    - iii. Only one full day, in-school suspension action type can be entered for an offender. See *Guidance on Reporting Actions>Reporting In-School Suspensions*.
  - g. Weapons:
    - i. Report up to three weapons for an offender.

1. Incidents with more than one offender:
  - a. Multiple offenders can be entered in an incident.
  - b. Generally, students involved in the same or related misbehaviors are included in the same incident; however, schools may use discretion on whether to include multiple students in the same incident. Sometimes it may be necessary to create separate incidents so that the data is reported correctly and to avoid overcounting of behaviors.
  - c. Each offender involved in an incident should be considered separately.
    - An action and a behavior must be entered for each offender in the incident.
2. Incidents where the offender is a student from another school:
  - a. Behaviors and crimes must be reported at the school where they occurred, even if the offender is a student from another school within the same PSU or from another PSU. The principal of the school where the behavior or crime occurs is also responsible for reporting certain criminal act(s) to law enforcement as required by GS 115C-288(g):
    - Example: A student from School B commits an offense at School A. School A would only report the offense and any action taken as a result by School A. School B, where the student is enrolled, would only report the actions taken by School B and would report the behavior as "069: UB Other" since the offense did not occur at school B. Use the narrative to explain the reason for the disciplinary action and the reason that the crime was not reported at School B. It may be necessary for School A and School B to work with each other and/or the PSU's Discipline Data Coordinator to ensure that the incident was entered correctly at both schools.
3. Incidents with victims:
  - a. For all Violent crimes and certain behaviors, such as Bullying and Harassment, a victim(s) should be reported with the incident. In these incidents, especially if there are multiple offenses associated with the offender and/or multiple victims, the incident might need to be entered as multiple incidents to avoid overcounting of behaviors. The *Reporting Incidents with Victims* section goes into detail on how to report these incidents.
  - b. If it is necessary to separate an incident and enter it as multiple incidents, if an offender(s) is in multiple incidents, only enter the offender action(s) in one of the incidents. For the other incidents, the action should be entered as "145 Concurrent Incident/Duplicative Action".

## Entering Participants in an Incident

In PowerSchool, a participant is any person associated with an incident, such as the offender or victim. "Participant Attributes" are assigned to each participant in order to determine the role of the participant in the incident and type of participant.

Use the following guidance when entering participants into PowerSchool. The Quick Reference Document on entering incidents in PowerSchool may be found at:

[https://files.nc.gov/dpi/documents/student\\_info/PS\\_QRD\\_Incidents.pdf](https://files.nc.gov/dpi/documents/student_info/PS_QRD_Incidents.pdf)

## Participant Roles

When a participant is entered in an incident in PowerSchool, the role of the participant in the incident must be assigned to the participant. The roles that can be selected are: 1) reporter, 2) offender, 3) victim, or 4) witness. A participant can only be assigned one role in the incident. Every incident must have at a minimum two participants: a reporter and an offender.

1. **Reporter:** A reporter is required for every incident that is entered into PowerSchool. A participant entered as a reporter cannot also be entered as an offender, victim, or witness in the same incident.
  - NCDPI recommends, but does not require, using the following definition to determine who should be entered as the reporter: the reporter is the teacher, or school staff, who witnessed or who was made aware of an incident and reported the incident to the appropriate school staff or school administrator.
2. **Offender:** At least one offender is required for every incident that is entered into PowerSchool, even if the offender is unknown. A participant entered as an offender cannot also be entered as a reporter, witness, or victim in the same incident.
  - If a participant is both an offender and a victim in an incident, the incident should be entered as separate incidents where the participant is an offender in one and a victim in the other.
3. **Victim:** PowerSchool does not require a victim to be entered in an incident. A participant entered as a victim cannot also be entered as a reporter, witness, or offender in the same incident. If a participant is both an offender and a victim in an incident, the incident should be entered as separate incidents where the participant is an offender in one and a victim in the other.
  - For incidents involving all violent crimes and certain behaviors, such as Bullying and Harassment, a victim(s) should be reported with the incident. Complex incidents that involve multiple offenders, victims, and/or behaviors might need to be entered as multiple incidents to avoid overcounting of behaviors. The *Reporting Incidents with Victims* section goes into detail on how to report these incidents.
  - Victims should not be entered for incidents in which all offender behaviors have been designated as “victimless” (see *Entering Incidents with Victims*).
  - Caution should be taken when entering victims to ensure that the participant being entered is a victim of the behavior(s) that occurred in the incident and not a witness to the behavior.
4. **Witness:** PowerSchool does not require a witness to be entered in an incident nor are witnesses required for state or federal reporting. A participant entered as a witness cannot also be entered as a reporter, victim, or offender in the same incident.
  - Caution should be taken when entering a witness to ensure that the participant being entered is a witness to the behavior(s) that occurred and not a victim of the behavior.

## Participant Types

In addition to roles, the participant type is another attribute that is designated for each participant in an incident. The participant type identifies the participant as either a student, staff member, parent/guardian, etc. There are thirteen different participant type codes that can be used to assign participant type (see Appendix A).

## Entering Participants in Disciplinary Incidents

- **Student Participants:**
  - *Student offenders enrolled in the school where the incident occurred:* When searching for student offenders who are enrolled in the school where the incident occurred, if the student offender is an active student in PowerSchool make sure the check box beside “is Active” is selected. If the student offender is not an active student in PowerSchool, uncheck the box beside “is Active.”
    - When assigning participant attributes, select the appropriate role and select the participant type code of “01 – Student from this school”.
  - *Students from another school within the same PSU:*
    - *Entering incidents at the school level:* It may be necessary for the schools to work with each other and/or the PSU’s Discipline Data Coordinator to ensure that the participant information is entered correctly at both schools.
    - *Entering incidents at the PSU level:* When searching for a student offender who is enrolled in a different school within the same PSU, change the context to the school where the student is currently enrolled.
      - When assigning participant attributes, select the appropriate role and select the participant type code of “06 – Student from another school”.
  - *Students from another school in a different PSU:* When searching for student offender who is enrolled in a different the school in a different PSU, select “Create Other” and then enter in the information that is known about the student.
    - When assigning participant attributes, select the appropriate role and select the participant type code of “06 – Student from another school”.
- **Administrators, Staff, and School Personnel who have a staff record in PowerSchool:**
  - When searching for the offender, select type as “Staff” and change the context to the school or location where the staff is employed, if needed.
  - When assigning participant attributes, select the appropriate role and one of the following as the participant type code: “02 – Teacher”, “03 – Staff”, “04 – Administrator”, “08 – Other professional”, “09 – Non-professional”, or “14 – School Resource Officer”.
- **School Personnel who do not have a staff record in PowerSchool:**
  - When searching for the participant, select “Create Other” and then enter in the information that is known about the offender.
  - When assigning participant attributes, select the appropriate role and one of the following as the participant type code: “02 – Teacher”, “03 – Staff”, “04 – Administrator”, “08 – Other professional”, “09 – Non-professional”, or “14 – School Resource Officer”.
- **Parents/Caregivers or Relatives, Non-Student/Non-staff, Volunteer, and Other:**
  - When searching for the participant, select “Create Other” and then enter in the information that is known about the offender.

- When assigning participant attributes, select the appropriate role and one of the following as the participant type code: “05 – Parent/Caregiver or Relative”, “07 – Non-Student/Non-staff”, “12 – Volunteer”, or “10 – Other”.
- **Unknown Participants/Offenders:**
  - When searching for the participant, select “Create Other” then select the checkbox beside “Mark Person as Unknown”.
  - When assigning participant attributes, select the appropriate role and the participant type code of “11 – Unidentified Offender”.

## Entering Participants in Incidents involving the Use of Seclusion, Restraints, and Aversive Procedures

Before entering these incidents, review the federal and state reporting requirements and definitions found in [Guidance for Reporting Uses of Seclusion and Restraint](#) section of this manual and review the subsection [Entering Incidents involving the Use of Seclusion and Restraint in PowerSchool](#) for how to enter in these incidents.

## Guidance on Reporting Behaviors

Use the following guidance to help decide which behavior(s)/offense(s) to report, especially when serious offenses are committed. Each offender involved in an incident should be considered separately. Report up to 5 behaviors for each offender in an incident.

NCDPI is responsible for adding new or changing existing locations, offender types, victim types, offender behaviors, offender actions, victim actions, and weapon types to be used in reporting. PSUs should contact NCDPI regarding any desired additions or changes.

### General Guidance

#### A. All Disciplinary Incidents:

- a. Report an incident regardless of the identity of the offender. This includes, but is not limited to, students from another school/district, staff, parents/guardians, volunteers, and unknown offenders.
- b. Report an incident for disciplinary action that occurs in the school year even if the behavior occurred in a previous school year.
- c. Report any incident that occurs from July 1 to June 30 of every year on school grounds or on a school-related field trip. This includes incidents that occur before and after school hours, during intersession breaks, summer sessions, when school is in session, and when school is not in session.
- d. All disciplinary incidents require a reporter, an offender, a behavior, and an action, even if the offender or the action is unknown or undetermined.
- e. Behaviors:
  - vi. Report crimes/behaviors where they occur.
  - vii. Report crimes/behaviors committed by any offender (unknown offenders, parents, staff, volunteers, students in all grades PK-13, XG, UG, students from other schools, etc.)
  - viii. Report up to five behaviors for an offender.
  - ix. Weapons should also be reported in incidents with weapon-related behaviors.
- f. Actions:
  - x. Report up to five actions for an offender.
  - xi. Only one full day, out-of-school suspension action type can be entered for an offender. See *Guidance on Reporting Actions>Reporting Out-of-School Suspensions*.
  - xii. Only one full day, in-school suspension action type can be entered for an offender. See *Guidance on Reporting Actions>Reporting In-School Suspensions*.
- g. Weapons:
  - xiii. Report up to three weapons for an offender.

#### B. Incidents where the offender is a student from another school:

- a. Behaviors and crimes must be reported at the school where they occurred, even if the offender is a student from another school within the same PSU or from another PSU. The principal of the school where the behavior or crime occurs is also responsible for reporting certain criminal act(s) to law enforcement as required by GS 115C-288(g):
  - Example: A student from School B commits an offense at School A. School A would only report the offense and any action taken as a result by School A. School B, where the student is enrolled, would only report the actions taken by

School B and would report the behavior as “069: UB Other” since the offense did not occur at school B. Use the narrative to explain the reason for the disciplinary action and the reason that the crime was not reported at School B. It may be necessary for School A and School B to work with each other and/or the PSU’s Discipline Data Coordinator to ensure that the incident was entered correctly at both schools.

- C. Incidents with more than one behavior for an offender:
  - a. Up to five behaviors can be reported per offender in an incident.
  - b. For each offender in an incident, report the most serious offense(s) first. See the *Guidance on Reporting Behaviors/Acts>Reporting Multiple Behaviors* section.
  - c. Report each additional offense committed that is not subsumed by a previously reported offense. See the *Guidance on Reporting Behaviors/Acts>Reporting Reportable Offenses that are Subsumed by Other Reportable Offenses* section for more details.
  - d. Generally, students involved in the same or related misbehaviors are included in the same incident; however, schools may use discretion on whether to include multiple students in the same incident. Sometimes it may be necessary to create separate incidents so that the data is reported correctly and to avoid overcounting of behaviors.
  - e. The same reportable offense behavior listed under Incident Elements cannot be entered more than once for an offender.
- D. Incidents with weapon-related offenses:
  - a. For each weapon-related offense, the type of weapon should be reported.
    - Example: For an offender who had a knife on school grounds, report the “Possession of weapon” as the behavior and add an object of “Knife”.
  - b. If an offender is in possession of more than one weapon, report a separate possession of weapon for each.
- E. Incidents involving Possession, Use or Sale of Contraband items:
  - a. Enter a separate behavior for each possession, use, or sale of a specific contraband item. Do not report a separate behavior if a student possesses multiple containers of the same item in the same incident. The *Guidance on Reporting Behaviors/Acts>Reporting Possession of Controlled Substances* section goes into detail on how to report these incidents.
  - b. 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.”
- F. Incidents with behaviors that occurred in a different school year:
  - a. Any behavior that must be reported to the state should be reported in PowerSchool whenever school officials become aware that the act occurred, regardless of when the act occurred. Therefore, it is possible that a behavior that occurred in a previous year will need to be reported in the current year’s data.
- G. Incidents that occurred during summer school or during the summer:
  - a. Report summer school incidents whenever they occur. June incidents may be entered in the current school year data, while incidents occurring in July and August should be reported in the next school year data. If a June incident cannot be entered before June 30 (EOY), it is acceptable to enter the incident in the next school year.

## Entering Behaviors

The school discipline data coordinator should consult the current listing of Behaviors in [Appendix A](#), the definitions of the Violent Crimes, Reportable Offenses, and Reportable Behaviors in [Appendix B](#), and *the Guidance on Reporting Acts* section of this manual in deciding how to report the acts committed by an offender.

Behaviors reported by selecting the appropriate **behavior type** from a standard list provided by NCDPI. Due to differing reporting requirements across state and federal reports **and** to provide PSUs and schools with the more granular data needed for their own reporting purposes, a behavior may have one or more behavior types that can be selected to report that specific behavior. (The behavior types can be found in Appendix A.)

Behaviors are reported by selecting the appropriate **behavior type** from a standard list provided by NCDPI. All behavior types have a unique 3-digit **behavior type code** (e.g., “001”), a unique **behavior description** (e.g., “Assault resulting in serious injury”) and in most behaviors have a **general behavior category indicator\*\*** (e.g., “PD” for Persistently Dangerous/Violent Crimes). Together these are often displayed as “001-PD: Assault resulting in a serious injury”. See Appendix A for a complete list of all behavior types and their descriptions available.

The general behavior category indicators are:

- PD – Persistently Dangerous/Violent Crimes
- RO – Reportable Offenses
- RB – Reportable Behaviors
- UB – Unacceptable Behaviors
- SR – Seclusion and Restraints
- ND – Non-Disciplinary/Outside Incidents

All behaviors in the **Persistently Dangerous/Violent Crimes**, **Reportable Offenses**, and the **Reportable Behaviors** categories are required to be reported to NCDPI within five school days of occurrence and are defined in North Carolina General Statue and in some cases further defined by federal reporting requirements.

The behaviors in the **Reportable Behavior** category are defined in statute or federal regulation. These behaviors are also to be reported to NCDPI within 5 days of occurrence. As of the publication of this manual, the general behavior category indicator “UB” is used for both the Unacceptable Behavior and Reportable Behavior general behavior category. Changes are underway to update the indicator for all Reportable Behaviors to “RB” instead of “UB”.

The behaviors in the **Unacceptable Behavior** category are not defined in statute. These behaviors are available for PSUs and schools use for their own reporting purposes and needs. Guidance and definitions provided in this manual for behaviors in the Unacceptable Behavior should be considered illustrative and should not supersede any guidance found in the PSU’s Student Code of Conduct

All behaviors in the **Seclusion and Restraints** category are defined either by federal regulation or statute and must also be reported to NCDPI.

**Non-Disciplinary/Outside Incident** category contains behaviors that result in an action being taken by a school. These are behaviors that are not required to be reported as they:

- 1) were reported in a previous school year, but the action continued into the current school year (e.g., 365 day Out-of-School Suspension),
- 2) occurred off school grounds and not on a school field trip, but due to local board policy an action was taken by the school in response (e.g., felony charge for a crime committed while in the community or nearby neighborhood/community threat), and
- 3) are not crimes, offenses, or unacceptable behaviors, but resulted in an action being taken by the school (e.g., threats of harms to self or no immunization records).

**\*\*As of the publication of this manual, the general behavior category indicator “UB” is used for both the *Unacceptable Behavior* and *Reportable Behavior* severity category. Changes are underway to update the indicator for all *Reportable Behaviors* to “RB” instead of “UB”. In addition, the general behavior category indicator for behaviors within the general *Seclusion and Restraint (SR)* and *Non-Disciplinary/Outside Incidents (NI)* categories are also being updated (see the *Behavior and Action Types, Categories, and Clusters* section below).**

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

## Reporting Multiple Behaviors

Report up to five behaviors for each offender in an incident. When entering an incident with multiple behaviors, enter the most serious behavior first. Behavior types with the prefix of PD should be entered first, followed by behavior types with the prefix of RO, and then behavior types with the prefix of UB. When entering an incident involving UB behaviors, enter those in order of severity as well.

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

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

**Reporting:** Because the pills and the marijuana are separate items, two behaviors will be reported, “Possession of a controlled substance in violation of law – marijuana” and “Possession of a controlled substance in violation of law-other.” Note that both behavior types will map to the reporting category of “Possession of Controlled Substance in Violation of Law,” resulting in two reportable crimes. Because the student was not 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.

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

Reporting: First note that the size of the pocket knife blade does not matter. All robberies and assaults with weapons must be reported. Because the robberies took place at different times and involved four victims, four acts of "Robbery with a Dangerous Weapon" will be reported. There are two ways to report this incident in PowerSchool. Either method will yield four reported crimes.

- The preferred way to enter this is to enter the incident as one incident in PowerSchool with each of the four victims should be listed in the incident. Only add the behavior type "010-PD: Robbery with a Dangerous Weapon" once under the offender. The State Incident Detail was programmed to add the behavior for each victim, yielding the correct number of crimes committed by an offender. Adding the four victims to the incident will yield four acts of "Robbery with a Dangerous Weapon." Even though the student used a weapon in the robbery, "Possession of a Weapon" is subsumed by the more serious "Robbery with a Dangerous Weapon" and does not have to be reported.
- Another way to report these acts is to create a separate incident for each robbery and victim. CAUTION should be taken when entering the incident this way. The actions associated with the offender should be added to only one of the four separate incidents to avoid overcounting the actions. For the other incidents, the action should be entered as "145 Concurrent Incident/Duplicative Action".
- See the *Guidance for Entering and Reporting Incidents with Victims* section for more detail on entering incidents with victims.

**Scenario #3:** Two students are fighting in the hallway. A teacher attempts to restrain one of the students. The student becomes enraged and turns on the teacher, hitting them several times and knocking them down. The teacher is then 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 victim was assaulted by only one of the students, to avoid overcounting of behaviors and victims, this incident should be reported as two separate incidents: one for the fight between the two students and one for the assault on the teacher.

- *Entering the incident for fighting:* Both students who were fighting would be entered as offenders and would have a behavior of "024-UB: Fighting". For the student who assaulted the teacher, only report any actions if they are separate from the actions taken as a result of the assault. If the actions taken are the same or are included in the actions taken as a result of the assault, enter "063 Other" in this incident. Reference the assault on the teacher in the incident notes.
- *Entering the incident for the assault of the teacher:* Only the student involved in the assault would be entered as an offender in this incident. Because the assault

resulted in a “permanent or protracted condition that causes extreme pain” for the victim, the first act reported is “Assault Resulting in Serious Injury.” Even though a teacher is the victim, “Assault on School Personnel” would not be reported since “Assault on School Personnel” is only be reported when the assault does not involve serious injuries or the use of a weapon.

- See the *Guidance for Entering and Reporting Incidents with Victims* section for more detail on entering incidents with victims.

**Scenario #4:** A student assaults another student with a knife. While investigating a bottle of wine and a handgun are found in the student’s bookbag.

Reporting: In this scenario, the first act reported is the “Assault Involving the Use of a Weapon.” Even though the student was in possession of the weapon for the assault to occur, “Possession of a Weapon” is subsumed by the more serious “Assault Involving the Use of a Weapon” and does not have to be reported. Since 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). An “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 the possession of alcohol would also be reported.

## Violent Crimes and Definitions

### ASSAULT INVOLVING USE OF A WEAPON, FIREARM, OR POWERFUL EXPLOSIVE (G.S. §14-32 THROUGH 14-34.10 AND G.S. 14-34 THROUGH 14-34.10 AND 14-49 THROUGH 14-50.1)

An intentional offer or attempt by force or violence to the person of another that causes reasonable apprehension of immediate bodily harm through the use of any firearm or other dangerous weapon, implement or means, any explosive or incendiary device or material, or discharges or attempts to discharge a firearm into occupied property, from within an enclosure to incite fear, or from an enclosure toward a person(s) outside enclosure as part of gang activity.

#### Behavior type(s) to use for reporting:

- 002-PD: Assault involving the use of a weapon
- 104-PD: Physical attack with a firearm or explosive device
- See *Weapon-related Reportable Offenses/Behaviors*
- See *Reporting Assaults, Affrays, and Fights*

### ASSAULT RESULTING IN SERIOUS PERSONAL INJURY (G.S. §14-32.4)

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.

**Behavior type(s) to use for reporting:**

- 001-PD: Assault resulting in serious injury
- See *Reporting Assaults, Affrays, and Fights*

## **HOMICIDE (G.S. 14-17 AND 14-18)**

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 killing or 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 of opium, opiate, or opioid or any other synthetic or natural salt, compound, derivative, or preparation of opium, cocaine or other substance described in G.S. §90-90(1)d., methamphetamine, or a depressant described in G.S. 90-92(a)(1) and ingestion by the user results in, or (10) all other types of murder.

**Behavior type(s) to use for reporting:**

- 004-PD: Homicide

## **INDECENT LIBERTIES WITH A MINOR (G.S. §14-202.1, 14-202.2 AND 14-202.4)**

**Taking indecent liberties with children:** 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.

**Indecent liberties between children:** A person who is under the age of 16 years is guilty of taking indecent liberties with children if the person either: (1) willfully takes or attempts to take any immoral, improper, or indecent liberties with any child of either sex who is at least three years younger than the defendant 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 who is at least three years younger.

**Indecent liberties with a student:** A person is found guilty of taking indecent liberties with a student if a defendant, is a teacher, school administrator, student teacher, school safety officer, or coach, at any age, or other school personnel, takes indecent liberties with a victim who is a student, at any time during or after the time the defendant and victim were present together in the same school but before the victim ceases to be a student. Consent is not a defense. A person is not guilty of taking indecent liberties with a student if the person is lawfully married to the student.

**Behavior type(s) to use for reporting:**

- 015-PD: Taking indecent liberties with a minor

## **KIDNAPPING (G.S. 14-39)**

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.

### **Behavior type(s) to use for reporting:**

- 016-PD: Kidnapping

## **RAPE (G.S. § 14-27.21 THROUGH 14 -27.25)**

### **First-degree forcible rape:**

- a person is guilty if the person engages in vaginal intercourse with another person by force and against the will of the other person, and does any of the following: 1) uses, threatens to use, or displays a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous weapon, 2) inflicts serious injury on the victim or another person, and/or 3) the person commits the offense aided and abetted by one of more other persons.

### **Second-degree forcible rape:**

- a person is guilty if the person engages in vaginal intercourse with another person by force and against the will of the other person OR
- a person is guilty if the person engages in vaginal intercourse with another person who has a mentally disability, is mentally incapacitated, or physically helpless and the person performing the act knows or should reasonably know that the other person has a mentally disability, is mentally incapacitated, or physically helpless.

### **Statutory rape of a child by an adult:**

- a person is guilty if the person is at least 18 years of age and engages in vaginal intercourse with a victim who is a child under the age of 13 years.

### **First-degree statutory rape:**

- if the defendant engages in vaginal intercourse with 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.

**Statutory rape of person who is 15 years of age or younger:**

- if the defendant engages in vaginal intercourse with another person who is 15 years of age or younger and the defendant is at least 12 years old and at least six years older than the person, except when the defendant is lawfully married to the person.

**Behavior type(s) to use for reporting:**

- 012-PD: Rape

**ROBBERY WITH A DANGEROUS WEAPON, FIREARM, OR POWERFUL EXPLOSIVE (G.S. §14-87)**

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.

**Behavior type(s) to use for reporting:**

- 010-PD: Robbery with a dangerous weapon
- 103-PD: Robbery with a firearm or powerful explosive
  - See *Weapon-related Reportable Offenses/Behaviors*
  - See *Reportable Offenses that are Subsumed by Other Reportable Offenses*

**SEXUAL ACTIVITY, BATTERY, CONTACT AND PENETRATION UNDER PRETEXT OF MEDICAL TREATMENT AS DEFINED IN G.S. 14-31 THROUGH 33)****Sexual Battery:**

- 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
- 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 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.
  - G.S. § 14-27.20(5) defines "sexual contact" as A) touching the sexual organ, anus, breast, groin, or buttocks of any person, B) a person touching another person with their own sexual organ, anus, breast, groin, or buttocks, C) a person ejaculating, emitting, or placing semen, urine, or feces upon any part of another person.
  - G.S. § 14-27.20(6) defines "touching" as "physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim."

**Sexual activity by a substitute parent or custodian:**

- If a defendant who has assumed the position of a parent in the home of a minor victim engages in vaginal intercourse or a sexual act with a victim who is a minor residing in the home, OR
- If a person having custody of a victim of any age or a person who is an agent or employee of any person, or institution, whether such institution is private, charitable, or governmental, having custody of a victim of any age engages in vaginal intercourse or a sexual act with such victim.

**Sexual activity with a student:**

- If a defendant, who is a teacher, school administrator, student teacher, school safety officer, or coach, at any age, or who is other school personnel, engages in vaginal intercourse or a sexual act with a victim who is a student, at any time during or after the time the defendant and victim were present together in the same school, but before the victim ceases to be a student, the defendant is guilty of a Class G felony, except when the defendant is lawfully married to the student.
- The term "same school" means a school at which the student is enrolled and the defendant is employed, assigned, or volunteers.

**Sexual contact or penetration under pretext of medical treatment:**

- Unless the conduct is covered under some other provision of law providing greater punishment, a person who undertakes medical treatment of a patient is guilty if the person does any of the following in the course of that medical treatment:
  - Represents to the patient that sexual contact between the person and the patient is necessary or will be beneficial to the patient's health and induces the patient to engage in sexual contact with the person by means of the representation.
  - Represents to the patient that sexual penetration between the person and the patient is necessary or will be beneficial to the patient's health and induces the patient to engage in sexual penetration with the person by means of the representation.
  - Engages in sexual contact with the patient while the patient is incapacitated.
  - Engages in sexual penetration with the patient while the patient is incapacitated.
- Sexual contact is defined as "the intentional touching of a person's intimate parts or the intentional touching of the clothing covering the immediate area of the person's intimate parts, if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification, done for a sexual purpose, or done in a sexual manner."
- Sexual penetration is defined as "sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body, regardless of whether semen is emitted, if that intrusion can reasonably be construed as being for the purpose of sexual arousal or gratification, done for a sexual purpose, or done in a sexual manner."

**Behavior type(s) to use for reporting:**

- 014-PD: Sexual Assault not including rape or sexual offense
- 122-PD: Sexual Activity/Pretext Medical Treatment

## SEXUAL OFFENSE (G.S §14-27.26 THROUGH 14-27.30)

### First-degree forcible sexual offense:

- A person is guilty of a sexual offense in the first degree if the person engages in a sexual act with another person by force and against the will of the other person, and does any of the following:
  - 1) uses, threatens to use, or displays a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous weapon,
  - 2) inflicts serious injury on the victim or another person, and/or
  - 3) the person commits the offense aided and abetted by one of more other persons.

### Second-degree forcible sexual offense:

- if the person engages in a sexual act with another person by force and against the will of the other person OR
- if the person engages in a sexual act with another person who has a mentally disability, is mentally incapacitated, or physically helpless and the person performing the act knows or should reasonably know that the other person has a mentally disability, is mentally incapacitated, or physically helpless.

### Statutory sexual offense of a child by an adult:

- if the person is at least 18 years of age and engages in a sexual act with a victim who is a child under the age of 13 years.

### First-degree statutory sexual offense:

- if the defendant engages in a sexual act with 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.

### Statutory sexual offense of person who is 15 years of age or younger:

- if the defendant engages in a sexual act with another person who is 15 years of age or younger and the defendant is at least 12 years old and at least six years older than the person, except when the defendant is lawfully married to the person.

**Definition of sexual act (G.S § 14-27.20):** Sexual act is defined as “cunnilingus, fellatio, anilingus, or anal intercourse, but does not include vaginal intercourse. Sexual act also means the penetration, however slight, by any object into the genital or anal opening of another person's body.”

### Behavior type(s) to use for reporting:

- 013-PD: Sexual Offense
- The difference between a sexual assault/battery 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.

## Reportable Offenses and Definitions

### ASSAULT ON SCHOOL OFFICIALS, EMPLOYEES, AND VOLUNTEERS (G.S. §14-33(C)(6))

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.

#### Behavior type(s) to use for reporting:

- 003-RO: Assault on school personnel

### MAKING BOMB THREATS OR ENGAGING IN BOMB HOAXES (G.S. §14-69.2)

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.

#### Behavior type(s) to use for reporting:

- 043-RO: Bomb Threat

### POSSESSION OF CONTROLLED SUBSTANCE IN VIOLATION OF LAW (G.S. §90-86 THROUGH 90-113.8)

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, substance, or immediate

precursor included 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.

**Behavior type(s) to use for reporting:**

- 005-RO: Possession of cocaine
- 006-RO: Possession of marijuana
- 007-RO: Possession of Ritalin
- 017-RO: Possession of controlled substance-other
- 087-RO: Possession of another person's prescription
- 118-RO: Possession of controlled substance- opioid
- 131-RO: Possession of vaping device - CS/THC
- 054-RO: Sale of cocaine
- 055-RO: Sale of marijuana
- 056-RO: Sale of Ritalin
- 057-RO: Sale of controlled substance other
- 119-RO: Sale of controlled substance - opioid
- 049-RO: Use of controlled substances
- 050-RO: Use of narcotics
- 132-RO: Use of vaping device - CS/THC
- 088-RO: Distribution of a prescription drug
- See *Reportable Offenses that are Subsumed by Other Reportable Offenses*
- See *Reporting Possession of Controlled Substances*

## **POSSESSION OF A FIREARM OR POWERFUL EXPLOSIVE ON CAMPUS OR OTHER EDUCATIONAL PROPERTY IN VIOLATION OF G.S. 14-269.2**

Possession of a Firearm or Powerful Explosive (G.S. §14-269.2(b) and (b1)): It is unlawful for any person to possess or carry, whether openly or concealed, 1) any gun, rifle, pistol, or other firearm of any kind and 2) any dynamite cartridge, bomb, grenade, mine, or powerful explosive as defined in G.S. §14-284.1 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, air pistol or fireworks.
- No person shall be guilty of a criminal violation so long as both of the following apply: (1) The person comes into possession of a weapon by taking or receiving the weapon from another person or by finding the weapon and (2) the person delivers the weapon, directly or indirectly, as soon as practical to law enforcement authorities.
- Firefighters, emergency service personnel, North Carolina Forest Service personnel, detention officers employed by and authorized by the sheriff to carry firearms, and any private police employed by a school, when acting in the discharge of their official duties.
- A volunteer school safety resource officer providing security at a school pursuant to an agreement as provided in G.S. 115C-47(61) and either G.S. 162-26 or G.S. 160A-288.4, provided that the volunteer school safety resource officer is acting in the discharge of the person's official duties and is on the educational property of the school that the officer was assigned to by the head of the appropriate local law enforcement agency.

**Behavior type(s) to use for reporting:**

- 009-RO: Possession of firearm or powerful explosive
- See *Weapon-related Reportable Offenses/Behaviors*

**POSSESSION OF A WEAPON ON CAMPUS OR OTHER EDUCATIONAL PROPERTY IN VIOLATION OF G.S. 14-269.2**

Possession of a Weapon (G.S. §14-269.2, G.S. §14-269.2(d)): 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) slungshot,
  - (9) leaded cane,
  - (10) switchblade knife,
  - (11) blackjack,
  - (12) metallic knuckles,
  - (13) razors and razor blades (except solely for personal shaving),
  - (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, and maintenance.
- “Switchblade knife” is defined as “a knife containing a blade that opens automatically by the release of a spring or a similar contrivance”.
  - “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.
  - No person shall be guilty of a criminal violation so long as both of the following apply: (1) The person comes into possession of a weapon by taking or receiving the weapon from another person or by finding the weapon and (2) the person delivers the weapon, directly or indirectly, as soon as practical to law enforcement authorities.
  - 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, Firefighters, emergency service personnel, North Carolina Forest Service personnel, detention officers employed by and authorized by the sheriff to carry firearms, and any private police employed by a school, when acting in the discharge of their official duties.

**Behavior type(s) to use for reporting:**

- 008-RO: Possession of weapon (excluding firearms and powerful explosives)
- See *Weapon-related Reportable Offenses/Behaviors*
- See *Reportable Offenses that are Subsumed by Other Reportable Offenses*

## UNLAWFUL, UNDERAGE SALES, PURCHASE, PROVISION, POSSESSION, OR CONSUMPTION OF ALCOHOLIC BEVERAGES (G.S. §18B-302)

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.

### **Behavior type(s) to use for reporting:**

- 020-RO: Alcohol possession
- 048-RO: Use of alcoholic beverages
  - See *Reportable Offenses that are Subsumed by Other Reportable Offenses*

## WILLFULLY BURNING A SCHOOL BUILDING (G.S. §14-60)

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.

### **Behavior type(s) to use for reporting:**

- 053-RO: Burning of a school building

## Reporting Possession of Controlled Substances

There are multiple behavior types available that are reported under the Reportable Offense category of Possession of Controlled Substance. When reporting these incidents, report a separate behavior for each possession, use, or sale of a *different* 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” and enter both behaviors in PowerSchool.

Additionally, “Sale of a Controlled Substance” and “Use of a Controlled Substance” both subsume “Possession of a Controlled Substance” if it is the same type of controlled substance. See the section on *Reporting Reportable Offenses that are Subsumed by Other Reportable Offenses* for more detail.

If an offender is in possession of their own prescription of a controlled substance consult the PSU’s board attorney or the appropriate law enforcement agency to determine if the possession is in violation of law.

## Weapons-Related Reportable Offenses/Behaviors

The Reportable Offense Categories of “Assault involving the Use of a Weapon”, “Possession of a Firearm or Powerful Explosive”, “Possession of a Weapon”, and “Robbery WITH a Dangerous Weapon (Armed Robbery)” and the behavior types under each category are considered weapons-related offenses. These reportable offenses are defined in General Statute as are the weapons associated with each.

Consult with the responding law enforcement officer, SRO or with your PSU’s legal counsel for questions about which behavior type and weapon code is most appropriate. See *Guidance on Entering Objects in an Incident: Weapons* for information on how to enter weapons in an incident.

Use the following as guidance on how to report these offenses.

- “Possession of Weapon”: There are specific definitions in statute for the objects that when found on school property and on school related trips are considered weapons and must be reported to NCDPI under “Possession of Weapon”. Incidents in which the objects possessed by individuals that are not defined in statute should not be coded using this behavior type.
  - This code should only be used when a student is in possession of an object that is defined in statute as a weapon.
  - When a student is in possession of an object that is not defined in statute as a weapon, **but** the object is considered a weapon by PSU’s Board Policy use the behavior code of “040 - Inappropriate items on school property”.
- “Possession of Firearm or Powerful Explosive”: There are specific definitions in statute for the objects that when found on school property and on school related trips are considered firearms and powerful explosives and must be reported to NCDPI using the appropriate behavior type under the “Possession of Firearm or Powerful Explosive” reportable category. Incidents in which the objects possessed by individuals that are not defined in statute should not be coded using this behavior type.
- “Assault Involving the Use of a Weapon”:
  - Any object defined under “Possession of Weapon” or “Possession of Firearm or Powerful” can be used in an assault. *Additionally*, objects other than those defined in G.S. §14-269 as a weapon, firearm, and powerful explosive can also be used during an assault as a weapon. Consult with the responding law enforcement officer, SRO, or with the PSU’s legal counsel to determine if the object used should be considered a weapon that was used during an assault and if “Assault Involving the Use of a Weapon” is the appropriate code to use.
  - “Assault Involving the Use of a Weapon” subsumes “Possession of a Weapon” or “Possession of a Firearm” for the weapon/firearm that was used in the assault. As such, only the “Assault Involving the Use of a Weapon” would be reported in these incidents. However, if the offender was found to be in possession of multiple weapons/firearms (as defined in General Statute), but only used one in the assault, additional the behavior type of “Possession of Weapon” or “Possession of Firearm” should be entered for each additional weapon/firearm possessed but not used. See the section on *Reporting Reportable Offenses that are Subsumed by Other Reportable Offenses* for more detail.

- “Robbery WITH a Dangerous Weapon (Armed Robbery)”:
  - Any object defined under “Possession of Weapon” or “Possession of Firearm or Powerful” can be used in a robbery. *Additionally*, objects other than those defined in G.S. §14-269 as a weapon, firearm, and powerful explosive can be used during a robbery as a weapon. Consult with the responding law enforcement officer, SRO, or with the PSU’s legal counsel to determine if the object used should be considered a weapon that was used during a robbery and if “Robbery WITH a Dangerous Weapon (Armed Robbery)” is the appropriate code to use.
  - “Robbery WITH a Dangerous Weapon (Armed Robbery)” subsumes “Possession of a Weapon” or “Possession of a Firearm” for the weapon/firearm that was used in the assault. As such, only the “Robbery WITH a Dangerous Weapon (Armed Robbery)” would be reported in these incidents. However, if the offender was found to be in possession of multiple weapons/firearms (as defined in General Statute), but only used one in the assault, additional behavior type of “Possession of Weapon” or “Possession of Firearm” should be entered for each additional weapon/firearm possessed but not used. See the section on *Reporting Reportable Offenses that are Subsumed by Other Reportable Offenses* for more detail.

## Reporting Reportable Offenses that are Subsumed by Other Reportable Offenses

There are multiple reportable offenses that for them to occur another reportable offense also must occur. For reporting purposes and to avoid overcounting the number of reportable offenses that occurred, only one is reported in an incident. For example, “Assault with a weapon” cannot occur without the “Possession of a Weapon”. In this case, only the “Assault with a weapon” is reported. (See also Scenario #4 in *Reporting Multiple Behaviors – Example Scenarios*)

This is the list of reportable offenses that subsume other reportable offenses. Only the most serious behavior is reported.

1. “Assault Involving the Use of a Weapon” subsumes “Possession of Weapon.”
  - Only “Assault Involving the Use of a Weapon” is reported.
2. “Physical attack with a firearm or explosive device” subsumes “Possession of Firearm.”
  - Only the “Physical attack with a firearm or explosive device” is reported.
3. “Robbery with a dangerous weapon” subsumes “Possession of Weapon.”
  - Only “Robbery with a dangerous weapon” is reported.
4. “Robbery with a firearm or explosive device” subsumes “Possession of Firearm.”
  - Only “Robbery with a firearm or explosive device” is reported.

Additionally, the reportable offense of “Possession of Alcohol”, and “Possession of Controlled Substances” have multiple behavior type codes associated with the reportable offense and in which one behavior type subsumes another behavior type.

1. “Use of alcoholic beverages” subsumes “Possession of Alcohol.”
2. “Distribution of a prescription drug” subsumes “Possession of another person’s prescription drug” if the prescription drug being distributed is the same as the one being possessed.
3. “Sale of a controlled substance” of a specific type subsumes “Possession of a controlled substance” and “Use of controlled substance” of the same type.

4. "Use of controlled substance" subsumes any of the "Possession of controlled substance" behavior codes if the controlled substance in both cases is the same.
5. "Use of narcotics" subsumes any of the "Possession of controlled substance" behavior codes if the controlled substance in both cases is the same.

## Reportable Behaviors and Definitions

### **CYBERBULLYING AS DEFINED IN G.S. 14-458.1 AND 14-458.2**

1. A person who uses a computer or computer network to do any of the following:
  - I. With the intent to intimidate or torment a minor:
    - A. Build a fake profile or Web site;
    - B. Pose as a minor in 1) An Internet chat room; 2) An electronic mail message; or 3) An instant message;
    - C. Follow a minor online or into an Internet chat room; or
    - D. Post or encourage others to post on the Internet private, personal, or sexual information pertaining to a minor.
  - II. With the intent to intimidate or torment a minor or the minor's parent or guardian:
    - A. Post a real or doctored image of a minor on the Internet;
    - B. Access, alter, or erase any computer network, computer data, computer program, or computer software, including breaking into a password protected account or stealing or otherwise accessing passwords; or
    - C. Use a computer system for repeated, continuing, or sustained electronic communications, including electronic mail or other transmissions, to a minor.
  - III. Make any statement, whether true or false, intending to immediately provoke, and that is likely to provoke, any third party to stalk or harass a minor.
  - IV. Copy and disseminate, or cause to be made, an unauthorized copy of any data pertaining to a minor for the purpose of intimidating or tormenting that minor (in any form, including, but not limited to, any printed or electronic form of computer data, computer programs, or computer software residing in, communicated by, or produced by a computer or computer network).
  - V. Sign up a minor for a pornographic Internet site with the intent to intimidate or torment the minor.
  - VI. Without authorization of the minor or the minor's parent or guardian, sign up a minor for electronic mailing lists or to receive junk electronic messages and instant messages, with the intent to intimidate or torment the minor.
- 2) A person who uses a computer or computer network to do any of the following:
  - I. With the intent to intimidate or torment a school employee, do any of the following:
    - A. Build a fake profile or Web site.
    - B. Post or encourage others to post on the Internet private, personal, or sexual information pertaining to a school employee.
    - C. Post a real or doctored image of the school employee on the Internet.
    - D. Access, alter, or erase any computer network, computer data, computer program, or computer software, including breaking into a password-protected account or stealing or otherwise accessing passwords.
    - E. Use a computer system for repeated, continuing, or sustained electronic communications, including electronic mail or other transmissions, to a school employee.
  - II. Make any statement, whether true or false, intending to immediately provoke, and that is likely to provoke, any third party to stalk or harass a school employee.
  - III. Copy and disseminate, or cause to be made, an unauthorized copy of any data pertaining to a school employee for the purpose of intimidating or tormenting that

- school employee (in any form, including, but not limited to, any printed or electronic form of computer data, computer programs, or computer software residing in, communicated by, or produced by a computer or computer network).
- IV. Sign up a school employee for a pornographic Internet site with the intent to intimidate or torment the employee.
  - V. Without authorization of the school employee, sign up a school employee for electronic mailing lists or to receive junk electronic messages and instant messages, with the intent to intimidate or torment the school employee.
  - VI. Sign up a school employee for a pornographic Internet site with the intent to intimidate or torment the employee.
  - VII. Without authorization of the school employee, sign up a school employee for electronic mailing lists or to receive junk electronic messages and instant messages, with the intent to intimidate or torment the school employee.

**Behavior type(s) to use for reporting:**

- 094-UB: Cyber-bullying
- See *Guidance of Reporting Bullying and Harassing Behaviors*

**DISCRIMINATION AS DEFINED IN TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, 42 U.S.C. 2000D; TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, 42 U.S.C. 2000E; TITLE IX OF THE EDUCATION AMENDMENTS OF 1972, 20 U.S.C. 1681-1688; AMERICANS WITH DISABILITIES ACT, 42 U.S.C. 12101.**

Discrimination is the unfairly or unjust treatment a person (or group) based on certain characteristics. These characteristics include race, color, national origin, sex, religion, or disability.

**Behavior type(s) to use for reporting:**

- 080-UB: Discrimination

**EXTORTION AS DEFINED IN G.S. 14-118.4**

Any person who threatens or communicates a threat or threats to another with the intention thereby wrongfully to obtain anything of value or any acquittance, advantage, or immunity.

**Behavior type(s) to use for reporting:**

- 023-UB: Extortion

**FIGHTING, OR AFFRAY AS DEFINED IN G.S. 14-33**

A fight is the physical altercation that involves somewhat similar levels of violence by both (or multiple) parties. An affray is a fight between two or more people in a public place which typically caused terror (frightened) to the public.

**Behavior type(s) to use for reporting:**

- 021-UB: Affray (G.S. 14-33)
- 024-UB: Fighting
- See *Reporting Assaults, Affrays, and Fights*

## **GANG ACTIVITY AS DEFINED IN G.S. 14-50.17, 14-50.19 AND 14-50.20**

Gang activity in G.S. §14-50.16 is defined as the commission of, attempted commission of, or solicitation, coercion, or intimidation of another person to commit (i) any offense under Article 5 of Chapter 90 of the General Statutes or (ii) any offense under Chapter 14 of the General Statutes except Article 9, 22A, 40, 46, or 59 thereof, and further excepting G.S. 14-82, 14-145, 14-183, 14-184, 14-186, 14-190.9, 14-247, 14-248, or 14-313 thereof, and either of the following conditions is met:

- A. The offense is committed with the intent to benefit, promote, or further the interests of a criminal gang or for the purposes of increasing a person's own standing or position within a criminal gang.
- B. The participants in the offense are identified as criminal gang members acting individually or collectively to further any criminal purpose of a criminal gang.
- It is unlawful for any person to cause, encourage, solicit, or coerce a person 16 years of age or older to participate in criminal gang activity.
- It is unlawful for any person to communicate a threat of injury to a person, or to damage the property of another, as punishment or retaliation against a person for having withdrawn from a criminal gang.
- It is unlawful for any person to injure a person with the intent to deter a person from assisting another to withdraw from membership in a criminal gang.
- It is unlawful for any person to injure a person as punishment or retaliation against a person for having withdrawn from a criminal gang.

### **Behavior type(s) to use for reporting:**

- 079-UB: Gang activity

## **HARASSMENT – DISABILITY AS DEFINED IN § 115C-407.15**

Refers to intimidation or abusive behavior toward a student based on the student's actual or perceived disability—such as a physical, developmental, intellectual, emotional, or sensory disability. Harassing conduct may take many forms, including verbal acts and name-calling, as well as non-verbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful or humiliating. The conduct can be carried out by school employees, other students, and non-employee third parties.

### **Behavior type(s) to use for reporting:**

- 102-UB: Harassment – Disability
- See *Guidance of Reporting Bullying and Harassing Behaviors*

## **HARASSMENT – GENDER IDENTITY AS DEFINED IN §115C-407.15**

Refers to intimidation or abusive behavior toward a student based on the student's actual or perceived gender identity. Harassing conduct may take many forms, including verbal acts and name-calling, as well as non-verbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful or humiliating. The conduct can be carried out by school employees, other students, and non-employee third parties.

### **Behavior type(s) to use for reporting:**

- 137-UB: Harassment – Gender identity
- See *Guidance of Reporting Bullying and Harassing Behaviors*

## **HARASSMENT – RACE/ETHNICITY AS DEFINED IN §115C-407.15**

Refers to intimidation or abusive behavior toward a student based on actual or perceived race, color, or national origin. Harassing conduct may take many forms, including verbal acts and name-calling, as well as non-verbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful or humiliating. The conduct can be carried out by school employees, other students, and non-employee third parties.

### **Behavior type(s) to use for reporting:**

- 101-UB: Harassment – Racial
- See *Guidance of Reporting Bullying and Harassing Behaviors*

## **HARASSMENT – RELIGIOUS AFFILIATION AS DEFINED IN §115C-407.15**

Refers to intimidation or abusive behavior toward a student based on actual or perceived religion. Harassing conduct may take many forms, including verbal acts and name-calling, as well as non-verbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful or humiliating. The conduct can be carried out by school employees, other students, and non-employee third parties.

### **Behavior type(s) to use for reporting:**

- 110-UB: Harassment - religious affiliation
- See *Guidance of Reporting Bullying and Harassing Behavior*

## **HARASSMENT – SEXUAL (G.S. §115C-335.5; TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, 42 U.S.C. §2000E ET SEQ.)**

Any conduct on the basis of sex that satisfies one or more of the following:

- (1) Any form of *quid pro quo* harassment;
  - *Quid pro quo* harassment - A school employee conditioning the provision of an aid, benefit, or service of the school on an individual's participation in unwelcome sexual conduct
- (2) "Sexual assault" as defined in [20 U.S.C. 1092\(f\)\(6\)\(A\)\(v\)](#), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30); OR
- (3) Any unwelcome conduct that a reasonable person would find "so severe, pervasive, and objectively offensive" that it effectively denies a person equal access to the school's education program or activity.

### **Behavior type(s) to use for reporting:**

- 038-UB: Harassment – sexual
- See *Guidance of Reporting Bullying and Harassing Behaviors*

## **HARASSMENT – SEXUAL ORIENTATION AS DEFINED IN §115C-407.15**

Refers to intimidation or abusive behavior toward a student based on actual or perceived sexual orientation. Harassing conduct may take many forms, including verbal acts and name-calling, as

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

**Behavior type(s) to use for reporting:**

- 109-UB: Harassment - sexual orientation
- See *Guidance of Reporting Bullying and Harassing Behaviors*

## **POSSESSION OR USE OF TOBACCO PRODUCTS ( G.S. §14-313)**

G.S. § 115C-407 prohibits the use of any tobacco product by any person in school buildings, in school facilities, on school campuses, and in or on any other school property owned or operated by the local school administrative unit, and at school-sponsored events. SBE policy, SSCH-000, requires PSUs to report the use or possession of tobacco products on school grounds or school sponsored field trip.

- Tobacco products are defined as any product that contains tobacco and is intended for human consumption. Tobacco products include tobacco-derived products, vapor products, and components of vapor products.
  - Tobacco-derived products are any non-combustible product derived from tobacco and contains nicotine whether chewed, absorbed, dissolved, ingested, or by other means.
  - Vapor products are any noncombustible product that employs a mechanical heating element, battery, or electronic circuit regardless of shape or size and that can be used to heat a liquid nicotine solution contained in a vapor cartridge.

**Behavior type(s) to use for reporting:**

- 041-UB: Possession of tobacco
- 070-UB: Use of tobacco
- 133-UB: Possession of vaping device - Tobacco
- 134-UB: Use of vaping device – Tobacco

## **PROPERTY DAMAGE (G.S. 115C-398)**

Damage or defacement that occurs to school buildings, furnishings, and textbooks. Damage can include: defacement of the walls and doors or any breakage, abuse of textbooks, or unlawfully writing or scribbling on, marking, defacing, besmearing, or injuring the walls of any public building or facility, or any statue or monument situated in any public place.

**Behavior type(s) to use for reporting:**

- 039-UB: Property damage

## **ROBBERY WITHOUT A WEAPON (ROBBERY AS DEFINED IN G.S. §14-87, BUT WITHOUT THE USE OF A DANGEROUS WEAPON)**

Any person or persons who 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.

**Behavior type(s) to use for reporting:**

- 093-UB: Robbery without a weapon

## **THREAT OF ASSAULT WITH A FIREARM OR POWERFUL EXPLOSIVE AS DEFINED IN G.S. §14-277.1**

This behavior falls under the state definition of Communicating Threats and is further defined by federal reporting requirements.

- G.S. §14-277.1: a person (1) willfully threatens to physically injure the person or that person's child, sibling, spouse, or dependent or willfully threatens to damage the property of another; (2) the threat is communicated to the other person, orally, in writing, or by any other means; (3) the threat is made in a manner and under circumstances which would cause a reasonable person to believe that the threat is likely to be carried out; and (4) the person threatened believes that the threat will be carried out.
- Federal reporting requirements: "A threat of physical attack with a weapon includes displaying, brandishing, or discharging a weapon, but with no actual physical contact of any person. A threat is made in person. Threats made over the telephone or threatening letters are excluded. A threat of physical attack using words that refer to a weapon would not be considered a threat with a weapon."
- When reporting this behavior, a possession of firearm and a firearm weapons code should also be reported.

### **Behavior type(s) to use for reporting:**

- 105-UB: Threat of physical attack with a firearm
- See *Reporting Communicating Threats, Threat of Assault with a Weapon, Threat of Assault with a Firearm, and Threat of Assault without a weapon.*

## **THREAT OF ASSAULT WITH A WEAPON AS DEFINED IN G.S. §14-277.1**

This behavior falls under the state definition of Communicating Threats and is further defined by federal reporting requirements.

- G.S. §14-277.1: a person who (1) willfully threatens to physically injure the person or that person's child, sibling, spouse, or dependent or willfully threatens to damage the property of another; (2) the threat is communicated to the other person, orally, in writing, or by any other means; (3) the threat is made in a manner and under circumstances which would cause a reasonable person to believe that the threat is likely to be carried out; and (4) the person threatened believes that the threat will be carried out.
- Federal reporting requirements: "A threat of physical attack with a weapon includes displaying, brandishing, or discharging a weapon, but with no actual physical contact of any person. A threat is made in person. Threats made over the telephone or threatening letters are excluded. A threat of physical attack using words that refer to a weapon would not be considered a threat with a weapon."
- When reporting this behavior, a possession of weapon and a weapons code should also be reported.

### **Behavior type(s) to use for reporting:**

- 106-UB: Threat of physical attack with a weapon
- See *Reporting Communicating Threats, Threat of Assault with a Weapon, Threat of Assault with a Firearm, and Threat of Assault without a weapon.*

## THREAT OF ASSAULT WITHOUT A WEAPON AS DEFINED IN G.S. §14-277.1

This behavior falls under the state definition of Communicating Threats and is further defined by federal reporting requirements.

- G.S. §14-277.1: a person (1) willfully threatens to physically injure the person or that person's child, sibling, spouse, or dependent or willfully threatens to damage the property of another; (2) the threat is communicated to the other person, orally, in writing, or by any other means; (3) the threat is made in a manner and under circumstances which would cause a reasonable person to believe that the threat is likely to be carried out; and (4) the person threatened believes that the threat will be carried out.
- Federal reporting requirements: "A threat without any display, brandishment, or discharge of a weapon, and with no actual physical contact of any person. A threat is made in person. Threats made over the telephone or threatening letters are excluded. A threat of physical attack using words that refer to a weapon would be considered a threat without a weapon."

### Behavior type(s) to use for reporting:

- 107-UB: Threat of physical attack without a weapon
- See *Reporting Communicating Threats, Threat of Assault with a Weapon, Threat of Assault with a Firearm, and Threat of Assault without a weapon.*

## VERBAL HARASSMENT AS DEFINED IN G.S. 115C-407.15

Any pattern of verbal communications that takes place on school property, at any school-sponsored function, or on a school bus, and that:

- 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
- creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities, or benefits. For purposes of this section, "hostile environment" means that the victim subjectively views the conduct as bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior.
- Bullying or harassing behavior includes, but is not limited to, acts reasonably perceived as being motivated by any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics.

### Behavior type(s) to use for reporting:

- 025-UB: Harassment – verbal
- See *Guidance of Reporting Bullying and Harassing Behaviors*

## Reporting Bullying and Harassing Behaviors

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

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

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

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

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

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

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

### Definitions

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

written statements, or conduct that is physically threatening, harmful or humiliating. The conduct can be carried out by school employees, other students, and non-employee third parties.

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

### *Reporting Bullying with Another Act*

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

### *Second Offenses*

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

### *Protecting Victims*

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

## *Reporting Fighting and Affrays*

When an altercation involves somewhat similar levels of violence by both (or multiple) parties it is appropriate to cite both (or multiple) parties with the behavior type of **fighting** or **affray**. An **affray** is a fight between two or more people in a public place which typically caused terror (frightened) to the public.

### **Available Behavior Codes for Fighting and Affrays:**

- **021-UB: Affray (G.S. §14-33):** An affray is a fight between two or more people in a public place which typically caused terror (frightened) to the public.
- **024-UB: Fighting (G.S. §14-33):** A fight is the physical altercation that involves somewhat similar levels of violence by both (or multiple) parties.

## *Reporting Assaults*

An assault should be reported when an unprovoked physical attack occurs or when a physical response to an altercation is disproportionate. A variety of behavior types are available to report **assaults**. Always consult with the responding law enforcement officer, SRO, or with your PSU's legal counsel for questions about which behavior type is most appropriate.

Report serious assaults resulting in serious injuries as "001-PD: Assault Resulting in Serious Injury" if they fall under the Violent Crimes definition "Assault resulting in serious personal injury (G.S. §14-32.4)"

For assaults on school personnel that fall under the reportable offense definition of "Assault on school officials, employees, and volunteers (G.S. §14-33(C)(6))" use "003-RO: Assault on school personnel."

Assaults that involve the use of a weapon and fall under the Violent Crime of "Assault involving use of a weapon, firearm, or powerful explosive (G.S. §14-32 through 14-34.10 and G.S. 14-34 through 14-34.10 and 14-49 through 14-50.1)" use either "002-PD: Assault involving the use of a weapon" or "104-PD: Physical attack with a firearm".

For assaults that result in injury but are not as serious as "Assault resulting in serious personal injury G.S. §14-32.4", "090-UB: Violent Assault Not Resulting in Serious Injury" should be used.

While assaults are reportable behaviors that must be reported to NCDPI within 5 days of occurrence, PSUs have discretion on how to define the following assault behavior codes. The definitions provided in the Available Behaviors Codes for Assaults for these four codes may be used for guidance but should not supersede any guidance found in the school or PSU code of conduct.

- 044-UB: Assault on student
- 045-UB: Assault – other
- 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

### **Available Behavior Codes for Assaults:**

- **001-PD: Assault resulting in a serious injury:** Assault resulting in serious personal injury as defined in G.S. 14-32.4. See the *Violent Crimes and Definitions* for more detail.

- **002-PD: Assault involving the use of a weapon:** Assault with a weapon as defined in G.S. 14-32 through 14-34.10. See the *Violent Crimes and Definitions* for more detail.
- **104-PD: Physical attack with a firearm:** Assault with a firearm or powerful explosive as defined in G.S. 14-34 through 14-34.10 and 14-49 through 14-50.1. See *Violent Crimes and Definitions* for more detail.
- **003-RO: Assault on school personnel not serious:** Assault on school officials, employees, and volunteers as defined in G.S. 14-33(c)(6). See the *Reportable Offenses and Definitions* for more detail.
- **044-UB: Assault on student:** this behavior type may be used when the assault occurred on a student victim, the assault did not result in injury, and the offender did not use a weapon or firearm.
- **045-UB: Assault – other:** this behavior type may also be used when the assault does not fall under the definitions for any of the other assault behavior codes.
- **071-UB: Assault on non-student w/o weapon & not resulting in serious injury:** this behavior type may be used when the assault occurred on a non-student victim, the assault resulted in minor injuries, the offender did not use a weapon or firearm **and** the assault does not meet the definition for the reportable offense of “Assault on School Personnel”.
- **072-UB: Assault on student w/o weapon & not resulting in serious injury:** this behavior type may be used when the assault occurred on a student, the assault resulted in minor injuries and the offender did not use a weapon or firearm.
- **090-UB: Violent assault not resulting in serious injury (as defined by G.S. §14-33 but not resulting in an injury as severe as defined in G.S. §14-32.4):** 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.

*Reporting Communicating Threats, Threats of Assault with a Weapon, Threats of Assault with a Firearm, and Threats of Assault without a weapon.*

Communicating threats, threat of physical attack with a weapon, threat of physical attack with a firearm, and threat of physical attack without a weapon are defined in G.S. §14-277.1 and are further defined by other federal reporting requirements.

The definition in General Statute is when a person (1) willfully threatens to physically injure the person or that person's child, sibling, spouse, or dependent or willfully threatens to damage the property of another; (2) the threat is communicated to the other person, orally, in writing, or by any other means; (3) the threat is made in a manner and under circumstances which would cause a reasonable person to believe that the threat is likely to be carried out; and (4) the person threatened believes that the threat will be carried out.

These behaviors fall under **G.S. §14-277.1 Communicating Threats** as such the “Possession of a weapon” or “Possession of a firearm” are not subsumed. If the threat is made in person and the offender displays, brandishes, or discharges a weapon or firearm or is found to be in possession of a weapon or firearm that is consistent with the state definition of a firearm or weapon (see Appendix B), the reportable offense of a “A Possession of Weapon” or “A Possession of Firearm” must also be reported and should also be reported.

Use the following as guidance for when to use each behavior type.

- **“105-UB: Threat of physical attack with a firearm”** should be used when the threat to physically injure a person involves the use of a firearm. The threat is made in person and the firearm is displayed, brandished, or discharged. Using words that refer to a weapon or firearm, **but** no weapon or firearm is displayed, brandished or discharged, would be considered a threat of physical attack without a weapon, **not** a threat of physical attack with a firearm.
  - **Also enter the behavior type of “009:RO - Possession of Firearm” if the firearm meets the state definition of a weapon.**
- **“106-UB: Threat of physical attack with a weapon”** should be used when the threat to physically injure a person involves the use of a weapon. The threat is made in person and the weapon is displayed and brandished. Using words that refer to a weapon or firearm, **but** no weapon or firearm is displayed, brandished or discharged, would be considered a threat of physical attack without a weapon, **not** a threat of physical attack with a weapon.
  - **Also enter the behavior type of “008:RO - Possession of Weapon” if the weapon meets the state definition of a weapon.**
- **“107-UB: Threat of physical attack without a weapon”** should be used when the threat to physically injure a person. The threat is made in person. Using words that refer to a weapon or firearm, but no weapon or firearm is displayed, brandished or discharged, would be considered a threat of physical attack without a weapon.
- **“019-UB: Communicating Threats”** should be used when the threat does not fall under the guidance above for “105-UB: Threat of physical attack with a firearm”, “106-UB: Threat of physical attack with a weapon”, or “107-UB: Threat of physical attack without a weapon”.

## Unacceptable Behaviors

Guidance and definitions provided for behavior types that are not defined in Statute or Law should be considered illustrative and should not supersede any guidance found in the PSU's Student Code of Conduct.

### *Dangerous Unacceptable Behaviors*

Guidance and definitions provided for behavior types that are not defined in Statute or Law should be considered illustrative and should not supersede any guidance found in the PSU's Student Code of Conduct.

#### **Available Behavior Types**

- **018-UB: Unlawfully setting a fire:** This behavior type may be used when an offender is found to have or to have participated in starting a fire or attempting to start a fire on school property or on school sponsored trips without proper authorization.

### *Defiant Unacceptable Behaviors*

Guidance and definitions provided for behavior types that are not defined in Statute or Law should be considered illustrative and should not supersede any guidance found in the PSU's Student Code of Conduct.

#### **Available Behavior Types**

- **022-UB: Disorderly conduct (G.S. §14-288.4(a)(6)):** Disorderly conduct is defined as when a person "disrupts, disturbs or interferes with the teaching of students at any public or private educational institution or engages in conduct which disturbs the peace, order or discipline at any public or private educational institution or on the grounds adjacent thereto." or when a person "engages in conduct which disturbs the peace, order, or discipline on any public school bus or public school activity bus."
- **027-UB: Aggressive behavior:** this behavior code may be used when an offender is found to display aggressive behavior. Aggressive behavior can be physical or verbal and includes such behaviors as (but not limited to) slapping, grabbing, throwing objects, hitting, name-calling, screaming, swearing, arguing, yelling, pinching, kicking, spitting, biting, threatening, teasing, pushing, and knocking things over. The aggressive behavior can be towards other persons or towards objects and can lead to injury or property damage.
- **032-UB: Inappropriate language/disrespect:** this behavior type may be used when the offender engages in behaviors such as (but not limited to) using vulgar, obscene, or profane language and/or engages name-calling, humiliation, taunting, or uses disrespectful language.
- **033-UB: Insubordination:** this behavior type may be used when the offender refuses to comply with any reasonable directives/directions made by school personnel such as (but not limited to) refusing to leave class or an area when directed, refusing a reasonable search of personal belongings, desk, locker or vehicle.
- **042-UB: Disruptive behavior:** this behavior type may be used when an offender engages in behaviors that are disruptive to teaching, learning, and order. These behaviors may include (but

not limited to) running through the school building or classroom, throwing objects, excessive and loud talking or noise, horseplay, and leaving the classroom or event without permission.

- **061-UB: Disrespect of faculty/staff:** this behavior type may be used when the offender engages in behaviors such as (but not limited to) name-calling, humiliation, taunting, or uses disrespectful language directed toward school personnel.
- **114-UB: Inappropriate behavior:** this behavior may be used when an offender engages behavior that is deemed inappropriate. Examples of inappropriate behavior are (but not limited to) aggressive verbal or written communications, unwanted attention or touching, excessive talking or communications, disrespect to school personnel or students, lewd, and being disruptive.

### *Interpersonal Unacceptable Behaviors*

Guidance and definitions provided for behavior types that are not defined in Statute or Law should be considered illustrative and should not supersede any guidance found in the PSU's Student Code of Conduct.

#### **Available Behavior Types**

- **026-UB: Hazing:** this behavior type may be used when an offender(s) subjects another person to physical injury, humiliation, harassment, or taunting, etc. as part of an initiation, or prerequisite to membership, to an organized school group even if the person being hazed consents.
- **063-UB: Excessive display of affection:** this behavior type may be used when an offender engages in *consensual* sexual behavior that is overly affectionate.
- **068-UB: Mutual sexual contact between two students:** this behavior type may be used when an offender engages in *consensual* sexual contact or a sexual act in violation of the student code of conduct.
- **115-UB: Indecent exposure:** this behavior type may be used when the offender intentionally exposes private body parts, such as the buttocks or breasts.

### *Missing Class/School, Attendance Related Unacceptable Behaviors*

Guidance and definitions provided for behavior types that are not defined in Statute or Law should be considered illustrative and should not supersede any guidance found in the PSU's Student Code of Conduct.

#### **Available Behavior Types**

- **030-UB: Truancy:** this behavior type may be used when a student has excessive, unexcused absences from school.
- **064-UB: Excessive tardiness:** this behavior type may be used when a student has an excessive number of school tardies in violation of the student code of conduct.
- **066-UB: Leaving class without permission:** this behavior type may be used when a student leaves class without permission in violation of the student code of conduct.

- **067-UB: Leaving school without permission:** this behavior type may be used when a student leaves school without permission in violation of the student code of conduct.
- **074-UB: Cutting class:** this behavior may be used when a student is found to have been absent from class in violation of the student code of conduct.
- **075-UB: Skipping school:** this behavior type may be used when a student is absent from school in violation of the student code of conduct.
- **078-UB: Late to class:** this behavior type may be used when a student is late to class in violation of the student code of conduct.

### *Other Unacceptable Behaviors*

Guidance and definitions provided for behavior types that are not defined in Statute or Law should be considered illustrative and should not supersede any guidance found in the PSU's Student Code of Conduct.

### **Available Behavior Types**

- **028-UB: Honor code violation:** this behavior type may be used when an offender is found to be in violation of the honor code. Honor code violations are behaviors such as (but not limited to) cheating, plagiarism, falsification or deceit, violating copyright laws, paying or receiving payment for completing course or class assignments, and altering report cards.
- **029-UB: False fire alarm:** this behavior type may be used when an offender sets off, attempts to set off, or aids and abets someone in setting off a fire alarm or other emergency indicators.
- **031-UB: Dress code violation:** this behavior type may be used when an offender is in violation of the student dress code policy.
- **034-UB: Gambling:** this behavior may be used when an offender engages in games of chance or skill where money, property, or other items of value may be lost and won.
- **035-UB: Falsification of information:** this behavior type may be used when an offender makes false or untrue written or oral statements.
- **036-UB: Theft:** this behavior type may be used when an offender is found to steal, or attempt to steal, or be in possession of someone else's property without permission to do so.
- **037-UB: Bus misbehavior:** this behavior type may be used when the offender displays any behavior on school transportation that is in violation of the student code of conduct.
- **040-UB: Inappropriate items on school property:** this behavior type may be used when an offender is found to be in possession of items deemed inappropriate on school grounds or school trips. Examples of inappropriate items are (but not limited to), stolen items or property, restricted food or beverages, toys, games, electronic equipment, vehicles without parking permits, and cigarette lighters.

- **046-UB: Possession of counterfeit items:** this behavior type may be used when an offender is found to possess, sell, or distribute items or substances that are presented or described in such a way as to deceive another into believing it is another item or substance.
- **047-UB: Use of counterfeit items:** this behavior type may be used when an offender is found to use items or substances that are presented or described in such a way as to deceive another into believing it is another item or substance.
- **058-UB: Other school defined offense:** this behavior code may be used when the behavior of the offender is not found to fall under the definitions of the available behavior. This behavior may be used when disciplinary action is taken on a student for conduct that occurred off school grounds, not on school property, and not on a school related or sponsored trip that is in violation of the student code of conduct.
- **059-UB: Being in an unauthorized area:** this behavior type may be used when the offender was found to have knowingly been in an area, building, or on school property without proper authorization.
- **060-UB: Cell phone use:** this behavior type may be used when the offender is found to use cell phones or any personal electronic communication devices in violation of the student code of conduct. Personal electronic communication devices may include such devices as cell phones, smart phones, smart watches, personal digital assistants, readers, tablets, laptop computers, and electronic reading devices.
- **069-Other:** this behavior code may be used when the behavior of the offender is not found to fall under the definitions of the available behavior. This behavior may be used when disciplinary action is taken on a student for conduct that occurred off school grounds, not on school property, and not on a school related or sponsored trip that is in violation of the student code of conduct.
- **091-UB: Misuse of school technology:** this behavior type may be used when an offender is found to have used school technology inappropriately or in violation of the student code of conduct or school rules. School technology may be defined as the school-issued computers and electronic devices, personal devices subject to school use policies under Bring Your Own Device, school internet or wireless networks, school electronic communication networks or systems, and school telephone systems. Misuse of school technology may include (but not limited to) behaviors such as: hacking; unauthorized use or access; using another person's sign on information/credentials; unauthorized sharing or distribution of school technology or sign on information/credentials; accessing, displaying, or sending inappropriate, threatening, or harassing communications, images, or materials; intentionally harming, damaging, compromising, or corrupting software, applications, hardware, networks, data, or systems; and using technology in violation of state or federal law.
- **124-UB: Pornographic and/or profane material:** This behavior may be used when an offender is in possession of or accesses pornographic, profane, or sexually explicit material. These materials can include, but are not limited to, pictures, magazines, drawings, websites, digital images, email, and text messages.
- **125-UB: Possession of graphically violent material:** This behavior may be used when an offender is in possession of or accesses graphically violent material. These materials can include, but are not limited to, pictures, magazines, drawings, websites, digital images, email, text messages, and documents concerning the creation and/or use of a weapon).

## *Substance Use Related Unacceptable Behaviors*

Guidance and definitions provided for behavior types that are not defined in Statute or Law should be considered illustrative and should not supersede any guidance found in the PSU's Student Code of Conduct.

### **Available Behavior Types**

- **051-UB: Possession of chemical or drug paraphernalia:** The behavior type may be used when an offender is found to possess, sell, or distributed equipment, products, or materials that are designed to facilitate or intended or designed facilitate violations of the Controlled Substance Act, alcohol beverages, and tobacco products. Examples of drug paraphernalia are, but not limited to, the following: kits for planting and growing plants from with controlled substances are derived; kits for manufacturing and preparing controlled substances; objects used for the inhaling, injecting, ingestion, or introducing controlled substances into the human body; and containers for packaging or storage.
- **086-UB: Possession of student's own prescription drug:** this behavior type may be used when an offender is found to be in possession of their own prescription drug in violation of the Student Code of Conduct.
- **095-UB: Under the influence of alcohol:** this behavior type may be used when an offender is found to be under the influence of alcohol.
- **096-UB: Under the influence of controlled substances:** this behavior type may be used when an offender is found to be under the influence of a controlled substance.
- **116-UB: Possession of Vaping (Non-Tobacco) Device:** This behavior type may be used when an offender is found to possession a vaping device such as electronic cigarette, electronic cigar, electronic cigarillo, and electronic pipe and the substance within the vapor product is not a Controlled Substance or a Tobacco Product.
- **117-UB: Use of Vaping (Non-Tobacco) Device:** This behavior type may be used when an offender is found to use a vaping device such as electronic cigarette, electronic cigar, electronic cigarillo, and electronic pipe and the substance within the vapor product is not a Controlled Substance or a Tobacco Product.
- **135-UB: Possession of vaping device – Cannabinoid:** This behavior type may be used when an offender is found to possession a vaping device such as electronic cigarette, electronic cigar, electronic cigarillo, and electronic pipe and the substance within the vapor product contains a legal cannabinoid substance.
- **136-UB: Use of vaping device – Cannabinoid:** This behavior type may be used when an offender is found to possession a vaping device such as electronic cigarette, electronic cigar, electronic cigarillo, and electronic pipe and the substance within the vapor product contains a legal cannabinoid substance.

### *Repeat Offender Unacceptable Behavior*

Guidance and definitions provided for behavior types that are not defined in Statute or Law should be considered illustrative and should not supersede any guidance found in the PSU's Student Code of Conduct.

#### **Available Behavior Types**

- **092-UB: Repeat offender:** the behavior code may be used when an offender is found to willfully and repeatedly violated school rules or the Student Code of conduct. This behavior code will most often be entered along with another additional behavior code.

### **Reporting Failure to Submit Immunizations Records and Health Assessments**

Guidance and definitions provided for behavior types that are not defined in Statute or Law should be considered illustrative and should not supersede any guidance found in the PSU's Student Code of Conduct.

#### **Available Behavior Types**

- **065-UB: No Immunization:** G.S. §130A-155 requires that parents or guardians submit proof of immunization for any child enrolled in public schools at the time of enrollment. If the certification of immunization is not presented on the first day of attendance, parents or guardians have 30 days from the first day of attendance to obtain the required immunization. Additional days may be allowed for immunizations which are administered in a series of doses given at medically approved intervals beyond the 30 days. At the end of the 30 days or the extended period if the required immunization has not been obtained principal or operators shall not permit the student to attend the school or facility until the proof of immunization has been presented. This behavior code may be used at the end of the 30 days or the extended period if the required proof of immunization has not been obtained. The behavior code should be used along with the action code of "135 OSS Medical Reasons". These incidents are not considered out-of-school suspensions and are excluded from reporting.
- **077-UB: Physical exam:** G.S. §130A-440 requires that parents or guardians submit proof of health assessment for any child presented for admission into kindergarten or high grades in public schools for the first time. If the health assessment transmittal form is not presented on the first day of attendance, parents or guardians have 30 days from the first day of attendance to submit the form. At the end of the 30 days if the required form has not been presented, principal or operators shall not permit the student to attend the school or facility until the form is presented. This behavior code may be used at the end of the 30 days if the required form has not been presented. The behavior code should be used along with the action code of "135 OSS Medical Reasons". These incidents are not considered out-of-school suspensions and are excluded from reporting.

## Reporting Non-Disciplinary Behaviors and Incidents that Occur Off School Grounds and not on a School-Related Fieldtrip

Guidance and definitions provided for behavior types that are not defined in Statute or Law should be considered illustrative and should not supersede any guidance found in the PSU's Student Code of Conduct.

### Available Behavior Types

- **121: Continuation of Disciplinary Action from Previous School Year:** When student discipline carries over from one school year into the next school year, in second year use the behavior type "121: Continuation of Disciplinary Action from Previous School Year" when recording the disciplinary action that occurs during the second year.
- **123: Non-School Related Offense:** This behavior may be used when disciplinary action is taken on a student for conduct that occurred off school grounds, not on school property, and not on a school related or sponsored trip that is in violation of the student code of conduct.
- **130-Nearby Neighborhood/Community Threat:** This behavior code may be used when a school takes action to protect students and staff as a result of a threat off school ground within the local neighborhood or community.

## Collecting Data on Threats of Violence and Other Harm

This section is purely illustrative and should only be used as guidance for schools and districts that would like to collect data on threats of violence and other harm in their schools. The guidance and definition should not supersede any guidance found in the PSU's Student Code of Conduct.

The definitions below are in general statute and could be used by schools and PSUs to capture data on threats of violence and other harm in schools.

*Communication a threat of mass violence on educational property* is defined as: "a person who, by any means of communication to any person or groups of persons, threatens to commit an act of mass violence on educational property or at a curricular or extracurricular activity sponsored by a school" (G.S. §14-277.6).

- Mass violence is defined as "physical injury that a reasonable person would conclude could lead to permanent injury (including mental or emotional injury) or death to two or more people." (G.S. §14-277.5)

*Making a false report concerning mass violence on education property* (G.S. §14-277.5) is defined as: A person who, by any means of communication to any person or groups of persons, makes a report, knowing or having reason to know the report is false, that an act of mass violence is going to occur on educational property or at a curricular or extracurricular activity sponsored by a school."

- Mass violence is defined as "physical injury that a reasonable person would conclude could lead to permanent injury (including mental or emotional injury) or death to two or more people." (G.S. §14-277.5)

*Threats of harm to self* (G.S. §122C-3.11(A2-3) provides a definition for such threats: “1) The individual has attempted suicide or threatened suicide and that there is a reasonable probability of suicide unless adequate treatment is given pursuant to this Chapter. 2) The individual has mutilated himself or herself or has attempted to mutilate himself or herself and that there is a reasonable probability of serious self-mutilation unless adequate treatment is given pursuant to this Chapter.”

*Threats of other harm to others* (G.S. §122C-3.11(A2-3) provides a definition for such threats: “Within the relevant past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that there is a reasonable probability that this conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct. Clear, cogent, and convincing evidence that an individual has committed a homicide in the relevant past is prima facie evidence of dangerousness to others.”

### Available Behavior Types

- **126-UB: Threat of mass violence:** This behavior may be used when an offender "who, by any means of communication to any person or groups of persons, threatens to commit an act of mass violence on educational property or at a curricular or extracurricular activity sponsored by a school" (G.S. §14-277.6). Mass violence is defined as “physical injury that a reasonable person would conclude could lead to permanent injury (including mental or emotional injury) or death to two or more people.” (G.S. §14-277.5)
- **127-UB: False threat of mass violence:** This behavior may be used when an offender "who, by any means of communication to any person or groups of persons, makes a report, knowing or having reason to know the report is false, that an act of mass violence is going to occur on educational property or at a curricular or extracurricular activity sponsored by a school" (G.S. §14-277.6). Mass violence is defined as “physical injury that a reasonable person would conclude could lead to permanent injury (including mental or emotional injury) or death to two or more people.” (G.S. §14-277.5)
- **128-Threat of harm to self – Suicide:** This behavior may be used when an "individual has attempted suicide or threatened suicide and that there is a reasonable probability of suicide unless adequate treatment is given." (G.S. §122C-3.11(A2-3))
- **129-Threat of harm to self or others:** This behavior may be used when an "individual has mutilated himself or herself or has attempted to mutilate himself or herself and that there is a reasonable probability of serious self-mutilation unless adequate treatment is given." Within the relevant past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that there is a reasonable probability that this conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct. Clear, cogent, and convincing evidence that an individual has committed a homicide in the relevant past is prima facie evidence of dangerousness to others.(G.S. §122C-3.11(A2-3) )

### Reporting Uses of Seclusion and Restraints

See [Guidance for Reporting Uses of Seclusion and Restraints](#) section of this manual for how to enter these incidents and behaviors.

# Guidance for Reporting Uses of Seclusion and Restraint

North Carolina Public Schools must comply with both state and federal requirements when reporting the staff use of seclusion and restraints in schools. This section provides guidance on reporting under the Federal and State reporting requirements.

The use of seclusion and restraint in public schools are not disciplinary incidents; however, the PowerSchool Incident Management module was selected as the system to record these incidents. There are two reporting requirements for the use of seclusion and restraint in schools: federal reporting requirements and state reporting requirements. While there may be overlap in the reporting of incidents under the federal and state requirements, the definitions and what should be reported under each are different. Per the federal requirements, most uses of seclusion and restraint in schools – permissible and impermissible – should be reported. Per state requirements, only the impermissible uses of seclusion and restraint should be reported.

## Federal Reporting Requirements – Permissible and Impermissible Uses

**Federal reporting does not specify staff and would seem to include any authority secluding or restraining a student on a school campus.**

### Federal Reporting on the Use of Mechanical Restraint

The federal definition of mechanical restraint is the use of any device or equipment to restrict a student's freedom of movement.

- **When to report:** Report any use of mechanical restraint, including if a student is handcuffed and no arrest is made, that does not fall under the following exceptions:
  - Do not report when the mechanical devices are implemented by trained school personnel, or utilized by a student that have been prescribed by an appropriate medical or related services professional and are used for the specific and approved purposes for which such devices were designed, such as:
    - 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 or mechanical supports;
    - Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;
    - Restraints for medical immobilization; or
    - Orthopedically prescribed devices that permit a student to participate in activities without risk of harm.
  - Do not report when a student who is handcuffed by law enforcement personnel (e.g., sworn law enforcement officer) during an arrest. However, if a student is handcuffed and no arrest is made, then the student should be included.
- Use the behavior code “111-Mechanical restraint (staff only – OCR report)” to report these incidents.

A sworn law enforcement officer may be employed by any entity (e.g., police department, school district or school). An officer's duties may include: motor vehicle traffic control; security enforcement and patrol; maintaining school discipline; coordinating with local police and emergency team(s);

identifying problems in the school and proactively seeking solutions to those problems; training teachers and staff in school safety or crime prevention; mentoring students; teaching a law-related education course or training students (e.g., drug-related education, criminal law, or criminal prevention courses); recording or reporting discipline problems to school authorities; and providing information to school authorities about the legal definitions of behavior for recording or reporting purposes (e.g., definition assault for school authorities).

## Federal Reporting on the Use of Physical Restraint

The federal definition of physical restraint is the personal restriction that immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely.

- **When to report:** Report any use of physical restraint that does not fall under the following exception:
  - Do not report physical escorts. The term physical restraint does not include a physical escort. Physical escort means 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.
  - Use the behavior code “112-Physical restraint (staff only – OCR report)” to report these incidents.

## Federal Reporting on the Use of Seclusion

The federal definition of **seclusion** refers to the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving.

- **When to report:** Report any use of seclusion that does not fall under the following exception:
  - Do not report a timeout, which is a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming.
  - Use the behavior code “113-Seclusion (staff only – OCR report)” to report these incidents.

## State Reporting Requirements – Impermissible Uses

[GS § 115C-391.1](#) provides state definitions of seclusion and restraints and state reporting requirements. It requires parents to be notified when certain incidents occur.

**Under state reporting requirements, school personnel are defined as “a) employees of a local board of education, b) any person working on school grounds or at a school function under a contract or written agreement with the public school system to provide educational or related services to students, or c) any person working on school grounds or at a school function for another agency providing educational or related services to students.”**

## State Reporting on the Impermissible Use of Mechanical Restraints

The state and federal definitions of mechanical restraint are similar. North Carolina General Statute [115C-391.1](#) requires the reporting of any prohibited use of mechanical restraint, however the statute lists more exceptions than for federal reporting.

Mechanical restraint is defined as “the use of any device or material attached or adjacent to a student’s body that restricts freedom of movement or normal access to any portion of the student’s body and that the student cannot easily remove.” The use of mechanical restraint of students by *school personnel* is permissible only in the following circumstances:

- a) When properly used as an assistive technology device included in the student’s IEP or Section 504 plan or behavior intervention plan or as otherwise prescribed for the student by a medical or related service provider.
- b) When using seat belts or other safety restraints to secure students during transportation.
- c) As reasonably needed to obtain possession of a weapon or other dangerous objects on a person or within the control of a person.
- d) As reasonably needed for self-defense.
- e) As reasonably needed to ensure the safety of any student, school employee, volunteer, or other person present.

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

- **When to report:** Any use of mechanical restraints not meeting any of the exceptions listed above or if the mechanical restraint involves the tying, taping, or strapping down of a student is considered impermissible and must be reported.
  - Use the behavior code “099-SR: Illegal Mechanical restraint (staff only – State report)” to report these incidents.

## State Reporting on the Impermissible Use of Physical Restraints

**Physical Restraint** is defined as “the use of physical force to restrict the free movement of all or a portion of a student’s body.” [GS §115C-391.1\(c\)\(1\)](#) defines the conditions under which physical restraint of students by *school personnel* is considered a reasonable use of force and is permitted:

- a) As reasonably needed to obtain possession of a weapon or other dangerous objects on a person or within the control of a person.
- b) As reasonably needed to maintain order or prevent or break up a fight.
- c) As reasonably needed for self-defense.
- d) As reasonably needed to ensure the safety of any student, school employee, volunteer, or other person present, to teach a skill, to calm or comfort a student, or to prevent self-injurious behavior.
- e) As reasonably needed to escort a student safely from one area to another.
- f) If used as provided for in a student’s IEP or Section 504 plan or behavior intervention plan.
- g) As reasonably needed to prevent imminent destruction to school or another person’s property.

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

The reasonability of the use of force is not a factor in the state reporting requirement; instead, it is the extent of injury sustained by a student.

- **When to report:** Any use of physical restraint resulting in observable physical injury to a student must be reported in PowerSchool and to the parents or guardians of the injured student.
  - Use the behavior code “098-SR: Illegal Physical restraint (staff only – State report)” to report these incidents.

## State Reporting on the Impermissible Use of Seclusion

**Seclusion** is defined, [by GS § 115C-391.1](#), as the confinement of a student alone in an enclosed space from which the student is physically prevented from leaving or the student is not capable of leaving the space due to physical or intellectual incapacity. Seclusion of students by *school personnel* is permitted in the following circumstances:

- a) As reasonably needed to respond to a person in control of a weapon or other dangerous object.
- b) As reasonably needed to maintain order or prevent or break up a fight.
- c) As reasonably needed for self-defense.
- d) As reasonably needed when a student's behavior poses a threat of imminent physical harm to self or others or imminent substantial destruction of school or another person's property.
- e) When used as specified in the student's IEP, Section 504 plan, or behavior intervention plan; and
  1. 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.
  2. The student is released from seclusion upon cessation of the behaviors that led to the seclusion or as otherwise specified in the student's IEP or Section 504 plan.
  3. The space in which the student is confined has been approved for such use by the local education agency.
  4. The space is appropriately lit.
  5. The space is appropriately ventilated and heated or cooled.
  6. The space is free of objects that unreasonably expose the student or others to harm.
- **When to report:** Any use of seclusion not meeting any of the exceptions list above or any use exceeding ten (10) minutes, or the amount of time specified in the student's IEP or 504 Plan is considered impermissible and must be reported.
  - Use the behavior code “100-SR: Illegal Seclusion (staff only – State report)” to report these incidents.

## State Reporting on the Use of Aversive Procedures

[GS § 115C-391.1\(b\)\(2\)](#) defines an **Aversive Procedure** as follows: “a systematic physical or sensory intervention program for modifying the behavior of a student with a disability which causes or reasonably may be expected to cause one or more of the following:

- a) Significant physical harm, such as tissue damage, physical illness, or death.
- b) Serious, foreseeable long-term psychological impairment.
- c) Obvious repulsion on the part of observers who cannot reconcile extreme procedures with acceptable, standard practice, for example: electric shock applied to the body; extremely loud auditory stimuli; forcible introduction of foul substances to the mouth, eyes, ears, nose,

or skin; placement in a tub of cold water or shower; slapping, pinching, hitting, or pulling hair; blindfolding or other forms of visual blocking; unreasonable withholding of meals; eating one's own vomit; or denial of reasonable access to toileting facilities.”

- **When to report:** The use of aversive procedures in public schools is prohibited and must be reported.
  - Use the behavior code “097-SR: Aversive procedure (staff only – State report)” to report these incidents.

## Entering Incidents involving the Use of Seclusion and Restraint in PowerSchool

Before entering these incidents in PowerSchool, review the federal and state reporting requirements and definitions above to determine if the incidents should be reported under the federal reporting requirements, the state reporting requirements, or both.

1. Enter the School Personnel/Authority Figure as a Participant in the Incident with the Role of Offender.
  - a. The identity of the School Personnel/Authority Figure is not required for federal or State reporting. The PSU should determine if they prefer to enter the identity of the School Personnel/Authority Figure or enter keep the identity anonymous.
    - i. To enter the identity of the School Personnel/Authority Figure *with* staff record in PowerSchool, search type as “Staff” and change the context to the appropriate school, if needed, then select the appropriate school personnel.
    - ii. To enter the identity of the School Personnel/Authority Figure *without* staff record in PowerSchool, when searching for the participant, select “Create Other” and then enter in the information that is known about the school personnel.
    - iii. To keep the identity anonymous, when searching for the participant, select “Create Other” and then select checkbox beside “Mark Person as Unknown” or leave the information blank.
  - b. The School Personnel/Authority Figure should be given the role of “Offender” and assigned one of the following participant type codes (see Appendix A for full list of Participant/Offender Type Codes):
    - 02 – Teacher
    - 03 – Staff
    - 04 – Administrator
    - 08 – Other professional
    - 09 – Non-professional
    - 10 – Other
    - 12 – Volunteer
    - 13 – School Resource Officer
2. Enter the appropriate behavior type(s).
  - a. Use the following behavior types. These apply only to uses of seclusion and restraint by authority figures. Do not use these behavior types for offenses committed by students.
    - i. Federal Reporting Behavior Types
      - 111-Mechanical restraint (staff only – OCR report)

- 112-Physical restraint (staff only – OCR report)
- 113-Seclusion (staff only – OCR report)
- ii. State Reporting Behavior Types
  - 097-SR: Aversive Procedure (staff only – State report)
  - 098-SR: Illegal Physical Restraint (staff only – State report)
  - 099-SR: Illegal Mechanical Restraint (staff only – State report)
  - 100-SR: Illegal Seclusion (staff only – State report)
- 3. Enter the offender action type as “063 Other.”
- 4. Enter the student(s) directly affected by the use of seclusion or restraint as the victim.

## Guidance on Entering Objects in an Incident: Weapons

Due to State and Federal reporting requirements, offenses/behaviors involving the assault with or possession of a weapon, firearm or powerful explosive that occur on school property or off school property on a school-sponsored field trip must be reported to the NCDPI within 5 school days of occurrence. When reporting these offenses/behaviors, the type of weapon or firearm must also be reported.

### General Guidance

#### A. All Disciplinary Incidents:

- a. Report an incident regardless of the identity of the offender. This includes, but is not limited to, students from another school/district, staff, parents/guardians, volunteers, and unknown offenders.
- b. Report an incident for disciplinary action that occurs in the school year even if the behavior occurred in a previous school year.
- c. Report any incident that occurs from July 1 to June 30 of every year on school grounds or on a school-related field trip. This includes incidents that occur before and after school hours, during intersession breaks, summer sessions, when school is in session, and when school is not in session.
- d. All disciplinary incidents require a reporter, an offender, a behavior, and an action, even if the offender or the action is unknown or undetermined.
- e. Behaviors:
  - xiv. Report crimes/behaviors where they occur.
  - xv. Report crimes/behaviors committed by any offender (unknown offenders, parents, staff, volunteers, students in all grades PK-13, XG, UG, students from other schools, etc.)
  - xvi. Report up to five behaviors for an offender.
  - xvii. Weapons should also be reported in incidents with weapon-related behaviors.
- f. Actions:
  - xviii. Report up to five actions for an offender.
  - xix. Only one full day, out-of-school suspension action type can be entered for an offender. See *Guidance on Reporting Actions>Reporting Out-of-School Suspension*.
  - xx. Only one full day, in-school suspension action type can be entered for an offender. See *Guidance on Reporting Actions>Reporting In-School Suspensions*.
- g. Weapons:
  - xxi. Report up to three weapons for an offender.

#### B. Incidents with weapon-related offenses:

- a. For each weapon-related offense, the type of weapon should be reported.
  - Example: For an offender who had a knife on school grounds, report the "Possession of weapon" as the behavior and add an object of "Knife".
- b. If an offender is in possession of more than one weapon, report a separate possession of weapon for each.

## Entering Weapons in an Incident

In PowerSchool, a weapon/firearm is entered as an object and attached to the offender in the incident who used or was in possession of the weapon/firearm.

Up to three weapon objects should be reported for each offender in an incident.

Use the following guidance when entering objects into PowerSchool. The Quick Reference Document on entering incidents in PowerSchool may be found at:

[https://files.nc.gov/dpi/documents/student\\_info/PS\\_QRD\\_Incidents.pdf](https://files.nc.gov/dpi/documents/student_info/PS_QRD_Incidents.pdf)

## Weapon Types

Weapon types are used to identify the type of weapon being entered as an object in an incident. There are 16 weapons type codes that can be assigned as an object. See Appendix B for the full list of weapon types. When in doubt, consult with the responding law enforcement officer, SRO or with your PSU's legal counsel for questions about which behavior type and weapon code is most appropriate.

## Guidance on Reporting Weapon Objects

Use the following guidance to help determine which weapon type to use with each of the following behavior types. Consult with the responding law enforcement officer, SRO, or with the PSU's legal counsel to determine if the object used or possessed should be considered a weapon, firearm, or powerful explosive.

### Assault Involving the Use of a Weapon

- 002-PD: Assault involving the use of a weapon:
  - For Weapons defined in G.S. §14-269.2(d), use one of the following weapon types:
    - "04 Pocket Knife"
    - "05 Box Cutter"
    - "06 Razor"
    - "13 Knife"
    - "15 Other Defined Weapon"
  - For Weapons not defined in G.S. §14-269.2(d) but were used in an assault, use the following weapon type:
    - "16 Other Object Not Defined"
- 104-PD: Physical attack with a firearm or explosive device
  - The behavior type should only be used if the firearm or powerful explosive possessed by the offender as defined in G.S. §14-269.2(b) and G.S. §14-269.2(b1), respectively.
  - Only Firearms and Powerful Explosives defined in G.S. §14-269.2(b) and G.S. §14-269.2(b1), respectively, should be used with this behavior type. Use one of the following weapon types:
    - "01 Handgun"
    - "02 Rifle"
    - "03 Shotgun"
    - "05 Other Firearm"
    - "09 Handgun (discharged)"

- “10 Other Firearm (discharged)”
- “11 Rifle (discharged)”
- “12 Shotgun (discharged)”
- “14 Powerful Explosive”

#### Possession of a Firearm or Powerful Explosive

- 009-RO: Possession of firearm or powerful explosive
  - The behavior type should only be used if the firearm or powerful explosive possessed by the offender as defined in G.S. §14-269.2(b) and G.S. §14-269.2(b1), respectively.
  - Only Firearms and Powerful Explosives defined in G.S. §14-269.2(b) and G.S. §14-269.2(b1), respectively, should be used with this behavior type. Use one of the following weapon types:
    - “01 Handgun”
    - “02 Rifle”
    - “03 Shotgun”
    - “05 Other Firearm”
    - “09 Handgun (discharged)”
    - “10 Other Firearm (discharged)”
    - “11 Rifle (discharged)”
    - “12 Shotgun (discharged)”
    - “14 Powerful Explosive”

#### Possession of a Weapon

- 008-RO: Possession of weapon (excluding firearms and powerful explosives).
  - The behavior type should only be used if the weapon possessed by the offender is defined in G.S. §14-269.2(d).
  - Only Weapons defined in G.S. §14-269.2(d) should be used with this behavior type. Use one of the following weapon types:
    - “04 Pocket Knife”
    - “05 Box Cutter”
    - “06 Razor”
    - “13 Knife”
    - “15 Other Defined Weapon”

#### Robbery WITH a Dangerous Weapon (Armed Robbery)

- 010-PD: Robbery with a dangerous weapon
  - For Weapons defined in G.S. §14-269.2(d), use one of the following weapon types:
    - “04 Pocket Knife”
    - “05 Box Cutter”
    - “06 Razor”
    - “13 Knife”
    - “15 Other Defined Weapon”
  - For Weapons not defined in G.S. §14-269.2(d) but were used in an assault, use the following weapon type:
    - “16 Other Object Not Defined”
- 103-PD: Robbery with a firearm or powerful explosive
  - Only Firearms and Powerful Explosives defined in G.S. §14-269.2(b) and G.S. §14-269.2(b1), respectively, should be used with this behavior type. Use one of the following weapon types:

- “01 Handgun”
- “02 Rifle”
- “03 Shotgun”
- “05 Other Firearm”
- “09 Handgun (discharged)”
- “10 Other Firearm (discharged)”
- “11 Rifle (discharged)”
- “12 Shotgun (discharged)”
- “14 Powerful Explosive”

Inappropriate Items on School Property (040-UB)

- A weapon type is not required when entering incidents with a “040-UB: Inappropriate Items on School Property”. If a weapon type is entered, use “16 Other Object Not Defined”.

## Guidance on Reporting Actions

Use the following guidance to help decide which action(s) to report. Each offender involved in an incident should be considered separately. Report up to 5 actions for each offender in an incident.

NCDPI is responsible for adding new or changing existing locations, offender types, victim types, offender behaviors, offender actions, victim actions, and weapon types to be used in reporting. PSUs should contact NCDPI regarding any desired additions or changes.

### General Guidance

#### A. All Disciplinary Incidents:

- a. Report an incident regardless of the identity of the offender. This includes, but is not limited to, students from another school/district, staff, parents/guardians, volunteers, and unknown offenders.
- b. Report an incident for disciplinary action that occurs in the school year even if the behavior occurred in a previous school year.
- c. Report any incident that occurs from July 1 to June 30 of every year on school grounds or on a school-related field trip. This includes incidents that occur before and after school hours, during intersession breaks, summer sessions, when school is in session, and when school is not in session.
- d. All disciplinary incidents require a reporter, an offender, a behavior, and an action, even if the offender or the action is unknown or undetermined.
- e. Behaviors:
  - xxii. Report crimes/behaviors where they occur.
  - xxiii. Report crimes/behaviors committed by any offender (unknown offenders, parents, staff, volunteers, students in all grades PK-13, XG, UG, students from other schools, etc.)
  - xxiv. Report up to five behaviors for an offender.
  - xxv. Weapons should also be reported in incidents with weapon-related behaviors.
- f. Actions:
  - xxvi. Report up to five actions for an offender.
  - xxvii. Only one full day, out-of-school suspension action type can be entered for an offender. See *Guidance on Reporting Actions>Reporting Out-of-School Suspension*.
  - xxviii. Only one full day, in-school suspension action type can be entered for an offender. See *Guidance on Reporting Actions>Reporting In-School Suspensions*.
- g. Weapons:
  - xxix. Report up to three weapons for an offender.

#### B. Incidents where the offender is a student from another school:

- a. Behaviors and crimes must be reported at the school where they occurred, even if the offender is a student from another school within the same PSU or from another PSU. The principal of the school where the behavior or crime occurs is also responsible for reporting certain criminal act(s) to law enforcement as required by GS 115C-288(g):
  - Example: A student from School B commits an offense at School A. School A would only report the offense and any action taken as a result by School A.

School B, where the student is enrolled, would only report the actions taken by School B and would report the behavior as “069: UB Other” since the offense did not occur at school B. Use the narrative to explain the reason for the disciplinary action and the reason that the crime was not reported at School B. It may be necessary for School A and School B to work with each other and/or the PSU’s Discipline Data Coordinator to ensure that the incident was entered correctly at both schools.

- C. Incidents with victims:
  - a. For all Violent crimes and certain behaviors, such as Bullying and Harassment, a victim(s) should be reported with the incident. In these incidents, especially if there are multiple offenses associated with the offender and/or multiple victims, the incident might need to be entered as multiple incidents to avoid overcounting of behaviors. The *Reporting Incidents with Victims* section goes into detail on how to report these incidents.
  - b. If it is necessary to separate an incident and enter it as multiple incidents, if an offender(s) is in multiple incidents, only enter the offender action(s) in one of the incidents. For the other incidents, the action should be entered as “145 Concurrent Incident/Duplicative Action”.
- D. Incidents when a crime or behavior is reported to Law Enforcement:
  - a. Any reportable offense (crimes) should be reported to the police or a School Resource Officer who is a sworn police officer. This is captured by entering “Report to Law Enforcement” as an action in the incident.
  - b. Incidents, not involving crimes, that were referred to law enforcement should also be reported as an action. See the *Guidance on Reporting Actions>Recording “Report to Law Enforcement”* Section for more detail on when to enter “Report to law enforcement” as an action.
- E. Incidents where the action applied to the offender occurs in two different school years:
  - a. For actions that are assigned to a student after June 30 (EOY) for incidents occurring before June 30, report the behavior at the time of occurrence and any actions applied in year 1. Then, if additional actions are applied in the next year, create an incident record in year 2, report the additional actions applied in year 2, and use the behavior type “121: Continuation of Disciplinary Action from Previous Year.”
  - b. For actions such as 365-day suspensions or long-term suspensions that continue into the second year, create an incident record in year 2, report the actions applied in year 2, and use the behavior type “121: Continuation of Disciplinary Action from Previous Year”.

## Entering Actions

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 (all behaviors that occurred during an incident); therefore, they are linked to the incident and offender not to a specific act.

In the PowerSchool Incidents module, consequences are referred to as Actions. The school discipline data coordinator should consult the current listing of Actions in *Appendix A* and *Guidance on Reporting Consequences/Actions* section of this manual in deciding how to report the actions associated with an offender and incident.

The actions that can be selected when entering an incident are referred to *action types*. All action types that can be selected in PowerSchool have a unique 3-digit prefix, followed by a description (e.g., 001 Supervised Activities). The first three digits in the prefix is referred to as the *action type code* and is a unique numeric code for the action.

The definitions and examples below should be used for guidance when entering incidents. Guidance and definitions provided for action types that are not defined in Statute or Law should be considered illustrative and should not supersede any guidance found in the PSU's Student Code of Conduct.

## Reporting Actions in Concurrent Incidents

The definitions and examples below should be used for guidance when entering incidents. Action types that are not defined in Statute or Law should be considered illustrative and should not supersede any guidance found in the PSU's Student Code of Conduct.

To avoid overcounting of behaviors, it may be necessary to separate the incident and enter it as multiple incidents, especially in incidents where the behaviors(s) apply to some, but not all, of the victims in the incident or if a victim applies to some, but not all, offenders. If it is necessary to create multiple incidents, if an offender(s) is in both incidents, only enter the offender action(s) in one of the incidents. For the other incidents, the action should be entered as "145 Concurrent Incident/Duplicative Action".

### Action Types to Use

- **145 Concurrent Incident/Duplicative Action**: this action type may be used when it is necessary to separate an incident and enter it as multiple incidents *and* the same offender is two or more of the separated incidents. To avoid overcounting, enter the offender's action in only one of the incidents and enter the action of "145 Concurrent Incident/Duplicative Action" in the others.

## Reporting Corporal Punishment

Corporal Punishment is defined in [GS § 115C-390.1](#) as "the intentional infliction of physical pain upon the body of a student as a disciplinary measure." Examples of corporal punishment include spanking and paddling.

### Action Types to Use

- **007 Corporal Punishment**: this action type should be used when "the intentional infliction of physical pain upon the body of a student as a disciplinary measure."

## Reporting In-School Suspensions

When students are reassigned to an area apart from the regular classroom for a relatively short period of time, this disciplinary action is considered an in-school suspension. [US Department of Education Office of Civil Rights](#) also defines in-school suspension as the temporary removal of a student from the student's regular classroom(s) for disciplinary purposes for half of the student's school day or more. During this temporary removal of the student, the student remains under the "direct supervision" of school personnel. Direct supervision in this definition means "school personnel are physically in the same location as the students under their supervision."

In a preschool setting an in-school suspension is further defined as when a teacher or school administrator removes a student from his/her regular classroom to an area apart from their regular classroom due to challenging behavior in the absence of an intervention plan within the Multi-Tiered System of Support for more than a half day of the student's instructional day.

For in-school suspensions that are for a half school day or more enter the action type of "002 ISS – In school suspension" or "140 ISS via Remote Learning."

For in-school suspensions of less than half of a school day, enter the action type "115 ISS Partial Day". In-school suspension for less than half a day are not reported as full day in-school suspensions.

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.

When reporting in-school suspensions, there can be only one in-school suspension reported for the offender for a specific incident as such the action entered should reflect the outcome for the offender. For example, sometimes the assignments of suspension days to an offender in an incident occur at different points in time. PSUs should have a process in place to update the incident so that the total days suspended are displayed in the Actual Duration box in PowerSchool and to make any adjustments to the action types entered if needed. Use the Duration Notes to describe how the separate assignments of suspension days were combined to yield the total displayed in the Actual Duration box.

These action types are considered attendance related actions in PowerSchool. When these types are entered, the disciplinary attendance code must be assigned on the Incident Detail page in order to save the incident. See *Recording Attendance Related Actions* section for details on how to complete the Attendance Related Action section of the Incident Detail page. For more details on attendance codes and student accounting, please refer to the [School Attendance and Student Accounting Manual](#).

### Action Types to Use

- **002 ISS - In School Suspension:** this action type should be used when students are reassigned to an area apart from their regular classroom for a half of the student's school day or more. In-school suspensions typically exclude students from instructional time in their regular classrooms.

- **115 ISS Partial Day:** this action type should be used when a student is assigned to in-school suspension for less than half the day for disciplinary reasons.
- **140 In-school Suspension via Remote Learning:** this action type should be used when a student is enrolled in virtual instruction and the student is reassigned to an area apart from the regular classroom for a relatively short period of time for a half of the student's school day or more. In-school suspensions typically exclude students from instructional time in their regular classrooms.

## Reporting Out-of-School Suspensions

Out-of-school suspensions are defined as the exclusion of a student from school attendance for disciplinary purposes. Students are considered in attendance if they are present on-site for at least half of their school day. If the student is not present for at least half of their school day, they are considered excluded from attendance. Therefore, if a student is sent home for at least half of their school day and are allowed to return the following day, they would be out-of-school suspended for 1 school day. For the purposes of this report and in accordance with general statute (NCGS § 115C-390.1), out-of-school suspensions are categorized as either short-term or long-term suspensions. This categorization is based on the number of days the student was excluded from school.

In a preschool setting an out-of-school suspension is further defined as when the parent/guardian/grandparent is asked to remove a child from school because of challenging behavior in the absence of an intervention plan within the Multi-Tiered System of Support. See the *Guidance for Reporting Preschool Discipline Data* section for more detail.

A short-term suspension (STS) is defined as the exclusion of a student from school attendance for disciplinary purposes for up to 10 days (NCGS § 115C-390.1).

A long-term suspension (LTS) is defined as the exclusion of a student from school attendance for disciplinary purposes for more than 10 days (NCGS § 115C-390.1) and includes remainder of the school year suspensions and 365-day suspensions. However, to meet both federal and state reporting requirements, long-term suspensions, remainder of the school year suspensions and 365-day suspensions should be entered using different action types.

When a student is suspended long-term, the student may not return to his or her regular school for the duration of the suspension. Districts may allow long-term suspended students to attend an alternative learning program or school (ALPS) during their long-term suspension from their home school. For reporting purposes, students are not considered suspended while attending an alternative learning program or school. However, if the student is out-of-school for any duration of time while they wait for their alternative learning placement, both the out-of-school suspension and the reassignment to the alternative learning program or school are to be reported.

Additionally, when reporting out-of-school suspensions, there can be only one out-of-school suspension reported for the offender for a specific incident; as such, the action entered should reflect the outcome for the offender. For example, sometimes the assignments of suspension days to an offender in an incident occur at different points in time (e.g., when students are first short-term suspended and later long-term suspended based on a disciplinary hearing). Often when the incident first occurs, a student is given a short-term suspension pending a disciplinary hearing which is then

changed to suspended for the remainder of the school year after the hearing. PSUs should have a process in place to update the incident so that the total days suspended are displayed in the Actual Duration box in PowerSchool and to make any adjustments to the action types entered if needed. Use the Duration Notes to describe how the separate assignments of suspension days (the original suspension imposed by the principal, followed by a second one based on a hearing or district decision) were combined to yield the total displayed in the Actual Duration box.

Use the guidance in this section to determine the appropriate action type to enter.

## Reporting Short-term and Long-term Suspensions

Short-term and long-term suspensions (excluding remainder of the year suspensions and 365-day suspensions) of greater than half a school day will be entered using the action type of “003 OSS.” It is the number of days that are entered in the Actual Duration field in PowerSchool that determines if the suspension is classified as a short-term suspension or a long-term suspension. A short-term suspension is when the student is out of school for less than 11 school days, whereas long-term suspensions is when the number of days is 11 days or longer.

In cases where a student is suspended long-term and allowed to attend an alternative program, adjust the length of suspension to include only the length of time the student is out of school. If the length of time the student is out of school is less than 11 days, this will be counted as a short-term suspension for reporting purposes.

For students who are in attendance for more than half the day and are sent home for the remainder of the day but are not given suspension days beyond less than half of that day, enter “091 Sent Home Early.” However, if a student begins an out-of-school suspension that is a half day or more and misses less than half of the first school day, enter the action type “091 Sent Home Early” for the first day then enter the action code of “003 OSS” that includes the number of suspension days assigned.

This action type is considered attendance related actions in PowerSchool. When these types are entered, the disciplinary attendance code must be assigned on the Incident Detail page in order to save the incident. See *Recording Attendance Related Actions* section for details on how to complete the Attendance Related Action section of the Incident Detail page. For more details on attendance codes and student accounting, please refer to the [School Attendance and Student Accounting Manual](#).

### Action Types to Use

- **003 OSS:** this action type should be used when a student is excluded from school attendance from the school the student is assigned for disciplinary purposes for half of the student’s school day or more. For state reporting purposes, out-of-school suspensions are categorized as either short-term or long-term suspensions ([GS § 115C-390.1](#)). A short-term suspension is the exclusion of a student from school attendance for disciplinary purposes for up to 10 days. A long-term suspension is the exclusion of a student from school attendance for disciplinary purposes for 11 days or more.
- **035 OSS Involving a Hearing:** this action type may be used when a student is suspended from school with the recommendation of a long-term suspension pending the outcome of a disciplinary hearing.

- **091 Sent Home Early:** this action type should be used when a student has been in attendance for more than half the day and is sent home for the remainder of the day for disciplinary reasons. See the *Reporting Short-term and Long-term Suspensions* section for more detail on when to use this action type.

## Reporting Remainder of the Year Suspensions

Action code for OSS Remainder of the Year (“004 OSS for Remainder of Year”) should only be used for suspensions of eleven (11) days or longer. If a student is suspended for the remainder of the school year and there are fewer than eleven days left, use OSS (code “003 OSS”) as the action type. However, if the suspension is eleven (11) days or longer AND if the suspension is to carry over into the next school year (and it is not a 365-day suspension), OSS for Remainder of Year may be used.

In order to capture only the suspension days that the state needs to report for the current-year suspension data collection, enter the number of school days remaining in the school year, excluding teacher workdays and holidays, in the Assigned Duration.

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 Assigned Duration field, the End Date will be displayed. If the End Date generated is before that last day of the school year, increase the number of days entered in Assigned Duration. If the end date is empty, then the number of Assigned Days is greater than the number of days left in the school year, and you will need to decrease the number of days.

When a suspension carries over into the next school year, in the current year, enter the appropriate behavior type and only the number of days the student was out of school in the current year. In year 2, record the behavior as “121: Continuation of Disciplinary Action from Previous School Year”, the action as “003 OSS” and only report the number of days suspended in year 2.

In cases where a student is suspended for the remainder of the year and allowed to attend an alternative program, adjust the length of suspension to include only the length of time the student is out of school. If the length of time the student is out of school is less than 11 days, this will be counted as a short-term suspension for reporting purposes.

This action type is considered attendance related actions in PowerSchool. When these types are entered, the disciplinary attendance code must be assigned on the Incident Detail page in order to save the incident. See *Recording Attendance Related Actions* section for details on how to complete the Attendance Related Action section of the Incident Detail page. For more details on attendance codes and student accounting, please refer to the [School Attendance and Student Accounting Manual](#).

### Action Types to Use

- **004 OSS for Remainder of Year:** this action type should be used when a student is suspended for the remainder of the school year and when the suspension is for eleven days or longer.

## Reporting 365-Day Suspensions

Action code for 365-Day Suspension (“005 OSS 365 days”) should only be used in the first school year of the 365-day suspension. In year 2, record the behavior as “121: Continuation of Disciplinary Action from Previous School Year”, the action as “003 OSS” and only report the number of days suspended in year 2.

In order to capture only the suspension days that the state needs to report for the current-year suspension data collection, enter the number of school days remaining in the school year, excluding teacher workdays and holidays, in the Assigned Duration. This will generate an End Date in the system. After the correct number of days has been entered for the current school year, 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 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 Assigned Duration field, the End Date will be displayed. If the End Date generated is before that last day of the school year, increase the number of days entered in Assigned Duration. If the end date is empty, then the number of Assigned Days is greater than the number of days left in the school year, and you will need to decrease the number of days.

In cases where a student is suspended for 365 days and allowed to attend an alternative program, adjust the length of suspension to include only the length of time the student is out of school. If the length of time the student is out of school is less than 11 days, this will be counted as a short-term suspension for reporting purposes.

This action type is considered attendance related actions in PowerSchool. When these types are entered, the disciplinary attendance code must be assigned on the Incident Detail page in order to save the incident. See *Recording Attendance Related Actions* section for details on how to complete the Attendance Related Action section of the Incident Detail page. For more details on attendance codes and student accounting, please refer to the [School Attendance and Student Accounting Manual](#).

### Action Types to Use

- **005 OSS 365 days:** this action type should be used when a student is suspended from school for 365-days and should only be used in the first year of the suspension.

## Recording Alternative Learning Program Placements (ALPS) and other Alternative Educational Services Received

[GS § 115C-390.1](#) defines Alternative Education Services as “part or full-time programs, wherever situated, providing direct or computer-based instruction that allow a student to progress in one or more core academic courses. Alternative education services include programs established by the local board of education in conformity with G.S. 115C-105.47A and local board of education policies.”

Alternative learning placements as disciplinary actions are defined as the reassignment of a student, for a relatively longer periods of time where they are provided direct or computer-based instruction and continued access to courses and supervising teachers for those courses.

Often students are assigned to alternative schools or programs for short periods of time, and instead of receiving instruction from ALPS 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 ALPS placements.

When students are assigned to Alternative Schools or Alternative Learning Programs due to a long-term suspension use the following guidance when entering the incident.

1. Do not report suspension days for time that students spend in alternative learning programs or alternative schools.
2. When a student does not immediately report to the ALPS and misses a day or more of school, if a student is 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. **Enter both the suspension and the alternative learning placement action type.**
3. When a student reports immediately to an alternative program and does not miss any days of school, remove the suspension action type altogether and replace it with the appropriate alternative learning placement action type.

When entering an incident involving students with disabilities (only) assigned to an ALPS who would have been long-term suspended but instead were assigned to an alternative school or alternative learning program, the **additional** Action Type of "038 EC Serve LTS in ALP" should be assigned as an action for the student along with the appropriate change of placement action code and ALPS action code. These assignments of students with disabilities 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. See the *Reporting Suspensions, ALPS, Changes in Placement, and Homebound Instruction for Students with Disabilities* section below.

When PSUs assign students to alternative instruction and continuing access to courses and supervising teachers for those courses while students are long-term suspended, but these students are not duly assigned to a North Carolina State Board of Education-approved alternative learning program or school, the action type of "010 Community Based or Other Agency ALP" may be assigned instead of suspension days.

When the PSU provides other alternative educational services to suspended or expelled students during the suspension or expulsion that are 1) limited in nature, 2) would not be considered an Alternative Learning Placement or a "010 Community Based or Other Agency ALP" placement and 3) the services are not received through Home/Hospital IEP Team placement, PSUs can enter the **additional** action type of "144 Alternative Educational Services – Other" to capture when these services are provided. *This action type should not be used as a replacement for an out-of-school suspension or an expulsion as a disciplinary action and should not be entered alone.*

### Action Types to Use

- **008 Alternative School (with school number)**: this action type should be used when a student is assigned, for disciplinary reasons, to an alternative learning school operated by the PSU that meets G.S. 115C-105.47A and local board of education policies.
- **009 ALP program**: this action type should be used when a student is assigned, for disciplinary reasons, to an alternative learning program operated by the PSU.

- **010 Community Based or Other Agency ALP:** this action type should be used when PSUs provide continuing access to courses and supervising teachers for those courses, but that access does not meet the standards for an ALP program or alternative school.
- **036 DJJDP Alternative Program:** this action type should be used when a student is assigned, for disciplinary reasons, to a Juvenile Justice and Delinquency Prevention (DJJDP) alternative learning program.
- **037 NCDPI Alternative Program:** this action type should be used when a student is assigned, for disciplinary reasons, to a NCDPI alternative learning program.
- **038 EC Serve LTS in ALP:** this action type should only be used when an EC student who instead of being long-term suspended is assigned to alternative school or alternative learning program. When this action type is used, an ALPS action type (008, 009, 010, 036, or 037) should also be used.
- **144 Alternative Education Services – Other:** this action type should not be used as a replacement for an out-of-school suspension or expulsion as a disciplinary action. This is an optional code for schools to use when a student offender who is given an out-of-school suspension or is expelled, is also provided alternative educational services that would not be classified as a “033 Homebound Instruction” or an Alternative Learning Program Placement, codes “008, 009, 010, 036, 037, or 038”.

## Reporting Attendance Related Actions

In-school suspension (002,140), out-of-school suspension (003, 035), remainder of the year suspension (004), or 365-day suspension (005) action types are considered attendance related actions in PowerSchool. When attendance related actions are assigned to an offender in an incident, the Attendance Related Action section will display each offender in the incident that has an attendance related action. This section must be completed for the incident to be saved at the school level.

This section is completed by assigning the appropriate disciplinary attendance code to the days the student was either in-school suspended, out-of-school suspended, or both. To assign the attendance code, click on the pencil icon to the far right under “Attendance”, then assign the appropriate disciplinary attendance code. The attendance code for out-of-school suspensions (003, 035, 004, and 005) is 3. The attendance code for in-school suspension is 3a. Once the appropriate attendance code for the day or days of the in-school or out-of-school suspension is set, select “Ok”.

**IMPORTANT:** When updating attendance related actions, click on the yellow pencil icon beside the action that was updated. If attendance codes have been updated for the offender outside of the Incident Management page, uncheck “Override Existing Attendance Codes” then select “OK”.

For more details on attendance codes and student accounting, please refer to the [School Attendance and Student Accounting Manual](#).

## Reporting Preschool Reduction of Participation

Preschool reduction of participation refers to the reduction of a preschool child's participation in a preschool program at a school or facility (in-person or virtual setting) for disciplinary purposes that is more than one instructional day and that is not a result of an Individualized Education Program (IEP) team decision. Reductions can be in the length of the student's day and/or in the number of days per week a student can attend. A plan for reduction of participation that is implemented through a student's IEP is not considered a disciplinary action. See the *Guidance for Reporting Preschool Discipline Data* section for more detail.

### Action Types to Use

- **142 Preschool Reduction of Participation** – this action type should only be used for preschool students and refers to the reduction of a preschool child's participation in a preschool program at a school or facility (in-person or virtual setting) for disciplinary purposes that is more than one instructional day and that is not a result of an Individualized Education Program (IEP) team decision. Reductions can be in the length of the student's day and/or in the number of days per week a student can attend.

## Reporting Expulsions and Preschool Expulsions

An expulsion is defined in [GS § 115C-390.1](#) as “the indefinite exclusion of a student from student enrollment for disciplinary purposes.” GS § 115C-390.11 states that “(a) Upon recommendation of the superintendent, a local board of education may expel any student 14 years of age or older whose continued presence in school constitutes a clear threat to the safety of other students or school staff.” This code should only be used when the offender is school age.

In a preschool setting, a preschool expulsion is defined as “the permanent termination of a preschool child's participation in a preschool program at a school or facility (in-person or virtual setting) for disciplinary purposes. A preschool child who is transitioned directly from the classroom (in-person or virtual setting) to a different setting deemed to be more appropriate for the child (e.g., special education, transitional classroom, or therapeutic preschool program) is not considered an expelled preschooler.” [US Department of Education Office of Civil Rights](#) See the *Guidance for Reporting Preschool Discipline Data* section for more detail.

### Action Types to Use

- **006 Expulsion**: this action type should be used when a student is indefinitely excluded from student enrollment” [GS § 115C-390.1](#). This action type should only be used for school-age students.
- **141 Preschool Expulsion**: this action type should only be used for preschool students and “refers to the permanent termination of a preschool child's participation in a preschool program at a school or facility (in-person or virtual setting) for disciplinary purposes (CRDC).”

# Reporting Suspensions, ALPS, Changes in Placement, and Homebound Instruction for Students with Disabilities

Due to federal reporting requirements, where students with disabilities who receive a change in placement or were recommended for a change in placement as a result of a disciplinary incident, there are multiple action types that should be reported. This section will provide guidance on reporting disciplinary actions for students with disabilities (exceptional children with IEPs). For information about Federal Regulations and State Policies regarding Students with Disabilities visit the NCDPI [website](#).

## Change in Placement Action Codes

A change in placement is defined as the removal of a student with a disability (EC) who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension. There are three actions codes that should be reported along with the appropriate disciplinary action code. The three change in placement action code are:

- 1) “100 Unilateral change in placement (EC only)” is used when an EC student receives a change in placement from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension **regardless** of the outcome of the Manifestation Determination Review (MDR) conducted by the IEP team.
- 2) “101 Hearing held, no change in placement (EC only)” is used when an EC student is recommended for a change in placement from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, but the recommendation for a change in placement is not upheld and the student is returned to their regular placement after the Manifestation Determination Review (MDR) conducted by the IEP team determined that the behavior **is** a manifestation of the student’s disability.
- 3) “102 Hearing held, change in placement (EC only)” is used when an EC student is recommended for a change in placement from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension and the recommendation for the change in placement is upheld after the Manifestation Determination Review (MDR) conducted by the IEP team determined that the behavior **is not** a manifestation of the student’s disability.

## ALPS Placements

When entering an incident involving students with disabilities (only) assigned to an ALPS who would have been long-term suspended but instead were assigned to an alternative school or alternative learning program, the **additional** Action Type of “038 EC Serve LTS in ALP” should be assigned as an action for the student along with the appropriate change of placement action code and ALPS action code. These assignments of students with disabilities 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.

## Homebound Instruction

If a student with a disability is suspended out-of-school but receives services during the suspension through a Home/Hospital IEP Team placement, the action type “033 Homebound Instruction” should

be used along with OSS or a change in placement action type in order to properly account for placements that occur as a result of discipline. *The action type “033 Homebound Instruction” may not be used as a replacement for an out-of-school suspension as a disciplinary action.* Students receiving this service while suspended must be classified as suspended. This is a disciplinary action code and it not to be used as a **Home/Hospital or Homebound Attendance Code**. See [Homebound/Hospital Attendance Code Technical Assistance Guide](#) for the appropriate use of the attendance code.

Use the following guidance for entering incidents involving changes in placements for students with disabilities.

- When an EC student given a suspension **regardless** of the outcome of the MDR by the IEP team:
  1. Enter the suspension action code (003, 004, or 005) using the guidance found in the OSS section,
  2. Enter the additional action type of “100 Unilateral change in placement (EC only)”, and
  3. If applicable, enter the additional action type of “033 Homebound Instruction”
- When an EC student is placed in ALPS school or program in order to serve a long-term and **regardless** of the outcome of the MDR by the IEP team:
  1. Enter the ALPS action code (008, 009, 010, 036, or 037) using the guidance found in the *Recording Alternative Learning Program Placements (ALPS) and other Alternative Educational Services Received* section
  2. Enter the action type of any temporary change in placement if the student does not immediately report to the ALPS and is removed from their regular school location before they report to the ALPS,
  3. Enter the action type of “100 Unilateral change in placement (EC only)”, and
  4. Enter the additional action type of “038 EC Serve LTS in ALP”
- When an EC student is recommended for a change in placement and the recommendation for the change in placement **is not** upheld and student is returned to their regular school location after the MDR by the IEP team:
  1. Enter the action type of the temporary change in placement (i.e., suspension), if the student received a temporary change in placement while waiting for the disciplinary hearing to occur, and
  2. Enter action type of “101 Hearing held, no change in placement (EC only)”
- When an EC student is recommended for a change in placement and the recommendation for the change in placement **is** upheld after the MDR by the IEP team:
  1. Enter the appropriate action type for the change in placement (i.e., suspension, ALPS),
  2. Enter the action type of the temporary change in placement, if the change in placement while the student was awaiting the MDR is different from the change in placement implemented after the MDR,
  3. Enter the additional action type of “102 Hearing held, change in placement (EC only)”, and
  4. If applicable, enter the additional action type of “033 Homebound Instruction”

### Action Types to Use

- **033 Homebound Instruction**: This action type should be used along with as OSS or a change in placement action type when a student with a disability receives services during the suspension through a Home/Hospital IEP Team placement. This action type should not be used as a disciplinary action alone and it should not be used as a replacement for out-of-school suspension.
- **038 EC Serve LTS in ALP**: This action type should only be used when an EC student who instead of being long-term suspended is assigned to alternative school or alternative learning program. When this action type is used, an ALPS action type (008, 009, 010, 036, or 037) should also be used.
- **100 Unilateral change in placement (EC only)**: This action type should be used when an EC student receives a change in placement from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension *regardless* of the outcome of the Manifestation Determination Review (MDR) by the IEP team.
- **101 Hearing held, no change in placement (EC only)**: This action type should only be used when an EC student is recommended for a change in placement from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension and the recommendation for the change in placement *is not* upheld and student is returned to their regular classroom setting after the Manifestation Determination Review (MDR) by the IEP team.
- **102 Hearing held, change in placement (EC only)**: This action type should only be used when an EC student is recommended for a change in placement from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension and the recommendation for the change in placement *is* upheld after the Manifestation Determination Review (MDR) by the IEP team.

### Reporting Zero Tolerance Expulsions

A requirement of the CRDC report is for PSUs 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 (in-person or virtual setting) for the remainder of the school year or longer because of zero-tolerance policies. A zero tolerance policy is a policy that results in mandatory expulsion of any student who commits one or more specified offenses (e.g., offenses involving guns, or other weapons, or violence, or similar factors, or combinations of these factors). A policy is considered “zero tolerance” even if there are some exceptions to the mandatory aspect of the expulsion, such as allowing the chief administering officer of a local educational agency to modify the expulsion on a case-by-case basis.”

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

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

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

### Action Types to Use

- **110 Zero Tolerance Expulsion (OCR)**: This action type should be used when a disciplinary action taken by the local educational agency results in 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 exclusion 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). When this action type is used, one or more of the following action types should also be used: 003, 004, 005, 006, 008, or 009.

## Recording "Report to Law Enforcement"

Principals are required by law to report to the appropriate law enforcement agency the acts specified in [NC General Statute 115C-288\(g\)](#):

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

The Office of Civil Rights Data Collection requires that schools collect data on "students who were referred to a law enforcement agency or official." The definitions for the CRDC report read as follows:

"Referral to law enforcement" is an action by which a student is reported to any law enforcement agency or official, including a school police unit, for an incident that occurs on school grounds, during school-related events (in person or virtual), or while taking school transportation, regardless of whether official action is taken. Citations, tickets, court referrals, and school-related arrests are considered referrals to law enforcement.

School-related arrest refers to an arrest of a student for any activity conducted on school grounds, during off-campus school activities (in-person or virtual), while taking school transportation, or due to a referral by any school official. All school-related arrests are considered referrals to law enforcement."

To comply with these requirements, use these guidelines on whether to enter "012 Report to Law Enforcement" as an action type in an incident:

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

#### Action Types to Use

- **012 Report to Law Enforcement:** This action type should be used when a student is referred to a law enforcement agency or official (including the SRO) due to an incident. See the *Recording "Report to Law Enforcement"* section for specific reporting requirements.
- **092 School related arrest:** This action type should be used when a student is arrested "for any activity conducted on school grounds, during off-campus school activities (in-person or virtual), while taking school transportation, or due to a referral by any school official."

## Reporting Time-outs

Time-out is a behavior management technique initiated by a teacher or staff member in which a student is separated from other students for a limited period of time in a monitored setting. For young children, the length of time-out should be no more than five minutes. Time-outs are meant to de-escalate a volatile situation and help children regain control.

See *Guidance for Reporting Preschool Discipline Data* for guidance on the use of time-outs with preschool students.

#### Action Types to Use

- **026 Time Out:** This action type is defined as "a behavior management technique in which a student is separated from other students for a limited period of time in a monitored setting" ([GS § 115C-390](#)).

## Reporting Detentions

The definitions and examples below should be used for guidance when entering incidents. Action types that are not defined in Statute or Law should be considered illustrative and should not supersede any guidance found in the PSU's Student Code of Conduct.

#### Action Types to Use

- **021 After School Detention:** This action type may be used when a student receives after school detention for disciplinary reasons. Detention can be defined as the removal of a student from

normal classroom or school activities for a specified amount of time and does not exclude a student from instructional time.

- **024 Lunch Detention**: This action type may be used when a student receives lunch detention for disciplinary reasons. Detention can be defined as the removal of a student from normal classroom or school activities for a specified amount of time and does not exclude a student from instructional time.
- **064 Detention – In School**: This action type may be used when a student receives in-school detention for disciplinary reasons. Detention can be defined as the removal of a student from normal classroom or school activities for a specified amount of time and does not exclude a student from instructional time.
- **107 Before School Detention**: This action type may be used when a student receives before school detention for disciplinary reasons. Detention can be defined as the removal of a student from normal classroom or school activities for a specified amount of time and does not exclude a student from instructional time.

## Reporting Actions Related to School or Bus Activities and Privileges and Restitution

The definitions and examples below should be used for guidance when entering incidents. Action types that are not defined in Statute or Law should be considered illustrative and should not supersede any guidance found in the PSU's Student Code of Conduct.

### Action Types to Use

- **001 Supervised Activities**: This action type may be used when as a result of a student's behavior, the student's activities, or specific activities, will be supervised by school personnel.
- **022 Bus Suspension**: This action type may be used when a student is suspended from using school transportation for disciplinary reasons.
- **025 Student Pays Restitution**: This action type may be used when a student is required to pay restitution for any damage or theft that may have occurred.
- **028 Revoke Driving Privileges**: This action type may be used when a student's driving privileges are revoked in part or in full. Examples of driving privileges may be on campus parking or driving off campus during lunch.
- **114 Restriction of School Privileges**: This action type may be used when a student's school privileges are restricted due to a disciplinary incident. Examples of restriction of school privileges may be leaving campus for lunch.

## Reporting Administrative Conferences and Written Warnings

The definitions and examples below should be used for guidance when entering incidents. Action types that are not defined in Statute or Law should be considered illustrative and should not supersede any guidance found in the PSU's Student Code of Conduct.

### Action Types to Use

- **023 Conference**: This action type may be used when a conference is held with the student and/or their parent/guardian.
- **027 Student Written Warning**: This action type may be used when a student is given a written warning as a result of an incident.
- **030 Administrative Conference with Parent**: This action type may be used when an administrative conference is held with a student's parent/guardian as a result of an incident.
- **031 Administrative Conference with Student**: This action type may be used when an administrative conference is held with a student as a result of an incident.

## Reporting Referral to Community Agencies or Participation in Classes/Programs

The definitions and examples below should be used for guidance when entering incidents. Action types that are not defined in Statute or Law should be considered illustrative and should not supersede any guidance found in the PSU's Student Code of Conduct.

### Action Types to Use

- **113 Referral to Community Agency**: This action type may be used when a student is referred to a community agency for disciplinary reasons.
- **116 Tobacco Awareness Class**: This action type may be used when a student is assigned to participate in a Tobacco Awareness class as a result of a disciplinary incident.
- **117 Drug/Alcohol Class**: This action type may be used when a student is assigned to participate in a Drug/Alcohol class as a result of a disciplinary incident.
- **032 Work Detail**: This action type may be used when a student is assigned to perform specific activities, such as cleaning up the cafeteria or school grounds, as a result of an incident.
- **034 Saturday Academy**: This action type may be used when a student is assigned to attend a program outside of the school week for disciplinary purposes.

## Reporting Actions for Failure to Submit Immunizations Records and Health Assessments

G.S. §130A-155 requires that parents or guardians submit proof of immunization for any child enrolled in public schools at the time of enrollment. If the certification of immunization is not

presented on the first day of attendance, parents or guardians have 30 days from the first day of attendance to obtain the required immunization. Additional days may be allowed for immunizations which are administered in a series of doses given at medically approved intervals beyond the 30 days. At the end of the 30 days or the extended period if the required immunization has not been obtained principal or operators shall not permit the student to attend the school or facility until the proof of immunization has been obtained.

G.S. §130A-440 requires that parents or guardians submit proof of health assessment for any child presented for admission into kindergarten or high grades in public schools for the first time. If the health assessment transmittal form is not presented on the first day of attendance, parents or guardians have 30 days from the first day of attendance to submit the form. At the end of the 30 days if the required form has not been presented, principal or operators shall not permit the student to attend the school or facility until the form is presented.

The action of not allowing students to attend school because they lack a required immunization, or the health assessment form was not submitted is not considered a disciplinary suspension. This information is not required to be entered as a disciplinary incident; however, if you would like to capture the information in the Incidents module, assign the student the behavior code of “065:UB – No Immunization” or “077:UB – Physical Exam” and the action code of “135 OSS Medical Reasons”. These incidents are not considered out-of-school suspensions and are excluded from reporting.

#### **Action Types to Use**

- **135 OSS Medical Reasons:** This action of not allowing students to attend school because they lack a required immunization, or the health assessment form was not submitted is not considered a disciplinary suspension. This information not required to be entered as a disciplinary incident; however, if you would like to capture the information in the Incidents module, assign the student the behavior code of “065:UB – No Immunization” or “077:UB – Physical Exam” and the action code of “135 OSS Medical Reasons”. These incidents are not considered out-of-school suspensions and are excluded from reporting.

## **Reporting “Other” Actions**

The definitions and examples below should be used for guidance when entering incidents. Action types that are not defined in Statute or Law should be considered illustrative and should not supersede any guidance found in the PSU’s Student Code of Conduct.

#### **Action Types to Use**

- **063 Other:** This action type should be used when 1) a student is given a disciplinary action that does not fall under the definition of any other action types, 2) the student offender is from another school, 3) the offender is unknown and the action is unknown, or 4) the incident is to report the use of seclusion or restraint by school personnel.

## Reporting Threat Assessments

The definitions and examples below should be used for guidance when entering incidents. Action types that are not defined in Statute or Law should be considered illustrative and should not supersede any guidance found in the PSU's Student Code of Conduct.

When a threat assessment is conducted by a school or PSU because of a threatening behavior that occurred, the action code of "143 Threat Assessment Conducted" may be entered.

A threatening behavior is defined as "any communication or action that indicates that an individual may pose a danger to the safety or well-being of school staff or students through acts of violence or other behaviors that would cause harm to self or others. These behaviors may be expressed or communicated orally, visually, in writing, electronically, or through any other means and may be considered threatening regardless of whether a direct verbal threat is expressed."

### Action Types to Use

- **143 Threat Assessment Conducted**: This action type may be used when a PSU or school conducts a threat assessment as a result of a threatening behavior that occurred.

## Collecting Data on School Safety Responses

The definitions and examples below should be used for guidance when entering incidents. Action types that are not defined in Statute or Law should be considered illustrative and should not supersede any guidance found in the PSU's Student Code of Conduct.

The following action types are available for schools and PSUs that would like to collect data on any actions taken by schools in response to threats or potential threats to the safety of students and staff. The suggested definitions are similar to the "I Love U Guys" Foundation's [Standard Response Protocol \(SRP\)](#).

### Action Types to Use

- **146 School Safety Response Protocol – Hold**: This action type may be used when a school's response to an event or incident directs occupants within the building to stay in their current location or if in a hallway to move to a location where they are to remain until notified.
- **147 School Safety Response Protocol – Secure**: This action type may be used when a school's response to an event or incident directs anyone who is outside of the building return inside and the outside doors to the building are locked.
- **148 School Safety Response Protocol – Lockdown**: This action type may be used when a school's response to an event or incident directs that the building is locked, lights are turned off, occupants should move from hallways to other locations so they are out of sight, occupants should remain silent, and doors should not be opened.
- **149 School Safety Response Protocol – Evacuate**: This action type may be used when a school's response to an event or incident directs the occupants of a school to evacuate an area or location.
- **150 School Safety Response Protocol – Shelter**: This action type may be used when a school's initiates a safety response to a hazardous event, such as earthquakes, hurricanes, floods, or tornados.

## Guidance for Entering and Reporting Incidents with Victims

State Board Policy [SSCH-006](#) requires that victims of 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 by the victim must be reported to NCDPI in the PowerSchool Incidents module. The CRDC reports on victims of harassment or bullying on the basis of sex, sexual orientation, race, color, national origin, and disability.

A victim or victims of the following offenses should be reported:

- Robbery involving the use of a weapon
- Homicide
- Assault resulting in serious personal injury
- Assault with a weapon
- Kidnapping
- Sexual assault
- Sexual offense
- Rape
- Taking indecent liberties with a minor
- Sexual harassment
- Harassment or bullying based on race, color, or national origin
- Harassment or bullying based on disability
- Harassment or bullying based on sexual orientation
- Harassment or bullying based on religion
- Harassment or bullying based on gender identity

Whether or not the victim of the following acts was offered a transfer to another public school and whether the victim accepted the transfer for the crimes listed below should be reported:

- Robbery involving the use of a weapon
- Assault resulting in serious personal injury
- Assault with a weapon
- Kidnapping
- Sexual assault
- Sexual offense
- Rape
- Taking indecent liberties with a minor

When reporting incidents with victims consider the totality of the incident when reporting. In some cases, if the offenses are clearly separate events in time, report multiple behaviors for incidents involving multiple victims. Consider the following example: if a student robbed two students using a weapon, even if the two events happen very close together in time, these are distinct acts of "Robbery with a Weapon". However, if a student waved a handgun at a group of students and threatened them collectively, only one act of "Assault Involving Use of a Weapon" should be reported. In this situation, the victims would not be listed separately in the incident.

## Entering Incidents with Victims in PowerSchool

Victims should be entered as Participants in an incident in PowerSchool. See *Guidance on Entering Participants in an Incident: Offenders, Reporters, and Victims* for guidance on entering participants.

In PowerSchool, when entering an incident with a victim(s), there is no mechanism to assign a specific offender or a specific behavior to the victim(s) entered. Because of this, for incidents where there is more than one offender, all victims entered will be associated with each offender. And for incidents where there is more than one behavior for an offender, the behaviors that are not considered “victimless” will be associated with each victim listed in the incident. In these incidents, for each offender and each victim entered, the count of a behavior that is not considered “victimless” (such as Assaults, Robbery, Bullying and Harassment) will increase by one. As such, caution should be taken when entering these incidents to avoid overcounting behaviors.

The behaviors in PowerSchool that have been designated as “victimless” will not be associated with victims when reported in PowerSchool. These behaviors are only associated with the offender and will only be counted once for an offender even if there are multiple victims in the incident. The Reportable Offenses that are considered victimless are “Bomb Threat”, “Burning of a School Building”, “Possession of Alcohol”, “Possession of Controlled Substances”, “Possession of a Weapon”, and “Possession of a Firearm”. Some Unacceptable Behaviors have also been designated as victimless, such as “Unlawfully setting a fire”, “Truancy”, “Dress code violation”, “Inappropriate items on school property”, “Cellphone use”, “Mutual sexual contact between two students”, etc.

To avoid overcounting of behaviors, it may be necessary to separate the incident and enter it as multiple incidents, especially in incidents where the behaviors(s) apply to some, but not all, of the victims in the incident or if a victim applies to some, but not all, offenders. **If it is necessary to create multiple incidents, if an offender(s) is in both incidents, only enter the offender action(s) in one of the incidents. For the other incidents, the action should be entered as “145 Concurrent Incident/Duplicative Action”.** When an incident is separated into multiple incidents, document in the description that the incidents are tied together. Reviewing the Incident Detail Report found under the State Discipline Report can help to verify that overcounting is not occurring and that the incident was entered correctly.

There are three primary ways that overcounting of behaviors can occur:

1. A specific behavior was entered for the offender more than once.
  - Example: a student assaulted two students with a weapon. When the incident was entered, two behavior types of “Assaults with a weapon” were entered for the offender and the two victims were also entered. When this is reported, both of the “Assaults with a weapon” will be associated with both victims. In the reports, this will result in a count of 4 “Assaults with a weapon” instead of 2.
2. The behaviors entered for the offender(s) does not apply to all victims in the incident.
3. The offenders entered for the incidents are not associated with all the victims in the incident.

Use the following scenarios for guidance on how to enter the incidents to avoid overcounting of behaviors. All of these scenarios are solely illustrative. Although not mentioned in the scenarios, these incidents should also have been reported to law enforcement and the reporting official should also use information from police investigations in determining how to report the acts. Offender actions are also not discussed in these scenarios. When entering an incident as multiple incidents in

PowerSchool, if an offender is in multiple incidents, only report the offender actions in one of the incidents and use the action type of "063: Other" for the additional incidents entered.

**Scenario #1:** Incidents with one offender with one behavior and one victim.

Example: A student assaults another student with a knife.

Reporting: this is one "Assault with a weapon".

How to Enter: Enter as one incident.

**Scenario #2:** Incidents with one offender with multiple behaviors and one victim.

Example: While the offender is attempting to sell a controlled substance to a student, the offender assaults the student with a knife and then robs the student. This is one "Assault with a weapon," one "Sell of controlled substance", and one "Robbery with a weapon."

Reporting: this is one "Assault with a weapon," one "Sell of controlled substance", and one "Robbery with a weapon."

How to Enter: Enter as one incident.

**Scenario #3:** Incidents with one offender with one behavior and multiple victims.

Example: A student robbed two students with a knife.

Reporting: Because there were two victims of the robbery, the total number of "Robbery with a weapon" should be reported as two.

How to Enter: Enter this as one incident.

**Scenario #4:** Incidents with one offender with multiple behaviors and multiple victims: behaviors are associated with different victims.

Example: A student robbed two students using a knife. During the robbery, the student also assaulted one of the victims with the knife.

Reporting: In this is example, there are 2 acts of "Robbery with a weapon", but only one act of "Assault with a weapon". Since there is no mechanism for assigning the behaviors to a specific victim, if this incident was entered as one incident, the "Assault with a weapon" would be counted for both victims.

How to Enter: Enter as multiple incidents separated incidents by victim. Separating the incident by victims, as opposed to behaviors, avoids the overcounting of victims.

**Scenario #5:** Incidents with multiple offenders with multiple behaviors and multiple victims: all victims are associated with each offender and all behaviors.

Example: Two students robbed two students using a knife. One of the offenders is also found to have assaulted both students with the knife.

Reporting: The acts are counted by offender and victim associated, so this yields 4 acts of "Robbery with a weapon" for the incident and 2 acts of "Assault with a weapon".

How to Enter: Enter as one incident with two offenders and two victims.

**Scenario #6:** Incidents with multiple offenders with the same behavior and multiple victims: the victims do not apply to all offenders.

Example: Two students (Offender 1 and Offender 2) assault three students (Victim 1, Victim 2, and Victim 3) using a knife. It is determined that Offender 1 only assaulted Victim 1 and 2 with a knife and Offender 2 only assaulted Victim 3 with a knife.

Reporting: In this example, 3 acts of "Assault with a weapon" should be reported. Since there is no mechanism for assigning the offenders to a specific victim, if this incident was entered

as one incident, each victim would be associated with each offender and number of “Assault with a weapon” would be 6 instead of 3.

How to Enter: Enter as multiple incidents: 1) separate incidents for each offender or 2) separate incident for each victim.

**Scenario #7:** Incidents with multiple offenders, multiple behaviors, and multiple victims: the behaviors are not associated with all victims and the victims are not associated with all offenders.

Example: Three offenders (Offender 1, Offender 2, and Offender 3) assault four students (Victim 1, Victim 2, Victim 3 and Victim 4). It is found that Offender 1 assaulted Victim 1 and Victim 4 and both assaults resulted in serious injury. Offender 2 only assaulted Victim 2 and the assault resulted in serious injury. Offender 3 assaulted Victim 3 with a knife and the assault did not result in serious injury.

Reporting: In this is example, 3 acts of “Assaults Resulting in Serious Injury”, and one act of “Assault with a weapon” should be reported. Since there is no mechanism for assigning specific victims to specific offenders or specific behaviors to specific victims, each victim would be attached to each offender and each behavior would be attached to each victim. As a result, if this incident is entered as a single incident, it would be reported as a count of 8 “Assault resulting in serious injury” instead of 3 and a count of 4 “Assault with a weapon” instead of 1.

How to Enter: Enter as multiple incidents: 1) separate incidents for each offender or 2) separate incident for each victim. It is not recommended to separate this incident out by the offense type.

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

State Board policy [SSCH-006](#) requires schools to offer a transfer to student victims of the nine violent acts if the grade level of the student is available elsewhere in the PSU. The policy also requires reporting to NCDPI if these transfers are offered and whether they are accepted by the student victim.

To capture if the transfers were offered to the victim, on the Add Action screen of the Incident Detail page, select Victim Actions and make one of the following selections to attach to the victim:

- “200 Victim Offered Transfer”,
- “201 Victim Not Offered Transfer”
- “204 No Transfer Available in LEA”.

To capture if a transfer offer is accepted by the victim, also select one of the following:

- “202 Victim Accepted Transfer Offer”
- “203 Victim Declined Transfer Offer”

After the victim actions have been added attach the selection(s) to the victim

## Guidance for Reporting Preschool Discipline Data

Beginning with the 2020-2021 school year, federal laws require the collection and reporting of incidents involving disciplinary action for children ages birth through 5 served by PSUs in preschool programs. This section of the manual will provide guidance on how to code behaviors and actions in preschool settings.

Previous sections of this manual primarily focus on definitions related to school age children with some applicability to children under the age of 6 and not kindergarten age-eligible. For instance, G.S. § 115C-390.11 allows for the expulsion of children ages 14 and older as such the use of action type code of “006 Expulsion” should not be used for as a disciplinary action for preschool students. Other actions, such as seclusion, isolation, or use of a mechanical restraint, are also allowable under G.S. § 115C-390.11 in school age settings but are not appropriate for students under the age of 6. The definitions in this section of the **North Carolina Discipline Data Reporting and Procedures Manual** are approved by NCDPI for preschool students. ([§ 115C-390](#))

## Supporting Social Emotional Development for Young Children

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

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

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

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

## NC Preschool Pyramid Model (NC PPM)

NC PPM is funded through the 619 Preschool Disabilities grant to help improve child outcomes for preschool children with disabilities and to increase opportunities for instruction in the least restrictive environment (LRE). This initiative is intended for all collaborative partners who work with special education to implement inclusive preschool programs throughout North Carolina. Since 2009 the Early Learning Network, in collaboration with NCDPI, has provided training, consultation, and on-going support for Public School Units (PSUs) to implement the NC PPM framework district-wide

throughout the state. The PPM is easily integrated into PBIS and MTSS structures at the school and district level. During the 2018-2019 school year, the NC PPM supported 340 preschool classrooms in 46 PSUs. The NCDPI Office of Early Learning and the Office of Exceptional Children continue to support the development of a statewide system of support for implementing PPM practices to fidelity across PSUs. For more information, please visit the [North Carolina Early Learning Network PPM website](#).

## Reporting Incidents in Early Childhood Settings

All suspensions, in-school and out-of-school, as well as any expulsions of preschool students must be reported via PowerSchool. For children enrolled in the preschool exceptional children program, placement decisions must be made by the IEP Team. Also remember that a typical school day may vary based on program enrollment. The applicable program school day should be assigned using the guidance in the [Preschool Enrollment, Attendance, and Discipline Reporting QRD](#).

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

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

## Early Childhood Discipline Reporting Guidance

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

The definitions of the terms included below can be found in the [North Carolina Guiding Practices in Early Childhood Discipline \(2019\)](#).

### Reporting Preschool Time-Outs

Time-out is a behavior management technique initiated by teachers or staff in which a student is separated from other students for a limited period of time in a monitored setting. For young children, the length of time-out should be no more than five minutes. Time-outs are meant to de-escalate a volatile situation and help children regain control. Time-outs should be used when less intrusive discipline procedures have been tried and deemed unsuccessful. Documentation of each incident of

time-out should be provided to the parents on the day of the event and should be followed by an administrative conference with the parents.

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

**Reporting:** The teacher coded the incident using the behavior code "027:UB-Aggressive Behavior" with the action codes of "026 Time-out" and "030 Administrative Conference with Parent".

## Reporting Preschool Expulsions

While expulsion as a disciplinary practice is strongly discouraged in early childhood settings, expulsion of enrolled students must be reported. Expulsions of students enrolled in the preschool EC (Exceptional Children) program, and attending non-PSU settings, must be reported in PowerSchool. PSUs must further comply with any programmatic requirements of any applicable funding sources (e.g., Title I, Exceptional Children, Head Start, NC Pre-K, etc.).

Preschool expulsion is defined as "the permanent termination of a preschool child's participation in a preschool program at a school or facility (in-person or virtual setting) for disciplinary purposes. A preschool child who is transitioned directly from the classroom (in-person or virtual setting) to a different setting deemed to be more appropriate for the child (e.g., special education, transitional classroom, or therapeutic preschool program) is not considered an expelled preschooler." [US Department of Education Office of Civil Rights](#).

Expulsion (006 Expulsion) as defined by [GS § 115C-390.1](#) must not be used in PSU early childhood environments.

The following scenarios provide guidance on reporting a preschool expulsion.

**Scenario #1:** A preschool-aged student with an IEP is attending a community childcare center, receiving itinerant special education services 2 times per week for 45 minutes/session to address social emotional and behavioral challenges. The childcare staff and itinerant teacher continue to apply interventions and collect data on the child's behavior. The IEP team reconvenes several times over the next few months and responds through conducting a functional behavior assessment, developing a behavior intervention plan, and adjusting several components of the IEP. Based on progress monitoring data collected through monitoring of the BIP and IEP goals, the IEP team decides to change the child's placement to a school-based separate program.

**Reporting:** this is a change in placement as a function of an IEP team decision and is **not** considered a preschool expulsion.

**Scenario #2:** A preschool-aged student with an Individualized Education Program (IEP) is attending a community childcare center, receiving itinerant special education services. The child requires intensive support for social emotional regulation and aggressive behaviors.

After 6 weeks of attendance, the community childcare center enacts their “3 strikes and you’re out” policy. At week 8 the child reached her “3rd strike.” The community childcare center expels the student from continued attendance.

Reporting: this is considered a preschool expulsion and must be reported using the action type “141 Preschool Expulsion”, and the IEP team must meet to consider the provision of the regular early childhood placement (RECP).

**Scenario #3:** A student attends a general education program (e.g., Title I, CTE, Head Start, NC Pre-K, etc.) within a public school preschool program. The child displays repetitive dangerous behaviors to himself and other classmates. At a meeting with the family, the school principal indicates that “preschool attendance is not required” and expels the child from continued attendance in the program.

Reporting: this is considered a preschool expulsion and must be reported using the action type “141 Preschool Expulsion”.

**Scenario #4:** A preschool-aged student has an IEP for motor and self-care needs and attends a community childcare center. The child receives weekly itinerant and related services. After three weeks of attendance, the childcare administrator requests a meeting with the family to explain that their child “isn’t a good match for the center” and the family is asked to leave.

Reporting: this is considered a preschool expulsion and must be reported using the action type “141 Preschool Expulsion”, and the IEP team must meet to consider the provision of the regular early childhood placement (RECP).

## Reporting Preschool Out-of-School Suspensions

Out-of-school suspension in a preschool setting is when the parent/guardian/grandparent is asked to remove a child from school because of challenging behavior in the absence of an intervention plan within the Multi-Tiered System of Support for more than a half day of the student’s instructional day. Out-of-School suspension must be used only as a last resort in extraordinary circumstances where there is a serious safety threat that cannot be reduced or eliminated by the provision of reasonable modifications. No child shall be suspended, nor the length of the instruction day be changed due to behavioral concerns without an active individual child intervention plan (intensive Tier III, and/or behavior goals added to the child’s IEP) has been completed and documented. There must be a clear plan to reinstate the original amount of time in the program as soon as possible.

**Scenario #1:** After 6 weeks of attending class, a preschool student continues to react violently during transitions based on the established classroom schedule and does not anticipate what is coming next in the routine of the day. No intervention plan was in place. One day the student reacted to the teacher’s signal to transition to a new activity by falling on the ground, kicking his/her feet at others, striking others, and screaming uncontrollably, causing the teacher assistant to remove the other students to the playground while the teacher worked with the student to calm down for over 20 minutes. The teacher and principal called the student’s parents/guardians to come and pick him up from school for **more than half of the student’s instructional day**. The student was allowed to return to school the next day.

Reporting: The behavior was coded as “027:UB Aggressive Behavior” with the action code of “003 OSS” (Out-of-school suspension).

**Scenario #2:** After 6 weeks of attending class, a preschool student continues to react violently during transitions based on the established classroom schedule and does not anticipate what is coming next in the routine of the day. No intervention plan was in place. One day the student reacted to the teacher’s signal to transition to a new activity by falling on the ground, kicking his/her feet at others, striking others, and screaming uncontrollably, causing the teacher assistant to remove the other students to the playground while the teacher worked with the student to calm down for over 20 minutes. The teacher and principal called the student’s parents/guardians to come and pick him up from school **for less than half of the student’s instructional day**. The student was allowed to return to school the next day.

Reporting: The behavior was coded as “027:UB Aggressive Behavior” with the action code of “091 Sent Home Early”.

## Reporting Preschool Reduction of Participation

Preschool reduction of participation refers to the reduction of a preschool child’s participation in a preschool program at a school or facility (in-person or virtual setting) for disciplinary purposes that is more than one instructional day and that is not a result of an Individualized Education Program (IEP) team decision. Reductions can be in the length of the student’s day and/or in the number of days per week a student can attend. A plan for reduction of participation that is implemented through a student’s IEP is not considered a disciplinary action.

**Scenario #1:** A student attending a public school preschool program has displayed significant behavioral challenges. The school-based administrator convenes a conference with the family. At the meeting, the administrator informs the family that the child may only attend half-days for the next four weeks.

Reporting: this is a reduction in participation and must be reported as “142 Preschool Reduction of Participation.”

**Scenario #2:** A preschool-aged student with an Individualized Education Plan (IEP), who receives itinerant services 3 times/week, attends a community childcare center. After attending for several weeks, the center director shares with the family that the child may now only attend on the 3 days per week that the itinerant teacher is serving her, citing that the center does not have enough support to meet the child’s behavioral needs on the remaining days.

Reporting: this is a reduction in participation and must be reported as “142 Preschool Reduction of Participation.”

## Reporting Preschool In-School Suspensions

In-school suspension in preschool is when a teacher or school administrator removes a student from their regular classroom to another location due to challenging behavior in the absence of an intervention plan within the Multi-Tiered System of Support for more than a half day of the student’s instructional day.

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

Reporting: The behavior is coded as “027:UB Aggressive Behavior” and the action is coded as an “002 ISS - In-school suspension” since the child was denied access to her regular education setting due to behavior issues.

**Scenario #2:** A general education preschool student has been in class five days a week for three months. One day during nap time the child refused to lay down on his cot. Instead, he got up and began touching other children and talking. After repeatedly failing to follow instructions by the teacher to lay down on his cot, the teacher removed him from the classroom and took him to the principal’s office where he stayed until dismissal time.

Reporting: The behavior is coded as “042:UB Disruptive Behavior” and the action is coded as an “002 ISS - In-school suspension” since the child was denied access to her regular education setting due to behavior issues.

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

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

Preschool Discipline Term	Code/Description
<b><i>Challenging Behavior</i></b>	032-UB: Inappropriate language/disrespect 033-UB: Insubordination 037-UB: Bus misbehavior 039-UB: Property damage 040-UB: Inappropriate items on school property 041-UB: Possession of tobacco 042-UB: Disruptive behavior 052-UB: Bullying 058-UB: Other School Defined Offense 061-UB: Disrespect of faculty/staff 063-UB: Excessive display of affection 069-UB: Other 105-UB: Threat of physical attack with a firearm 106-UB: Threat of physical attack with a weapon 107-UB: Threat of physical attack without a weapon 114-UB: Inappropriate Behavior 115-UB: Indecent Exposure
<b><i>Dangerous Behavior</i></b>	024-UB: Fighting 027-UB: Aggressive behavior 044-UB: Assault on student 045-UB: Assault - other 059-UB: Being in an unauthorized area

	066-UB: Leaving class without permission 067-UB: Leaving school without permission 071-UB: Assault on non-student w/o weapon & not resulting in serious injury 072-UB: Assault on student w/o weapon & not resulting in serious injury 090-UB: Violent assault not resulting in serious injury
<b><i>Supervised Activities</i></b>	001 Supervised Activities
<b><i>Expulsion*</i></b>	141 Preschool Expulsion
<b><i>Corporal Punishment</i></b>	007 Corporal Punishment
<b><i>Mechanical Restraint</i></b>	099- Illegal Mechanical restraint (staff only – State report) 111-Mechanical restraint (staff only – OCR report)
<b><i>Persistent</i></b>	092-UB: Repeat offender
<b><i>Restraint</i></b>	097-Aversive procedure (staff only – State report) 098- Illegal Physical restraint (staff only – State report) 112-Physical restraint (staff only – OCR report)
<b><i>Seclusion</i></b>	100- Illegal Seclusion (staff only – State report) 113-Seclusion (staff only – OCR report)
<b><i>In-School Suspension*</i></b>	002 ISS - In School Suspension 140 ISS via Remote Learning
<b><i>Out-of-School Suspension*</i></b>	003 OSS 004 OSS for Remainder of Year 005 OSS 365 days
<b><i>Reduction of Participation</i></b>	142 Preschool Reduction of Participation
<b><i>Bus Suspension</i></b>	022 Bus Suspension
<b><i>Time-out</i></b>	026 Time Out
<b><i>Administrative Conf with Parent</i></b>	030 Administrative Conference with Parent
<b><i>Administrative Conf with Student</i></b>	031 Administrative Conference with Student
<b><i>Sent Home Early</i></b>	091 Sent Home Early
<b><i>EC Change in Placement</i></b>	100 Unilateral change in placement (EC only)
<b><i>Community Agency Referral</i></b>	113 Referral to Community Agency

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

## Resources

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

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

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

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

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

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

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

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

## Procedures for Reporting Alternative Learning Program (ALPS) Roster Data in PowerSchool

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 ALPS for unacceptable behavior or for other reasons, such as special academic needs, credit recovery, dropout recovery, and student or parental request. See Appendix A for the full list of ALPS entry reasons and codes.

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

Alternative schools and programs provide a student's primary instruction in core courses or in all courses for a designated period of time, usually a minimum of one academic grading period. More information on standards and procedures for operating ALPS may be found on the NCDPI [website](#).

### ALPS Assignments for Disciplinary Reasons

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

All PSUs are required to maintain at least one alternative school or program that meets state standards. Students who receive an assignment to alternative instruction and are provided continuing access to courses and supervising teachers for those courses while students are long-term suspended, but these students are not duly assigned to a North Carolina State Board of Education-approved alternative learning program or school, the action type of "Community Based or Other Agency ALP" should be assigned in PowerSchool (action type code 010).

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

### ALPS Roster Data Requirement

PSUs are responsible for entering each ALPS student placement in an ALP program or ALP school whether for disciplinary or other reasons as a Special Programs assignment in PowerSchool. When entering students into the Alternative Program, the entry data and the entry reason must be provided for each student.

PSUs are also responsible for running the Alternative Learning Program report under State Reports in order to push the data into the state dataset. In addition, PSUs must also approve the report from June 1<sup>st</sup> to June 30<sup>th</sup> of every year. This data is used to produce the legislatively mandated annual report on the demographics of state ALPS placements.

## Entering “Alternative Program” as a Special Programs Assignment in PowerSchool

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 at the start of the following year. If a student remains in the program the following year, when entering the student into Alternative Program the second year, enter the same entry reason as the first year. Students who remain in the program until the end of the school year should be given the last day of school as the exit date.

The following procedures may be used to enter ALPS enrollments.

- 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 ALPS entry reason from the dropout box. Only use reasons that begin with “ALP.” See the end of Appendix A for a complete list of Enter Codes.
- 8) Click “Submit.”

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

## Running the State Alternative Learning Program Report

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

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

## Status of Alternative Learning Programs and Alternative Schools

PSUs are responsible for notifying the NCDPI regarding any changes in status or contact information for all alternative schools or alternative learning programs in the district.

## Glossary of Terms and Definitions

**365-Day Suspension** – the exclusion of student from school attendance for disciplinary purposes for 365 calendar days. [GS § 115C-390](#)

**Act** – a behavior that occurs or is to be reported as having occurred. The term is often used interchangeably with the term “behavior” and “offense”, but most often is used when associated with one of the sixteen acts that are reported in aggregate to the North Carolina SBE and General Assembly each year.

**Action** – an action taken or a consequence that results due to a behavior that occurred. Actions can range from administrative conferences to the expulsion of a student offender.

**Action Cluster** – Many of the action types are clustered into categories of similar severity within reports. To allow PSUs and schools to do more granular analysis on the actions that occur at their schools, these clusters can have multiple action codes associated with a specific reporting cluster.

**Action Type** – refers to a pre-defined action that can be selected when entering an incident in PowerSchool.

**Action Type Code** – All action types that can be selected in PowerSchool have a unique 3-digit prefix, followed by a description (e.g., 001: Supervised Activities). The first three digits in the prefix is referred to as the action type code and is a unique numeric code for the action.

**ALP** – the abbreviation for Alternative Learning Programs and Schools and is often used interchangeably with ALPS.

**ALPS** – the abbreviation for Alternative Learning Programs and Schools, and is often used ALP.

**Alternative Learning Placement** – the enrollment of a student in an alternative learning program or school.

**Aversive Procedure** - [GS § 115C-391.1\(b\)\(2\)](#) defines this as follows: “a systematic physical or sensory intervention program for modifying the behavior of a student with a disability which causes or reasonably may be expected to cause one or more of the following: A) Significant physical harm, such as tissue damage, physical illness, or death. B) Serious, foreseeable long-term psychological impairment. C) Obvious repulsion on the part of observers who cannot reconcile extreme procedures with acceptable, standard practice, for example: electric shock applied to the body; extremely loud auditory stimuli; forcible introduction of foul substances to the mouth, eyes, ears, nose, or skin; placement in a tub of cold water or shower; slapping, pinching, hitting, or pulling hair; blindfolding or other forms of visual blocking; unreasonable withholding of meals; eating one's own vomit; or denial of reasonable access to toileting facilities.” The use of aversive procedures in public schools is prohibited and must be reported to NCDPI.

**Behavior** – a behavior observed or reported. The term is often used interchangeably with “act” and “offense”.

**Behavior Type** – refers to a pre-defined behavior that can be selected when entering an incident in PowerSchool.

**Behavior Type Code/Behavior Code** – Almost all behavior types that can be selected in PowerSchool have a unique 6-digit prefix code, followed by a description (e.g., 001-PD: Assault resulting in serious injury). The first three digits in the prefix are referred to as the *behavior type code* and is a unique numeric code for the behavior type. Sometimes this term is used interchangeably with “Behavior Type.”

**Consequence** – an action taken or a consequence that results due to a behavior that occurred. Actions can range from administrative conferences to the expulsion of a student offender.

**Corporal Punishment** – [GS § 115C-390.1](#) defines this as “the intentional infliction of physical pain upon the body of a student as a disciplinary measure.”

**Crime(s)** – See Reportable Offense(s) in this glossary.

**EXP** – the abbreviation for Expulsion as defined by state reporting requirements

**Expulsion (Federal Reporting - Kindergarten through Grade 13)** – For the purposes of federal reporting, the expulsion of a student as defined by [GS § 115C-390.1](#), the removal of student for the remainder of the school year or longer, or the removal of a student due to violations of the Gun Free Schools Act are considered expulsions. These expulsions are further classified as: 1) expulsions with educational services or 2) expulsions without educational services. Additionally, expulsions with or without educational services can also be categorized as expulsions under zero tolerance policies. [US Department of Education Office of Civil Rights](#).

**Expulsion (Federal Reporting – Ages 3 to 5 – Preschool)** – “refers to the permanent termination of a preschool child’s participation in a preschool program at a school or facility (in-person or virtual setting) for disciplinary purposes. A preschool child who is transitioned directly from the classroom (in-person or virtual setting) to a different setting deemed to be more appropriate for the child (e.g., special education, transitional classroom, or therapeutic preschool program) is not considered an expelled preschooler.” [US Department of Education Office of Civil Rights](#).

**Expulsion (State Reporting)** – [GS § 115C-390.1](#) defines this as “the indefinite exclusion of a student from student enrollment for disciplinary purposes.” GS § 115C-390.11 states that “(a) Upon recommendation of the superintendent, a local board of education may expel any student 14 years of age or older whose continued presence in school constitutes a clear threat to the safety of other students or school staff.”

**Expulsion under Zero-Tolerance Policy (Federal Reporting)** – “refers to an action taken by the local educational agency of removing a child from his/her regular school (in-person or virtual setting) for the remainder of the school 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.” [US Department of Education Office of Civil Rights](#).

**Impermissible Uses of Seclusion and Restraint** – this term is used to describe an incident that involved the use of aversive procedures, seclusions, or restraints that are **prohibited** in North

Carolina General Statute and that must be reported to NCDPI ([GS § 115C-391.1](#)). It should be noted that for federal reporting, most uses – permissible **and** impermissible – of seclusions and restraints in public schools must also be reported. [US Department of Education Office of Civil Rights](#).

**Incident** – an event or occurrence that involves a behavior or action that must be reported. It the specific details of the incident that are reported, such as: the school associated, the location, time of the incident, description of the incident, offender(s), offender behavior(s), action taken or assigned to the offender(s), any associated victim(s) and victim action(s) taken, a reporter of the incident, and any weapon(s) associated. All incidents must have at the minimum one offender, even if unknown, one behavior associated with the offender, and one action associated with the offender. Incidents can involve multiple offenders, each with their own behaviors and actions associated. Incidents cannot be associated with more than one school.

**In-School Suspension** – when students are reassigned to an area apart from the regular classroom for a relatively short period of time. [US Department of Education Office of Civil Rights](#) defines in-school suspension as the temporary removal of a student from the student's regular classroom(s) for disciplinary purposes for half of the student's school day or more. During this temporary removal of the student, the student remains under the "direct supervision" of school personnel. Direct supervision in this definition means "school personnel are physically in the same location as the students under their supervision."

**ISS** – the abbreviation for In-School Suspension.

**LEA** – the abbreviation for Local Education Agency. The term is used in federal reporting and is used interchangeably with PSU.

**Long-Term Suspension (State Reporting)** – the exclusion of students from school attendance for disciplinary purposes for 11 days or more. [GS § 115C-390.1](#) For purposes of state reporting, long-term suspension includes remainder of the school year suspensions and 365-day suspensions.

**LTS** – the abbreviation for Long-Term Suspension. In older reports long-term suspensions were also abbreviated as LTMSS.

**Mechanical Restraint (Federal Reporting)** – "the use of any device or equipment to restrict a student's freedom of movement. The term does not include devices implemented by trained school personnel, or utilized by a student that have been prescribed by an appropriate medical or related services professional and are used for the specific and approved purposes for which such devices were designed, such as: -- 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 or mechanical supports; -- Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle; -- Restraints for medical immobilization; or -- Orthopedically prescribed devices that permit a student to participate in activities without risk of harm." [US Department of Education Office of Civil Rights](#).

**Mechanical Restraint (State Reporting)** - the use of any device or material attached to or adjacent to a student's body that restricts freedom of movement or normal access to any portion of the student's body and that the student cannot easily remove. [GS § 115C-391.1](#) delineates when the use of mechanical restraints is permitted. All impermissible uses of mechanical restraints must be reported to the state.

**Offender** – the perpetrator of a behavior or offense.

**Offense** – a behavior that occurs or is to be reported to have occurred. The term is often used interchangeably with the term “act” and “behavior”, but most often is used when associated with the sixteen acts that are reported in aggregate to the North Carolina SBE and General Assembly each year.

**Out-of-School Suspension (Federal Reporting)** – For federal reporting, out-of-school suspensions are defined differently from student with disabilities who are served under IDEA, and for students without disabilities and student with disabilities served solely under Section 504 of the Rehabilitation Act. For students with disabilities served under IDEA, an out-of-school suspension is the temporary removal of a student from their regular school for at least half a day for disciplinary purposes. This includes removals in which services are provided according to the student’s individualized family service plan or individualized education plan and removals in which no services are provided. For students without disabilities and students with disabilities served solely under Section 504 of the Rehabilitation Act, an out-of-school suspension is the temporary removal of a student from their regular school for disciplinary purposes for at least half a day but less than the remainder of the school year. This included removals in which no educational services are provided, and removals in which educational services are provided. [US Department of Education Office of Civil Rights](#).

**Out-of-School Suspension (State Reporting)** – the exclusion of a student from school attendance from the school the student is assigned for disciplinary purposes for half of the student’s school day or more. For state reporting purposes, out-of-school suspensions are categorized as either short-term or long-term suspensions. This categorization is based on the number of days the student was excluded from school.

**Persistently Dangerous Act(s)** – Nine of the sixteen acts that are reported in aggregate to the North Carolina SBE and General Assembly each year are considered violent criminal offenses. These acts are among those that must be reported to NCDPI within 5 school days of occurrence. Additionally, these acts must be reported immediately to the appropriate law enforcement agency. This term is often used interchangeably with “Persistently Dangerous Behavior”, “Persistently Dangerous Offense”, “Violent Act”, “Violent Behavior”, and “Violent Offense”. See Appendix B for definitions of each act.

**Persistently Dangerous Behavior(s)** – see Persistently Dangerous Act(s) in this glossary for a detailed definition.

**Persistently Dangerous Offense(s)** – see Persistently Dangerous Act(s) in this glossary for a detailed definition.

**PD** – abbreviation for Persistently Dangerous or Violent/Dangerous Crimes.

**Physical Restraint (Federal Reporting)** – “a personal restriction that immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely. The term physical restraint does not include a physical escort. Physical escort means 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.” [US Department of Education Office of Civil Rights](#).

**Physical Restraint (State Reporting)** – the use of physical force to restrict the movement of all or a portion of a student's body. [GS § 115C-391.1](#) delineates when the use of physical restraints is permitted. Any use of physical restraint resulting in observable physical injury to a student must be reported.

**PSU** – PSU is the abbreviation for Public School Unit. In North Carolina, a Public School Unit is any of the following: 1) a local school administrative unit, 2) a charter school, 3) a regional school, and 4) a school providing elementary or secondary instructions that is operated by the SBE or University of North Carolina. For federal reporting, PSU is used interchangeably with LEA (local education agency).

**Remainder of the School Year Suspension** – the exclusion of student from school attendance for disciplinary purposes for the remainder of the school year if the length of days between the first day of the suspension and the last day of school is 11 days or more or the suspension is carried over into the next school year and the number of suspension days is 11 days or more. The remainder of the school year suspensions are considered long-term suspensions for State reporting.

**Reportable Act(s)** – See Reportable Offense(s) in this glossary.

**RB** - abbreviation for Reportable Behavior(s).

**Reportable Behavior(s)** – a subset of the offenses and behaviors listed in North Carolina State Board of Education Policy that must be reported to NCDPI within 5 days of occurrence. These behaviors do not include the Reportable Offenses or the Violent Crimes.

**Reportable Offense(s)** – one of the sixteen acts that are reported in aggregate to the North Carolina SBE and General Assembly each year. These acts are among those that must be reported to NCDPI within 5 school days of occurrence. This term is often used interchangeably with "Reportable Act(s)", and "Crime(s)". See Appendix B for the definition of each of the reportable acts.

**Reportable Offense Category** – Each of the 16 reportable offenses is considered a unique state reporting category. The reportable offense category can have multiple behavior types associated with them. Typically, the term reportable offense category term is used when referring to the 16 reportable offense categories only.

**Reporting Category** – refers to the behavior category or action cluster used in reporting behaviors.

**RO** – abbreviation for Reportable Offense(s).

**School-Related Arrest** – this term is defined as the arrest of a student for any activity conducted on school grounds, during off-campus school activities (in-person or virtual), while taking school transportation, or due to a referral by any school official. [US Department of Education Office of Civil Rights](#).

**Seclusion (Federal Reporting)** – "the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. It does not include a timeout, which is a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming." [US Department of Education Office of Civil Rights](#).

**Seclusion (State Reporting)** – the confinement of a student alone in an enclosed space from which the student is: A) Physically prevented from leaving by locking hardware or other means. B) Not capable of leaving due to physical or intellectual incapacity. [GS § 115C-391.1](#) delineates when the use of seclusions is permitted. All impermissible uses of seclusions must be reported to the state.

**Short-Term Suspension** – the exclusion of students from school attendance for disciplinary purposes for up to 10 days. [GS § 115C-390.1](#)

**STS** – the abbreviation for Short-Term Suspension. In older reports short-term suspensions were also abbreviated as STMSS.

**Suspension** – the temporary removal or exclusion of students from their regular classroom or school setting. There are two general classifications of suspensions: In-School Suspensions and Out-of-School Suspensions.

**Suspension Days** – the number of days that a student was temporarily removed or excluded from their regular classroom or school setting.

**Time-out** – a behavior management technique in which a student is separated from other students for a limited period of time in a monitored setting [GS § 115C-390](#).

**Unacceptable Behavior** – the term used to describe a behavior or act that is **not** one of the sixteen Reportable Offenses.

**UB** – abbreviation for Unacceptable Behavior.

**Violent Act(s)** – Nine of the sixteen acts that are reported in aggregate to the North Carolina SBE and General Assembly each year are considered violent criminal offenses. These acts are among those that must be reported to NCDPI within 5 school days of occurrence. Additionally, these acts must be reported immediately to the appropriate law enforcement agency. This term is often used interchangeably with “Persistently Dangerous Behavior”, “Persistently Dangerous Offense”, “Violent Act”, “Violent Behavior”, and “Violent Offense”. See Appendix B for definitions of each act.

## Appendix A – Codes and Descriptions

### Incident Site Codes

Code	Site Description
01	Classroom
02	Hallway
03	Cafeteria
04	Office
05	Restroom
06	Gym
07	Stairway
08	Other location in school bldg.
09	Parking lot
10	School grounds
11	Off school grounds
12	On school bus
13	Bus stop
14	Playground
15	Media Center
16	Non-LEA Preschool Setting

### Participant/Offender Types

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

## Violent Crimes and Reportable Offense Categories

State Reporting Code	Violent Crimes and Reportable Offense Description	State Reporting Abbreviation
01	Assault Resulting in Serious Injury	AR
02	Assault Involving Use of a Weapon	AW
03	Assault on School Personnel	AP
04	Bomb Threat	BT
05	Burning of a School Building	BS
06	Death by Other Than Natural Causes	D
07	Kidnapping	K
08	Possession of Alcoholic Beverage	PA
09	Possession of Controlled Substance in Violation of Law	PS
10	Possession of a Firearm or Powerful Explosive	PF
11	Possession of a Weapon	PW
12	Rape	R
13	Robbery WITH a Dangerous Weapon (Armed Robbery)	RW
15	Sexual Assault (Not Involving Rape or Sexual Offense)	SA
16	Sexual Offense	SO
17	Taking Indecent Liberties with a Minor	IM

## Reportable Behavior Categories

Reportable Behavior Category Description	State Reporting Abbreviation
Communicating Threats	CT
Fighting and Affray	FA
Extortion	EX
Bullying and Harassment	BH
Property Damage	PR
Possession of Tobacco	PT
Assaults	AS
Gang Activity	GA
Discrimination	DS
Robbery without a Weapon	RO

## Behavior Types (Numerical Order)

Behavior Code	Category Indicator	Description of Behavior	State Reporting Abbr-Code
001	PD	PD: Assault resulting in a serious injury	01 - AR
002	PD	PD: Assault involving the use of a weapon	02 - AW
003	RO	RO: Assault on school personnel not serious	03 - AP
004	PD	PD: Homicide	06 - D
005	RO	RO: Possession of cocaine	09 - PS
006	RO	RO: Possession of marijuana	09 - PS
007	RO	RO: Possession of Ritalin	09 - PS
008	RO	RO: Possession of a weapon (excl firearm,expl)	11 - PW
009	RO	RO: Possession firearm or powerful explosive	10 - PF
010	PD	PD: Robbery with a dangerous weapon	13 - RW
012	PD	PD: Rape	12 - R
013	PD	PD: Sexual offense	16 - SO
014	PD	PD: Sexual assault not rape or sexual offense	15 - SA
015	PD	PD: Taking indecent liberties with a minor	17 - IM
016	PD	PD: Kidnapping	07 - K
017	RO	RO: Possession of controlled substance-other	09 - PS
018	UB	UB: Unlawfully setting a fire	
019	RB	UB: Communicating threats (G.S. 14-277.1)	CT
020	RO	RO: Alcohol Possession (G.S. 18B)	08 - PA
021	RB	UB: Affray (G.S. 14-33)	FA
022	UB	UB: Disorderly conduct (G.S. 14-288.4(a)(6))	
023	RB	UB: Extortion	EX
024	RB	UB: Fighting	FA
025	RB	UB: Harassment - verbal	BH
026	UB	UB: Hazing	
027	UB	UB: Aggressive behavior	
028	UB	UB: Honor code violation	
029	UB	UB: False fire alarm	
030	UB	UB: Truancy	
031	UB	UB: Dress code violation	
032	UB	UB: Inappropriate language/disrespect	
033	UB	UB: Insubordination	
034	UB	UB: Gambling	
035	UB	UB: Falsification of information	
036	UB	UB: Theft	
037	UB	UB: Bus misbehavior	
038	RB	UB: Harassment - sexual	BH
039	RB	UB: Property damage	PR

Behavior Code	Category Indicator	Description of Behavior	State Reporting Abbr-Code
040	UB	UB: Inappropriate items on school property	
041	RB	UB: Possession of tobacco	PT
042	UB	UB: Disruptive behavior	
043	RO	RO: Bomb threat	04 - BT
044	RB	UB: Assault on student	AS
045	RB	UB: Assault - other	AS
046	UB	UB: Possession of counterfeit items	
047	UB	UB: Use of counterfeit items	
048	RO	RO: Use of alcoholic beverages	08 - PA
049	RO	RO: Use of controlled substances	09 - PS
050	RO	RO: Use of narcotics	09 - PS
051	UB	UB: Possession of chemical or drug paraphernal	
052	RB	UB: Bullying	BH
053	RO	RO: Burning of a school building (G.S. 14-60)	05 - BS
054	RO	RO: Sale of cocaine	09 - PS
055	RO	RO: Sale of marijuana	09 - PS
056	RO	RO: Sale of Ritalin	09 - PS
057	RO	RO: Sale of controlled substance other	09 - PS
058	UB	UB: Other School Defined Offense	
059	UB	UB: Being in an unauthorized area	
060	UB	UB: Cell phone use	
061	UB	UB: Disrespect of faculty/staff	
063	UB	UB: Excessive display of affection	
064	UB	UB: Excessive tardiness	
065	ND	UB: No Immunization	
066	UB	UB: Leaving class without permission	
067	UB	UB: Leaving school without permission	
068	UB	UB: Mutual sexual contact between two students	
069	UB	UB: Other	
070	RB	UB: Use of tobacco	PT
071	RB	UB: Assault on non-student w/o weapon	AS
072	RB	UB: Assault on student w/o weapon	AS
074	UB	UB: Cutting class	
075	UB	UB: Skipping school	
077	ND	UB: Physical exam	
078	UB	UB: Late to class	
079	RB	UB: Gang activity	GA
080	RB	UB: Discrimination	DS
086	UB	UB: Possession of student's own prescriptions	
087	RO	RO: Possession of another person's prescription	09 - PS

Behavior Code	Category Indicator	Description of Behavior	State Reporting Abbr-Code
088	RO	RO: Distribution of a prescription drug	09 - PS
090	RB	UB: Violent assault not resulting in serious i	AS
091	UB	UB: Misuse of school technology	
092	UB	UB: Repeat offender	
093	RB	UB: Robbery without a weapon	RO
094	RB	UB: Cyber-bullying	BH
095	UB	UB: Under the influence of alcohol	
096	UB	UB: Under the influence of controlled substanc	
097	SR	SR: Aversive Procedure (Staff Only)	SR
098	SR	SR: Illegal Physical Restraint (Staff Only)	SR
099	SR	SR: Illegal Mechanical Restraint (Staff Only)	SR
100	SR	SR: Illegal Seclusion (Staff Only)	SR
101	RB	UB: Harassment - Racial	BH
102	RB	UB: Harassment - Disability	BH
103	PD	PD: Robbery with a firearm or powerful explos	13 - RW
104	PD	PD: Physical attack with a firearm	02 - AW
105	RB	UB: Threat of physical attack with a firearm	CT
106	RB	UB: Threat of physical attack with a weapon	CT
107	RB	UB: Threat of physical attack without a weapon	CT
109	RB	UB: Harassment - sexual orientation	BH
110	RB	UB: Harassment - religious affiliation	BH
111	SR	Mechanical restraint (Staff only - OCR Report)	SR
112	SR	Physical restraint (Staff only - OCR Report)	SR
113	SR	Seclusion (Staff only - OCR Report)	SR
114	UB	UB: Inappropriate Behavior	
115	UB	UB: Indecent Exposure	
116	UB	UB: Possession of Vaping (Non-Tobacco) Device	
117	UB	UB: Use of Vaping (Non-Tobacco) Device	
118	RO	RO: Possession of controlled substance- opioid	09 - PS
119	RO	RO: Sale of controlled substance - opioid	09 - PS
121	ND	Continuation of Disciplinary Action from Prev	
122	PD	PD: Sexual Activity/Pretext Medical Treatment	15 - SA
123	ND	Non-School Related Offense	
124	UB	UB: Pornographic and/or profane material	
125	UB	UB: Possession of graphically violent material	
126	UB	UB: Threat of mass violence	
127	UB	UB: False threat of mass violence	
128	ND	Threat of harm to self – Suicide	
129	ND	Threat of harm to self or others	
130	ND	Nearby Neighborhood/Community Threat	

Behavior Code	Category Indicator	Description of Behavior	State Reporting Abbr-Code
131	RO	RO: Possession of vaping device - CS/THC	09 - PS
132	RO	RO: Use of vaping device - CS/THC	09 - PS
133	RB	UB: Possession of vaping device - Tobacco	PT
134	RB	UB: Use of vaping device - Tobacco	PT
135	UB	UB: Possession of vaping device - Cannabinoid	
136	UB	UB: Use of vaping device - Cannabinoid	
137	RB	UB: Harassment – Gender identity	BH

\*State Reporting categories as defined above

## Behavior Types (Behavior Category Order)

Code	Category Indicator	Description of Behavior	State Reporting Abbr-Code
001	PD	PD: Assault resulting in a serious injury	01 - AR
002	PD	PD: Assault involving the use of a weapon	02 - AW
104	PD	PD: Physical attack with a firearm	02 - AW
003	RO	RO: Assault on school personnel not serious	03 - AP
043	RO	RO: Bomb threat	04 - BT
053	RO	RO: Burning of a school building (G.S. 14-60)	05 - BS
004	PD	PD: Homicide	06 - D
016	PD	PD: Kidnapping	07 - K
020	RO	RO: Alcohol Possession (G.S. 18B)	08 - PA
048	RO	RO: Use of alcoholic beverages	08 - PA
118	RO	RO: Possession of controlled substance- opioid	09 - PS
119	RO	RO: Sale of controlled substance - opioid	09 - PS
088	RO	RO: Distribution of a prescription drug	09 - PS
087	RO	RO: Possession of another person's prescription	09 - PS
005	RO	RO: Possession of cocaine	09 - PS
017	RO	RO: Possession of controlled substance-other	09 - PS
006	RO	RO: Possession of marijuana	09 - PS
007	RO	RO: Possession of Ritalin	09 - PS
131	RO	RO: Possession of vaping device - CS/THC	09 - PS
054	RO	RO: Sale of cocaine	09 - PS
057	RO	RO: Sale of controlled substance other	09 - PS
055	RO	RO: Sale of marijuana	09 - PS
056	RO	RO: Sale of Ritalin	09 - PS
049	RO	RO: Use of controlled substances	09 - PS
050	RO	RO: Use of narcotics	09 - PS
132	RO	RO: Use of vaping device - CS/THC	09 - PS
009	RO	RO: Possession firearm or powerful explosive	10 - PF
008	RO	RO: Possession of a weapon (excl firearm,expl)	11 - PW
012	PD	PD: Rape	12 - R
010	PD	PD: Robbery with a dangerous weapon	13 - RW
103	PD	PD: Robbery with a firearm or powerful explos	13 - RW
122	PD	PD: Sexual Activity/Pretext Medical Treatment	15 - SA
014	PD	PD: Sexual assault not rape or sexual offense	15 - SA
013	PD	PD: Sexual offense	16 - SO
015	PD	PD: Taking indecent liberties with a minor	17 - IM
021	RB	UB: Affray (G.S. 14-33)	FA
024	RB	UB: Fighting	FA
045	RB	UB: Assault - other	AS
071	RB	UB: Assault on non-student w/o weapon	AS

Code	Category Indicator	Description of Behavior	State Reporting Abbr-Code
044	RB	UB: Assault on student	AS
072	RB	UB: Assault on student w/o weapon	AS
090	RB	UB: Violent assault not resulting in serious i	AS
093	RB	UB: Robbery without a weapon	RO
039	RB	UB: Property damage	PR
079	RB	UB: Gang activity	GA
023	RB	UB: Extortion	EX
019	RB	UB: Communicating threats (G.S. 14-277.1)	CT
105	RB	UB: Threat of physical attack with a firearm	CT
106	RB	UB: Threat of physical attack with a weapon	CT
107	RB	UB: Threat of physical attack without a weapon	CT
052	RB	UB: Bullying	BH
094	RB	UB: Cyber-bullying	BH
102	RB	UB: Harassment - Disability	BH
137	RB	UB: Harassment – Gender identity	BH
101	RB	UB: Harassment - Racial	BH
110	RB	UB: Harassment - religious affiliation	BH
038	RB	UB: Harassment - sexual	BH
109	RB	UB: Harassment - sexual orientation	BH
025	RB	UB: Harassment - verbal	BH
080	RB	UB: Discrimination	DS
041	RB	UB: Possession of tobacco	PT
133	RB	UB: Possession of vaping device - Tobacco	PT
070	RB	UB: Use of tobacco	PT
134	RB	UB: Use of vaping device - Tobacco	PT
018	UB	UB: Unlawfully setting a fire	UB-Danger
027	UB	UB: Aggressive behavior	UB-Defiant
022	UB	UB: Disorderly conduct (G.S. 14-288.4(a)(6))	UB-Defiant
061	UB	UB: Disrespect of faculty/staff	UB-Defiant
042	UB	UB: Disruptive behavior	UB-Defiant
114	UB	UB: Inappropriate Behavior	UB-Defiant
032	UB	UB: Inappropriate language/disrespect	UB-Defiant
033	UB	UB: Insubordination	UB-Defiant
026	UB	UB: Hazing	UB-Inter
063	UB	UB: Excessive display of affection	UB-Inter
068	UB	UB: Mutual sexual contact between two students	UB-Inter
115	UB	UB: Indecent Exposure	UB-Inter
059	UB	UB: Being in an unauthorized area	UB-Other
037	UB	UB: Bus misbehavior	UB-Other
060	UB	UB: Cell phone use	UB-Other

Code	Category Indicator	Description of Behavior	State Reporting Abbr-Code
031	UB	UB: Dress code violation	UB-Other
029	UB	UB: False fire alarm	UB-Other
035	UB	UB: Falsification of information	UB-Other
034	UB	UB: Gambling	UB-Other
028	UB	UB: Honor code violation	UB-Other
040	UB	UB: Inappropriate items on school property	UB-Other
091	UB	UB: Misuse of school technology	UB-Other
124	UB	UB: Pornographic and/or profane material	UB-Other
046	UB	UB: Possession of counterfeit items	UB-Other
125	UB	UB: Possession of graphically violent material	UB-Other
036	UB	UB: Theft	UB-Other
047	UB	UB: Use of counterfeit items	UB-Other
058	UB	UB: Other School Defined Offense	UB-Other
069	UB	UB: Other	UB-Other
092	UB	UB: Repeat offender	UB-Repeat
074	UB	UB: Cutting class	UB-Attend
064	UB	UB: Excessive tardiness	UB-Attend
078	UB	UB: Late to class	UB-Attend
066	UB	UB: Leaving class without permission	UB-Attend
067	UB	UB: Leaving school without permission	UB-Attend
075	UB	UB: Skipping school	UB-Attend
030	UB	UB: Truancy	UB-Attend
051	UB	UB: Possession of chemical or drug paraphernal	UB-Subst
086	UB	UB: Possession of student's own prescriptions	UB-Subst
116	UB	UB: Possession of Vaping (Non-Tobacco) Device	UB-Subst
135	UB	UB: Possession of vaping device - Cannabinoid	UB-Subst
095	UB	UB: Under the influence of alcohol	UB-Subst
096	UB	UB: Under the influence of controlled substanc	UB-Subst
117	UB	UB: Use of Vaping (Non-Tobacco) Device	UB-Subst
136	UB	UB: Use of vaping device - Cannabinoid	UB-Subst
127	UB	UB: False threat of mass violence	UB-Threat
126	UB	UB: Threat of mass violence	UB-Threat
128	ND	Threat of harm to self – Suicide	ND-Threat
129	ND	Threat of harm to self or others	ND-Threat
130	ND	Nearby Neighborhood/Community Threat	ND-Threat
065	ND	UB: No Immunization	ND-Heath
077	ND	UB: Physical exam	ND -Health
121	ND	Continuation of Disciplinary Action from Prev	Non-School
123	ND	Non-School Related Offense	Non-School
097	SR	SR: Aversive Procedure (Staff Only)	SR

Code	Category Indicator	Description of Behavior	State Reporting Abbr-Code
098	SR	SR: Illegal Physical Restraint (Staff Only)	SR
099	SR	SR: Illegal Mechanical Restraint (Staff Only)	SR
100	SR	SR: Illegal Seclusion (Staff Only)	SR
111	SR	Mechanical restraint (Staff only - OCR Report)	SR
112	SR	Physical restraint (Staff only - OCR Report)	SR
113	SR	Seclusion (Staff only - OCR Report)	SR

## Action Types

Code	Description of Action
001	Supervised Activities
002	ISS
003	OSS
004	OSS for Remainder of School 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
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	Revoked 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 Involved Hearing
036	DJJDP Alternative Program
037	DPI 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

Code	Description of Action
114	Restriction of School Privileges
115	ISS Partial Day
116	Tobacco Awareness Class
117	Drug/Alcohol Class
135	OSS Medical Reasons
140	ISS Via Remote Learning
141	Preschool Expulsion
142	Preschool Reduction of Participation
143	Threat Assessment Conducted
144	Alternative Education Services Other
145	Concurrent Incident/Duplicative Action
146	School Safety Response Protocol - Hold
147	School Safety Response Protocol - Secure
148	School Safety Response Protocol - Lockdown
149	School Safety Response Protocol - Evacuate
150	School Safety Response Protocol - Shelter

## Victim Action Types

Code	Victim Action Description
200	Victim Offered Transfer
201	Victim Not Offered Transfer
202	Victim Accepted Transfer Offer
203	Victim Declined Transfer Offer
204	No Transfer Available in LEA

## Weapon Types

Code	Weapon Description
01	Handgun
02	Rifle
03	Shotgun
04	Pocket Knife
05	Box Cutter
06	Razor
07	Other Firearm
09	Handgun (discharged)
10	Other Firearm (discharged)
11	Rifle (discharged)
12	Shotgun (discharged)
13	Knife
14	Powerful Explosive
15	Other Defined Weapon
16	Other Object Not Defined
08	DO NOT USE: Other

## ALP Enter (Entry Reason) Codes

Code	Entry Reason Description
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 – Violent Crimes, Reportable Offenses, and Reportable Behavior Definitions

### **ASSAULT AS DEFINED IN G.S. 14-33, BUT NOT RESULTING IN AN INJURY AS SEVERE AS DEFINED IN G.S. 14-32.4**

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.

### **ASSAULT INVOLVING USE OF A WEAPON, FIREARM, OR POWERFUL EXPLOSIVE (G.S. §14-32 THROUGH 14-34.10 AND G.S. 14-34 THROUGH 14-34.10 AND 14-49 THROUGH 14-50.1)**

An intentional offer or attempt by force or violence to the person of another that causes reasonable apprehension of immediate bodily harm through the use of any firearm or other dangerous weapon, implement or means, any explosive or incendiary device or material, or discharges or attempts to discharge a firearm into occupied property, from within an enclosure to incite fear, or from an enclosure toward a person(s) outside enclosure as part of gang activity.

### **ASSAULT ON SCHOOL OFFICIALS, EMPLOYEES, AND VOLUNTEERS (G.S. §14-33(C)(6))**

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.

### **ASSAULT RESULTING IN SERIOUS PERSONAL INJURY (G.S. §14-32.4)**

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.

## **BULLYING OR HARASSING BEHAVIOR PROHIBITED UNDER POLICIES ADOPTED UNDER G.S. 115C-407.16**

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:

- 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
- creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities, or benefits. For purposes of this section, "hostile environment" means that the victim subjectively views the conduct as bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior.
- Bullying or harassing behavior includes, but is not limited to, acts reasonably perceived as being motivated by any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics.
- Bullying may be one or more of the following:
  - Written, electronic, verbal;
  - Physical;
  - Social or relational; OR
  - Harassment

## **COMMUNICATING THREATS IN VIOLATION OF G.S. 14-277.1**

A person who (1) willfully threatens to physically injure the person or that person's child, sibling, spouse, or dependent or willfully threatens to damage the property of another; (2) the threat is communicated to the other person, orally, in writing, or by any other means; (3) the threat is made in a manner and under circumstances which would cause a reasonable person to believe that the threat is likely to be carried out; and (4) the person threatened believes that the threat will be carried out.

## **CYBERBULLYING AS DEFINED IN G.S. 14-458.1 AND 14-458.2**

2. A person who uses a computer or computer network to do any of the following:

- I. With the intent to intimidate or torment a minor:
  - A. Build a fake profile or Web site;
  - B. Pose as a minor in 1) An Internet chat room; 2) An electronic mail message; or 3) An instant message;
  - C. Follow a minor online or into an Internet chat room; or
  - D. Post or encourage others to post on the Internet private, personal, or sexual information pertaining to a minor.
- VII. With the intent to intimidate or torment a minor or the minor's parent or guardian:
  - D. Post a real or doctored image of a minor on the Internet;
  - E. Access, alter, or erase any computer network, computer data, computer program, or computer software, including breaking into a password protected account or stealing or otherwise accessing passwords; or
  - F. Use a computer system for repeated, continuing, or sustained electronic communications, including electronic mail or other transmissions, to a minor.
- VIII. Make any statement, whether true or false, intending to immediately provoke, and that is likely to provoke, any third party to stalk or harass a minor.

- IX. Copy and disseminate, or cause to be made, an unauthorized copy of any data pertaining to a minor for the purpose of intimidating or tormenting that minor (in any form, including, but not limited to, any printed or electronic form of computer data, computer programs, or computer software residing in, communicated by, or produced by a computer or computer network).
  - X. Sign up a minor for a pornographic Internet site with the intent to intimidate or torment the minor.
  - XI. Without authorization of the minor or the minor's parent or guardian, sign up a minor for electronic mailing lists or to receive junk electronic messages and instant messages, with the intent to intimidate or torment the minor.
- 3) A person who uses a computer or computer network to do any of the following:
- VIII. With the intent to intimidate or torment a school employee, do any of the following:
    - F. Build a fake profile or Web site.
    - G. Post or encourage others to post on the Internet private, personal, or sexual information pertaining to a school employee.
    - H. Post a real or doctored image of the school employee on the Internet.
    - I. Access, alter, or erase any computer network, computer data, computer program, or computer software, including breaking into a password-protected account or stealing or otherwise accessing passwords.
    - J. Use a computer system for repeated, continuing, or sustained electronic communications, including electronic mail or other transmissions, to a school employee.
  - IX. Make any statement, whether true or false, intending to immediately provoke, and that is likely to provoke, any third party to stalk or harass a school employee.
  - X. Copy and disseminate, or cause to be made, an unauthorized copy of any data pertaining to a school employee for the purpose of intimidating or tormenting that school employee (in any form, including, but not limited to, any printed or electronic form of computer data, computer programs, or computer software residing in, communicated by, or produced by a computer or computer network).
  - XI. Sign up a school employee for a pornographic Internet site with the intent to intimidate or torment the employee.
  - XII. Without authorization of the school employee, sign up a school employee for electronic mailing lists or to receive junk electronic messages and instant messages, with the intent to intimidate or torment the school employee.
  - XIII. Sign up a school employee for a pornographic Internet site with the intent to intimidate or torment the employee.
  - XIV. Without authorization of the school employee, sign up a school employee for electronic mailing lists or to receive junk electronic messages and instant messages, with the intent to intimidate or torment the school employee.

**DISCRIMINATION AS DEFINED IN TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, 42 U.S.C. 2000D; TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, 42 U.S.C. 2000E; TITLE IX OF THE EDUCATION AMENDMENTS OF 1972, 20 U.S.C. 1681-1688; AMERICANS WITH DISABILITIES ACT, 42 U.S.C. 12101.**

Discrimination is the unfairly or unjust treatment a person (or group) based on certain characteristics. These characteristics include race, color, national origin, sex, religion, or disability.

**EXTORTION AS DEFINED IN G.S. 14-118.4**

Any person who threatens or communicates a threat or threats to another with the intention thereby wrongfully to obtain anything of value or any acquittance, advantage, or immunity.

### **FIGHTING, OR AFFRAY AS DEFINED IN G.S. 14-33**

A fight is the physical altercation that involves somewhat similar levels of violence by both (or multiple) parties. An affray is a fight between two or more people in a public place which typically caused terror (frightened) to the public.

### **GANG ACTIVITY AS DEFINED IN G.S. 14-50.17, 14-50.19 AND 14-50.20**

Gang activity in G.S. §14-50.16 is define as the commission of, attempted commission of, or solicitation, coercion, or intimidation of another person to commit (i) any offense under Article 5 of Chapter 90 of the General Statutes or (ii) any offense under Chapter 14 of the General Statutes except Article 9, 22A, 40, 46, or 59 thereof, and further excepting G.S. 14-82, 14-145, 14-183, 14-184, 14-186, 14-190.9, 14-247, 14-248, or 14-313 thereof, and either of the following conditions is met:

- C. The offense is committed with the intent to benefit, promote, or further the interests of a criminal gang or for the purposes of increasing a person's own standing or position within a criminal gang.
- D. The participants in the offense are identified as criminal gang members acting individually or collectively to further any criminal purpose of a criminal gang.
- It is unlawful for any person to cause, encourage, solicit, or coerce a person 16 years of age or older to participate in criminal gang activity.
- It is unlawful for any person to communicate a threat of injury to a person, or to damage the property of another, as punishment or retaliation against a person for having withdrawn from a criminal gang.
- It is unlawful for any person to injure a person with the intent to deter a person from assisting another to withdraw from membership in a criminal gang.
- It is unlawful for any person to injure a person as punishment or retaliation against a person for having withdrawn from a criminal gang.

### **HARASSMENT – DISABILITY AS DEFINED IN § 115C-407.15**

Refers to intimidation or abusive behavior toward a student based on the student's actual or perceived disability—such as a physical, developmental, intellectual, emotional, or sensory disability. Harassing conduct may take many forms, including verbal acts and name-calling, as well as non-verbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful or humiliating. The conduct can be carried out by school employees, other students, and non-employee third parties.

### **HARASSMENT – GENDER IDENTITY AS DEFINED IN §115C-407.15**

Refers to intimidation or abusive behavior toward a student based on the student's actual or perceived gender identity. Harassing conduct may take many forms, including verbal acts and name-calling, as well as non-verbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful or humiliating. The conduct can be carried out by school employees, other students, and non-employee third parties.

### **HARASSMENT – RACE/ETHNICITY AS DEFINED IN §115C-407.15**

Refers to intimidation or abusive behavior toward a student based on actual or perceived race, color, or national origin. Harassing conduct may take many forms, including verbal acts and name-calling, as well as non-verbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful or humiliating. The conduct can be carried out by school employees, other students, and non-employee third parties.

#### **HARASSMENT – RELIGIOUS AFFILIATION AS DEFINED IN §115C-407.15**

Refers to intimidation or abusive behavior toward a student based on actual or perceived religion. Harassing conduct may take many forms, including verbal acts and name-calling, as well as non-verbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful or humiliating. The conduct can be carried out by school employees, other students, and non-employee third parties.

#### **HARASSMENT – SEXUAL (G.S. §115C-335.5; TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, 42 U.S.C. §2000E ET SEQ.)**

Any conduct on the basis of sex that satisfies one or more of the following:

- (4) Any form of *quid pro quo* harassment;
  - *Quid pro quo* harassment - A school employee conditioning the provision of an aid, benefit, or service of the school on an individual's participation in unwelcome sexual conduct
- (5) "Sexual assault" as defined in [20 U.S.C. 1092\(f\)\(6\)\(A\)\(v\)](#), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30); OR
- (6) Any unwelcome conduct that a reasonable person would find "so severe, pervasive, and objectively offensive" that it effectively denies a person equal access to the school's education program or activity.

#### **HARASSMENT – SEXUAL ORIENTATION AS DEFINED IN §115C-407.15**

Refers to intimidation or abusive behavior toward a student based on actual or perceived sexual orientation. Harassing conduct may take many forms, including verbal acts and name-calling, as well as non-verbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful or humiliating. The conduct can be carried out by school employees, other students, and non-employee third parties.

#### **HOMICIDE (G.S. 14-17 AND 14-18)**

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 killing or 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 of opium, opiate, or opioid or any other synthetic or natural salt, compound, derivative, or preparation of opium, cocaine or other substance described in G.S. §90-90(1)d., methamphetamine, or a depressant described in G.S. 90-92(a)(1) and ingestion by the user results in, or (10) all other types of murder.

#### **INDECENT LIBERTIES WITH A MINOR (G.S. §14-202.1, 14-202.2 AND 14-202.4)**

**Taking indecent liberties with children:** 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.

**Indecent liberties between children:** A person who is under the age of 16 years is guilty of taking indecent liberties with children if the person either: (1) willfully takes or attempts to take any immoral, improper, or indecent liberties with any child of either sex who is at least three years younger than the defendant 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 who is at least three years younger.

**Indecent liberties with a student:** A person is found guilty of taking indecent liberties with a student if a defendant, is a teacher, school administrator, student teacher, school safety officer, or coach, at any age, or other school personnel, takes indecent liberties with a victim who is a student, at any time during or after the time the defendant and victim were present together in the same school but before the victim ceases to be a student. Consent is not a defense. A person is not guilty of taking indecent liberties with a student if the person is lawfully married to the student.

#### **KIDNAPPING (G.S. 14-39)**

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.

#### **MAKING BOMB THREATS OR ENGAGING IN BOMB HOAXES (G.S. §14-69.2)**

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.

#### **POSSESSION OF A FIREARM OR POWERFUL EXPLOSIVE ON CAMPUS OR OTHER EDUCATIONAL PROPERTY IN VIOLATION OF G.S. 14-269.2**

Possession of a Firearm or Powerful Explosive (G.S. §14-269.2(b) and (b1)): It is unlawful for any person to possess or carry, whether openly or concealed, 1) any gun, rifle, pistol, or other firearm of any kind and 2) any dynamite cartridge, bomb, grenade, mine, or powerful explosive as defined in G.S. §14-284.1 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, air pistol or fireworks.
- No person shall be guilty of a criminal violation so long as both of the following apply: (1) The person comes into possession of a weapon by taking or receiving the weapon from another person or by finding the weapon and (2) the person delivers the weapon, directly or indirectly, as soon as practical to law enforcement authorities.

- Firefighters, emergency service personnel, North Carolina Forest Service personnel, detention officers employed by and authorized by the sheriff to carry firearms, and any private police employed by a school, when acting in the discharge of their official duties.
- A volunteer school safety resource officer providing security at a school pursuant to an agreement as provided in G.S. 115C-47(61) and either G.S. 162-26 or G.S. 160A-288.4, provided that the volunteer school safety resource officer is acting in the discharge of the person's official duties and is on the educational property of the school that the officer was assigned to by the head of the appropriate local law enforcement agency.

#### **POSSESSION OF A WEAPON ON CAMPUS OR OTHER EDUCATIONAL PROPERTY IN VIOLATION OF G.S. 14-269.2**

Possession of a Weapon (G.S. §14-269.2, G.S. §14-269.2(d)): 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) slungshot, (9) leaded cane, (10) switchblade knife, (11) blackjack, (12) metallic knuckles, (13) razors and razor blades (except solely for personal shaving), (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, and maintenance.

- "Switchblade knife" is defined as "a knife containing a blade that opens automatically by the release of a spring or a similar contrivance".
- "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.
- No person shall be guilty of a criminal violation so long as both of the following apply: (1) The person comes into possession of a weapon by taking or receiving the weapon from another person or by finding the weapon and (2) the person delivers the weapon, directly or indirectly, as soon as practical to law enforcement authorities.
- 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, Firefighters, emergency service personnel, North Carolina Forest Service personnel, detention officers employed by and authorized by the sheriff to carry firearms, and any private police employed by a school, when acting in the discharge of their official duties.

#### **POSSESSION OF CONTROLLED SUBSTANCE IN VIOLATION OF LAW (G.S. §90-86 THROUGH 90-113.8)**

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, substance, or immediate precursor included 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.

### **POSSESSION OR USE OF TOBACCO PRODUCTS ( G.S. §14-313)**

G.S. § 115C-407 prohibits the use of any tobacco product by any person in school buildings, in school facilities, on school campuses, and in or on any other school property owned or operated by the local school administrative unit, and at school-sponsored events. SBE policy, SSCH-000, requires PSUs to report the use or possession of tobacco products on school grounds or school sponsored field trip.

- Tobacco products are defined as any product that contains tobacco and is intended for human consumption. Tobacco products include tobacco-derived products, vapor products, and components of vapor products.
- Tobacco-derived products are any non-combustible product derived from tobacco and contains nicotine whether chewed, absorbed, dissolved, ingested, or by other means.
- Vapor products are any noncombustible product that employs a mechanical heating element, battery, or electronic circuit regardless of shape or size and that can be used to heat a liquid nicotine solution contained in a vapor cartridge.

### **PROPERTY DAMAGE (G.S. 115C-398)**

Damage or defacement that occurs to school buildings, furnishings, and textbooks. Damage can include: defacement of the walls and doors or any breakage, abuse of textbooks, or unlawfully writing or scribbling on, marking, defacing, besmearing, or injuring the walls of any public building or facility, or any statue or monument situated in any public place.

### **RAPE (G.S. § 14-27.21 THROUGH 14 -27.25)**

#### **First-degree forcible rape:**

- a person is guilty if the person engages in vaginal intercourse with another person by force and against the will of the other person, and does any of the following: 1) uses, threatens to use, or displays a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous weapon, 2) inflicts serious injury on the victim or another person, and/or 3) the person commits the offense aided and abetted by one of more other persons.

#### **Second-degree forcible rape:**

- a person is guilty if the person engages in vaginal intercourse with another person by force and against the will of the other person OR
- a person is guilty if the person engages in vaginal intercourse with another person who has a mentally disability, is mentally incapacitated, or physically helpless and the person performing the act knows or should reasonably know that the other person has a mentally disability, is mentally incapacitated, or physically helpless.

#### **Statutory rape of a child by an adult:**

- a person is guilty if the person is at least 18 years of age and engages in vaginal intercourse with a victim who is a child under the age of 13 years.

#### **First-degree statutory rape:**

- if the defendant engages in vaginal intercourse with 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.

#### **Statutory rape of person who is 15 years of age or younger:**

- if the defendant engages in vaginal intercourse with another person who is 15 years of age or younger and the defendant is at least 12 years old and at least six years older than the person, except when the defendant is lawfully married to the person.

### **ROBBERY WITH A DANGEROUS WEAPON, FIREARM, OR POWERFUL EXPLOSIVE (G.S. §14-87)**

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.

### **ROBBERY WITHOUT A WEAPON (ROBBERY AS DEFINED IN G.S. §14-87, BUT WITHOUT THE USE OF A DANGEROUS WEAPON)**

Any person or persons who 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.

### **SEXUAL ACTIVITY, BATTERY, CONTACT AND PENETRATION UNDER PRETEXT OF MEDICAL TREATMENT AS DEFINED IN G.S. 14-31 THROUGH 33)**

#### **Sexual Battery:**

- 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
- 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 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.
  - G.S. § 14-27.20(5) defines "sexual contact" as A) touching the sexual organ, anus, breast, groin, or buttocks of any person, B) a person touching another person with their own sexual organ, anus, breast, groin, or buttocks, C) a person ejaculating, emitting, or placing semen, urine, or feces upon any part of another person.
  - G.S. § 14-27.20(6) defines "touching" as "physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim."

#### **Sexual activity by a substitute parent or custodian:**

- If a defendant who has assumed the position of a parent in the home of a minor victim engages in vaginal intercourse or a sexual act with a victim who is a minor residing in the home, OR
- If a person having custody of a victim of any age or a person who is an agent or employee of any person, or institution, whether such institution is private, charitable, or governmental, having custody of a victim of any age engages in vaginal intercourse or a sexual act with such victim.

#### **Sexual activity with a student:**

- If a defendant, who is a teacher, school administrator, student teacher, school safety officer, or coach, at any age, or who is other school personnel, engages in vaginal intercourse or a sexual act with a victim who is a student, at any time during or after the time the defendant and victim were present together in the same school, but before the victim ceases to be a student, the defendant is guilty of a Class G felony, except when the defendant is lawfully married to the student.

- The term "same school" means a school at which the student is enrolled and the defendant is employed, assigned, or volunteers.

**Sexual contact or penetration under pretext of medical treatment:**

- Unless the conduct is covered under some other provision of law providing greater punishment, a person who undertakes medical treatment of a patient is guilty if the person does any of the following in the course of that medical treatment:
  - Represents to the patient that sexual contact between the person and the patient is necessary or will be beneficial to the patient's health and induces the patient to engage in sexual contact with the person by means of the representation.
  - Represents to the patient that sexual penetration between the person and the patient is necessary or will be beneficial to the patient's health and induces the patient to engage in sexual penetration with the person by means of the representation.
  - Engages in sexual contact with the patient while the patient is incapacitated.
  - Engages in sexual penetration with the patient while the patient is incapacitated.
- Sexual contact is defined as "the intentional touching of a person's intimate parts or the intentional touching of the clothing covering the immediate area of the person's intimate parts, if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification, done for a sexual purpose, or done in a sexual manner."
- Sexual penetration is defined as "sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body, regardless of whether semen is emitted, if that intrusion can reasonably be construed as being for the purpose of sexual arousal or gratification, done for a sexual purpose, or done in a sexual manner."

**SEXUAL OFFENSE (G.S. §14-27.26 THROUGH 14-27.30)**

**First-degree forcible sexual offense:**

- A person is guilty of a sexual offense in the first degree if the person engages in a sexual act with another person by force and against the will of the other person, and does any of the following:
  - 4) uses, threatens to use, or displays a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous weapon,
  - 5) inflicts serious injury on the victim or another person, and/or
  - 6) the person commits the offense aided and abetted by one or more other persons.

**Second-degree forcible sexual offense:**

- if the person engages in a sexual act with another person by force and against the will of the other person OR
- if the person engages in a sexual act with another person who has a mental disability, is mentally incapacitated, or physically helpless and the person performing the act knows or should reasonably know that the other person has a mental disability, is mentally incapacitated, or physically helpless.

**Statutory sexual offense of a child by an adult:**

- if the person is at least 18 years of age and engages in a sexual act with a victim who is a child under the age of 13 years.

**First-degree statutory sexual offense:**

- if the defendant engages in a sexual act with 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.

**Statutory sexual offense of person who is 15 years of age or younger:**

- if the defendant engages in a sexual act with another person who is 15 years of age or younger and the defendant is at least 12 years old and at least six years older than the person, except when the defendant is lawfully married to the person.

**Definition of sexual act (G.S. § 14-27.20):** Sexual act is defined as “cunnilingus, fellatio, analingus, or anal intercourse, but does not include vaginal intercourse. Sexual act also means the penetration, however slight, by any object into the genital or anal opening of another person's body.”

**THREAT OF ASSAULT WITH A FIREARM OR POWERFUL EXPLOSIVE AS DEFINED IN G.S. §14-277.1**

This behavior falls under the state definition of Communicating Threats and is further defined by federal reporting requirements.

- G.S. §14-277.1: a person (1) willfully threatens to physically injure the person or that person's child, sibling, spouse, or dependent or willfully threatens to damage the property of another; (2) the threat is communicated to the other person, orally, in writing, or by any other means; (3) the threat is made in a manner and under circumstances which would cause a reasonable person to believe that the threat is likely to be carried out; and (4) the person threatened believes that the threat will be carried out.
- Federal reporting requirements: “A threat of physical attack with a weapon includes displaying, brandishing, or discharging a weapon, but with no actual physical contact of any person. A threat is made in person. Threats made over the telephone or threatening letters are excluded. A threat of physical attack using words that refer to a weapon would not be considered a threat with a weapon.”
- When reporting this behavior, a possession of firearm and a firearm weapons code should also be reported.

**THREAT OF ASSAULT WITH A WEAPON AS DEFINED IN G.S. §14-277.1**

This behavior falls under the state definition of Communicating Threats and is further defined by federal reporting requirements.

- G.S. §14-277.1: a person who (1) willfully threatens to physically injure the person or that person's child, sibling, spouse, or dependent or willfully threatens to damage the property of another; (2) the threat is communicated to the other person, orally, in writing, or by any other means; (3) the threat is made in a manner and under circumstances which would cause a reasonable person to believe that the threat is likely to be carried out; and (4) the person threatened believes that the threat will be carried out.
- Federal reporting requirements: “A threat of physical attack with a weapon includes displaying, brandishing, or discharging a weapon, but with no actual physical contact of any person. A threat is made in person. Threats made over the telephone or threatening letters are excluded. A threat of physical attack using words that refer to a weapon would not be considered a threat with a weapon.”
- When reporting this behavior, a possession of weapon and a weapons code should also be reported.

### **THREAT OF ASSAULT WITHOUT A WEAPON AS DEFINED IN G.S. §14-277.1**

This behavior falls under the state definition of Communicating Threats and is further defined by federal reporting requirements.

- G.S. §14-277.1: a person (1) willfully threatens to physically injure the person or that person's child, sibling, spouse, or dependent or willfully threatens to damage the property of another; (2) the threat is communicated to the other person, orally, in writing, or by any other means; (3) the threat is made in a manner and under circumstances which would cause a reasonable person to believe that the threat is likely to be carried out; and (4) the person threatened believes that the threat will be carried out.
- Federal reporting requirements: "A threat without any display, brandishment, or discharge of a weapon, and with no actual physical contact of any person. A threat is made in person. Threats made over the telephone or threatening letters are excluded. A threat of physical attack using words that refer to a weapon would be considered a threat without a weapon."

### **UNLAWFUL, UNDERAGE SALES, PURCHASE, PROVISION, POSSESSION, OR CONSUMPTION OF ALCOHOLIC BEVERAGES (G.S. §18B-302)**

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.

### **VERBAL HARASSMENT AS DEFINED IN G.S. 115C-407.15**

Any pattern of verbal communications that takes place on school property, at any school-sponsored function, or on a school bus, and that:

- 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
- creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities, or benefits. For purposes of this section, "hostile environment" means that the victim subjectively views the conduct as bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior.
- Bullying or harassing behavior includes, but is not limited to, acts reasonably perceived as being motivated by any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics.

### **WILLFULLY BURNING A SCHOOL BUILDING (G.S. §14-60)**

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.

## Appendix C – All Behavior Types and Definitions

The behavior types that are not defined in Statute or Law should be considered illustrative and should not supersede any guidance found in the PSU's Student Code of Conduct.

**001-PD: Assault resulting in a serious injury:** Assault resulting in serious personal injury as defined in G.S. 14-32.4. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**002-PD: Assault involving the use of a weapon:** Assault with a weapon as defined in G.S. 14-32 through 14-34.10. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**003-RO: Assault on school personnel not serious:** Assault on school officials, employees, and volunteers as defined in G.S. 14-33(c)(6). See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**004-PD: Homicide:** Homicide as defined in G.S. 14-17 and 14-18 . See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**005-RO: Possession of cocaine:** Possession of a controlled substance in violation of the law as defined in G.S. 90-86 through 90- 113.8. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**006-RO: Possession of marijuana:** Possession of a controlled substance in violation of the law as defined in G.S. 90-86 through 90- 113.8. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**007-RO: Possession of Ritalin:** Possession of a controlled substance in violation of the law as defined in G.S. 90-86 through 90- 113.8. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**008-RO: Possession of a weapon (excl firearm,expl):** Possession of a weapon (weapon, firearm or powerful explosive) on campus or other educational property in violation of G.S. 14-269.2. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**009-RO: Possession firearm or powerful explosive:** Possession of a weapon (weapon, firearm or powerful explosive) on campus or other educational property in violation of G.S. 14-269.2. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**010-PD: Robbery with a dangerous weapon:** Robbery with a dangerous weapon as defined in G.S. 14-87. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**012-PD: Rape:** Rape as defined in G.S. 14-27.21 through 14-27.25. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**013-PD: Sexual offense:** Sexual offense as defined in G.S 14-27.26 through 14-27.30. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**014-PD: Sexual assault not rape or sexual offense:** Sexual activity, battery, contact and penetration under pretext of medical treatment as defined in G.S. 14-31 through 33. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**015-PD: Taking indecent liberties with a minor:** Indecent liberties with a minor as defined in G.S. 14-202.1, 14-202.2 and 14-202.4 . See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**016-PD: Kidnapping:** Kidnapping as defined in G.S. 14-39. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**017-RO: Possession of controlled substance-other:** Possession of a controlled substance in violation of the law as defined in G.S. 90-86 through 90- 113.8. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**018-UB: Unlawfully setting a fire:** This behavior type may be used when an offender is found to have or to have participated in starting a fire or attempting to start a fire on school property or on school sponsored trips without proper authorization.

**019-UB: Communicating threats (G.S. 14-277.1):** Communicating threats in violation of G.S. 14-277.1. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**020-RO: Alcohol Possession (G.S. 18B):** Unlawful, underage sales, purchase, provision, possession, or consumption of alcoholic beverages as defined in G.S. 18B-302. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**021-UB: Affray (G.S. 14-33):** Fighting, or affray as defined in G.S. 14-33. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**022-UB: Disorderly conduct (G.S. §14-288.4(a)(6)):** Disorderly conduct is defined as when a person “disrupts, disturbs or interferes with the teaching of students at any public or private educational institution or engages in conduct which disturbs the peace, order or discipline at any public or private educational institution or on the grounds adjacent thereto.” or when a person “engages in conduct which disturbs the peace, order, or discipline on any public school bus or public school activity bus.”

**023-UB: Extortion:** Extortion as defined in G.S. 14-118.4. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**024-UB: Fighting:** Fighting, or affray as defined in G.S. 14-33. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**025-UB: Harassment - verbal:** Verbal harassment as defined in G.S. 115C-407.15. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**026-UB: Hazing:** this behavior type may be used when an offender(s) subjects another person to physical injury, humiliation, harassment, or taunting, etc. as part of an initiation, or prerequisite to membership, to an organized school group even if the person being hazed consents.

**027-UB: Aggressive behavior:** this behavior code may be used when an offender is found to display aggressive behavior. Aggressive behavior can be physical or verbal and includes such behaviors as (but not limited to) slapping, grabbing, throwing objects, hitting, name-calling, screaming, swearing, arguing, yelling, pinching, kicking, spitting, biting, threatening, teasing, pushing, and knocking things over. The aggressive behavior can be towards other persons or towards objects and can lead to injury or property damage.

**028-UB: Honor code violation:** this behavior type may be used when an offender is found to be in violation of the honor code. Honor code violations are behaviors such as (but not limited to) cheating, plagiarism, falsification or deceit, violating copyright laws, paying or receiving payment for completing course or class assignments, and altering report cards.

**029-UB: False fire alarm:** this behavior type may be used when an offender sets off, attempts to set off, or aids and abets someone in setting off a fire alarm or other emergency indicators.

**030-UB: Truancy:** this behavior type may be used when a student has excessive, unexcused absences from school.

**031-UB: Dress code violation:** this behavior type may be used when an offender is in violation of the student dress code policy.

**032-UB: Inappropriate language/disrespect:** this behavior type may be used when the offender engages in behaviors such as (but not limited to) using vulgar, obscene, or profane language and/or engages name-calling, humiliation, taunting, or uses disrespectful language.

**033-UB: Insubordination:** this behavior type may be used when the offender refuses to comply with any reasonable directives/directions made by school personnel such as (but not limited to) refusing to leave class or an area when directed, refusing a reasonable search of personal belongings, desk, locker or vehicle.

**034-UB: Gambling:** this behavior may be used when an offender engages in games of chance or skill where money, property, or other items of value may be lost and won.

**035-UB: Falsification of information:** this behavior type may be used when an offender makes false or untrue written or oral statements.

**036-UB: Theft:** this behavior type may be used when an offender is found to steal, or attempt to steal, or be in possession of someone else's property without permission to do so.

**037-UB: Bus misbehavior:** this behavior type may be used when the offender displays any behavior on school transportation that is in violation of the student code of conduct.

**038-UB: Harassment - sexual:** Sexual harassment as defined in G.S. 115C-335.5; Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**039-UB: Property damage:** Property damage as defined in G.S. 115C-398. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**040-UB: Inappropriate items on school property:** this behavior type may be used when an offender is found to be in possession of items deemed inappropriate on school grounds or school trips. Examples of inappropriate items are (but not limited to), stolen items or property, restricted food or beverages, toys, games, electronic equipment, vehicles without parking permits, and cigarette lighters.

**041-UB: Possession of tobacco:** Possession or use of tobacco products as defined in G.S. 14-313. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**042-UB: Disruptive behavior:** this behavior type may be used when an offender engages in behaviors that are disruptive to teaching, learning, and order. These behaviors may include (but not limited to) running through the school building or classroom, throwing objects, excessive and loud talking or noise, horseplay, and leaving the classroom or event without permission.

**043-RO: Bomb threat:** Making bomb threats or engaging in bomb hoaxes as defined in G.S. 14-69.2. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**044-UB: Assault on student:** Assault as defined in G.S. 14-33, but not resulting in an injury as severe as defined in G.S. 14-32.4. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**045-UB: Assault - other:** Assault as defined in G.S. 14-33, but not resulting in an injury as severe as defined in G.S. 14-32.4. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**046-UB: Possession of counterfeit items:** this behavior type may be used when an offender is found to possess, sell, or distribute items or substances that are presented or described in such a way as to deceive another into believing it is another item or substance.

**047-UB: Use of counterfeit items:** this behavior type may be used when an offender is found to use items or substances that are presented or described in such a way as to deceive another into believing it is another item or substance.

**048-RO: Use of alcoholic beverages:** Unlawful, underage sales, purchase, provision, possession, or consumption of alcoholic beverages as defined in G.S. 18B-302. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**049-RO: Use of controlled substances:** Possession of a controlled substance in violation of the law as defined in G.S. 90-86 through 90- 113.8. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**050-RO: Use of narcotics:** Possession of a controlled substance in violation of the law as defined in G.S. 90-86 through 90- 113.8. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**051-UB: Possession of chemical or drug paraphernalia:** The behavior type may be used when an offender is found to possess, sell, or distributed equipment, products, or materials that are designed to facilitate or intended or designed facilitate violations of the Controlled Substance Act, alcohol beverages, and tobacco products. Examples of drug paraphernalia are, but not limited to, the following: kits for planting and growing plants from with controlled substances are derived; kits for manufacturing and preparing controlled substances; objects used for the inhaling, injecting, ingestion, or introducing controlled substances into the human body; and containers for packaging or storage.

**052-UB: Bullying:** Bullying or harassing behavior prohibited under policies adopted under G.S. 115C-407.16. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**053-RO: Burning of a school building (G.S. 14-60):** Willfully burning a school building as defined in G.S. 14-60. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**054-RO: Sale of cocaine:** Possession of a controlled substance in violation of the law as defined in G.S. 90-86 through 90- 113.8. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**055-RO: Sale of marijuana:** Possession of a controlled substance in violation of the law as defined in G.S. 90-86 through 90- 113.8. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**056-RO: Sale of Ritalin:** Possession of a controlled substance in violation of the law as defined in G.S. 90-86 through 90- 113.8. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**057-RO: Sale of controlled substance other:** Possession of a controlled substance in violation of the law as defined in G.S. 90-86 through 90- 113.8. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**058-UB: Other school defined offense:** this behavior code may be used when the behavior of the offender is not found to fall under the definitions of the available behavior. This behavior may be used when disciplinary action is taken on a student for conduct that occurred off school grounds, not on school property, and not on a school related or sponsored trip that is in violation of the student code of conduct.

**059-UB: Being in an unauthorized area:** this behavior type may be used when the offender was found to have knowingly been in an area, building, or on school property without proper authorization.

**060-UB: Cell phone use:** this behavior type may be used when the offender is found to use cell phones or any personal electronic communication devices in violation of the student code of conduct. Personal electronic communication devices may include such devices as cell phones, smart phones, smart watches, personal digital assistants, readers, tablets, laptop computers, and electronic reading devices.

**061-UB: Disrespect of faculty/staff:** this behavior type may be used when the offender engages in behaviors such as (but not limited to) name-calling, humiliation, taunting, or uses disrespectful language directed toward school personnel.

**063-UB: Excessive display of affection:** this behavior type may be used when an offender engages in *consensual* sexual behavior that is overly affectionate.

**064-UB: Excessive tardiness:** this behavior type may be used when a student has an excessive number of school tardies in violation of the student code of conduct.

**065-UB: No Immunization:** G.S. §130A-155 requires that parents or guardians submit proof of immunization for any child enrolled in public schools at the time of enrollment. If the certification of immunization is not presented on the first day of attendance, parents or guardians have 30 days from the first day of attendance to obtain the required immunization. Additional days may be allowed for immunizations which are administered in a series of doses given at medically approved intervals beyond the 30 days. At the end of the 30 days or the extended period if the required immunization has not been obtained principal or operators shall not permit the student to attend the school or facility until the proof of immunization has been presented. This behavior code may be used at the end of the 30 days or the extended period if the required proof of immunization has not been obtained. The behavior code should be used along with the action

code of “135 OSS Medical Reasons”. These incidents are not considered out-of-school suspensions and are excluded from reporting.

**066-UB: Leaving class without permission:** this behavior type may be used when a student leaves class without permission in violation of the student code of conduct.

**067-UB: Leaving school without permission:** this behavior type may be used when a student leaves school without permission in violation of the student code of conduct.

**068-UB: Mutual sexual contact between two students:** this behavior type may be used when an offender engages in *consensual* sexual contact or a sexual act in violation of the student code of conduct.

**069-Other:** this behavior code may be used when the behavior of the offender is not found to fall under the definitions of the available behavior. This behavior may be used when disciplinary action is taken on a student for conduct that occurred off school grounds, not on school property, and not on a school related or sponsored trip that is in violation of the student code of conduct.

**070-UB: Use of tobacco:** Possession or use of tobacco products as defined in G.S. 14-313. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**071-UB: Assault on non-student w/o weapon:** Assault as defined in G.S. 14-33, but not resulting in an injury as severe as defined in G.S. 14-32.4. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**072-UB: Assault on student w/o weapon:** Assault as defined in G.S. 14-33, but not resulting in an injury as severe as defined in G.S. 14-32.4 See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**074-UB: Cutting class:** this behavior may be used when a student is found to have been absent from class in violation of the student code of conduct.

**075-UB: Skipping school:** this behavior type may be used when a student is absent from school in violation of the student code of conduct.

**077-UB: Physical exam:** G.S. §130A-440 requires that parents or guardians submit proof of health assessment for any child presented for admission into kindergarten or high grades in public schools for the first time. If the health assessment transmittal form is not presented on the first day of attendance, parents or guardians have 30 days from the first day of attendance to submit the form. At the end of the 30 days if the required form has not been presented, principal or operators shall not permit the student to attend the school or facility until the form is presented. This behavior code may be used at the end of the 30 days if the required form has not been presented. The behavior code should be used along with the action code of “135 OSS Medical Reasons”. These incidents are not considered out-of-school suspensions and are excluded from reporting.

**078-UB: Late to class:** this behavior type may be used when a student is late to class in violation of the student code of conduct.

**079-UB: Gang activity:** Gang activity as defined in G.S. 14-50.17, 14-50.19 and 14-50.20. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**080-UB: Discrimination:** Discrimination as defined in Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d; Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e; Title IX of the Education

Amendments of 1972, 20 U.S.C. 1681-1688; Americans with Disabilities Act, 42 U.S.C. 12101. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**086-UB: Possession of student's own prescription drug:** this behavior type may be used when an offender is found to be in possession of their own prescription drug in violation of the Student Code of Conduct.

**087-RO: Possession of another person's prescription:** Possession of a controlled substance in violation of the law as defined in G.S. 90-86 through 90- 113.8. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**088-RO: Distribution of a prescription drug:** Possession of a controlled substance in violation of the law as defined in G.S. 90-86 through 90- 113.8. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**090-UB: Violent assault not resulting in serious injury:** Assault as defined in G.S. 14-33, but not resulting in an injury as severe as defined in G.S. 14-32.4. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**091-UB: Misuse of school technology:** this behavior type may be used when an offender is found to have used school technology inappropriately or in violation of the student code of conduct or school rules. School technology may be defined as the school-issued computers and electronic devices, personal devices subject to school use policies under Bring Your Own Device, school internet or wireless networks, school electronic communication networks or systems, and school telephone systems. Misuse of school technology may include (but not limited to) behaviors such as: hacking; unauthorized use or access; using another person's sign on information/credentials; unauthorized sharing or distribution of school technology or sign on information/credentials; accessing, displaying, or sending inappropriate, threatening, or harassing communications, images, or materials; intentionally harming, damaging, compromising, or corrupting software, applications, hardware, networks, data, or systems; and using technology in violation of state or federal law.

**092-UB: Repeat offender:** the behavior code may be used when an offender is found to willfully and repeatedly violated school rules or the Student Code of conduct. This behavior code will most often be entered along with another additional behavior code.

**093-UB: Robbery without a weapon:** Robbery as defined in G.S. 14-87, but without the use of a dangerous weapon. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**094-UB: Cyber-bullying:** Cyberbullying as defined in G.S. 14-458.1 and 14-458.2. See the See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**095-UB: Under the influence of alcohol:** this behavior type may be used when an offender is found to be under the influence of alcohol.

**096-UB: Under the influence of controlled substances:** this behavior type may be used when an offender is found to be under the influence of a controlled substance.

**097-SR: Aversive Procedure (Staff Only):** This behavior type should be used to report the use of an aversive procedure by school personnel under the state reporting requirements. See the [Guidance for Reporting Uses of Seclusion and Restraint](#) for more detail.

**098-SR: Illegal Physical Restraint (Staff Only):** This behavior type should be used to report an impermissible use of physical restraint by school personnel under the state reporting requirements. See the [Guidance for Reporting Uses of Seclusion and Restraint](#) for more detail.

**099-SR: Illegal Mechanical Restraint (Staff Only):** This behavior type should be used to report an impermissible use of mechanical restraint by school personnel under the state reporting requirements. See the [Guidance for Reporting Uses of Seclusion and Restraint](#) for more detail.

**100-SR: Illegal Seclusion (Staff Only):** This behavior type should be used to report an impermissible use of seclusion by school personnel under the state reporting requirements. See the [Guidance for Reporting Uses of Seclusion and Restraint](#) for more detail.

**101-UB: Harassment - Racial:** Harassment – Race/Ethnicity as defined in §115C-407.15. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**102-UB: Harassment - Disability:** Harassment – Disability as defined in § 115C-407.15. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**103-PD: Robbery with a firearm or powerful explosive:** Robbery with a firearm or dangerous explosive as defined in G.S. 14-87. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**104-PD: Physical attack with a firearm:** Assault with a firearm or powerful explosive as defined in G.S. 14-34 through 14-34.10 and 14-49 through 14-50.1. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**105-UB: Threat of physical attack with a firearm:** Threat of assault with a firearm or powerful explosive as defined in G.S. §14-277.1. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**106-UB: Threat of physical attack with a weapon:** Threat of assault with a weapon as defined in G.S. §14-277.1. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**107-UB: Threat of physical attack without a weapon:** Threat of assault without a weapon as defined in G.S. §14-277.1 See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**109-UB: Harassment - sexual orientation:** Harassment – Sexual orientation as defined in §115C-407.15. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**110-UB: Harassment - religious affiliation:** Harassment – Religious affiliation as defined in §115C-407.15. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**111-Mechanical restraint (Staff only - OCR Report):** This behavior should be used to report the use of a mechanical restraint by school personnel/authority figure under the federal (OCR) reporting requirements. See the [Guidance for Reporting Uses of Seclusion and Restraint](#) for more detail.

**112-Physical restraint (Staff only - OCR Report):** This behavior should be used to report the use of a mechanical restraint by school personnel/authority figure under the federal (OCR) reporting requirements. See the [Guidance for Reporting Uses of Seclusion and Restraint](#) for more detail.

**113-Seclusion (Staff only - OCR Report):** This behavior should be used to report the use of a mechanical restraint by school personnel/authority figure under the federal (OCR) reporting requirements. See the [Guidance for Reporting Uses of Seclusion and Restraint](#) for more detail.

**114-UB: Inappropriate behavior:** this behavior may be used when an offender engages behavior that is deemed inappropriate. Examples of inappropriate behavior are (but not limited to) aggressive verbal or written communications, unwanted attention or touching, excessive talking or communications, disrespect to school personnel or students, lewd, and being disruptive.

**115-UB: Indecent exposure:** this behavior type may be used when the offender intentionally exposes private body parts, such as the buttocks or breasts.

**116-UB: Possession of Vaping (Non-Tobacco) Device:** This behavior type may be used when an offender is found to possession a vaping device such as electronic cigarette, electronic cigar, electronic cigarillo, and electronic pipe and the substance within the vapor product is not a Controlled Substance or a Tobacco Product.

**117-UB: Use of Vaping (Non-Tobacco) Device:** This behavior type may be used when an offender is found to use a vaping device such as electronic cigarette, electronic cigar, electronic cigarillo, and electronic pipe and the substance within the vapor product is not a Controlled Substance or a Tobacco Product.

**118-RO: Possession of controlled substance- opioid:** Possession of a controlled substance in violation of the law as defined in G.S. 90-86 through 90- 113.8. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**119-RO: Sale of controlled substance - opioid:** Possession of a controlled substance in violation of the law as defined in G.S. 90-86 through 90- 113.8. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**121: Continuation of Disciplinary Action from Previous School Year:** When student discipline carries over from one school year into the next school year, in second year use the behavior type “121: Continuation of Disciplinary Action from Previous School Year” when recording the disciplinary action that occurs during the second year.

**122-PD: Sexual Activity/Pretext Medical Treatment:** Sexual activity, battery, contact and penetration under pretext of medical treatment as defined in G.S. 14-31 through 33. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**123: Non-School Related Offense:** This behavior may be used when disciplinary action is taken on a student for conduct that occurred off school grounds, not on school property, and not on a school related or sponsored trip that is in violation of the student code of conduct.

**124-UB: Pornographic and/or profane material:** This behavior may be used when an offender is in possession of or accesses pornographic, profane, or sexually explicit material. These materials can include, but are not limited to, pictures, magazines, drawings, websites, digital images, email, and text messages.

**125-UB: Possession of graphically violent material:** This behavior may be used when an offender is in possession of or accesses graphically violent material. These materials can include, but are not limited to, pictures, magazines, drawings, websites, digital images, email, text messages, and documents concerning the creation and/or use of a weapon.

**126-UB: Threat of mass violence:** This behavior may be used when an offender "who, by any means of communication to any person or groups of persons, threatens to commit an act of mass violence on educational property or at a curricular or extracurricular activity sponsored by a school" (G.S. §14-277.6). Mass violence is defined as "physical injury that a reasonable person would conclude could lead to permanent injury (including mental or emotional injury) or death to two or more people." (G.S. §14-277.5)

**127-UB: False threat of mass violence:** This behavior may be used when an offender "who, by any means of communication to any person or groups of persons, makes a report, knowing or having reason to know the report is false, that an act of mass violence is going to occur on educational property or at a curricular or extracurricular activity sponsored by a school" (G.S. §14-277.6). Mass violence is defined as "physical injury that a reasonable person would conclude could lead to permanent injury (including mental or emotional injury) or death to two or more people." (G.S. §14-277.5)

**128-Threat of harm to self – Suicide:** This behavior may be used when an "individual has attempted suicide or threatened suicide and that there is a reasonable probability of suicide unless adequate treatment is given." (G.S. §122C-3.11(A2-3))

**129-Threat of harm to self or others:** This behavior may be used when an "individual has mutilated himself or herself or has attempted to mutilate himself or herself and that there is a reasonable probability of serious self-mutilation unless adequate treatment is given." Within the relevant past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that there is a reasonable probability that this conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct. Clear, cogent, and convincing evidence that an individual has committed a homicide in the relevant past is prima facie evidence of dangerousness to others.(G.S. §122C-3.11(A2-3) )

**130-Nearby Neighborhood/Community Threat:** This behavior code may be used when a school takes action to protect students and staff as a result of a threat off school grounds within the local neighborhood or community.

**131-RO: Possession of vaping device - CS/THC:** Possession of a controlled substance in violation of the law as defined in G.S. 90-86 through 90- 113.8. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**132-RO: Use of vaping device - CS/THC:** Possession of a controlled substance in violation of the law as defined in G.S. 90-86 through 90- 113.8. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**133-UB: Possession of vaping device - Tobacco:** Possession or use of tobacco products as defined in G.S. 14-313. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**134-UB: Use of vaping device - Tobacco:** Possession or use of tobacco products as defined in G.S. 14-313. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

**135-UB: Possession of vaping device – Cannabinoid:** This behavior type may be used when an offender is found to possession a vaping device such as electronic cigarette, electronic cigar,

electronic cigarillo, and electronic pipe and the substance within the vapor product contains a legal cannabinoid substance.

**136-UB: Use of vaping device – Cannabinoid:** This behavior type may be used when an offender is found to possession a vaping device such as electronic cigarette, electronic cigar, electronic cigarillo, and electronic pipe and the substance within the vapor product contains a legal cannabinoid substance.

**137-UB: Harassment – Gender identity:** Harassment – Gender identity as defined in §115C-407.15. See the [Guidance on Reporting Behaviors](#) and [Appendix B](#) for more detail.

## Appendix D – Action Type Definitions

**Action types that are not defined in Statute or Law should be considered illustrative and should not supersede any guidance found in the PSU’s Student Code of Conduct.**

**001 Supervised Activities:** this action type may be used when as a result of a student’s behavior, the student’s activities, or specific activities, will be supervised by school personnel.

**002 ISS - In School Suspension:** this action type should be used when students are reassigned to an area apart from their regular classroom for a half of the student’s school day or more. In-school suspensions typically exclude students from instructional time in their regular classrooms. See [Reporting In-School Suspensions](#) for more detail.

**003 OSS:** this action type should be used when a student is excluded from school attendance from the school the student is assigned for disciplinary purposes for half of the student’s school day or more. For state reporting purposes, out-of-school suspensions are categorized as either short-term or long-term suspensions ([GS § 115C-390.1](#)). A short-term suspension is the exclusion of students from school attendance for disciplinary purposes for up to 10 days. A long-term suspension is the exclusion of student from school attendance for disciplinary purposes for 11 days or more. See the [Reporting Out-of-School Suspensions](#) section for more detail.

**004 OSS for Remainder of Year:** this action type should be used when a student is suspended for the remainder of the school year and when the suspension is for eleven days or longer. See the [Reporting Out-of-School Suspensions](#) section for more detail.

**005 OSS 365 days:** this action type should be used when a student is suspended from school for 365-days and should only be used in the first year of the suspension. See the [Reporting Out-of-School Suspensions](#) section for more detail.

**006 Expulsion:** this action type should be used when a student is indefinitely excluded from student enrollment” [GS § 115C-390.1](#). This action type should only be used for school-age students.

**007 Corporal Punishment:** this action type should be used when “the intentional infliction of physical pain upon the body of a student as a disciplinary measure” ([GS § 115C-390.1](#)).

**008 Alternative School (with school number) :** this action type should be used when a student is assigned, for disciplinary reasons, to an alternative learning school operated by the PSU that meets G.S. 115C-105.47A and local board of education policies. See the [Recording Alternative Learning Placements](#) section for more detail.

**009 ALP program:** this action type should be used when a student is assigned, for disciplinary reasons, to an alternative learning program operated by the PSU. See the [Recording Alternative Learning Placements](#) section for more detail.

**010 Community Based or Other Agency ALP:** this action type should be used when PSUs provide continuing access to courses and supervising teachers for those courses, but that access does not meet the standards for an ALP program or alternative school. See the [Recording Alternative Learning Placements](#) section for more detail.

**012 Report to Law Enforcement:** this action type should be used when a student is referred to a law enforcement agency or official (including the SRO) due to an incident. See the *Recording “Report to Law Enforcement”* section for specific reporting requirements.

**021 After School Detention:** this action type may be used when a student receives after school detention for disciplinary reasons. Detention can be defined as the removal of a student from normal classroom or school activities for a specified amount of time and does not exclude a student from instructional time.

**022 Bus Suspension:** this action type may be used when a student is suspended from using school transportation for disciplinary reasons.

**023 Conference:** this action type may be used when a conference is held with the student and/or their parent/guardian.

**024 Lunch Detention:** this action type may be used when a student receives lunch detention for disciplinary reasons. Detention can be defined as the removal of a student from normal classroom or school activities for a specified amount of time and does not exclude a student from instructional time.

**025 Student Pays Restitution:** this action type may be used when a student is required to pay restitution for any damage or theft that may have occurred.

**026 Time Out:** this action type is defined as “a behavior management technique in which a student is separated from other students for a limited period of time in a monitored setting” ([GS § 115C-390](#)).

**027 Student Written Warning:** this action type may be used when a student is given a written warning as a result of an incident.

**028 Revoke Driving Privileges:** this action type may be used when a student’s driving privileges are revoked in part or in full. Examples of driving privileges may be on campus parking or driving off campus during lunch.

**030 Administrative Conference with Parent:** this action type may be used when an administrative conference is held with a student’s parent/guardian as a result of an incident.

**031 Administrative Conference with Student:** this action type may be used when an administrative conference is held with a student as a result of an incident.

**032 Work Detail:** this action type may be used when a student is assigned to perform specific activities, such as cleaning up the cafeteria or school grounds, as a result of an incident.

**033 Homebound Instruction:** this action type should be used along with as OSS or a change in placement action type when a student with a disability receives services during the suspension through a Home/Hospital IEP Team placement. This action type should not be used as a disciplinary action alone and it should not be used as a replacement for out-of-school suspension. See the [Recording Actions for Students with Disabilities](#) section for more detail.

**034 Saturday Academy:** this action type may be used when a student is assigned to attend a program outside of the school week for disciplinary purposes.

**035 OSS Involving a Hearing:** this action type may be used when a student is suspended from school with the recommendation of a long-term suspension pending the outcome of a disciplinary hearing. See the [Reporting Out-of-School Suspensions](#) section for more detail.

**036 DJJDP Alternative Program:** this action type should be used when a student is assigned, for disciplinary reasons, to a Juvenile Justice and Delinquency Prevention (DJJDP) alternative learning program. See the [Recording Alternative Learning Placements](#) section for more detail.

**037 NCDPI Alternative Program:** this action type should be used when a student is assigned, for disciplinary reasons, to a NCDPI alternative learning program. See the [Recording Alternative Learning Placements](#) section for more detail.

**038 EC Serve LTS in ALP:** this action type should only be used when an EC student who instead of being long-term suspended is assigned to alternative school or alternative learning program. When this action type is used, an ALPS action type (008, 009, 010, 036, or 037) should also be used. See the [Recording Alternative Learning Placements](#) section for more detail. See the [Recording Actions for Students with Disabilities](#) section for more detail.

**063 Other:** this action type should be used when 1) a student is given a disciplinary action that does not fall under the definition of any other action types, 2) the student offender is from another school, 3) the offender is unknown and the action is unknown, or 4) the incident is to report the use of seclusion or restraint by school personnel.

**064 Detention – In School:** this action type may be used when a student receives in-school detention for disciplinary reasons. Detention can be defined as the removal of a student from normal classroom or school activities for a specified amount of time and does not exclude a student from instructional time.

**091 Sent Home Early:** this action type should be used when a student has been in attendance for more than half the day and is sent home for the remainder of the day for disciplinary reasons. See the *Reporting Short-term and Long-term Suspensions* section for more detail on when to use this action type. See the [Reporting Out-of-School Suspensions](#) section for more detail.

**092 School related arrest:** this action type should be used when a student is arrested “for any activity conducted on school grounds, during off-campus school activities (in-person or virtual), while taking school transportation, or due to a referral by any school official.”

**100 Unilateral change in placement (EC only):** this action type should be used when an EC student receives a change in placement from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension *regardless* of the outcome of the Manifestation Determination Review (MDR) by the IEP team. See the [Recording Actions for Students with Disabilities](#) section for more detail.

**101 Hearing held, no change in placement (EC only):** this action type should only be used when an EC student is recommended for a change in placement from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension and the recommendation for the change in placement *is not* upheld and student is returned to their regular classroom setting after the Manifestation Determination Review (MDR) by the IEP team. See the [Recording Actions for Students with Disabilities](#) section for more detail.

**102 Hearing held, change in placement (EC only):** this action type should only be used when an EC student is recommended for a change in placement from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension and the recommendation for the change in placement *is* upheld after the Manifestation Determination Review (MDR) by the IEP team. See the [Recording Actions for Students with Disabilities](#) section for more detail.

**107 Before School Detention:** this action type may be used when a student receives before school detention for disciplinary reasons. Detention can be defined as the removal of students from normal classroom or school activities for a specified amount of time and does not exclude a student from instructional time.

**110 Zero Tolerance Expulsion:** this action type should be used when a disciplinary action taken by the local educational agency results in 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 exclusion 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). When this action type is used, one or more of the following action types should also be used: 003, 004, 005, 006, 008, or 009.

**113 Referral to Community Agency:** this action type may be used when a student is referred to a community agency for disciplinary reasons.

**114 Restriction of School Privileges:** this action type may be used when a student's school privileges are restricted due to a disciplinary incident. Examples of restriction of school privileges may be leaving campus for lunch.

**115 ISS Partial Day:** this action type should be used when a student is assigned to in-school suspension for less than half the day for disciplinary reasons. See [Reporting In-School Suspensions](#) for more detail.

**116 Tobacco Awareness Class:** this action type may be used when a student is assigned to participate in a Tobacco Awareness class as a result of a disciplinary incident.

**117 Drug/Alcohol Class:** this action type may be used when a student is assigned to participate in a Drug/Alcohol class as a result of a disciplinary incident.

**135 OSS Medical Reasons:** the action of not allowing students to attend school because they lack a required immunization, or the health assessment form was not submitted is not considered a disciplinary suspension. This information not required to be entered as a disciplinary incident; however, if you would like to capture the information in the Incidents module, assign the student the behavior code of "065:UB – No Immunization" or "077:UB – Physical Exam" and the action code of "135 OSS Medical Reasons". These incidents are not considered out-of-school suspensions and are excluded from reporting.

**140 In-school Suspension via Remote Learning:** this action type should be used when a student is enrolled in virtual instruction and the student is reassigned to an area apart from the regular classroom for a relatively short period of time for a half of the student's school day or more. In-school suspensions typically exclude students from instructional time in their regular classrooms. See [Reporting In-School Suspensions](#) for more detail.

**141 Preschool Expulsion:** this action type should only be used for preschool students and "refers to the permanent termination of a preschool child's participation in a preschool program at a school or facility (in-person or virtual setting) for disciplinary purposes." See *Reporting Preschool Expulsion* for more detail.

**142 Preschool Reduction of Participation:** this action type should only be used for preschool students and refers to the reduction of a preschool child's participation in a preschool program at a school or facility (in-person or virtual setting) for disciplinary purposes that is more than one

instructional day and that is not a result of an Individualized Education Program (IEP) team decision. Reductions can be in the length of the student's day and/or in the number of days per week a student can attend. See *Reporting Preschool Reduction of Participation* for more detail.

**143 Threat Assessment Conducted:** this action type may be used when a PSU or school conducts a threat assessment as a result of a threatening behavior that occurred. See *Reporting "Threat Assessment"* for more detail.

**144 Alternative Education Services – Other:** this action type should not be used as a replacement for an out-of-school suspension or expulsion as a disciplinary action. This is an optional code for schools to use when a student offender who is given an out-of-school suspension or is expelled, is also provided alternative educational services that would not be classified as a "033 Homebound Instruction" or an Alternative Learning Program Placement, codes "008, 009, 010, 036, 037, or 038". See the [Recording Alternative Learning Placements](#) section for more detail.

**145 Concurrent Incident/Duplicative Action:** this action type may be used when it is necessary to separate an incident and enter it as multiple incidents *and* the same offender is two or more of the separated incidents. To avoid overcounting, enter the offender's action in only one of the incidents and enter the action of "145 Concurrent Incident/Duplicative Action" in the others.

**146 School Safety Response Protocol - Hold:** This action type may be used when a school's response to an event or incident directs occupants within the building to stay in their current location or if in a hallway to move to a location where they are to remain until notified.

**147 School Safety Response Protocol - Secure:** This action type may be used when a school's response to an event or incident directs anyone who is outside of the building return inside and the outside doors to the building are locked.

**148 School Safety Response Protocol - Lockdown:** This action type may be used when a school's response to an event or incident directs that the building is locked, lights are turned off, occupants should move from hallways to other locations so they are out of sight, occupants should remain silent, and doors should not be opened.

**149 School Safety Response Protocol - Evacuate:** This action type may be used when a school's response to an event or incident directs the occupants of a school to evacuate an area or location.

**150 School Safety Response Protocol - Shelter:** This action type may be used when a school's initiates a safety response to a hazardous event, such as earthquakes, hurricanes, floods, or tornados.

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

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

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

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

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

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

1. The principal receives notification from the juvenile court counselor after the court has entered a probation order.
2. The principal may disclose the notification to appropriate staff members in a conference. At the conclusion of the conference, the staff members must state in writing that they have read the notification and agree to maintain its confidentiality.
3. Appropriate staff members are (a) school employees or agents who have direct guidance, teaching, or supervisory responsibility for the student or (b) other school employees or agents who have a specific need to know in order to protect the safety of the student or other persons.
4. The principal shall consider the following factors when making a decision whether to disclose all or a portion of the contents of the notification to appropriate staff members:
  - a. whether the disclosure will enhance the juvenile's opportunities and abilities to meet

- the conditions of probation;
  - b. whether the disclosure will increase the juvenile's ability to comply with school rules;
  - c. whether the disclosure will increase the juvenile's opportunities to improve his academic, social, and adaptive skills;
  - d. whether disclosure is necessary to protect the safety of the juvenile or other persons;
  - e. whether the possibility of stigmatizing the juvenile outweighs the benefit of making the disclosure;
  - f. whether disclosing information to school employees about the juvenile other than the nature of the offense and the probation conditions may achieve the objective of the principal without disclosing the offense and the fact that the juvenile is on probation.
5. The principal shall not provide a copy of the written document received from the court counselor to any other school employee, substitute teacher or volunteer.
  6. During the time period that the juvenile is on probation, the principal must maintain the notification received from the juvenile court counselor in a safe, locked file separate from the student's cumulative record. After the juvenile's probation ends, the principal shall shred or burn the notification.
  7. If the student transfers to another school during the period of probation, the principal will return the notification to the juvenile court counselor and inform him of the name and address of the school to which the student is transferring, if known.

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

## Appendix F – State Discipline Data Report Exceptions

### **DISC-1: Incomplete Incidents – Warning**

- *Description of the exception:* Offender or Action is missing for an incident.
- *How to verify or correct:* Enter the missing data for the incident.

### **DISC-2: Duplicate Incidents – Warning**

- *Description of the exception:* The same incident is captured more than once with different incident numbers.
- *How to verify or correct:* Verify that these incidents are different incidents or were entered correctly. If these are duplicate incidents, remove one of the incidents.

### **DISC-3: Suspension days inconsistent with category – Fatal**

- *Description of the exception:* The number of suspension days is not consistent with suspension category.
- *How to verify or correct:* Correct the number of suspension days or change the category to properly reflect the suspension type.

### **DISC-4: Offender coded other than student – Warning**

- *Description of the exception:* The offender is not a student.
- *How to verify or correct:* Verify the offender type was entered correctly. If not, change the offender code to student.

### **DISC-5: Reportable Violent Crime Missing Victim Action Code – Warning**

- *Description of the exception:* If the State Reporting Code is 01, 02, 07, 12, 13, 15, 16 or 17, there must be a victim Action code of 200, 201, or 204.
- *How to verify or correct:* Verify that the behavior was entered correctly and add the appropriate victim action code.

### **DISC-6: Out of School Suspension Action is missing actual duration days – Warning**

- *Description of the exception:* If the action code is OSS, OSS 365, or OSS 1-10 pending Hearing, the Assigned Duration and Actual Duration days cannot be blank.
- *How to verify or correct:* Edit the Action to include the actual days of duration or change the action code to reflect the appropriate action.

### **DISC-7: Invalid Duration for Long Term Suspension – Fatal**

- *Description of the exception:* A long-term suspension cannot have a duration of less than 11 days.
- *How to verify or correct:* Edit the Action to include the actual days of duration or change the action code to reflect the appropriate action.

### **DISC-8: Verify Duration Days for Long Term Suspension – Warning**

- *Description of the exception:* A 365-day suspension cannot have a duration of less than 11 days.
- *How to verify or correct:* Edit the Action to include the actual days of duration or change the action code to reflect the appropriate action. (See *Entering the Number of Days for a 365-day Suspension* for more details on how to enter the number of days.)

**DISC-9: Offender Type is not Student and has invalid Action – Fatal**

- *Description of the exception:* The incident contains at least one offender type that is not student. School disciplinary actions may only be assigned to offender type=Student. The action types that are checked in this exception as student action types are: 002, 003, 004, 005, 006, 007, 008, 009, 010, 022, 033, 035, 036, 037, 038, 091, 115, 140.
- *How to verify or correct:* If the offender type is coded incorrectly, edit the offender type. If the offender type is not a student, then change the action type.

**DISC-10: Offender Types does not have an Offender ID – Warning**

- *Description of the exception:* Verify that this person is not a student or staff member in PowerSchool.
- *How to verify or correct:* If the offender type is coded incorrectly, edit the offender type.