

## Response Plan for Infractions at the School Leadership Level

Category Six Infractions	Recommended Response
<p><b>6a. Disrespect towards an Adult</b>, including, but not limited to, directing profanity, vulgarity or discriminatory speech towards an adult.</p> <p><b>6b. Physical Assault on a Student</b>, including a physical act of anger, retaliation or intimidation such as spitting, smacking, slapping, kicking or hitting with an object not considered potentially dangerous. This does not include related infractions in higher categories.</p> <p><b>6c. Sexual Harassment</b>, including, but not limited to, unwelcome communication of a sexual nature which is considered offensive, intimidating or hostile. Such communication may also include using any means to intentionally distribute or display to someone sexually explicit material.</p> <p><b>6d. Misuse of Technology</b>, including, but not limited to, any form of hacking of school computers or programs and/or unauthorized access to school records or computer programs. This does not include related infractions in higher categories.</p> <p><b>6e. Possession or use of electronic cigarettes, vapor pens or similar items</b>, not containing nicotine or a controlled substance.</p> <p><b>6f. Theft</b> of any item valued between \$101 and \$500. This also applies to someone who knowingly possesses an item stolen on campus. Any act of taking or possessing property without the permission of the owner may be considered theft.</p> <p><b>6g. Vandalism</b> including willful and malicious property damage valued at \$101-\$500.</p>	<p><b>Level I (One Infraction with no impact to minimal impact)</b></p> <p>At least two days OSS</p>
	<p><b>Level II (One Infraction with moderate to high impact)</b></p> <p>At least three days OSS</p>
	<p><b>Level III (Two infractions)</b></p> <p>At least four days OSS and/or Disciplinary Reassignment</p>
Category Seven Infractions	Recommended Response
<p><b>7a. Disrespect towards an Adult</b>, including, but not limited to, making physical contact with a staff member in a way that is disrespectful but not aggressive.</p> <p><b>7b. Physical Assault on a Student</b>, including a physical act of anger, retaliation or intimidation, such as hitting with the closed fist or with an object considered potentially dangerous. This does not include related infractions in higher categories.</p> <p><b>7c. Fighting</b>, including the mutual aggressive physical contact between two of more students. This does not include related infractions in higher categories.</p> <p><b>7d. Consensual Sexual Activity</b> of any type.</p> <p><b>7e. Breaking and Entering</b>, including acts such as forcibly entering a building, office, classroom, locker room, cabinet, closet, storage container, etc.</p> <p><b>7f. Theft</b> of any item valued above \$500. This also applies to someone who knowingly possesses an item stolen on campus. Any act of taking or possessing property without the permission of the owner may be considered theft.</p> <p><b>7h. Vandalism</b>, including willful and malicious property damage valued above \$500.</p>	<p><b>Level I</b></p> <p>N/A</p>
	<p><b>Level II (One Infraction)</b></p> <p>At least three days OSS</p>
	<p><b>Level III (Two Infractions)</b></p> <p>At least four days OSS and/or Disciplinary Reassignment</p>
Category Eight Infractions	Recommended Response
<p><b>8a. Verbal Aggression towards an Adult</b>, including, but not limited to, posturing, challenging, intimidating or any type of threatening speech. This does not include related infractions in higher categories.</p> <p><b>8b. Bullying towards a Student</b>, including, but not limited to, a <u>pattern</u> of negative behaviors directed towards a <u>particular student</u> because of one or more distinguishing characteristics of that student, involving a real or perceived <u>power imbalance</u> and having a <u>negative impact</u> on that student's overall educational experience (Refer also to N.C.G.S. 115C-407.15 and N.C.G.S. 14-458.1.)</p> <p><b>8c. Unwelcomed Physical Contact with a Student</b> of an offensive, sexual, and/or sensual nature. This does not include related infractions in higher categories.</p> <p><b>8d. Indecent Exposure</b>, including any public exposure of private body parts to one or more persons. This does not include related infractions in higher categories.</p>	<p><b>Level I</b></p> <p>N/A</p>
	<p><b>Level II (One Infraction)</b></p> <p>At least four days OSS</p>
	<p><b>Level III (Two Infractions)</b></p> <p>At least five days OSS and/or Disciplinary Reassignment</p>
Category Nine Infractions	Recommended Response
<p><b>9a. Physical Assault on an Adult</b>, including any physical act of anger, retaliation or intimidation. This does not include related infractions in Category Ten.</p> <p><b>9b. Verbal Aggression</b> involving plausible threats of a severe nature towards students, staff and/or other adults.</p> <p><b>9c. Affray</b> (Fight involving two or more people in a public place that significantly disturbs others).</p> <p><b>9d. Unwelcomed Physical Contact with an Adult</b> of an offensive, sexual, and/or sensual nature. This does not include related infractions in Category Ten.</p> <p><b>9e. Possession, distribution, sale or use of alcohol, tobacco or similar substances</b>, including being under</p>	<p><b>Level I</b></p> <p>N/A</p>
	<p><b>Level II</b></p> <p>N/A</p>
	<p><b>Level III (One Infraction)</b></p> <p>At least five days OSS and/or Disciplinary Reassignment</p>

<p>the influence of such substances. This applies to regular cigarettes, electronic cigarettes, vapor pens and similar items.</p> <p><b>9f. Possession of chemical or drug paraphernalia.</b></p> <p><b>9g. False Alarm</b>, including, but not limited to pulling a fire alarm or calling 911, not including related infractions in Category Ten.</p> <p><b>9h. Other illegal acts</b> of similar severity to the infractions in this category.</p>	
<p><b>Category Ten Infractions</b></p>	<p><b>Recommended Response</b></p>
<p><b>10a. Physical Assault on a Student or Adult</b>, including, but not limited to, a violent attack that may or may not result in serious bodily injury. This may also include actions such as tampering with a person's food or drink in a manner that could cause personal harm.</p>	<p><b>Level I</b></p>
	<p>N/A</p>
<p><b>10b. Taking Indecent Liberties, Sexual Offense or Sexual Assault</b></p>	<p><b>Level II</b></p>
<p><b>10c. Possession of a weapon, destructive device or firearm.</b></p>	<p>N/A</p>
<p><b>10d. Possession, distribution, sale or use of another person's prescription drugs, marijuana or a controlled substance</b>, including being under the influence of such substances (also applies to counterfeit drugs). This also applies to the distribution or sale of a student's own prescription drugs.</p>	<p><b>Level III (One Infraction)</b></p>
<p><b>10e. Bomb Threat</b> or similar threat, even if a false alarm.</p>	<p>At least ten days OSS and Disciplinary Reassignment</p>
<p><b>10f. Arson</b> of any type or of any scope.</p>	
<p><b>10g. Gang Activity or Gang-Related Activity</b>, not including infractions in lower-level categories.</p>	
<p><b>10h. Other illegal acts</b> of similar severity to the infractions in this category.</p>	

### Other Considerations Regarding the Discipline Plan

-The infractions listed in the **Response Plan for Acts of Misconduct at the School Leadership Level** are not exhaustive, and any related or comparable infraction not specifically listed in the plan will be handled in a similar way as outlined above.

-The consequences are **recommended consequences**, and they may be adjusted after considering the student and the situation, including the age of the student, the severity of the infraction, the frequency of the infraction, the student's disability, and/or the student's discipline history from the current school year and previous school years. Also, if the scope and impact of an infraction increases via means such as social media or similar methods of mass communication, consequences may increase.

-If a student is assigned consequences at **Level II or higher** for infractions in **Categories 1-4**, the school may remove his/her eligibility in any/all after school and extra-curricular activities for a period of time.

-In accordance with state law, a school must report the following acts to **law enforcement**: "...assault involving serious personal injury, sexual assault, sexual offense, rape, kidnapping, indecent liberties with a minor, assault involving the use of a weapon, possession of a firearm in violation of the law, possession of a weapon in violation of the law or possession of a controlled substance in violation of the law." N.C.G.S. § 115C-288 (g).

-By law, a student may be **suspended for up to 365 days** if he/she brings a firearm or destructive device onto school property.

-**Safe Harbor**: A student who inadvertently possesses or finds an object prohibited by the MICS Discipline Plan shall immediately notify school staff and surrender the object. A student may approach a school staff member and voluntarily surrender the object without being subjected to discipline so long as the object is one that the student could lawfully possess off school grounds. "Safe Harbor" does not apply to firearms or destructive devices.

-When a student uses reasonable force for the purpose of preserving physical safety, this will be considered **self-defense**. Self-defense is defined as the act by a non-aggressor victim using reasonable force to avoid being hit in order to enable oneself to get free from the attacker and notify school authorities. It is not self-defense to participate in the fight. Students who exceed reasonable force in protecting themselves will be held accountable for their actions, even though another person provoked the fight. School leadership will have the discretion to recognize the need for self-defense on an incident-by-incident basis and to determine appropriateness of consequences, if any.

-In accordance with state law, a school must report the following acts to the **Department of Motor Vehicles**: possession or sale of alcoholic beverages or illegal controlled substances; bringing, possessing or using a weapon or firearm on school property; and physical assault on school staff when such conduct results in a suspension that exceeds 10 days or when the student is assigned to an alternative educational setting.

-Students may receive consequences for **an infraction that occurs outside of MICS** if the infraction has or may have a direct and/or immediate impact on the orderly, efficient operation of the school or the safety/well-being of individuals in the school environment.

-**School property** includes the main campus property and buildings, bus stops, buses or vehicles used for school activities and the property and buildings of all school-sponsored curricular or extra-curricular activities occurring off campus.

-Any incidents involving property damage, destruction, or loss may require **financial restitution** by the student.

-A **suspension** refers to a student's rights to attend school or any school-related activity for a specified period of time being temporarily removed. Suspended students are prohibited from attending after school or evening activities on days when they are suspended as well as on non-school days and weekends that occur during the suspension period. Suspended students are not eligible to receive a refund for pre-paid events that occur during their suspension period. They are permitted to return to campus at the beginning of the first school day following the suspension and are eligible to begin attending school-related activities on that day. Dates of suspension are non-negotiable and are assigned to occur as close to the date of the infraction as possible, as determined by school leadership. Suspended students must complete homework and class work assignments in the allotted time frame they are given. Any work not completed in the allotted time frame will be recorded in the teacher grade book as 0's.

-**Disciplinary Reassignment** involves the decision to permanently remove a student from this school due to extreme non-compliance with school expectations/rules. A student that has been reassigned from Mountain Island Charter School is prohibited from participation in future on-campus events and is prohibited from reenrolling in the school. Any student eligible for disciplinary reassignment may also be eligible for exclusion/expulsion.

## Disciplinary Reassignment Appeal Form

*Use this form to appeal to a decision to make a disciplinary reassignment to home LEA/program. Submit to Executive Director within 5 days.*

**To:**

Mountain Island Charter School  
13440 Lucia Riverbend Hwy  
Mt. Holly, NC 28120

**Date:**

\_\_\_\_\_

**From:**

\_\_\_\_\_ *Parent*  
\_\_\_\_\_ *Student*  
\_\_\_\_\_ *Mailing Address*  
\_\_\_\_\_ *Telephone Number*  
\_\_\_\_\_ *Email Address*  
\_\_\_\_\_ *School*

I wish to appeal the decision to assign my child to an alternative program for the following reason(s):

\_\_\_\_\_ Mountain Island Charter School procedures, as outlined in the *Parent-Student Handbook*, were not followed by the school. Please explain.

\_\_\_\_\_ The disciplinary reassignment is not appropriate. Please explain.

\_\_\_\_\_ Other. Please explain.

*This appeal form must be submitted within 5 days of the decision or the decision becomes final. Your child's disciplinary reassignment remains in effect pending the outcome of the appeal hearing.*

