

POLICIES, RULES AND PROCEDURES RELATIVE TO STUDENT DISCIPLINE IN THE NEW HANOVER COUNTY SCHOOLS

The New Hanover County Board of Education believes that to be successful, public school education must be a partnership involving the school personnel, students, parents and community. The New Hanover County Board of Education further believes that the maintenance of high citizenship standards provides a school climate conducive to effective teaching for learning.

It is the policy of the New Hanover County Board of Education to encourage and enforce the exercise of individual rights within the necessary framework of an orderly, efficient and continuing school program, yet at the same time to recognize, preserve and protect the rights of all students in its educational system to an education therein.

Within this framework, it is the policy and continuing duty of the Board, and the administrative staff and the faculties of each school to prohibit and prevent those actions or types of student conduct that constitute a menace to the continuing educational program of New Hanover County Schools, or that become dangerous, disruptive or destructive and, therefore, endanger the proper maintenance and functions of the school program.

The Board further recognizes that students are fully protected by and have all rights extended to citizens, under the United States Constitution and the Amendments, and that these rights cannot be abridged except in accordance with due process of law.

Therefore, in order to delineate and clarify the fundamental guidelines of student behavior in the New Hanover County Schools and to establish procedures to be followed should serious disciplinary action by school authorities become necessary, the following rules and procedures have been adopted by the Board of Education. They are to be distributed to every school in the county, with a copy available to any student or parent upon request, and are to apply to all students enrolled in the system.

I. GENERAL PROVISIONS

The following rules are not intended to be an exhaustive list of student conduct. Rather, they are illustrative of the types of behaviors that are inconsistent with the proper functions of the school system. The authority and responsibility for setting standards and controlling discipline are vested in the teachers and administrators of each school by North Carolina law. Therefore, these regulations are to be applied in addition to those in effect at any individual school in the system.

Consistent with Public School Laws of North Carolina and State Board Policy, each school will develop discipline rules and procedures that provide incentives for citizenship and escalating consequences for repeat offenders. Schools are encouraged to consider student and parental input in devising school rules.

A. Definitions

Arson - the willful or malicious burning of, or attempt to burn, any building or part of any building, structure, or property of the school district, staff or student.

Assault - any act of such nature to excite an apprehension of a harmful or offensive physical contact with the person of another.

Assault resulting in serious injury - An attack by one person upon another whereby the victim suffers obvious, severe or aggravated bodily injury involving broken bones, loss of teeth, possible internal injuries, severe lacerations, loss of consciousness, and medical attention or hospitalization is sought for the victim(s).

Battery - Intentional and unpermitted physical contact with the person of another.

Body Conditions - The condition under which any pupil is suspected of having a communicable disease or who has persistent and neglected body odors.

Bullying – Bullying is defined as the intimidation or harassment of others by the real or threatened infliction of physical, verbal, written, electronically transmitted or emotional abuse or through attacks on the property of another

Bus Violation - The failure to respond to or carry out a reasonable request by a bus driver to remain seated when the bus is moving, to cross at least ten feet in front of the bus when the bus is stopped, to keep all parts of the body inside the bus, to not block the aisles of the bus, or any other misconduct not otherwise addressed herein while being transported to or from school or school-sponsored activities.

Dangerous Weapon - Dangerous weapon shall be as defined in G.S.14-269.2 (b) & (g) of the North Carolina General Statutes: (b) “It shall be a Class I felony for any person to cause, encourage, or aid a minor who is less than 18 years old to possess or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm of any kind, or any dynamite cartridge, bomb, grenade, mine or powerful explosive as defined by G. S. 14-284.1, on educational property. However, this subsection does not apply to a BB gun, air rifle or air pistol.” (g) “This section shall not apply to: (1) A weapon used solely for educational or school-sanctioned ceremonial purposes, or used in a school-approved program conducted under the supervision of an adult whose supervision has been approved by the school authority; (2) Armed forces personnel, officers and soldiers of the militia and national guard, law enforcement personnel, and any private police employed by an educational institution, when acting in the discharge of their official duties; or (3) Home schools as defined in G. S. 115C-563(a).”

Discrimination – Any act that unreasonably and unfavorably differentiates treatment of others based solely on their membership in a socially distinct group or category, such as race, ethnicity, sex, religion, age, or disability. Discrimination may be intentional or unintentional

Disability Harassment – Disability harassment shall be defined as in Board Policy 1730. Hostile or abusive treatment, derogatory remarks, or acts of violence because of disability shall constitute disability harassment.

Disruption of the Learning Environment - Acting in any manner so as to interfere with any teacher’s ability to conduct a class or other school activity.

Drugs, Alcoholic Beverages, etc. - Possession, use or evidence of use, or transfer of

drugs, alcoholic beverages or other substances which produce abnormal behavior.

Explosives, Fireworks, and Foul Substances - Carrying or possessing or placing in, upon, against or near any school district property any article containing an explosive or combustible substance including fireworks or foul, offensive, or injurious substance or compound.

Extortion - The act of taking or attempting to take any money or things of value from a student or staff member in the New Hanover County Schools unless both parties enter into the agreement freely and without the presence of either an implied or expressed threat.

Forgery - The act of fraudulently using in writing the name of another person or falsifying times, dates, grades, addresses, or other data on school forms.

Gambling - Direct or indirect taking, receiving or accepting from any person any money or valuable thing contingent upon the result of an uncertain event.

Harassment – Harassment can be a type of unlawful discrimination. Harassment is unwanted, unwelcome and uninvited behavior that demeans, threatens or offends the targeted individual and results in a hostile environment for the targeted individual. The hostile environment can be created through pervasive or persistent misbehavior or a single incident, if sufficiently severe. Harassing behavior may include, but is not limited to, epithets, derogatory comments or slurs and lewd propositions, assault, impeding or blocking movement, offensive touching or any physical interference with normal work or movement, and visual insults, such as derogatory posters or cartoons. Legitimate age-appropriate pedagogical techniques are not considered harassing behavior. It is possible for harassment to occur at various levels; between fellow students or co-workers, between supervisors and subordinates, between employees and students, or imposed by non-employees, including visitors, on employees and/or students and their families.

Hazing - The abuse, annoyance, or harassment of another by means of banter, ridicule, or criticism.

Indecent Exposure - The act of knowingly making any open or indecent exposure of his or her person or the person of another.

Insubordination - The refusal to respond to or carry out a reasonable request by a staff member and/or refusal to abide by reasonable school and/or classroom rules.

Littering - The dumping, depositing, placing, throwing, or leaving of litter in and upon school property other than in receptacles set aside for such purposes.

Neglecting Responsibility - The failure to abide and/or refusal to abide by reasonable school and /or classroom rules.

Obscenity - Use of obscene or vulgar language by pupils in verbal or written form, in gestures, or in pictures or caricatures in or on any school property.

Persistent Disobedience - Repetition of the same misconduct or accumulation of

instances of varied misconduct.

Possession or Using Weapons - The act of possessing, using, or threatening to use, any weapon or instrument capable of inflicting bodily injury.

Rape - Vaginal intercourse with another person by force and against the will of the other person.

Sexual Assault - Any unauthorized and unwanted intentional touching or attempted touching of sex organ(s) of another. Sex organs are the breasts of females and the genital areas of the male and female. Sexual assault includes attempted rape and attempted sexual offense.

Sexual Harassment - Sexual harassment shall be defined as in Board Policy 1720: Unwelcome sexual advances, requests for sexual favors and other inappropriate oral, written, or physical conduct of a sexual nature when made by a school employee to a student or when made by a student to another student constitute sexual harassment when (a) Submission to such conduct is made either explicitly or implicitly a term or condition of a student's education, scholastic experience, or participation in school-related activities; (b) Submission to or rejection of such conduct by a student is used as the basis for educational, scholastic, or school-related activity decisions affecting that student; or (c) Such conduct has the purpose or effect of unreasonably interfering with a student's education, scholastic experience, or school-related activity participation or of creating an intimidating, hostile, or offensive school environment.

Sexual Misconduct - Any conduct of a sexual nature, which includes consensual sex, or the intentional touching of the sex organs of another.

Sexual Offense - Actual oral-genital or oral-anal contact, or penile-anal penetration by force and against the will of the victim.

Smoking or Using Tobacco Products - Smoking and/or the possession of lighted tobacco in any form; chewing, possessing or transferring any tobacco products in any form in or upon any school property and/or at any school-sponsored activity, or encouraging the assembly of others for such purposes.

Throwing Stones or Other Missiles - The act of possessing, throwing or threatening to throw any stone or other missile in or upon school property or while going to or from school including any activity under school sponsorship at the person or property of another.

Theft - The act of acquiring and/or knowingly and willfully having in one's possession the property of another without his/her consent.

Trespass - The willful entering upon the lands, premises or areas of the facilities of the school district without authority or willfully being in areas of the facilities or grounds at times when such presence is unauthorized.

Truancy - The act of unauthorized absence from school for any period of time. Chronic tardiness may be considered truancy.

Vandalism - The act of willful or malicious destruction of school property belonging to another.

Victim – Someone (a student) injured or otherwise harmed by, or suffering from, some act, condition, or circumstance beyond their control.

B. Location of Misconduct

All rules governing student misconduct shall apply to any incident that is

1. On school grounds during, before and after regular school hours
2. On school grounds at any other time when the school is being used for a function or by any school group
3. Off school grounds at a school activity, function or event
4. During the transporting of students to include the period of time at the bus stop before boarding the bus, on the bus and getting off the bus, or in the proximity of the bus stop when under the supervision of the bus driver
5. Off school grounds but which may affect the school climate or have a direct and immediate effect on the general welfare of the school. However, students who commit the offenses set forth in Sections III. A. (certain weapons on campus), III. B. (certain physical assaults), or III. C. (certain physical assaults) herein shall be punished by suspension or removal to an alternative educational setting for a period beyond the remainder of the school year only if the conduct occurs on school property or at school-sponsored or school-related activities on or off school property.

C. Disciplinary Actions Which May Be Taken

Disciplinary action for any form of unacceptable student behavior available to the principal, assistant principal or his/her designee may include, but is not limited to, the following:

1. Student conferences
2. Parental conferences
3. Detention
4. Parent attendance in the classroom
5. In-school suspension
6. Restitution
7. School work service
8. Alternative placement
9. Outside counseling within the community
10. Out-of-school suspension for up to ten days
11. Suspension up to 365 days
12. Removal to an alternative educational setting, if available.
13. Expulsion
14. Other measures consistent with sound educational practice
15. See also 1997 Law on Management and Placement of Disruptive Students (G.S. 115C-397.1) which is supplemented to the disciplinary procedures in the policy. See page 23 attached.

II. PROCEDURES FOR STUDENT DISCIPLINE

A. Disciplinary Action by the Teacher

As stated previously, these rules and procedures do not deal with ordinary classroom discipline. Pursuant to North Carolina law, teachers are authorized and have the responsibility to maintain good order and discipline in the classroom and school, and may use reasonable force in so doing (North Carolina General Statute, Sec. 115C-390). However, when conduct appears to violate one of the rules set forth in this Policy proscribing serious misconduct, teachers shall refer the matter to the principal or his/her designee for further action pursuant hereto.

B. Referral for Disciplinary Action by the Principal

Alleged misconduct hereunder by a student shall be dealt with by the student's principal (hereinafter, the word "principal" shall mean the principal of the particular school attended by any student alleged to be guilty of misconduct hereunder, and shall include any duly authorized designee of the principal).

1. Whenever a teacher considers a problem of classroom discipline to be so serious as to warrant the principal's attention; or
2. Whenever the alleged misconduct appears to constitute a violation of these rules governing serious misconduct; or
3. Whenever the principal deems it advisable that he/she deal personally with the misconduct.

C. Principal's Investigation

In dealing with alleged misconduct, the principal shall investigate and hear all available accounts of it, including written accounts whenever possible. The student shall be encouraged to raise any defense he thinks relevant. If the student requests that other witnesses be questioned, the principal should talk to them if possible. If the student makes a reasonable claim of other defensive matter, which, if true, would free him from blame but which is not immediately available, the principal may postpone disciplinary action for a reasonable time until such evidence may be presented. Students who are victims of unprovoked physical assaults may use reasonable means to defend themselves until adult intervention can provide for their safety.

D. General Procedures for Suspensions

Most disciplinary matters and student misconduct can be handled without resorting to suspensions or expulsions. However, in those discipline matters where suspensions are warranted, the principal shall follow the procedures outlined below:

1. The principal of a school, or his designee, shall have the authority to suspend for a period of ten days or less any student who willfully violates policies of conduct established by the Board of Education provided that a student suspended pursuant to this subsection shall be provided an opportunity to take any quarterly, semester or grading period examinations missed during the suspension period.

2. In the case of any suspension of ten days or less, any request for a make-up test must be made within five days of the student's return and all make-up class work is the responsibility of the student.
3. When suspending a student for any period of time, the principal shall
 - a. Give to the student involved written or oral notice of what the student is accused of doing and the basis of the accusation; and if the student denies the accusation, an opportunity to explain his version of the facts and to hear from persons who the student claims can speak on his/her behalf. If the student reasonably claims the need for additional time to present such persons, the principal may postpone action for a reasonable time.
 - b. Notify a parent or guardian in person or by telephone that the student is being suspended. In those instances where reasonable efforts do not result in contact with the parents or guardian, a record of all efforts to make contact shall be kept. Regardless of communication, and in all cases where a suspension for any period of time is involved, a written notice of the reasons for and the duration of such suspension shall be mailed within 24 hours to the parents or guardian of the student. A student shall not be suspended prior to the end of the regular school day when reasonable efforts to contact the parents or guardian fail, except when an emergency suspension under the provisions of Subsection 4 is warranted.
 - c. Inform the parents or guardian, in the written notice of suspension, of their right to have a conference regarding such suspension with the principal, at which time they shall have the right, if desired, to bring someone to assist them. Such informal conference, if requested, should be held as soon as possible. However, the suspension need not be delayed by the request for such a conference.
 - d. Forward promptly to the Superintendent or his designee a copy of the notice of suspension and the reasons for such suspension.

4. Emergency Suspensions

A student whose presence the principal finds to pose an immediate or continuing danger to persons or property or an ongoing threat of disrupting the academic process may be immediately removed from the school by the principal for a period not to exceed ten days without prior notice to or input from the student. In such case, the principal shall

- a. Contact the parents or guardian informing them of the situation.
- b. Provide opportunity for a hearing within a reasonable time with the principal.
- c. Provide the parents or guardian, after a decision has been reached, with a written notice within 24 hours of the hearing that informs the parent of the reasons for and duration of the suspension.
- d. Suspend the student from transportation.

5. WILFULLNESS

In situations involving offenses dealing with the possession of prohibited items including but not limited to knives, drugs and other contraband, it is the policy of the New Hanover County School System that every student has a duty to thoroughly inspect their clothes, personal belongings and effects, and the vehicle which they drive onto the campus, before coming onto the campus, to determine whether they are carrying any prohibited item. Should any such items be found on a student's clothes, personal belonging or effects (including purses and back packs), or vehicle, a student will be deemed to have either willfully brought the item onto the campus, or willfully failed to inspect for the item before coming onto the campus, and the punishment for willful failure to properly inspect may be the same as for willfully bringing the item onto the campus.

E. Suspensions in Excess of Ten Days

In any case in which the principal, after completion of the procedures required in Section II. D., *supra*, concludes that a long-term suspension (more than ten days) is warranted, s/he shall state in the notice of suspension to the parents or guardian that, subject to the approval of the Superintendent, s/he is suspending the student for a period in excess of ten days. The notice shall also state the dates of the suspension and reasonable details of the act or acts of misconduct for which such suspension is proposed and include copies of all prior discipline notices of the current school year. Principal shall submit a copy of said notice with attachments to the Superintendent or his/her designee.

Upon receipt of such notice, the Superintendent or his/her designee shall approve or disapprove the principal's decision for a long-term suspension. If the Superintendent or his/her designee approves the long-term suspension, s/he shall promptly notify the parents or guardian of the suspended student in writing by certified mail of the long-term suspension and the student's right to a hearing. This notice shall also identify what information will be included in the student's official record and the procedure for expungement of this information under G.S. 115C-402.

F. Hearing Before a Hearing panel

If the parent requests a hearing, a hearing on such long-term suspension shall be held by a hearing panel consisting of a hearing officer and two other appropriately trained persons. Such hearing shall take place in the Central Office or other designated site, at a stated time which shall be prior to the expiration of the ten day suspension imposed by the principal. The Superintendent or his/her designee shall appoint a hearing officer. The hearing officer shall appoint two other appropriately trained persons to be a part of the hearing panel.

Notice of the hearing before the hearing panel shall state that the student and his/her parents or guardian are entitled to be represented at such hearing by a person of their choice, who may be an attorney. The student or his/her parents or guardian may request a continuance of the hearing, if necessary. The following rules shall govern any such hearing:

1. The hearing shall be conducted in private. The hearing may be attended by the principal and his/her assistants, the student, the student's parents or

- guardian, the student's representative, if desired, and such other persons as the hearing officer deems necessary.
2. The hearing panel may consider the testimony of any witness, including hearsay evidence, as the hearing officer may deem reliable. The panel may also consider the school records of the student, which records should not be considered as evidence of guilt of a charge but only for impeachment or corroboration or as bearing upon the appropriate punishment. No such record should be considered for any purpose unless it has first been made available to the student or his/her representative.
 3. All testimony before the hearing panel shall be under oath.
 4. In presenting evidence, the principal or other representative of the school shall first present his/her witnesses and documentary evidence against the student.
 5. Following the presentation by the school representative, the student or his/her representative may present his/her evidence, including documents and witnesses s/he may have.
 6. Both the principal or school representative and the student or his/her representative may cross-examine the witnesses presented by the other side. The hearing panel has the authority to limit questioning by any person when such questioning is unproductive, unnecessarily lengthy, or irrelevant
 7. The hearing panel shall provide for making a record of any information orally presented at the hearing.
 8. After the evidence has been presented and the hearing adjourned, the hearing panel shall decide if the student committed the offense charged and whether the recommended punishment is appropriate. The hearing panel shall make its determination based solely upon the evidence presented at the hearing, which evidence shall be substantial, and shall set forth in writing the findings upon which the panel's decision rests. The panel's decision shall affirm, modify, or reverse the decision of the principal and shall be sent by certified mail to the parents or guardian of the student and to the principal. If the hearing panel determines that the student committed the offense charged but that the punishment is inappropriate or excessive, the hearing panel is authorized to modify the length of the long-term suspension; however, the hearing panel may not, in these circumstances, modify the imposition of any 10-day suspension by a principal.

G. Appeal to the Board of Education

Either the student or the principal, with prior approval of the Superintendent, may appeal to the Board of Education the decision of the hearing panel. Appeals to the Board of Education must be in writing and filed with the Superintendent within three business days of the Hearing Panel's decisions. Hearings before the Board will be held on the second and fourth Tuesday of each month, beginning at 6:00 p.m. Only one continuance will be granted. The penalty imposed need not be postponed pending the outcome of the appeal to the Board. Such an appeal shall be on the record made before the hearing panel, and new evidence will be admitted only to avoid a substantial threat of unfairness. The Board of Education shall affirm, modify, or reverse the hearing panel's decision. A decision by the Board of Education is final, subject to judicial review pursuant to North Carolina General Statute 115C-391(e).

H. Automatic Review

If a student is suspended from school during the first semester for the remainder of the school year, his suspension shall be automatically reviewed by the Superintendent or the Superintendent's designee before the beginning of the second semester unless the suspension originally took effect within three weeks of the beginning of the second semester. This review may lead to a recommendation that the student be reinstated for the second semester according to the determination of the Superintendent or the Superintendent's designee. This subsection shall not apply to suspensions of 300 to 365 days as set forth in Sections III. A., III. B., and III.C. and III. C-1., herein.

I. Availability of the Student's Previous Records

The student, his/her parents or his/her representative shall have access to the student's previous behavior record and academic record. If the school deems it necessary, the information contained in such records may be furnished on condition that they be explained and interpreted by a person trained in their use and interpretation.

J. Suspension of Students with Disabilities

As with all students, students with disabilities are accountable to the behavioral expectations and discipline standards specified in this policy. Students with disabilities, however, have additional procedural safeguards afforded to them by the federal Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act. These procedural safeguards include functional behavioral assessment, behavioral intervention plan, manifestation determination prior to imposition of a long term suspension or cumulative short term suspension that constitutes a pattern of removal, alternative educational setting and the provision of services during periods of suspension. The New Hanover County Board of Education authorizes the central office administration to develop and implement written procedures addressing these procedural safeguards which comply with IDEA, Section 504 and any applicable North Carolina General Statutes.

III. SPECIFIC STUDENT MISCONDUCT AND DISCIPLINARY ACTION

The following are not intended to be exclusive proscriptions of student conduct; rather, they are illustrative of the types of behavior that are seriously inconsistent with the proper functioning of the school system. The authority and responsibility for setting standards and controlling discipline is vested by North Carolina law in the teachers and administrators of each school. Therefore, these regulations are to be applied in addition to those in effect at any individual school in the system. The disciplinary action set forth in subsections B, C, C-1, D, E, F and G below, apply to all students who are at least 13 years of age. If a student under the age of 13 commits any of the misconduct set forth in subsections B, C, C-1, D, E, F or G, the disciplinary action taken against the student, if any, is left to the discretion of the principal, subject to the appeal procedures set forth in this policy.

A. Possession of Certain Weapons and Making of a False Bomb Report or Bomb Hoax Resulting in Mandatory Suspension for 365 Days

1. **Possession of Certain Weapons Resulting in Mandatory Suspension of 365 Days.** Any student who brings onto educational property or to a school-sponsored curricular or extracurricular activity off educational property, or b) possesses on educational property or at a school-sponsored curricular or extracurricular activity or educational property, a weapon, as defined in G.S. 14-269.2(b), 14-269.2(b1), G.S. 14-269.2(g), and 14-269.2(h) shall be suspended by the Superintendent for 365 days. See N.C.G.S. 14-269.2 attached hereto. The principal shall suspend any such student for ten days and immediately refer the matter to the Superintendent along with all documentation of the principal's investigation. The Superintendent shall suspend such student for 365 days if the Superintendent determines the offense occurred. The Superintendent shall promptly notify the parents or guardian of the student of his decision. The parents may request a hearing before a hearing panel as set forth in Section II.F. of this Policy. The parents or the Superintendent may appeal the decision of the hearing panel to the Board of Education as set forth in Section II. G. The Board, upon recommendation of the Superintendent, may modify this suspension requirement on a case-by-case basis as allowed in G.S. 115C-391(d1).
 2. **Making a False Bomb Report or Bomb Hoax Resulting in Mandatory Suspension of 365 Days.** Any student who, by any means of communication to any person or group of persons, makes a report, knowing or having reason to know the report is false, that there is located on educational property or at a school-sponsored curricular or extracurricular activity off educational property any device designed to destroy or damage property by explosion, blasting, or burning, or who, with intent to perpetrate a hoax, conceals, places, or displays, any device, machine, instrument, or artifact on educational property or at a school-sponsored curricular or extracurricular activity off educational property, 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, shall be suspended by the Superintendent for 365 days. The principal shall suspend any such student for ten days and immediately refer the matter to the Superintendent along with all documentation of the principal's investigation. The Superintendent shall suspend such student for 365 days if the Superintendent determines the offense occurred. The superintendent shall promptly notify the parents or guardian of the student of his decision. The parents may request a hearing before a hearing panel as set forth in Section II .F. of this Policy. The parents or the superintendent may appeal the decision of the hearing panel to the Board of Education as set forth in Section II. G. The Board, upon recommendation of the Superintendent, may modify this suspension requirement on a case-by-case basis as allowed in G. S. 115C-391(d3).
- B. **Assault on a Teacher or Other School Personnel Causing Serious Injury Resulting in Removal or Suspension of 300-365 Days.**

Pursuant to G.S. 115C-391(d2)(1), the Superintendent shall, upon recommendation of the principal, remove to an alternative educational setting, as provided in subdivision I of this section, any student who is at least 13 years of age and who physically assaults and seriously injures a teacher or other school personnel. If no

appropriate alternative educational setting is available, then the Superintendent, upon recommendation of the principal, shall suspend for no less than 300 days, but no more than 365 days, any student who is at least 13 and who physically assaults and seriously injures a teacher or other school personnel. The principal shall suspend any such student for ten days with a recommendation to the Superintendent for such additional punishment as set forth above. The Superintendent shall approve or disapprove the principal's recommendation and direct that the appropriate punishment be applied. The Superintendent shall promptly notify the parents of his decision. The parents may request a hearing before a hearing panel as set forth in Section II. F. The parents or the Superintendent may appeal the decision of the hearing panel to the Board of Education as set forth in Section II. G. For purposes of this provision, the conduct leading to suspension or removal to an alternative educational setting must occur on school property or at a school-sponsored or school-related activity on or off school property. This subsection shall not apply when the student who is subject to suspension or removal was acting in self-defense. If a teacher is assaulted or injured and, as a result, a student is suspended or removed to an alternative educational setting under this subsection, then the student shall not be returned to that teacher's classroom unless the teacher consents. If a student is suspended under this subsection, the Board may assign the student to an alternative educational setting upon the expiration of the period of suspension.

If the Superintendent removes the student to an alternative educational setting, as provided in this subsection, and the conduct leading to the removal occurred on or before the 90th school day, the Board shall remove the student to that setting for the remainder of the current school year and the first 90 school days in the following school year. If the Superintendent chooses to remove the student to an alternative setting, as provided in this subsection, and the conduct leading to the removal occurred after the 90th school day, the Board shall remove the student to that setting for the remainder of the current school year and for the entire subsequent school year. Notwithstanding these requirements, the Superintendent may authorize a shorter or longer length of time a student may remain in a alternative educational setting if the Superintendent finds this would be more appropriate based upon the recommendations of the principals of the alternative school and the school to which the student will return.

C. Assaults Resulting in a Suspension up to 10-Days and Possible Removal, Suspension or an alternative placement of up to 365 Days

The following acts shall result in a suspension up to 10-days by the principal and shall immediately be referred to the Superintendent for consideration of further disciplinary action:

1. Physical assault of a teacher or other adult who is not a student (where serious injury occurs, refer to section III. B. above).
2. Physical assault of another student if the assault is witnessed by school personnel.
3. Physical assault and serious injury of another student.

Pursuant to N.C.G.S. 115C-391(d2)(2), the Superintendent may, upon recommendation of the principal, remove to an alternative educational

setting any student who is at least 13 years of age and who commits any of the above three acts. If no appropriate alternative educational setting is available, then the Superintendent may, upon recommendation of the principal, suspend the student for up to 365 days. When such a student commits any of the above three acts, the principal shall suspend the student for up to ten days and may make a further recommendation to the Superintendent for removal to an alternative educational setting or, if such a setting is unavailable, suspension up to 365 days. The Superintendent shall consider the principal's recommendation and may approve or disapprove thereof. The Superintendent shall promptly notify the parents of his decision. The parents may request a hearing before a Hearing panel as set forth in Section II. F. The parents or the Superintendent may appeal the decision of the hearing panel to the Board of Education as set forth in Section II. G.

For purposes of this provision, the conduct leading to suspension or removal to an alternative educational setting must occur on school property or at a school-sponsored or school-related activity on or off school property. This subsection shall not apply when the student who is subject to suspension or removal was acting in self-defense. If a teacher is assaulted or injured and as a result a student is suspended or removed to an alternative educational setting under this subsection, then the student shall not be returned to that teacher's classroom unless the teacher consents. If a student is suspended under this subsection, the Board may assign the student to an alternative educational setting upon the expiration of the period of suspension.

C-1. Making False Report, Threat or Perpetrating Hoax Involving Act of Terror Resulting in a Suspension up to 10-Days and Possible Removal or Suspension of up to 365 Days.

"Pursuant to G. S. 115C-391(d4), the Superintendent may suspend or remove to an alternative setting for up to 365 days any student who:

1. By any means of communication to any person or group of persons, makes a report, knowing or having reason to know the report is false, that there is located on educational property or at a school-sponsored curricular or extracurricular activity off educational property any device, substance, or material designed to cause harmful or life-threatening illness or injury to another person;
2. With intent to perpetrate a hoax, conceals, places, disseminates, or displays on educational property or at a school-sponsored curricular or extracurricular activity off educational property any device, machine, instrument, artifact, letter, package, material, or substance, so as to cause any person reasonably to believe the same to be a substance or material capable of causing harmful or life-threatening illness or injury to another person;
3. Threatens to commit on educational property or at a school-sponsored curricular or extracurricular activity off educational property an act of terror that is likely to cause serious injury or death, when that threat is intended to cause a significant disruption to the instructional day or a school-sponsored

- activity or causes that disruption;
- 4. Makes a report, knowing or having reason to know the report is false, that there is about to occur or is occurring on educational property or at a school-sponsored curricular or extracurricular activity off educational property an act of terror that is likely to cause serious injury or death, when that report is intended to cause a significant disruption to the instructional day or a school-sponsored activity or causes that disruption; or
- 5. Conspires to commit any of the acts described in this subsection.”

When such a student commits any of the above five acts, the principal shall suspend any such student up to ten days and immediately refer the matter to the Superintendent along with all documentation of the principal’s investigation. The Superintendent may then suspend or remove to an alternative setting such student for up to 365 days if the Superintendent determines the offense occurred. The Superintendent shall promptly notify the parents or guardian of the student of his decision. The parents may request a hearing before a hearing panel as set forth in Section II. F. of this Policy. The parents or the Superintendent may appeal the decision of the hearing panel to the Board of Education as set forth in Section II. G.

D. Misconduct Resulting in a Suspension up to 10-Days and, Subject to Superintendent Approval, Mandatory Long-Term Suspension or Alternative Placement

The following misconduct shall result in a suspension up to 10-days and, subject to the approval of the Superintendent or his/her designee, a mandatory long-term suspension or removal up to the end of the school year:

1. Possession of weapons or other dangerous instruments or substances (other than those described in Section III. A. above) including:
 - a. Guns of all types including pellet, bb, stun and air rifle.
 - b. Look-alike weapons or other dangerous instruments or substances that are used to threaten others
 - c. Guns of all types including pellet, BB, stun, air rifle
 - d. Knives, pocket knives, switch blades or automatically opening blades, daggers, swords, razor
 - e. Artificial knuckles or other objects designed to be worn over the fist or knuckles
 - f. Blackjacks, clubs, nunchucks, throwing stars
 - g. Explosives, fireworks or foul substances (other than those covered under Sec. III. A. above)
 - h. Poisons, chemicals or substances capable of causing bodily harm
 - i. Bow and arrows or sling-shots
 - j. Mace, Pepper Spray
 - k. Throwing darts
 - l. Laser flash lights – 2nd offense
2. A second offense involving usage and/or possession of narcotics, alcoholic beverages, stimulant drugs, and related paraphernalia, or any violation of the NC Toxic Vapors Act.
3. Use or possession of an amount of drugs or any illegal substance outlined by

Schedule I-VI of the NC Controlled Substance Act, which could result in a felony charge. These charges include the following:

- b. To manufacture, sell or deliver, or possess with intent to manufacture, sell or deliver, a controlled substance.
- c. To create, sell or deliver, or possess with intent to sell or deliver a counterfeit controlled substance.
- d. To possess a controlled substance, i.e. prescription medication not prescribed for that person.

Note: Possession of a drug authorized by a medical prescription from a physician licensed to practice medicine in North Carolina shall not be considered a violation of this rule when the drug is in the possession of the person for whom the drug was prescribed.

4. Rape as defined in Section I. A. of this Policy.
5. Sexual harassment as defined in Section 1. A. of this Policy. Sexual harassment, as so defined, may include, but is not limited to, the following:
 - a. Continued remarks having a sexual connotation
 - b. Pressure for sexual activity
 - c. Deliberate unwelcome touching of a sexual nature
 - e. Suggestions or demands for sexual involvement accompanied by implied or overt promises of preferential treatment or threats

E. Misconduct Resulting in a suspension up to 10 days and Possible Long-Term Suspension

The following misconduct shall result in a suspension up to 10 days and, at the discretion of the principal and subject to the Superintendent's approval, long-term suspension up to the end of the school year:

1. Extortion/Intimidation, including obtaining or attempting to obtain from any person, by force, threat, or false accusation, money or other property, services or consideration of any sort; or frightening or deterring by or as if by threats; or attempting to frighten or intimidate students with threats of violence either written or verbal. These acts in certain circumstances could also subject the student to suspension of up to 365 days or expulsion by the Board.
2. Arson of school property as defined in Section I. A. of this Policy.
3. Sexual assault as defined in Section I. A. of this Policy.
4. Sexual offense as defined in Section I. A. of this Policy.
5. Indecent exposure as defined in Section I. A. of this Policy.
6. Sexual misconduct as defined in Section I. A. of this Policy.
7. Threatening school personnel or any other adult, including directing toward any school personnel or toward any other adult language which threatens force or violence or which is abusive, profane, or insulting, or any sign, gesture, or act which constitutes a threat of force or violence or which is abusive or insulting.
8. Serious disruption of the school environment including the use of, or encouragement of others to use violence, force, noise, coercion, threat,

intimidation, fear, passive resistance or any other conduct to cause or attempt to cause substantial and material disruption or obstruction of any lawful right, mission, process or function of any school, school bus, school personnel or student.

9. Theft or vandalism that could result in a felony charge.
10. Continued bullying, harassment, or discrimination.
11. Acts of retaliation for reporting violations of harassment, bullying, and discrimination.

While the following list is not exclusive, the following acts when causing a substantial and material disruption or obstruction of any lawful mission, process or function of the school illustrate the kinds of conduct proscribed by this rule:

- a. Occupying any school building, school grounds, school bus or part thereof, maliciously or willfully depriving others of lawful access to or from or use of the building or corridor or room.
 - b. Blocking the entrance or exit of any school building, corridor or room therein and thus maliciously or willfully depriving others of lawful access to or from or use of the building or corridor or room.
 - c. Setting fire to or otherwise purposely damaging any school building or property.
 - d. Threatening use of firearms, explosives or other weapons on the school premises for any unlawful purpose proscribed by these rules.
 - e. Preventing or attempting to prevent by physical act or otherwise the convening or functioning of any school class or activity or of any lawful meeting or assembly on the school campus.
 - f. Preventing students from attending a class or school activity.
 - g. Blocking normal pedestrian or vehicular traffic on a school campus.
12. The knowing use, possession, transmission, or being under the influence, of any controlled substance that could result in a misdemeanor charge including marijuana, alcoholic beverage or intoxicant of any kind. This prohibition applies to fake drug substances and all drug paraphernalia or facsimile thereof.
 13. Misuse of the Internet, including Websites.
 - a. Using on-campus computer equipment to create or access materials on the internet, including but not limited to websites, which are likely to cause a substantial disruption of or material interference with school activities or the school environment; or
 - b. Using off-campus computer equipment to create materials on the internet, including but not limited to websites, to threaten harm or violence to school(s), employee(s), or student(s), or which have a direct and immediate impact upon or substantially threaten the safe and orderly operation of the school.
 14. Battery as defined in Section 1. A. of this Policy.
 15. Possession of look-alike weapons or other dangerous instruments or substances that could be used to threaten others.
 16. Possession of literature, illustrations or materials which significantly disrupt the educational process or which are obscene.

17. Assault as defined in Section 1. A. of this Policy. (Certain physical assaults require a minimum 300-day suspension and allow up to a 365-day suspension. See Sections III. B. and III. C. above).
18. Disability harassment as defined in Section 1. A.

F. Misconduct Resulting in Suspension of Ten Days or less or Other Disciplinary Action.

The following misconduct shall result in a suspension of ten days or less or other disciplinary action as deemed appropriate by the principal:

1. Theft, vandalism, damage or destruction of school property including the malicious or willful causing or attempting to cause damage to school or private property or stealing or attempting to steal such property.
2. Disruption of the learning environment or the interference with any teacher's ability to conduct a class or other school activity.
3. Physical/verbal abuse of peers, including engaging in fighting or other violent conduct or in conduct creating the threat of imminent fighting or other violence; or making or using any utterance, gesture, display or abusive language which is intended to provoke violent retaliation and thereby cause a breach of the peace
4. Commission of illegal acts in the school setting as outlined by local, state, and federal law not otherwise specified in these policies.
5. Insubordination or disrespect of school personnel, including direction toward any school personnel or to any other adult of disrespectful or discourteous remarks or showing contempt in speech or action or failing to carry out a reasonable request.
6. Trespassing on school grounds, including the presence of a student who is assigned to one school on the campus of another school during the school day without the knowledge and consent of the officials of the school, and the presence of a student, while on suspension, on any school campus or attending any school function.
7. Throwing stones or other missiles as defined in Section I. A. of this Policy
8. Smoking or using tobacco products as defined in Section I. A. of this Policy.
9. Violation of school rules in effect at any individual school in the system.
10. Body conditions, bus violation, failure to provide records, forgery, gambling, hazing, littering, neglecting responsibility, obscenity, and truancy as defined under definitions.
11. Bullying, discrimination, or harassment as defined in Section I. A.

G. Persistent Disobedience Resulting in Long-Term Suspension

A student who has received multiple short-term suspensions during a school year may be long-term suspended by the principal, subject to the Superintendent's approval.

H. Student Expulsion

Any student 14 years of age or older who is a clear threat to the safety of other students or employees may be expelled. Examples of the types of conduct which may warrant expulsion include, but are not limited to, the following:

- a. Theft or attempted theft by a student from another person by using, or threatening to use, a dangerous weapon.*
- b. The intentional and malicious burning of any structure or personal property, including vehicles.
- c. An attack, or threatened attack, by a student against another person wherein the student uses a weapon* or displays it in a threatening manner.
- d. An attack by a student on school administrators; professional (e.g. teachers) or classified (e.g. custodial, clerical) personnel; or adult volunteers which does not result in serious injury but which is intended to cause or reasonably could cause serious injury.
- e. An attack by a student upon another person whereby the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injuries, severe laceration, loss of consciousness, or the victim requires hospitalization as a result of the attack.
- f. Any intentional or negligent act that results in the death of another person.
- g. Confining, restraining, or removing another person from one place to another, without the victim's consent, or the consent of the victim's parents, for the purpose of committing a felony, or for the purpose of holding the victim as a hostage or for ransom or for use as a shield.
- h. Possession by a student of a weapon* on any school property, including vehicles; and possession by a student under age 18 of a handgun, whether on school property or not.
- i. i. The taking or attempting to take anything of value from the care, custody or control of another person or persons, by force, threat of force, violence or by putting the victim in fear.
- j. Any unauthorized and unwanted intentional touching, or attempt to touch, by one person of the sex organ of another. The sex organs are the breasts of the female and the genital areas of the male and female.
- k. The possession, manufacture, sale, or delivery, or any attempted sale or delivery of controlled substances in violation of Chapter 90 of the General Statutes.
- l. Sexual harassment as defined in Section 1. A. of this Policy.

*As used in the above definitions, the term "weapon" or "dangerous weapon" means any gun, rifle, pistol, or other firearm of any kind; or any dynamite cartridge, bomb, grenade mine, or powerful explosive; also any BB gun, air rifle, air pistol, knife, club, razor blade, and any sharp-pointed or sharp-edged instrument.

When a student 14 years of age or older is in attendance in one of the schools in the system and his/her behavior indicates that the student's continued presence in school constitutes a clear threat to the safety of other students or employees, the principal shall conduct an investigation to determine whether an expulsion recommendation may be warranted in the given situation. The principal may recommend to expel a student under these guidelines whether or not the acts result in the filing of criminal charges or a juvenile petition, and whether or not the student is convicted or adjudicated. The acts and conduct do not have to occur on school premises. The principal should consider the facts and circumstances of each case to determine whether an expulsion recommendation is warranted, including the age and maturity of the student. Students who have been identified to receive special educational services pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. 1401 et seq., and Article 9 of Chapter 115C of the General

Statutes, are entitled to all protection provided by those laws.

Upon completion of the foregoing steps, if the principal determines, based on clear and convincing evidence, that the student's continued presence in the school constitutes a clear threat to the safety and health of other students or employees, and that the student should be recommended for expulsion, then the principal shall suspend the student for ten days with a recommendation for expulsion. The principal shall promptly inform the parents or guardian by telephone or in person of such suspension and recommendation of expulsion and the reasons therefore, shall at the same time transmit written notice to the Superintendent together with the results of his/her investigation, and shall transmit such notice by certified mail to the parents or guardian.

The Superintendent or his/her designee shall promptly make a full review of the action of the principal and of the investigation and recommendation made by him/her, and upon such review shall either approve or disapprove the same. If s/he approves the principal's actions and recommendation, s/he shall promptly arrange for a full hearing before the Board of Education on whether the student shall be expelled and shall give to the student and his/her parents or guardian written notice of his/her action, by certified mail, and of the time and place of such hearing. Such notice shall state that the student or his/her parents are entitled to be represented at the hearing by a representative of their choice who may be an attorney.

The Board, at the scheduled time and place, shall conduct a full hearing to determine whether the student's continued presence in the school constitutes a clear threat to the safety of other students or employees and whether s/he shall be expelled from the system. The rules governing such hearing shall, so far as applicable, be those prescribed for long-term suspension, except that the hearing shall be before the Board of Education rather than the hearing officer; shall be directed to the issues herein above referred to; the evidence against the student shall be presented by the Superintendent or his/her designee, rather than by the principal; and testimony of all witnesses shall be taken on oath or affirmation. Following the hearing, the Board shall reach its decision, which shall be set forth in writing together with the findings upon which the decision rests and a copy thereof shall be promptly forwarded to the student and his/her parents or guardian.

The decision of the Board to expel a student shall be based on clear and convincing evidence. Prior to ordering the expulsion of a student, the Board shall consider whether there is an alternative program offered by the school system that may provide educational services to the student who is subject to expulsion.

At any time after July 1 that is at least six months after the Board's decision to expel a student, a student may request that the Board reconsider its decision. If the student demonstrates to the satisfaction of the Board that the student's presence in school no longer constitutes a threat to the safety of other students or employees, the Board shall readmit the student to a school within the school system on a date the Board considers appropriate.

A decision by the New Hanover County Board of Education is final subject to judicial review pursuant to North Carolina General Statute 115C-45(c) and General Statute 115C-391(e).

I. Range of Punishments

Whenever more than one punishment is allowed under this Policy for a certain offense, the

most severe punishment may be used.

Ref: G. S. 115C-391

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10/05/93
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07/20/99
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08/05/02
02/03/03
11/08/03
05/03/04
07/12/05
06/02/09

New Hanover County Public Schools, Wilmington, North Carolina
ATTACHMENT - FILE: 8410

G. S.115-397.1 Management and placement of disruptive students

"If, after a teacher has requested assistance from the principal two or more times due to a student's disruptive behavior, the teacher finds that the student's disruptive behavior continues to interfere with the academic achievement of that student or other students in the class, then the teacher may refer the matter to a school-based committee. The teacher may request that additional classroom teachers participate in the committee's proceedings. For the purposes of this section, the committee shall notify the student's parent, guardian, or legal custodian and may, by consensus of committee, require that person's participation in the proceedings of the committee concerning the student. A student is not required to be screened, evaluated, or identified as a child with special needs under this section. The committee shall review the matter and shall take one or more of the following actions: (i) advise the teacher on managing the student's behavior more effectively, (ii) recommend to the principal the transfer of the student to another class within the school, (iii) recommend to the principal a multidisciplinary diagnosis and evaluation of the student, (iv) recommend to the principal that the student be assigned to an alternative learning program, or (v) recommend to the principal that the student receive any additional services that the school or the school unit has the resources to provide for the student. If the principal does not follow the recommendation of the committee, the principal shall provide a written explanation to the committee, the teacher who referred the matter to the committee, and the Superintendent, of any actions taken to resolve the matter and of the reason the principal did not follow the recommendation of the committee.

This section shall be in addition to and supplemental to disciplinary action taken in accordance with any other law. The recommendation of the committee is final and shall not be appealed under G. S. 115C-45(c). Nothing in this section shall authorize a student to refer a disciplinary matter to this committee or to have the matter of the student's behavior referred to this committee before any discipline is imposed on the student."

ATTACHMENT - FILE: 8410

N.C.G.S. 14-269.2 Weapons on campus or other educational property.

- (a) The following definitions apply to this section:
- (1) Educational Property - Any public or private school building or bus, public or private school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by any board of education, school, college, or university board of trustees, or directors for the administration of any school.
 - a. (1a) Employee – a person employed by a local board of education or school whether the person is an adult or a minor.
 - b. (1b) School – A public or private school, community college, college, or university.
 - (2) Student - A person enrolled in a public or private school, college or university, or a person who has been suspended or expelled within the last five years from a public or private school, college or university, whether the person is an adult or a minor
 - (3) Switchblade knife - A knife containing a blade that opens automatically by the release of a spring or a similar contrivance.
 - (4) Weapon - Any device enumerated in subsection (b), (b1), or (d) of this section.
- (b) It shall be a Class 1 felony for any person to possess or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm of any kind, or any dynamite cartridge, bomb, grenade, mine, or powerful explosive as defined G. S. 14-284.1, on educational property. However, this subsection does not apply to a BB gun, stun gun, air rifle, or air pistol.
- (b1) It shall be a Class G felony for any person to possess or carry, whether openly or concealed, 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 subsection shall not apply to fireworks.
- (c) It shall be a Class 1 felony for any person to cause, encourage, or aid a minor who is less than 18 years old to possess or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm of any kind, or any dynamite cartridge, bomb, grenade, mine, or powerful explosive as defined in G. S. 14-284.1, on educational property. However, this subsection does not apply to a BB gun, stun gun, air rifle, or air pistol.
- (c1) It shall be a Class G felony for any person to cause, encourage, or aid a minor who is less than 18 years old to possess or carry, whether openly or concealed, any dynamite cartridge, bomb, grenade, mine, or powerful explosive as defined in G.S. 14-284.1 on educational property. The subsection shall not apply to fireworks.
- (d) It shall be a Class 1 misdemeanor for any person to possess or carry, whether openly or concealed, any BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slingshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving), firework or any sharp-pointed or edged instrument except instructional supplies, unaltered nail files and clip and tools used solely for preparation of food, instruction, and maintenance, on educational property.
- (e) It shall be a Class 1 misdemeanor for any person to cause, encourage, or aid a minor who is less than 18 years old to possess or carry, whether openly or concealed, any BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slingshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving), any sharp-pointed or edged instrument except instructional supplies, unaltered

- nail files and clips and tools used solely for preparation of food, instruction, and maintenance on educational property.
- (f) Notwithstanding subsection (b) of this section it shall be a Class 1 misdemeanor rather than a Class 1 felony for any person to possess or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm of any kind, on educational property if:
- (1) The person is not a student attending school on the educational property;
 - a. or an employee employed by the school working on educational property: and
 - (1a) the person is not a student attending a curricular or extracurricular activity sponsored by the school at which the student is enrolled or an employee attending a curricular or extracurricular activity sponsored by the school at which the employee is employed; and
 - (2) Repealed by Session Laws 1999-22 s. 1, effective December 1, 1999, and applicable to offenses committed on or after that date.
 - (3) The firearm is not loaded, is in a motor vehicle, and is in a locked container, or a locked firearm.
 - (4) Repealed by Session Laws 1999-22, s. 1, effective December 1, 1999, and applicable to offenses committed on or after that date.
- (g) This section shall not apply to:
- (1) A weapon used solely for educational or school-sanctioned ceremonial purposes, or used in a school- approved program conducted under the supervision of an adult whose supervision has been approved by the school authority;
 - (1a) A person exempted by the provisions of G.S. 14-269(b);
 - (2) Firefighters, emergency service personnel, North Carolina Forest Service personnel, and any private police employed by an educational institution, when acting in the discharge of their official duties; or
 - (3) Home schools as defined in G.S. 115C-563(a).
- (h) No person shall be guilty of a criminal violation of this section 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.
 - (2) The person delivers the weapon, directly as soon as practical to law enforcement authorities. (1971, c. 241, ss.1,2,; c. 1224;1991,c. 622, s.1; 1993, c.539,s. 164; c. 558, s. 1; 1994, Ex. Sess., c, 14, s.4(a), (b); 1995, c. 49, s.1; 1997-238, s. 2; 199-211, s. 1; 1999-257,s. 3,3.1.)