Discipline and Due Process

Every student deserves to be treated with dignity and fairness. When questions arise about student behavior or discipline, we follow clear due process procedures that protect student rights and promote accountability. Learn more about what families can expect if their child is involved in a disciplinary process, and how we work together to ensure each student is heard, supported, and treated with respect.

Get Support

The Office of Student Due Process helps families understand student rights and the Code of Student Conduct. We make sure state and federal laws, and Board of Education policies, are followed during suspensions.

If a principal recommends a long-term suspension, our office guides families through the appeal process.

Questions? Contact us at 919-533-7761 or **studentdueprocess@wcpss.net (mailto:studentdueprocess@wcpss.net)**

Releasing Disciplinary Records

Sometimes, schools, colleges, universities, federal agencies, or employers may ask about a student's suspension history.

If you need to share this information:

1. Complete the **Authorization for Release of Disciplinary Record Form (/fs/resource-manager/view/99a31ccc-d278-4303-a297-f440aab55003)**.
2. Submit the form to the Office of Student Due Process.

Important:

- Tell the organization that all verification requests must go through our office, not your school.
- Share our contact details with them (see below).

Policies and Resources

Learn more about student conduct and due process:

- **Policy Code 4309: Student Behavior – Code of Student Conduct (https://boardpolicyonline.com/bl/?b=wake_new&s=208219)**
- **Policy Code 4300: Due Process (https://boardpolicyonline.com/bl/?b=wake_new&s=208215)**
- **Red Book: Student Rights and Responsibilities (PDF – English) (https://drive.google.com/file/d/1tZVof34VsJC_czXlR8ZurMY2lTKUwhLT/view)**
- **Red Book: Student Rights and Responsibilities (PDF – Spanish) (https://drive.google.com/file/d/1CukOuQpzm8LGuIAFSnuX9PmJjLkZ6NbF/view)**

Disciplinary Actions

The Code of Student Conduct rules are leveled according to the severity of violation and type of consequence. In any given situation, based on the unique circumstances of a situation, the principal may use a different level of intervention than is indicated on the chart. Various interventions may be considered to address a student's behavior including restorative practices, detention, referrals to the counselor or community resources.

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+ Level 1

Level 1 rule violations can generally be addressed with non-disciplinary intervention or non-exclusionary discipline consequences. Except in the very limited circumstances described in a subsequent rule found in Level 2, Level 1 rule violations may not result in out-of-school suspension. Examples of a Level 1 rule violation are students not using appropriate language or students not complying with directives.

+ Level 2

Level 2 rule violations involve more serious misconduct that may warrant a short-term suspension of up to five school days when, in the judgment of the principal or designee, non-disciplinary interventions and non-exclusionary discipline consequences are insufficient to address the behavior and prevent its recurrence. Principals may impose a short-term suspension of six to 10 days or recommend a long-term suspension of 11 days or more based on one or more aggravating factors regarding the severity of the violation or safety concerns, provided such aggravating factors are listed in the written suspension notice. Examples of this rule violation are fighting or theft.

+ Level 3

Level 3 rule violations are more severe in nature and may support long-term suspension. The principal may impose a short-term suspension of 10 days or less or decline to impose any suspension based on mitigating factors. An example of this rule violation is assault on a student.

+ Level 4

The only rule in Level 4 is one that reflects a statutory prohibition on the possession of a firearm or destructive device (as defined in the rule) on school property or at a school-sponsored event. State law requires principals to recommend a 365-calendar-day suspension for all violations of this rule. Only the Superintendent or Board of Education may modify this outcome. A Level 4 violation is always extremely serious and is treated as such.

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+ Level 5

Level 5 allows for expulsion of a student from the district for violation of one or more Level 2, 3 or 4 rules in the code of conduct if the following criteria are met: (1) the student is 14 years old or older; (2) both the principal and superintendent or designee recommend expulsion; (3) the superintendent and Board determine, consistent with the Board's "Due Process" policy, that there is a significant or important reason not to offer the student alternative education services and; (4) the Board determines, by clear and convincing evidence, that the student's continued presence in school constitutes a clear threat to the safety of other students or school staff.

Appeal hearings

If your child faces a long-term suspension or expulsion, you have the right to appeal. There are two levels of appeal:

- A hearing at the Superintendent level (with a panel of WCPSS staff and other participants)
- A hearing before the WCPSS Board of Education

Hearings will be held virtually or in-person at WCPSS Central Services, depending on the type of hearing. We are here to support you every step of the way.

+ Superintendent-level appeal hearing

Before the hearing

- Plan to arrive or log in **30 minutes early** for check-in.
- You will meet with the Student Due Process hearing officer. The hearing officer will explain the process and answer questions.
- If you plan to bring an advocate or an attorney, please notify the Office of Student Due Process at least **three days before** the hearing.

Who will be present

- Hearing officer from the Office of Student Due Process
- The hearing panel (designated by the Superintendent)
- School administrators
- You and your child
- Your advocate and/or attorneys for both parties (if applicable)

During the hearing

- Each side has up to **one hour** to share information and present witnesses.
- The hearing respects privacy laws. Other students' identities will remain confidential under FERPA.

After the hearing

- You will get a phone call with the panel's decision within **24 hours**.
- A written decision letter will follow within **five school days**.

+ Board-level appeal hearing

If you appeal the Superintendent's panel's decision, you may request a Board-level hearing by contacting the Office of Student Due Process.

Before the hearing

- Plan to arrive **30 minutes early** for check-in.
- If you have an advocate or attorney, please tell the Office of Student Due Process as soon as possible.
- You will meet with the Student Due Process hearing officer to review the process.

Who may be present

- Three-member panel from the Board of Education
- Student Due Process hearing officer
- Area Superintendent
- School administrators
- You and your child

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- Your advocate and/or attorneys for all parties (if applicable)
- Special Education representative (if applicable)

After the hearing

A letter containing the Board of Education's decision will be mailed within **30 days** of your request for appeal.

+ Questions or support?

Contact the Office of Student Due Process for help.

Phone: (919) 533-7761

Fax: (919) 694-7754

Email: studentdueprocess@wcpss.net
