

Primary LEA Discipline Data Coordinators,

As you know, much of the discipline data for the 2013-14 Office of Civil Rights OCDC report is being extracted from PowerSchool. However, there is one OCDC report element in particular that is not well defined, and it may depend on your interpretation of your LEA policies. For this reason, we are asking that you make a determination based on your policies. The element in question is the category of **Student Receiving an Expulsion under Zero Tolerance Policies**. I understand that LEAs reported this category in the data provided for the 2011-12 OCDC.

First, as you may know, an expulsion for federal purposes is "removing a child from his/her regular school for the remainder of the school year or longer." This would include permanent expulsions and both suspensions and ALP assignments for the remainder of the year or longer.

The other factor to consider in reporting this data is whether or not the "expulsion" was due to a No Tolerance policy. North Carolina passed legislation several years ago to require a superintendent to review long-term suspensions for possible modification due to mitigating factors. This was widely viewed in North Carolina as eliminating No Tolerance policies. However, this is not the view of the Office of Civil Rights.

The definition of a an Expulsion under Zero Tolerance Policies provided by OCR notes that "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."

Therefore, the category of Expulsions under Zero Tolerance Policies should include expulsions, suspensions for the remainder of the year or longer, and ALP assignments for the rest of the year or longer **if** local board policies (or "codes of conduct") were used as a basis for the principal recommending and the superintendent approving the disciplinary action.

We are requesting that you review each 2013-14 permanent expulsion, long-term suspension, and alternative school or program placement to determine if the definition of Expulsion under Zero Tolerance Policies is met. We have added an action code in PowerSchool Incidents Management module to designate the Zero Tolerance Expulsion (action type # 110), and we are asking you to attach this code to each offender to which it applies. This designation is for the federal OCR report only. It will

not increase your counts of long-term suspensions, permanent expulsions, or alternative program placements.

Please complete this process by **Friday, October 24**.

The focus of this request is to complete the 2013-14 OCR report, however we anticipate using this method for future OCR reporting as well.

Please contact me if you have questions.

Thank you,

Ken Gattis