

This policy applies to all students seeking admission to any Buncombe County School. This includes students who were previously enrolled in another Buncombe County School.

In accordance with state law, the student's parent, guardian or custodian must provide a statement made under oath or affirmation before a notary indicating (1) at the time of the admission request the student is under suspension or expulsion from attendance at a private or public school in this or any other state and/or (2) the student has been convicted of a felony in this or any other state. This requirement is fulfilled by completing Buncombe County Schools Affidavit A, "Disciplinary Status Affidavit by Parent, Guardian, or Legal Custodian."

STUDENTS UNDER SUSPENSION/EXPULSION OR CONVICTED OF A FELONY

If at the time of the admission request the student is under a suspension or an expulsion or has been convicted of a felony, the parent/guardian must provide to the school system all requested information related to the conduct. The superintendent or designee shall review the information and make a recommendation to the board as to whether the student should be admitted and, if so, whether any reasonable conditions should be imposed.

1. Suspension: The board may deny admission to a student who is under a suspension for conduct that could have led to a suspension from a school within the school system. Admission may be denied until the suspension has expired.
2. Expulsion: The board may deny admission to a student who has been expelled from a school pursuant to G.S. 115C-390.11 or who has been expelled from a school for behavior that indicated the student's continued presence in school constituted a clear threat to the safety of other students or employees. The student may request reconsideration of the board's decision in accordance with G.S. 115C-390.12.
3. Felony Conviction: The board may deny admission to a student who has been convicted of a felony in this state or any other state. The student may request reconsideration of the board's decision in accordance with G.S. 115C-390.12.

In any of the above-described circumstances in which admission may be denied, the board alternatively may place reasonable conditions on the admission of the student. Such conditions include, but are not limited to, behavior contracts, alternative school placement and limits on free time and extracurricular activities. Drug testing and weapon searches also may be reasonable conditions so long as they meet any constitutional requirements.

Notwithstanding the provisions of this policy, students under a suspension or an expulsion who have been identified as having a disability pursuant to the Individuals with Disabilities Education Act and otherwise meet the requirements for enrollment in the school system are entitled to services to the extent mandated by federal and state law.

Legal References: Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; G.S. 115C-366(a3), (a4), (a5), -390.5, -390.7, -390.10, -390.11, -390.12

Cross References: Discretionary Admission (policy 4130)

Adopted: April 11, 2013