

# RCSS HANDBOOK

Parents and students are responsible for reading the contents of this handbook. The information included is important and knowing it will make the school year easier for students. If you have questions regarding this handbook, please call your school principal. If further assistance is needed, the principal will direct you to the appropriate Randolph County School System central office staff. You may visit the Randolph County School System website at [www.randolph.k12.nc.us](http://www.randolph.k12.nc.us)

This Handbook refers to policies of the Randolph County Board of Education. All policies are available on our website.

## TABLE OF CONTENTS

### I. GENERAL INFORMATION

#### **Release of Information and Privacy Rights ..... 1**

Release of Directory Information ..... 1

Rights to Access Student Records .....1

Opt-Out Rights ..... 2

Authorization of Release of Discipline Records .....4

#### **Academics .....4**

State Accountability Testing .....4

Graduation Requirements .....4

Grading Policies .....4

Progress Reports .....5

Class Rank .....5

Curriculum Development .....6

Curriculum Modification by Individual Schools .....6

Home-Bound Services .....6

Child Find .....6

Section 504 Program .....7

Services for Students with Disabilities .....7

Services for Academically Gifted Students .....7

**Enrollment and Student Assignment .....8**

- Information Necessary for Student Enrollment .....8
- Compulsory Attendance Law .....9
- Health and Identification Requirements for School Admission .....9
- Discretionary Admission .....9
- School Assignment .....9
- Transfer/Residency Requirements for High School Athletic Participation .....10
- Homeless Students .....10

**Parents and Visitors .....10**

- Visitors to School .....10
- School Volunteers .....10
- Parent Communication and Conferences .....11
- Parental Permission Required .....11
- Parent Involvement in Student Discipline .....11

**Student Health .....12**

- Student Insurance Program .....12
- Administering Medicines to Students .....12
- Student Self-Administering Emergency Medication .....12
- Notification of Health Conditions .....12
- Child Abuse Reports and Investigations .....13
- Safe Surrender of Newborns .....13
- Head Lice .....13
- Concussion and Head Injury .....14
- Emergency Action Plan .....14
- Guidance Curriculum .....14
- Counseling Program .....14

**School Bus Transportation Guidelines .....15**

- Bus Route .....15
- Bus Assignments .....15
- Safety and Student Transportation Services ..... 15

**School Nutrition Services .....16**

**School Delays, Closings, and Emergencies .....17**

- Inclement Weather Conditions .....17
- Extracurricular Activities on School Closings/Delays .....17
- Crisis Management Plan .....17

**Extracurricular Activities .....17**

- School-Sponsored Clubs and Organizations .....17
- Student-Initiated Non-Curriculum Related Student Groups .....18
- Student Government .....18
- Student Publications .....18
- Social Events .....19
- Contests and Competitions .....19
- Interscholastic Athletics .....19
- Restrictions on Participation .....20

Driver's Education .....20  
Driving Eligibility Certificate .....20

**Tuition and Fees .....21**

Tuition for Discretionary Admissions (Policy Code 4135) .....21  
Student Fees .....22  
Waiver of School Fees .....22

**II. CODE OF CONDUCT**

**GENERAL PRINCIPLES, DEFINITIONS, AND STUDENT RIGHTS.....23**

Principles .....23  
Communication of Policies .....23  
Applicability .....24  
Definitions .....24  
Consequences for Violations .....25  
Disciplinary Action for Exceptional Children/Disabled Students with Disabilities.....26  
Student Rights and Responsibilities .....26

**RULE 1:** Compliance with Directions of School Personnel .....28  
**RULE 2:** Threats and Assaults on or Physical Injury to Others ..... 28  
**RULE 3:** Weapons and Weapon-Like Items .....29  
**RULE 4:** Bomb Threats.....31  
**RULE 5:** Terrorist Threats .....31  
**RULE 6:** Clear Threats to Students and Employee Safety .....31  
**RULE 7:** Cheating; Copyright Violations; Standards of Integrity .....32  
**RULE 8:** Threatening, Insulting, Abusive or Seriously Discourteous Words, Signs or Other Acts, Including Sexually-Related Words, Signs, or Acts ..... 33  
**RULE 9:** Disruption of School or Engaging in Sexual Activities at School.....34  
**RULE 10:** Fighting .....35  
**RULE 11:** Theft, Trespass, and Damage to Property .....35  
**RULE 12:** Narcotics, Alcoholic Beverages, Stimulants, Drugs, Controlled Substance or Intoxicants .....36  
**RULE 13:** Use of Tobacco Products .....37  
**RULE 14:** School Attendance .....38  
**RULE 15:** Bus Conduct .....39  
**RULE 16:** Food and Beverages .....39  
**RULE 17:** Gambling .....39  
**RULE 18:** Inappropriate Interpersonal Behavior/Public Displays of Affection ... 40  
**RULE 19:** Hazing .....40  
**RULE 20:** Student Dress Code .....40  
**RULE 21:** Criminal Behavior .....41  
**RULE 22:** Discrimination, Harassment, and Bullying ..... 42  
**RULE 23:** Gang Control.....43  
**RULE 24:** Use of Wireless Communication Devices .....45

### **III. IMPORTANT RCSS POLICIES**

#### **PROHIBITION AGAINST DISCRIMINATION, HARASSMENT, AND BULLYING**

Policy Code 1710/4021/7230 .....	<b>46</b>
Prohibited Behaviors.....	46
Definitions .....	46
Reporting and Investigating Complaints of Discrimination, Harassment, or Bullying .....	48
Responding to Occurrences of Discrimination, Harassment, or Bullying.....	49
Training and Programs .....	50
Notice .....	50
Coordinators .....	50
Records and Reporting .....	51
Evaluation .....	51

#### **DISCRIMINATION, HARASSMENT, AND BULLYING COMPLAINT PROCEDURE**

Policy Code 1720/4015/7225 .....	<b>52</b>
Definitions .....	52
Reporting by Employees or Other Third Parties .....	53
Complaints Brought by Alleged Victims of Discrimination, Harassment, or Bullying .....	54
Process for Addressing Complaints of Alleged Incidents of Discrimination, Harassment, or Bullying .....	55
Timeliness of Process .....	58
General Requirements .....	60
Records .....	59

#### **STUDENT AND PARENT GRIEVANCE PROCEDURE**

Policy Code 1740/4010 .....	<b>59</b>
Options for Resolving Complaints.....	59
Definitions .....	59
Timeliness of Process .....	60
General Requirements .....	60
Process for Grievance .....	61
Notice .....	63
Records .....	63

#### **TECHNOLOGY RESPONSIBLE USE** Policy Code 3225/4312/7320 ..... **64** |

Expectations for Use of School Technological Resources .....	64
Rules for Use of School Technological Resources .....	65
Restricted Material on the Internet .....	66
Parental Consent .....	67
Privacy .....	67
Use of Personal Technology on School System Property .....	67
Personal Websites .....	67
Texting .....	68

**INTERNET SAFETY** Policy Code 3226/4205 .....**69**

Introduction .....69

Definitions .....69

Access to Inappropriate Material .....69

Inappropriate Network Usage .....70

Education, Supervision and Monitoring .....70

**RELEASE OF STUDENTS TO OTHER SCHOOL SYSTEMS**

Policy Code 4121 .....**71**

Release of Randolph County School System Students .....71

**RELEASE OF STUDENTS FROM SCHOOL** Policy Code 4210 .....**72**

**COMMUNICABLE DISEASES** Policy Code 4230 .....**73**

Definition of Communicable Disease .....73

Precautions .....73

Curriculum .....74

Reporting and Notice Requirements .....74

Education/School Attendance for Students with AIDS/HIV Infection/Hepatitis B .....75

**STUDENT SEX OFFENDERS** Policy Code 4260 .....**76**

Student Sex Offender on School Property .....76

Educational Services for Student Sex Offenders .....76

**SCHOOL-LEVEL INVESTIGATIONS** Policy Code 4340 .....**77**

**STUDENT SEARCHES** Policy Code 4342 .....**77**

Searches Based on Reasonable Suspicion .....78

Suspicionless General Searches .....79

Seized Items .....80

Failure to Cooperate .....80

Notice .....80

**STUDENT DISCIPLINE RECORDS** Policy Code 4345 .....**80**

Retention of Records and Reported Data .....80

Disclosure of Records .....80

Removal of Records .....81

**IN-SCHOOL AND SHORT-TERM SUSPENSIONS** Policy Code 4351 .....**81**

In-School Suspension .....81

Short-Term Suspension .....81

Pre-Suspension Rights of the Student .....82

Student Rights During the Suspension .....82

Notice to Parent or Guardian .....82

**LONG-TERM SUSPENSION, 365-DAY SUSPENSIONS, AND EXPULSION**

Policy Code 4353 .....83

Definitions .....83

Determination of Appropriate Consequence .....84

Educational Services for Students with Disabilities during Long-Term Suspension, 365-Day Suspension, or Expulsion .....88

Reducing Suspension and Expulsion Rates .....88

**CORPORAL PUNISHMENT** Policy Code 4355 .....88

**ATTENDANCE** Policy Code 4400 .....89

Attendance Records .....89

Student Attendance Accounting .....89

Excused Absences and Tardies .....90

School-Related Activities .....91

Excessive Absences .....91

Excessive Tardies and Early Signouts .....92

Waivers .....92

Examinations Exemption Policy in High School Courses .....92

# I. GENERAL INFORMATION

## RELEASE OF INFORMATION AND PRIVACY RIGHTS

### Release of Directory Information

Permission of the parent or eligible student is not required for the release of information that is designated as directory information by the board, provided that the parent or eligible student has been given proper notice and an opportunity to opt out. (See **Policy 1310/4002**, Parental Involvement)

The board designates the following student record information as directory information: name; name of parent/legal guardian/legal custodian; address; telephone listing; electronic mail address; photograph; date and place of birth; participation in officially recognized activities and sports; weight and height of members of athletic teams; dates of attendance; grade level; diploma, certification and awards received; and most recent previous school or education institution attended by the student.

### Rights to Access Student Records

The Family Educational Rights and Privacy Act (FERPA) affords parents and students who are 18 years of age or older ("eligible students") certain rights with respect to the student's education records. These rights are:

1. The right to inspect and review the student's education records within 45 days after the day the Randolph County School System receives a request for access.

Parents or eligible students who wish to inspect their child's or their education records should submit to the school principal a written request that identifies the records they wish to inspect. A school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

2. The right to request amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

Parents or eligible students who wish to ask the Randolph County School System to amend their child's or their education record should write the school principal, clearly identify the part of the record they want changed, and specify why it should be changed. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. The right to provide written consent before the school discloses personally identifiable information from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception for disclosure of personally identifiable information, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. *A school official includes a person employed by the Randolph County School System as an administrator, support staff, teacher, supervisor health or medical staff, law enforcement unit personnel, or a person serving on the school*

*board. A school official also may include a volunteer, contractor, or consultant who, while not employed by the school, performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of personally identifiable information from education records, such as attorney, auditor, medical consultant, or therapist. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.*

*Upon request, the Randolph County School System may disclose education records without consent to officials of another school or school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer.*

In addition, the Randolph County School System may disclose personally identifiable information without consent of the parent or eligible student if the information is related to some judicial orders or lawfully issued subpoenas. The Randolph County School System may also disclose student directory information, unless the parent or eligible student opts out of the student directory (see below).

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the Randolph County School System to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

### **Opt-Out Rights**

A parent or eligible student has the right not to participate, or not to permit his or her child's participation in, certain school activities. Any parent or eligible student who wishes to opt out or withhold consent from participating in these activities must do so by filling out the Opt Out Form. Otherwise, consent to the programs or activities is presumed. This form is also available on the RCSS website.

Not all of the activities listed on the Opt Out Form are offered at every school or every year. The activities listed on the Opt Out Form are:

1. **Student Directory Information.** Parents or eligible students may opt out of allowing directory information to be released. Unless an Opt Out Form is completed, the Randolph County School System is not required to seek permission of the parent or eligible student before release of information that is designated as directory information.

The Randolph County School System has designated the following student record information to be student directory information: name; name of parent/legal guardian/legal custodian; address; telephone listing; electronic mail address; photograph; date and place of birth; participation in officially recognized activities and sports; weight and height of members of athletic teams; dates of attendance; grade level; diploma, certification and awards received; and most recent previous school or education institution attended by the student.

2. **Military Recruitment.** The Randolph County School System is required by law to give directory information to any military recruiter unless the parent or an eligible student asks that this information be withheld from military recruiters.
3. **Sex Education.** A parent or eligible student may opt out of participating in curricula related to (a) prevention of sexually transmitted diseases, including Acquired Immune Deficiency Syndrome (AIDS); (b) avoidance of out-of-wedlock pregnancy; or (c) reproductive health and safety education, as provided in **Policy 3540**, Comprehensive Health Education Program. A copy of the materials that will be used in these curricula will be available in the school media center during the school year and at other times that the media center is available to the public. Materials also may be made available for review in the central office.
4. **Counseling Services.** Parents or eligible students may opt out of participating in academic or career guidance or personal or social counseling services of a generic nature offered to groups of students.

Note that parental permission is not required for: (a) short-duration academic, career, personal, or social guidance and counseling and crisis intervention that is needed to maintain order, discipline, or a productive learning environment; (b) student-initiated individual or group counseling targeted at a student's specific concerns or needs; and (c) counseling if child abuse or neglect is suspected (see **Policies 3610**, Counseling Program, and **4240/7312**, Child Abuse – Reports and Investigations).

5. **Medical Examinations.** Parents or eligible students may opt out of participating in any non-emergency, invasive physical examination or screening that is: (a) required as a condition of attendance; (b) administered and scheduled in advance by the school administration; and (c) not necessary to protect the immediate health and safety of students.
6. **Marketing.** Parents or eligible students may opt out of the collection, disclosure, or use of personal information for marketing purposes.
7. **Free/Reduced Price Lunch Status.** Parents or eligible students may opt out of the release of a student's free and reduced-price meal information to State Medicaid or State Children's Health Insurance Program (SCHIP).
8. **Protected Information Surveys.** Parents or eligible students may refuse to participate in certain surveys conducted at school, including surveys related to the following topics:
  - Political affiliations or beliefs of the student or student's parent
  - Mental or psychological problems of the student or student's family; Sex behavior or attitudes
  - Illegal, anti-social, self-incriminating, or demeaning behavior
  - Critical appraisals of others with whom respondents have close family relationships
  - Legally recognized privileged relationships, such as with lawyers, doctors, or ministers
  - Religious practices, affiliations, or beliefs of the student or parents
  - Income, other than as required by law to determine program eligibility

The Randolph County School System will provide parents, within a reasonable period of time prior to the administration of a protected information survey, notification of the survey and provide parents an opportunity to opt their child out, as well as an opportunity to review the surveys.

### **Authorization of Release of Discipline Records**

The principal will retain in the student's file for the current school year all records related to violations of board policies, school standards or rules. At the end of the school year and after giving notice to parents, discipline records may be removed except (1) notice of any suspension for a period of more than ten days, (2) notice of any expulsion under G.S. 115C-391 and the conduct for which the student was suspended or expelled, or (3) any records that need to be maintained in order to be able to serve the student appropriately or to protect the safety of others. Records regarding suspension or expulsion will be expunged once the student graduates from high school, or is not suspended or expelled again during a two-year period commencing on the date of the student's return to school after the expulsion or suspension, unless the records must be maintained in order to serve the student appropriately. (See **Policy 4345**)

## **ACADEMICS**

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### **State Accountability Testing**

To see your school's State Report Card, please go to the following web site location:

[www.ncpublicschools.org/src](http://www.ncpublicschools.org/src)

Information regarding end-of-grade and end-of-course testing will be provided to parents at a later date.

### **Graduation Requirements**

Beginning with students entering the ninth grade for the first time in the 2009-2010 school year, students must fulfill the requirements of the Future-Ready Core Course of Study, unless they are approved for the Future-Ready Occupational Course of Study. Course unit requirements for the Future-Ready Core Course of Study differ depending on the year a student enters ninth grade for the first time. In accordance with **Policy 3101**, Dual Enrollment, and State Board of Education requirements, students may earn high school credit for college courses completed. Students also have the opportunity to meet course unit requirements without completing the regular period of classroom instruction by demonstrating mastery of the course material in accordance with **Policy 3420**, Student Promotion and Accountability, and State Board of Education requirements. For more information on graduation requirements, please refer to **Policy 3460**.

### **Grading Policies**

**K – 2** – From Kindergarten through 2<sup>nd</sup> grade, students in the RCSS are evaluated on grade level standard expectations using a scale of 1 – 4. (4: consistently exceeds; 3: consistently meets; 2: showing progress; 1: needs additional time)

**3 – 12** – In January 2015, the North Carolina State Board of Education approved a change in the grading scale for North Carolina grades 3-12. This policy went into effect with the 2015-2016 school year. Beginning in 2015-2016, the state moved to a ten-point scale from the seven-point scale. Grades will be awarded in each subject at the end of each nine-week grading period. Subject grades will be given as follows:

<b>SUBJECT GRADES</b>	
2015-16 and beyond	
<b>Grade Earned</b>	<b>Grade Range</b>
A	90-100
B	80-89
C	70-79
D	60-69
F	Below 60
FF	Failure due to excessive absences
I	Incomplete

\*\*\*For information on homework, Evaluation of Student Progress, and Students at Risk of Academic Failure, please refer to **Policies 3135, 3400, and 3450**.

**Progress Reports**

A progress report will be sent to the parents of each student in grades K-12 at the end of each nine-week reporting period. The purpose of the progress report is to inform the parent of the progress the student has made in the various subject areas during the period of time indicated. In addition to regular progress report cards and other school contacts with the home, interim reports are to be issued during the regular grading periods to alert parents when students are not doing satisfactory work. These interim reports should be issued early enough in the grading period to solicit cooperation of parents in the improvement of progress. Prior to issuance of any nine-week grade reflecting unsatisfactory or failing performance, an interim progress report shall be issued. (See **Policy 3400**).

**Class Rank**

High schools may compile class rankings periodically and make the information available to the student, his or her parents or guardians, and to other institutions, at the request of the student or his or her parents or guardians. While high schools may designate a valedictorian and salutatorian, the board encourages the principal, with input from teachers, parents and students, to develop alternative or additional means for recognizing academic achievements.

Principals will be responsible for ensuring that class ranking is computed in a fair and consistent manner with adequate notice to student and parents. The superintendent or principal will provide written procedures on how students with equal grades or grades that may be perceived as equal will be treated. Nothing in this policy provides any legal entitlement to a particular class rank or title. Although the student grievance procedure may be utilized to formally resolve disputes, the board encourages parents, students and the principal to informally reach a resolution on any matters related to class rank. (See **Policy 4350**).

### **Curriculum Development**

Curriculum will be developed to meet the requirements of the state and local board using the current statewide instructional standards. The superintendent shall establish a curriculum committee to coordinate curriculum planning and ensure that the curriculum is aligned with the current statewide instructional standards and includes subject-area competencies for each grade level. The committee must include central office administrators, teachers and school administrators representing the various schools and grade levels. Teachers should receive appropriate training so that they may participate in the curriculum development. The curriculum development process should include central office administrators, teachers and school administrators representing the various schools and grade levels. The committee also must seek input from parents, the community and experts to make fully informed decisions. (See **Policy 4100**)

The committee may recommend that the board expand subject areas and objectives of the curriculum to meet the educational goals of the board and state and federal laws. The committee also may recommend eliminating subject areas or objectives that are not state required or related to the educational goals of the board.

### **Curriculum Modification by Individual Schools**

The principal is the instructional leader of the school and is responsible for determining whether the curriculum meets the needs of the students of the school. Accordingly, the principal or his or her designee may consider modifying the curriculum.

If a school official wishes to modify the curriculum, he or she may submit a proposal to the central curriculum committee. Unless the curriculum committee has significant concerns about the proposal, the committee will approve the changes so long as the curriculum maintains continuity. After being approved by the curriculum committee, the proposal must be submitted to the board for approval as part of the school improvement plan process if the modifications include; (1) expanding or reducing the subject areas or objectives; (2) eliminating subject areas or objectives not required by the state; or (3) waiving local board policies. The curriculum committee shall ensure that the curriculum continues to be aligned with the current statewide instructional standards.

### **Home-Bound Services**

Homebound services will be offered as a service to assist students with assigned school work. Homebound is only meant to be a temporary service and not a replacement for classroom face to face teaching. The Randolph County School System will provide homebound services for regular education students currently enrolled who are medically, physically, or mentally unable to participate in a regular school day as prescribed by a licensed medical professional (i.e. doctor, psychiatrist, licensed clinical social worker).

### **Child Find**

North Carolina provides an ongoing Child Find procedure to locate all youth, including those enrolled in private schools, which may be in need of special education and related services. The Exceptional Children Division and Department of Public Instruction identify all children between the ages of birth through twenty-one eligible for Child Find procedures. Children and youth with physical, emotional and intellectual disabilities may receive evaluations at no cost through the school system.

The purpose is to identify and locate children in need of special education, as well as inform the public and parent services that could be provided. Our Local Education Agency (LEA) works closely with the medical community agencies that provide services to families and schools to display Child Find posters with contact information.

If you have additional questions regarding Child Find, please contact the Department of Exceptional Children for the Randolph County School System at (336) 633-5060.

### **Section 504 Program**

Section 504 is part of the Rehabilitation Act of 1973. It is a civil rights law that prohibits discrimination of students on the basis of a handicapping condition.

Section 504 is different from the Exceptional Children's Program in that the individuals with Disabilities Act (IDEA) have a defined list of disabilities that may qualify under IDEA. Section 504 is much broader in that it has no list. Each potentially qualifying disability must be assessed individually. A student qualifying to be served by Section 504 is one that has:

- (1) a physical or mental impairment which substantially limits one or more major life activities or bodily function; (major life activities include activities such as learning, walking, seeing, hearing, speaking, breathing, caring for one's self, performing manual tasks and working);
- (2) a record of such impairment, or
- (3) is regarded as having such an impairment.

Unlike the special education law, Individuals with Disabilities Act, which provides for specialized instruction to remediate disabilities, Section 504 is solely focused on discrimination with regard to equal access to learning. The key concept here is "*the avoidance of discrimination in access to learning,*" not "*remediation in learning.*"

For example, the student must be academically prepared to learn the course content, but must not be kept from this opportunity because of a disability requiring reasonable accommodations.

### **Services for Students with Disabilities**

The Randolph County School System ensures that all children with disabilities, ages three (3) through twenty-one (21), have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepares them for further education, employment, and independent living, and ensures that the rights of children with disabilities and their parents are protected.

The North Carolina Department of Instruction, Division for Exceptional Children, details the procedures and processes the local school districts must use to provide special education and related services to eligible children. These policies are the ***North Carolina Department of Instruction, Policies Governing Services for Children with Disabilities*** and can be accessed through the RCSS website ([www.randolph.k12.nc.us](http://www.randolph.k12.nc.us)).

### **Services for Academically Gifted Students**

The Randolph County School System is committed to an educational program that recognizes the unique talents and needs of academically or intellectually gifted (AIG) students. The Randolph County School System Academically Gifted Program Plan addresses identification and service delivery as required by law.

**State Definition of AIG students, Article 9b (North Carolina General Statute 115c-150.5)** Academically or intellectually gifted (AIG) students perform or show potential to perform at substantially high levels of accomplishment when compared with others of their age, experiences or environment. Academically or intellectually gifted students exhibit high performance capability in intellectual areas, specific academic fields, or in both the intellectual areas and specific academic fields. Academically or intellectually gifted students require differentiated educational services beyond those ordinarily provided by the regular educational program. Outstanding abilities are present in students from all cultural groups, across all economic strata, and in all areas of human endeavor.

## **ENROLLMENT AND STUDENT ASSIGNMENT**

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### **Information Necessary for Student Enrollment**

1. Student enrollment requires a birth certificate (of the child), picture ID of enrolling parent, and proof of residence. Proof of residence can be demonstrated by a utility bill (power, gas, or water) or a completed closing statement (or other document demonstrating home ownership). If the enrolling party cannot provide a birth certificate for the child, other satisfactory substitutes will be determined by the RCSS Student Services Department.
2. Proof of Residence documents must be completed by parent(s) of student(s) enrolling and the homeowner, or the person(s) whose name appears on the above documents if the student (and parent(s)) are living with someone else or living where the bills are not maintained in the parent's name.
3. If the parent(s)/legal custodian moves during the school year, a new proof of residence is required. Address changes must fall in the present school attendance zone or the student must enroll in their appropriate attendance zone unless the student has written approval to remain in their present school from the RCSS Student Services Department. Address changes and phone numbers must be changed in the child's emergency information. In cases of joint custody/no custody, under RCSS Board Policy, the child's school will be determined by where the child is initially enrolled for the year. (Switching the joint custody/no custody parent for the purpose of changing a child's school within the RCSS is not an option during the school year without approval from the Student Services Department. However, a student can switch parents and go to a district other than RCSS if the other school district allows the change).
4. Affidavits for special circumstances will be completed or approved by Student Services Department. For information only – the reasons for affidavits allowing persons other than parents to enroll children without legal custody are:
  - a. Parent/legal guardian is deceased/seriously ill/incarcerated
  - b. Parent/legal guardian has abandoned the child
  - c. Parent/legal guardian has abused or neglected the child (this is substantiated by DSS)
  - d. Parent/legal guardian is unable to care for child because of physical or mental condition
  - e. Parent/legal guardian has relinquished physical custody and control of the student upon the recommendation of Department of Social Services or Mental Health
  - f. Child's home has been destroyed or made uninhabitable by natural disaster

- g. Parent/legal guardian is on active military duty and is deployed out of the local school administrative unit in which the student resides. (This does not include periods of active duty training for less than 30 days). Assignment is only available if some evidence of the deployment is tendered with the affidavits required under NC Law.

### **Compulsory Attendance Law**

North Carolina education law G.S. 115C-378 requires every parent, guardian or custodian in North Carolina having charge or control of a school aged student (7-15) shall cause the student to attend school continuously for a period equal to the time which the assigned public school is in session. No person shall entice, encourage or counsel any child to be unlawfully absent from school.

### **Health and Identification Requirements for School Admission**

Within 30 calendar days of the first day of attendance, each student must show evidence of age-appropriate vaccinations in accordance with the state law and regulation, including the following vaccines as applicable: DTaP (diphtheria, tetanus, pertussis), poliomyelitis (polio), measles (rubeola), rubella (German measles), mumps, Hemophilus influenza type b (Hib), hepatitis B, varicella (chickenpox); and any other vaccine as may be required by law or regulation. Evidence of immunizations must be shown in the form of a certificate furnished by a licensed physician or by the health department. A student who received immunizations in a state other than North Carolina must present an official certificate that meets the immunizations requirements of G.S. 130A-154(b).

Within 30 calendar days of the first day of school entry, all students entering public schools for the first time, regardless of grade level, must furnish to the principal a form that meets the requirements of state law indicating that the student has received a health assessment pursuant to G.S. 130A-440. A student who fails to meet this requirement will not be permitted to attend school until the required health assessment form has been presented. The health assessment must be conducted no more than 12 months prior to the date of school entry. (See **Policy 4110**)

### **Discretionary Admission**

The superintendent or designee will have the responsibility to approve or deny requests for admission to the school district students who do not meet the domicile or residence requirements in **Policy 4120**. Applications from residents of the school district will be given consideration before others. Admission may be granted for up to one full school year. An application must be submitted each subsequent school year in which admission is desired. (See **Policy 4130**)

### **School Assignment**

The superintendent shall recommend to the board school assignment areas for the schools in the system. The assignment areas will be developed in accordance with state requirements and court rulings; the need to serve all school age children who live in the school system; and the effective use of each school facility. Assignments must be made in a nondiscriminatory manner. The superintendent shall review periodically the attendance areas and submit recommendations for revisions to the board when necessary. (See **Policy 4150**)

### **Transfer/Residency Requirements For High School Athletic Participation**

According to the North Carolina High School Athletic Association (NCHSAA) Handbook, a student is eligible to participate at the school to which he or she is assigned by the local board of education, within the administrative unit of residence. "Residence" as used for athletic eligibility purposes is defined as the equivalent of the term "domicile" as applied by the courts of North Carolina. Under no circumstances can a student have more than one residence for eligibility purposes. Any change in residence must be bona fide. The home address provided to student assignment and shown on the High School Athletic Participation form must be the sole bona fide residence, and the school principal must be notified immediately of any change in residence, since such a move may alter the eligibility status of the student. For more information concerning NCHSAA residency requirements, please go to the NCHSAA website [www.nchsaa.unc.edu](http://www.nchsaa.unc.edu).

According to Randolph County School System Board Policy 4150, a student who is granted a voluntary transfer away from the base school shall not participate in athletic activities that come under the jurisdiction of the North Carolina High School Athletic Association (NCHSAA) and the State Board of Education for 365 days from the first approved transfer date. (See **Policy 4150**)

### **Homeless Students**

According to the McKinney Vento Homeless Assistance Act and the North Carolina State Plan for Educating Homeless Children, the board will make reasonable efforts to identify homeless children and youth of school age within the district, encourage their enrollment, and eliminate barriers to their receiving an education which may exist in district policies or practices. Based on individual need, homeless students will be provided services available to all students, such as preschool, free or reduced school meals, services for English language learners, special education, career and technical education (CTE), academically or intellectually gifted (AIG) services, and before and afterschool care. See **Policy 4125** for a complete list of educational rights afforded to homeless students and RCSS's procedures for addressing the needs of homeless students.

## **PARENTS AND VISITORS**

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### **Visitors to School**

The board encourages the community and parents to be involved in and support the schools and the educational program. While visitors are welcome, the paramount concern of the board is to provide a safe, orderly and inviting learning environment in which disruptions to instructional time are minimized. *All visitors must report immediately to the administrative office at the school to request and receive permission to be in the school. Each principal is responsible for ensuring that signs are posted in the school to notify visitors of this requirement.* (See **Policy 5020**)

### **School Volunteers**

Instructional programs are enhanced through the participation of community members, local business and industry, and parents of the students. These volunteers contribute time, resources, and expertise and provide needed support to help ensure educational success for all children. *Parents have a right to take four hours of unpaid leave from their jobs every year in order to volunteer in the schools as stated in G.S 95-28.3* (See **Policy 5015**). All parents are encouraged to volunteer.

### **Parent Communication and Conferences**

Principals or designees shall plan for periodic communication with parents. Teachers are responsible for scheduling conferences with parents.

The principal or designee shall provide the parent of each student in kindergarten, first, or second grade with written notification of the student's reading progress. The notice will be provided three times a year, following each benchmark assessment and will include: (1) assessment results, (2) whether the child may not reach reading proficiency by the end of third grade; and (3) instructional support activities for use at home.

### **Parental Permission Required**

Written parental permission is required prior to the following activities:

1. the administration of medications to students by employees of the school system (See **Policy 6125**, Administering Medicines to Students);
2. the release of student records that are not considered directory information, unless the release is allowed or required by law (See **Policy 4700**, Student Records);
3. off-campus trips;
4. students' participation in high-impact or high-risk sports or extracurricular activities, such as football or mountain climbing (See **Policy 4220**, Student Insurance Program);
5. all decisions or actions as required by the IDEA with regard to providing special education or related services to students with disabilities (See **Policy 3520**, Special Education Programs/Rights of Students with Disabilities);
6. certain health services, as required by law;
7. students' participation in programs or services that provide information about where to obtain contraceptives or abortion referral services;
8. students' participation in surveys funded by the Department of Education that are conducted concerning protected topics (See **Policy 4720**, Surveys of Students);
9. disclosure of students' free and reduced price lunch eligibility information or eligibility status; and
10. disclosure of the identity of any student receiving supplemental education services under the Title I program.

### **Parent Involvement in Student Discipline**

If the principal is considering imposing a short-term suspension or recommending long-term suspension or expulsion, the principal is required to make the following efforts to notify and involve the parent (See **Policy 4341**):

1. notify the parent in accordance with Section C of **Policy 4351**, Short-Term Suspension;
2. maintain documents and relevant information that he or she receives about the misbehavior for review with the parent, taking into account the rights of other students or staff that may be involved;
3. make reasonable efforts, if appropriate, to meet with the parent before or at the time the student returns to school after any suspension; and
4. make available a copy of this policy, the Code of Student Conduct, and all other applicable board policies, school standards and school rules.

When a short-term suspension has been imposed, the principal shall inform the parent of the student's rights under **Policy 4351, Short-Term Suspension**.

When the principal decides to recommend a long-term suspension, a 365-day suspension or an expulsion, the principal shall inform the parent of the student's rights, as outlined in **Policy 4353, Long-Term Suspension, 365-Day Suspension, Expulsion**. If English is the second language of the parent or guardian, the principal shall provide the notice in English and also in the parent's or guardian's first language when the appropriate foreign language resources are available.

All records of parental contact should be maintained in the student's records and retained at least through the end of the school year.

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## **STUDENT HEALTH**

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### **Student Insurance Program**

Membership in a group accident insurance program will be made available to students each year. In arranging for this insurance, the board will make every reasonable attempt to identify a company offering comprehensive insurance at economical rates. Information on the plan will be made available through the schools. Purchase of this insurance will constitute an agreement between the student and/or parent and the insurance company, not with the school district. The school district does not assume any contractual responsibility for expenses not covered by insurance. Students who choose to participate in programs which may have a higher risk of physical injury than most school activities, including offsite internship programs, football and other interscholastic sports, are required to have accident insurance through the group plan or comparable coverage.

### **Administering Medicines to Students**

The school district will administer medication (prescribed and/or over-the-counter) under direct supervision as prescribed by a health care practitioner upon the written request of the student's parent. To minimize disruptions to the school day, students should take medications at home rather than at school whenever feasible. School officials may deny a request to administer any medication that could be taken at home or when, in the opinion of the superintendent or designee in consultation with school nursing personnel, the administration of the medication by school personnel would pose a substantial risk of harm to the student or others. (See **Policy 6125**)

### **Student Self-Administering Emergency Medications**

The board recognizes that students with certain health conditions like diabetes or asthma, or an allergy that could result in an anaphylactic reaction may need to possess and self-administer medication on school property in accordance with their individualized health care plan or emergency health care plan. As used in this policy (Policy 6125), "medication" refers to a medication prescribed for the treatment of diabetes, asthma, or anaphylactic reactions and includes insulin or a source of glucose, a prescribed asthma inhaler, or a prescribed epinephrine auto injector.

### **Notification of Health Conditions**

It is the responsibility of the parent(s) at the beginning of each school year and throughout the school year to inform the child's teacher or principal if there are medical conditions that require special measures such as dietary or activity restrictions at school for the student. School Nurses are available for health consultation but are not present at the school on a daily basis.

### **Child Abuse Reports and Investigations**

The board of education supports all employees who make a report of child abuse or neglect in good faith. Any school employee who knows or has cause to suspect child abuse or neglect is legally required to report the case of the child to the Randolph County director of social services. The report may be made orally, by telephone or in writing. The employee also will report the case immediately to the principal.

### **Safe Surrender of Newborns**

Safe Surrender Law states: an infant up to 7 days old may be given to a responsible adult, legally and anonymously responsible adults such as: Health Care Provider, Law Enforcement, Social Services, or Emergency Medical Personnel.

For more information regarding Safe Surrender, please refer to the following web site [www.safesurrender.net](http://www.safesurrender.net), or call 1-800-FOR-BABY.

### **Head Lice**

Students will not be allowed to attend school when lice (live bugs) are present. Even though head lice do not carry any disease nor does their presence mean that a child has not been kept clean, it is a communicable condition that is easily spread among students. The presence of lice requires that the student remain at home. Students are not to return to school until they have received treatment and all lice have been removed from the child and there is a substantial reduction in nits. (See **Policy 4235/6135**)

The following procedures will be followed when a child in the Randolph County School System is identified:

1. A student determined to have lice will be isolated from the school population.
2. The parent or guardian will be contacted to pick up the student from school. Information will be provided to the parent or guardian at that time to inform them as to the proper treatment and home care procedures. This information is contained in the Randolph County School System Nurses Manual under the title "Lice Control Procedure."
3. The parent or guardian will be instructed to complete the treatment process and provide transportation for the student back to school for a follow-up head check. The parent or guardian will return the child to the office for this follow-up check. A student will not be allowed entry into a classroom or to ride a bus until the student is determined to no longer have lice *and a substantial reduction in nits* by a successful head check. All head checks will be performed by school personnel designated by the principal at a specified time.
4. Any student not meeting the Randolph County School System Lice Procedure standards during the follow-up head check will be returned home with the parent or guardian for appropriate care. This procedure will be followed until the standards are met.

Screening for head lice in elementary school will be done as needed when a student is detected with either nits or lice. Parents/guardians will be notified of the presence of head lice pursuant to procedures established by the superintendent

Effective treatment should not keep a student out of school for more than two days per occurrence. All other days missed will be unexcused per occurrence. There should be no more than six (6) excused absences given for head lice per year. All other days in excess of six (6) will be unexcused.

If a child is absent repeatedly due to head lice or there is evidence that a child has been neglected with respect to treatment of head lice, the school principal shall refer the case to the school social worker for violation of compulsory attendance laws.

### **Concussion And Head Injury**

A concussion is a traumatic brain injury caused by a direct or indirect impact to the head that results in disruption of normal brain function, which may or may not result in a loss of consciousness.

Each year, all coaches, school nurses, athletic directors, first responders, volunteers, student-athletes, and parents of student-athletes must be provided with a concussion and head injury information sheet that meets the requirements of the State Board. Before any student, school employee, volunteer or first responder will be allowed to participate in interscholastic athletic activities, including tryouts, practices or competitions, he or she must sign the head injury information sheet and return it to the coach. Parents also must sign the sheet and return it to the coach before their children may participate in any interscholastic athletic activity. The principal of each school shall ensure that a complete and accurate record of the returned signed sheets is maintained in accordance with law and State Board policy. (See **Policy 4270/6145**)

Any student-athlete who is exhibiting signs or symptoms consistent with a concussion must be removed from athletic activity immediately. Further, the student-athlete must not be allowed to return to play or practice that day or on any subsequent day until he or she has been evaluated and has received written clearance for participation that complies with the requirements of [G.S. 115C-12](#)(23) and any other applicable law or State Board policy.

### **Emergency Action Plan**

Each principal or designee shall develop a venue-specific emergency action plan to respond to serious medical injuries and acute medical conditions in which the condition of the injured student may deteriorate rapidly. All such plans must include a delineation of roles, methods of communication, available emergency equipment and a plan for emergency transport. The plans must be (1) in writing, (2) reviewed by an athletic trainer who is licensed in North Carolina, (3) approved by the principal if developed by a designee, (4) distributed, posted, reviewed and rehearsed in accordance with [G.S. 115C-12](#)(23), and (5) compliant with any other requirements of state law and State Board policy.

### **Guidance Curriculum**

Pursuant to the North Carolina Standard Course of Study, the guidance curriculum will address three major components: (1) academic development, (2) career development and (3) personal/social development.

### **Counseling Program**

Counseling may be provided on an individual basis or in small or large groups. School counselors may refer students who have extensive needs or needs that go beyond the purpose of the counseling program to community resources. (See **Policy 3610**).

Students may seek counseling or be referred by staff or parents. Any staff member who is aware that a student is contemplating suicide or is otherwise suffering from an emotional or psychological crisis must immediately notify the counseling program in accordance with any rules established by the superintendent or principal. Any counselor or other staff member who knows or has cause to suspect child abuse or neglect must report the information as provided in **Policy 4240** (Child Abuse - Reports and Investigations) and as required by law.

Counseling programs are most effective when student participation is voluntary. School officials and teachers may recommend a counseling program to help a student meet

standards of conduct and academic performance established by the board and school district. However, students will not be required to attend individual or small group counseling sessions to address identified significant personal issues unless agreement has been reached with the parent and student in a behavior contract, an intervention plan or, for special education students, in an individualized education plan. (See Student Behavior Policies (**4300** series), Student Promotion and Accountability (**Policy 3420**), Special Education Programs/Rights of Disabled Students (**Policy 3520**).

Information obtained in a session with a counselor may be privileged and protected from disclosure as provided by law. A counselor cannot be required to testify concerning privileged information unless, as provided by [G.S. 8-53.4](#), the student waives the privilege or the court compels testimony as necessary to the proper administration of justice. The school counselor privilege does not, however, exempt the counselor from reporting child abuse as required by G.S. 7A-544. Any notation made by a counselor for his or her own use is a confidential document and is neither a public record nor a part of the student's record. Such confidential documents do not have to be shared with parents or others except as required by law, such as G.S. 7A-544. Any document prepared by a counselor that is shared or intended to be shared with other staff is considered an educational record of the student and is available to the parent or eligible student in accordance with board policy on student records, **Policy 4700**.

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## **SCHOOL BUS TRANSPORTATION GUIDELINES**

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### **Bus Routes**

The superintendent or designee will develop school bus routes in accordance with state law and regulations. All bus routes will be on file in the superintendent's or designee's office and all changes will be filed within 10 days after such change becomes effective. Bus routes should follow state maintained roads unless road conditions or other factors make this inadvisable.

### **Bus Assignments**

Any student assigned to a school which is one and a half miles or more from his or her residence is eligible for transportation services to and from school. In addition, the superintendent or his or her designee will consider exceptions when factors are present which may endanger the safety of students walking to the school or when a student is medically certified as temporarily or permanently incapacitated. A student who is identified as having special needs following procedures in the North Carolina Procedures Governing Programs and Services for Children with Special Needs will be provided with transportation services as required by law. A student who has voluntarily requested a transfer from the regularly assigned school may apply but is not guaranteed transportation services.

### **Safety and Student Transportation Services**

Safety is of paramount concern in providing student transportation services. The board recognizes that providing safe transportation requires the cooperation of students, parents, volunteers, personnel and other governmental agencies.

A safe and orderly environment is critical whenever transporting students. Student bus behavior is addressed in **Policy 4300**, Code of Student Conduct. Students also must comply with all other applicable board policies or rules on student behavior. Students will receive training on school bus safety as required by law. The driver of any school bus or

other school vehicle must report immediately any accident or incident involving death, injury or property damage to the superintendent or principal, bus coordinator or his or her designee.

## **SCHOOL NUTRITION SERVICES**

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Each day the cafeteria will be serving breakfast & lunch using Offer versus *Serve* (OVS). OVS lets students turn down foods they do not want to eat. Menus are available on the RCSS website, sent through Peachjar and posted daily in the dining room. Meal prices for the 2018-2019 school year are as follows:

Student Breakfast:

PK – 12 Full Price: \$1.25

Reduced Price: \$0.30

Student Lunch:

PK – 5 Full Price: \$2.30

6-12 Full Price: \$2.45

Reduced Price: \$0.40

**Meal Charge Policy:** See **Policy 6220** on the RCSS website.

**What are the general requirements for OVS at breakfast?** Schools must offer at least the minimum serving sizes of four food items (1) Grains, 2) Fruits/Vegetables/100% Juice, 3) Milk, and 4) Additional item (i.e. Grain, M/MA as a substitute for grain, fruit, etc.)). Students must select at least three of the four food items. *One item MUST be at least ½ cup serving of fruit.* Breakfast must be priced as a unit, this means whether the child takes the minimum 3 items or more they will pay the same price.

**What are the general requirements for OVS at lunch?** Schools must offer at least the minimum serving sizes of five food components (1) Meat/Meat Alternate, 2) Grains, 3) Vegetables, 4) Fruits, and 5) Milk. Students must select at least three of the five food components. Students may decline any food \*item, including the entrée or milk but MUST take at least one fruit or one vegetable. (\*A food item is a specific food offered within the food components, i.e. a cheeseburger meets 2 components but is 1 item). Lunch must be priced as a unit. This means whether the student takes the minimum 3 items or more they will pay the same price. Students may take as many fruits and/or vegetables as they like as long as it fits on their tray, however, they may not take multiple servings of the same fruit or vegetable. Within OVS, School Nutrition also offers students several different choices of entrees, fruits, vegetables and milk. While this takes more time as students come through the line, they are more likely to eat what they take.

**For Your Information:**

- All breakfast and lunch menus are analyzed to ensure they meet strict Federal guidelines including restrictions on calories, saturated fat and sodium. The nutritional value and allergens of all menu items are available on the RCSS website as well as posted on the serving line each day.
- Supplemental items may be purchased and are available to students who purchase their meal from the school or bring their meal from home. All supplemental items must meet strict federal guidelines including restrictions on calories, sugar, and sodium.

**The Free/Reduced Priced Meal Program** is available to help families with the cost of school meals. Families **MUST** apply for meal benefits each school year. Each student should receive an application for free/reduced meal benefits at the beginning of each school year or upon enrollment. If eligible, you will only need to fill out **ONE** application per household. This form can be returned to any Randolph County School System cafeteria or can be mailed to School Nutrition Services using the self-addressed envelope that comes with each application. (See **Policy 6225**)

## **SCHOOL DELAYS, CLOSINGS, AND EMERGENCIES**

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### **Inclement Weather Conditions**

In case of snow or other potentially hazardous weather conditions, a decision to close or delay school may be made. If the weather is bad enough to make a decision the day or night before, the Randolph County School System will make this information available to the local media. Otherwise, at 3:00 a.m., school officials and transportation personnel will drive the bus routes to check firsthand on local conditions. The Assistant Superintendent of Operations consults with the National Weather Service, Emergency Management, and local Law Enforcement. The director then contacts the superintendent with an update. A decision is then made at approximately 5:00 a.m. to either cancel or delay the opening of school. RCSS will immediately alert the media, call school principals, send a message to all parents, and post an alert on the school website. All delays or early closing announcements will be made in terms of hours: one hour delay, two hour delay, etc.

### **Extracurricular Activities and Athletics on School Closings/Delays**

When school is closed for the day or dismissed early due to inclement weather, all extracurricular activities and athletic games and/or practices will be canceled for that day. On days when school is delayed, student extracurricular activities, athletic games and/or practices may be canceled, held as normally scheduled, or rescheduled depending on local weather conditions and other pertinent factors. A delayed opening does not automatically cancel an event. The principal and other local school personnel who are normally involved in scheduling these events shall work out the schedules for days affected by delayed openings and closings.

### **Crisis Management Plan**

Each school in the RCSS prepares a Crisis Management Plan for their individual school that has to be approved by the local board of education in the event a crisis occurs. In these plans are emergency procedures that will be followed in case of an emergency, to ensure the safety and well-being of the students and staff members. These plans include, but not limited to procedures to deal with Fire/Evacuation, Bomb Threat, Severe Weather, Lock Down Procedures, etc.

## **EXTRACURRICULAR ACTIVITIES**

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### **School-Sponsored Clubs and Organizations**

School-sponsored student clubs and organizations must be related to the curricular and educational goals of the board and must be authorized and approved by the principal, subject to the review of the superintendent. School-sponsored student clubs must have faculty supervision and students may not be denied membership or participation on the basis of race, religion, handicap, economic status, ethnicity, sex, marital status or any other protected class. Membership in clubs must be open to all students except where the purpose of the club requires academic or other qualifying skills, as approved by the principal and/or required for state or national affiliations.

Each organization regularly shall elect officers from the membership. In addition, each organization shall adopt a constitution describing its purpose(s), the duties of its officers, requirements for membership (which must be applied equally and consistently to all students), rules of procedure and other matters deemed necessary.

### **Student-Initiated, Noncurriculum-Related Student Groups**

Student-initiated, noncurriculum-related student groups will be permitted to conduct voluntary meetings on school grounds during noninstructional time (before the school day begins for students and after the school day ends for students) when other noncurriculum groups are permitted to meet, regardless of the size of the group or the religious, political, philosophical or other content of the speech. Provided, however, that the meetings of such groups shall not materially and substantially interfere with the orderly conduct of the educational activities of the school. The principal, in his or her discretion, may designate available times and spaces to accommodate these meetings. Such meetings shall be open to all students without regard to race, color, religion, handicap, ethnicity, sex, or national origin. Secret organizations and hazing are strictly prohibited.

School employees or agents of the school board shall not promote, lead or participate in the meetings of these noncurricular student groups; however, a school employee may be present at the meetings to maintain order and protect the general welfare of the students involved. School employees or agents of the school board who are present at the meeting of a religious group shall not participate in the meetings and shall not influence the form or content of any prayer or any other religious activity nor require any person to participate in prayer or other religious activity. Non-school persons shall not direct, conduct, control or regularly attend the activities of noncurricular student group meetings.

Students seeking to establish a voluntary noncurricular student group shall seek approval from the principal. No school district funds may be expended on behalf of student groups covered by this subsection, except for the incidental cost of providing space for group meetings.

The superintendent may establish additional guidelines consistent with **Policy 3620** for the establishment of student-initiated, noncurriculum-related student groups. Elementary school students must receive parental consent before participating in a student-initiated, noncurriculum-related student group.

### **Student Government**

Student government organizations are encouraged to address student issues related to school governance and curriculum and to provide opportunities for students to support the community. Student government organizations shall operate under the rules and regulations established by the principal.

### **Student Publications**

School-sponsored student publications are encouraged as part of the school program. Such publications shall be appropriate for students as to grade level and content of material. The principal and faculty advisor must approve all publications that are published as official school publications, with the principal and faculty advisory approving the content of such publications. Student publications shall not contain material that:

- (1) is vulgar, indecent or obscene;
- (2) contains libelous statements, personal attacks or abusive language such as language defaming a person's character, race, religion, ethnic origin, gender, family status or disability;
- (3) causes or clearly threatens to cause a material and substantial disruption of normal classroom activity, any normal school function or other school activity;

- (4) encourages the commission of unlawful acts or the violation of lawful school regulations;
- (5) encourages actions that endanger the health or safety of students; or
- (6) advertises any product or service not permitted to minors by law.

The editorial staff of the school newspaper will consist of students involved in the publication of the newspaper as approved by the faculty advisor. The procedures for selecting editorial staff members and for determining duties and responsibilities of each staff member will be established by the faculty advisor.

Distribution of student publications will be limited to the students attending the school that publishes the paper, to the school district administration and to parent subscribers. Complimentary copies may be distributed to other schools, businesses or individuals if approved by the principal and faculty advisor.

Non school-sponsored student publications are addressed in **Policy 5210**, Distribution of Non-School Material.

### **Social Events**

The principal must approve all student social events and shall ensure that an adequate number of chaperons are available. All social events must be consistent with the goals and objectives of the board and school.

### **Contests and Competitions**

Students may participate in local, state and national contests or competitions provided that: such contests or competitions are consistent with the educational development of students; participation is approved by the principal and the superintendent; and all eligible students of the Randolph County School System are given the opportunity to participate. In approving a contest or competition, the principal and superintendent shall ensure that the contest or competition is valuable to students; shall consider any recommendations about such contests or competitions; and shall refuse to approve contests or competitions designed largely for commercial and/or promotional purposes. Approved events shall be advertised to give all qualified students an opportunity to participate. However, students shall not be required to participate in any contest or competition.

### **Interscholastic Athletics**

Interscholastic athletics shall be conducted in accordance with rules and regulations set forth by the North Carolina Department of Public Instruction, the North Carolina High School Athletic Association and the Randolph County Board of Education. Students must meet all eligibility requirements as defined by the North Carolina High School Athletic Association. In addition, a student must have been in attendance for at least 85% of the previous semester at an approved high school. For a regular 90-day semester, a student may not miss more than thirteen (13) days and be in compliance with the 85% rule.

Administrators in each school are responsible for setting the proper atmosphere for interscholastic competition. Coaches should emphasize sportsmanship and shall teach the basic skills of each sport to all participants.

To determine the physical condition of each student who wishes to participate in interscholastic athletics, every candidate for a team in the interscholastic program shall

undergo and pass a medical examination by a licensed physician before being permitted to participate. School administrators and coaches shall consider the welfare of the individual child in determining whether a student should participate in interscholastic athletics.

### **Restrictions on Participation**

Participation in extracurricular activities, including student organizations and interscholastic athletics, may be reserved for students in good academic standing who meet behavior expectations of the board and the school. Participation in extracurricular activities may be restricted if a student (1) is not performing at grade level as provided in **Policy 3400**, Evaluation of Student Progress; (2) has exceeded the number of absences allowed by **Policy 4400**, Attendance; (3) has violated the code of student conduct in the board policies found in the 4300 series; or (4) has violated school rules for conduct. Any school choosing to exercise its authority to restrict participation based upon any of the reasons provided in this paragraph will provide this policy and any additional rules developed by the superintendent or the principal to all parents or guardians and students. The grievance procedure, provided in **Policy 1740/4010** (Student and Parent Grievance Procedure), may be utilized by parents or students who believe a student has been aggrieved by a decision made pursuant to this policy.

### **Driver's Education**

The purpose of the driver's education program is to help beginning drivers learn the principles of skillful, safe driving and learn basic traffic laws. The driver's education course will be taught pursuant to the provisions of the Motor Vehicle Laws of North Carolina and all other provisions adopted by the Division of Motor Vehicles and the State Board of Education.

### **Driving Eligibility Certificate**

A person under the age of 18 seeking a driver's learner permit or provisional driver's license needs a Driving Eligibility Certificate. A person over the age of 18 may also need a Driving Eligibility Certificate if the Driving Eligibility Certificate was revoked prior to age 18 due to disciplinary action during high school or community college. Upon successful completion of a Driver Education Program, the student may obtain a Driving Eligibility Certificate from the school once adequate academic progress (pass at least 70% of the maximum possible courses each semester and meet promotion standards established by the LEA).

The following are reasons why a Driving Eligibility Certificate would be revoked:

#### **1. Dropping Out of School Prior to Age 18**

As of August 1, 1998 any public, private, federal, home-schooled, or community college student under age 18 who does not make adequate academic progress or drops out of school will have their driving permit or provisional license revoked.

(§ 20-11) Under the Dropout Prevention Guidelines, a dropout student is one who has withdrawn from school before the end of the academic term and whose enrollment in an educational setting cannot be verified for 30 days. Parents should be notified in writing that the student's Driver Eligibility Certificate will be revoked. Parents may submit a hardship request to the principal or principal's designee to maintain the student's Driving Eligibility status.

#### **2. Disciplinary Action**

Disciplinary action includes an expulsion, a suspension for more than 10 consecutive days, or an assignment to an alternative educational setting for more than 10

consecutive days. (§ 20-11(n1)) Under the Lose Control/Lose License guidelines, the Driving Eligibility Certificate is revoked for one year. Unlike the Dropout Prevention guidelines that end when a student turns age 18, the revocation of a Driving Eligibility Certificate for disciplinary action can extend beyond age 18 if the disciplinary action took place during the time the student was age 17.

### **3. Not Making Adequate Academic Progress**

At the end of each semester, students not passing 70% of the maximum possible courses are identified. Parents are notified that the student is not making adequate academic progress and have the option of submitting a hardship request to the principal or principal's designee to maintain the student's Driving Eligibility status.

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## **TUITION AND FEES**

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### **Tuition for Discretionary Admissions (see Policy Code 4135)**

Tuition will be charged to students admitted under **Policy 4130**, Discretionary Admission, if the students (1) are not domiciled in the State or (2) are domiciled in the State and residing outside of the school system boundaries. Tuition shall be set by the board prior to August 1 of each school year. Tuition will equal the local per pupil allocation for current expense as provided by the board of commissioners from the preceding year as well as the Archdale-Trinity Special District Tax (for students attending school in the Archdale-Trinity area). The schedule of rates adopted annually by the board shall be the rates applied in all cases when tuition is required.

Tuition may be waived if a student meets one of the following criteria:

- (1) The student is admitted to the school system pursuant to an agreement between this board and another board of education, and the agreement specifies that the payment of tuition by the student will not be required.
- (2) The student resides on a military base within North Carolina.
- (3) The student demonstrates extraordinary financial hardship.
- (4) The student is a nonresident whose parents will move into the school administrative unit on or before December 1, and the student is assigned at the beginning of the school year to the school serving the student's future domicile.
- (5) The student was domiciled within the school administrative unit at the beginning of the school year and remains enrolled in the school system for the duration of the school year after moving into another school administrative unit during the school year.
- (6) The student's parent(s) are employed by the school system in a permanent position.
- (7) The student is in the temporary custody of the Randolph County Department of Social Services.

In addition, no tuition will be charged to:

- (1) students residing on military bases within North Carolina where federal funds designed to compensate for the impact on public schools of military dependent students are provided to the school system in an amount not less than 50 percent of the total per capita cost for education, exclusive of capital outlay and debt service,

- (2) students who are domiciliaries of the State and who reside within the school administrative unit. However, the board may enter an agreement with the board of education of the student's domicile for payment of tuition by that board.

### **Student Fees**

The board recognizes that it is sometimes necessary to charge each pupil certain small fees to provide for the basic costs of instructional supplies over and above funds provided by tax sources. These fees are standardized throughout the school system and reviewed annually by the board. The board will hold student fees to a minimum. (See **Policy 4600**)

Each principal is required to submit a list of any fees to the superintendent prior to the August board meeting. The superintendent shall adopt procedures providing that student fees, including those for graduation, the school yearbook, or supplies for elective classes, are consistent among the different levels and schools. The board must approve all fees. The superintendent shall submit the schedule of approved fees and charges to the superintendent of public instruction.

The superintendent also will furnish to each principal a list of approved fees at the beginning of each school year. No principal or teacher is authorized to collect any instructional supply fees except those approved by the board. Further, no principal or teacher shall require students to purchase material outside of the regular state textbooks provided or beyond the regular board-approved student fees as a prerequisite for successful completion of course work.

Field trip costs may be charged to students as provided in **Policy 3320**, School Trips.

Any fees imposed will be waived or reduced for students who demonstrate economic hardship. The superintendent shall establish procedures to review requests for fee waivers or reductions. The superintendent will provide adequate and timely notice of such procedures to all students and parents.

Upon request, students transferring from the school system prior to the end of the school year may receive a prorated refund of schools fees charged on a monthly basis.

As provided in **Policy 1310/4002**, Parental Involvement, each principal shall publish or post the schedule of fees and notify students and parents of the availability of and the process for requesting a fee waiver or reduction.

### **Waiver of School Fees**

If you feel that you are unable to pay school fees assessed by the system, please contact your child's principal and secure a Request for Waiver of School Fees application. All requests for waivers will be kept strictly confidential. (See **Policy 4600**, Student Fees)

*The Randolph County School System does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The following people have been designated to handle inquiries regarding the non-discrimination policies: Marty Trotter, Title IX Coordinator, and Edwina Ashworth, Section 504 Coordinator, 2222-C South Fayetteville St. Asheboro, NC 27205 Phone: 336-633-5000.*

## II. CODE OF CONDUCT

### GENERAL PRINCIPLES, DEFINITIONS, AND STUDENT RIGHTS

All decisions related to student behavior are guided by the board's educational objective to teach responsibility and respect for cultural and ideological differences and by the board's commitment to creating safe, orderly and inviting schools. Student behavior policies are provided in order to establish (1) expected standards of student behavior; (2) principles to be followed in managing student behavior; (3) consequences for prohibited behavior or drug/alcohol policy violations; and (4) required procedures for addressing misbehavior. The board of education earnestly solicits the cooperation of every student, every parent, and the community at large in its effort to maintain order and safety in the Randolph County School System.

#### **A. Principles**

The reasons for managing student behavior are to (1) create an orderly environment in which students can learn; (2) teach expected standards of behavior; (3) help students learn to accept the consequences of their behavior; and (4) provide students with the opportunity to develop self-control. The following principles apply in managing student behavior.

1. Student behavior management strategies will complement other efforts to create a safe, orderly and inviting environment.
2. Positive behavioral interventions will be employed as appropriate to improve student behavior.
3. Responsibility, integrity, civility and other standards of behavior will be integrated into the curriculum.
4. Disruptive behavior in the classroom will not be tolerated.
5. Consequences for unacceptable behavior will be designed to help a student learn to comply with rules, to be respectful, to accept responsibility for his or her behavior and to develop self-control.
6. Strategies and consequences will be age and developmentally appropriate.

#### **B. Communication of Policies**

The board hereby establishes a compendium of policy, which constitutes a Code of Student Conduct. The purpose of this Code is to present in a single document system-wide policies on the proper conduct and behavior of students in the Randolph County School System. The Code of Student Conduct does not impose mandatory long-term suspension or expulsion for specific violations unless otherwise provided in state or federal law.

At the beginning of each school year, principals shall make available to each student and parent all of the following: (1) the Code of Student Conduct; (2) any board policies related to behavior that are not part of the Code of Conduct; (3) any related administrative procedures; and (4) any other school rules. This information must be available at other times upon request and must be made available to students enrolling during the school year and their parents.

For the purpose of board policies related to student behavior, all references to "parent" include a parent, a legal guardian, a legal custodian or another caregiver adult authorized to enroll a student under **Policy 4120**, Domicile or Residence Requirements.

### **C. Applicability**

Students must comply with the Code of Student Conduct in the following circumstances:

1. while in any school building or on any school premises before, during or after school hours;
2. while on any bus or other vehicle as part of any school activity;
3. while waiting at any school bus stop;
4. during any school-sponsored activity or extracurricular activity;
5. when subject to the authority of school employees; and
6. at any place or time when the student's behavior has or is reasonably expected to have a direct and immediate impact on the orderly and efficient operation of the schools or the safety of individuals in the school environment.

### **D. Definitions**

**Aggravating Factors:** Those factors suggesting consequences beyond the recommended penalty, including but not limited to repeated violations, imminent danger to self or others, and other extreme circumstances within the discretion of the principal.

**Day or Days:** School days, excluding teacher workdays, holidays, vacation days and weekends, unless otherwise provided. Further, "school day" means from the time students first arrive on the school campus (or on the school bus) until they leave the school campus (or school bus) at the end of the day.

**Expulsion:** The indefinite exclusion of a student from school enrollment for disciplinary purposes.

**Guideline Consequences:** Suggested consequences for violations of the Code, which may be modified on a case-by-case circumstance, as appropriate.

**In-School Suspension ("ISS"):** An alternative to students being suspended out of school. The purpose is to provide a form of consequence that result in improved behaviors without removal of students from the school environment and school supervision.

**Long-Term Suspension:** The exclusion for more than 10 school days of a student from school attendance for disciplinary purposes from the school to which the student was assigned at the time of the disciplinary action. Disciplinary reassignment of a student to a full-time educational program that meets the academic requirements of the standard course of study established by the State Board of Education and that provides the student with the opportunity to make timely progress toward graduation and grade promotion is not a long-term suspension.

**Minor Violations:** Those less severe infractions involving a lower degree of Dangerousness and harm. Examples of minor violations may include, but are not limited to, the use of inappropriate or disrespectful language, noncompliance with a staff directive, dress code violations, and minor physical altercations that do not involve a weapon or an injury. Aggravating circumstances, however, may justify treating an otherwise minor violation as a serious violation.

**Mitigating Factors:** Those factors suggesting consequences less than the recommended penalty, including but not limited to self-defense, provocation, the former record of the student and other factors in the discretion of the principal and superintendent.

**Parent:** A parent, legal guardian, legal custodian, or other caregiver adult who is acting in the place of a parent and is entitled to enroll the student in school.

**Principal:** The principal and the principal's designee.

**Restitution:** To make whole by replacement or restoration of property to its original condition or payment of money sufficient to compensate for damage to or loss of property.

**Serious violations:** Those violations that threaten to substantially disrupt the educational environment and threaten the safety of students, school employees or school visitors may result in a long-term suspension. Violations involving firearms or explosive devices may result in a 365-day suspension.

**Short-Term Suspension:** The exclusion of a student from school attendance for disciplinary purposes for up to 10 school days from the school to which the student was assigned at the time of the disciplinary action.

**School Personnel:** Any principal, teacher, substitute teacher, student teacher, instructional assistant, supervisor, director, coordinator, administrator and all other personnel paid or unpaid working under the supervision and direction of the Randolph County School System.

### **E. Consequences for Violations**

Except as otherwise indicated for violation of a specific rule, consequences for violating board policies or school standards or rules may include, but are not limited to, the following:

1. Behavior improvement agreements
2. Community service
3. Conferences with parents
4. Confiscation of any student's property that disrupts the learning environment, with the circumstances surrounding the return of confiscated property determined by the principal
5. Court referral
6. Before-school, after-school, or Saturday detention
7. Expulsion
8. A home visit by the appropriate principal or teacher
9. In-school suspension, in which the student is required to do assignments developed by his or her regular teachers and not permitted to participate in any extracurricular activities during the period of ISS
10. Isolation, a behavior management technique in which a student is placed alone in an enclosed space from which the student is not prevented from leaving. Isolation is permitted as a behavior management technique provided that the isolation space is appropriately lighted, ventilated and heated or cooled; the duration of the isolation is reasonable in light of the purpose for the isolation; the student is reasonably monitored; and the isolation space is free from objects that unreasonably expose the student or others to harm.
11. Involvement of law enforcement agencies, for reasons described in General Statutes 115C-288 or to assist the principal in quelling a disturbance, maintaining order, or in other situations that the principal deems appropriate. Principals must immediately report to law enforcement the following acts when they have personal knowledge or actual notice from school personnel that such acts have occurred on school property, regardless of the age or grade of the perpetrator or victim: (1) assault resulting in serious personal injury; (2) sexual assault; (3) sexual offense; (4) rape; (5) kidnapping; (6) indecent liberties with a minor; (7) assault involving the use of a weapon; (8) possession of a firearm in violation of the law; (9) possession of a weapon in violation of the law; and (10) possession of a controlled substance in violation of the law. A principal who willfully fails to make a required report to law enforcement will be subject to disciplinary action, up to and including dismissal.
12. Intervention Center (IC), to which a student may be assigned as an alternative to out-of-school suspension. Students assigned to an IC must complete

- assignments from their original school and are not permitted to participate in any extracurricular activities while assigned to the IC.
13. Intervention Center Aggression Replacement Training (ICART), to which a student may be assigned for no less than 15 days and up to 185 days for serious violations that threaten to substantially disrupt the educational environment or threaten the safety of students, school employees or school visitors. Students assigned to ICART must complete assignments from their school and also must meet behavior goals prior to reintegration to their school. A student will not be permitted to participate in any extracurricular activities while assigned to ICART.
  14. Loss of specific privileges, at the discretion of the principal or teachers
  15. Short-term or long-term out-of-school suspension
  16. Parent contact by telephone or in writing
  17. Removal from a school bus for up to the remainder of the school year
  18. Removal from the classroom for the remainder of a class period or the school day
  19. Restitution
  20. Individual or small group sessions with the school counselor
  21. Seclusion or restraint, consistent with G.S. 115C-391.1
  22. Suspension from extracurricular activities, including graduation exercises

The code uses a system of consequences and "*Guideline Consequences*." The principal has the authority to exercise his/her good judgment to apply a greater or lesser consequence than those specified in the Code, pursuant to the following circumstances or conditions. In the event that a principal finds mitigating or aggravating circumstances justify a different punishment, he/she shall so specify the circumstances in his/her Memorandum of Disciplinary Action. Repeated violations of the code shall be considered an aggravating factor supporting consequences beyond the recommended measure. The age and maturity of the student also are factors that should be considered.

Principals in the elementary grades are expected to use good judgment and reasonable discretion in applying board policies and in determining the appropriate consequences for violation of board policies or school standards or rules. The parent or guardian is responsible for transportation as may be required to carry out the consequence. With the exception of suspension from bus privileges, if a parent or guardian is unable to provide transportation, another consequence shall be substituted.

#### **F. Disciplinary Action for Exceptional Children/Students with Disabilities**

Disciplinary actions for students identified as exceptional children according to North Carolina guidelines will conform to *Policies Governing Services for Children with Disabilities* as adopted by the State Board of Education. If the *Policies Governing Services for Children with Disabilities* manual does not fully address a particular issue, the director of exceptional children will develop any necessary protocols consistent with state and federal law.

All students with disabilities will be accorded all rights as provided by state and federal law. See also **Policy 1730/4022/7231**, Nondiscrimination on the Basis of Disabilities.

#### **G. Student Rights and Responsibilities**

Rules of behavior exist in our society to insure that various rights of individuals are protected from interference by other individuals and to insure that the purpose for which a society exists are effectively accomplished. To that end, a statement of individual rights is provided to establish a common understanding among students, parents and teachers to what are the rights and responsibilities of students concerning their behavior.

## **1. Access to Public Education**

The right of a public school education is provided to each citizen by the Constitution of the State of North Carolina. This right extends to the civil rights afforded all citizens by the Constitution of the United States of America. Included are the rights to an equal educational opportunity and freedom from impermissible discrimination. In order to exercise this right, students are expected to attend school regularly and to conscientiously apply their skills and abilities to the task of learning. Regular school attendance and learning is not only an individual privilege; it is an obligation placed upon the student by a society that is unwilling to accept the burdens of uneducated citizens.

## **2. Student and Staff Health and Safety**

Every student has the right to be free from fear, harm and violence while traveling to and from school, at school and at school-related activities. Students are responsible for behaving in ways that contribute to their protection and the protection from harm to others.

## **3. Property**

Students have a right to have their property protected and a responsibility to protect the property rights of others. School property belongs to the board which holds it in trust for all citizens. It must be protected from careless as well as intentional abuse and damage. Students are expected to respect and protect the property of the school district and others. The school principal is obligated by law to require that parents of students who carelessly or willfully damage property reimburse the school system for repair or replacement costs.

## **4. Speech and Publications**

Students have a right to express their thoughts and opinions at reasonable times and places. This right is guaranteed by the Constitution of the United States. The school is an appropriate place for debate, discussion and the expression of ideas. However, the following types of speech are not generally protected by the Constitution and are prohibited at schools or at school-related activities:

- a) Profanity: Words that are clearly considered profane by contemporary community standards of behavior;
- b) Obscenity: Words that describe sexual conduct and which, read as a whole, appeal to a prurient interest in sex, portray sex in a manner offensive to contemporary community standards and do not have serious literary, artistic, political or scientific value;
- c) Fighting or abusive words: Words that are spoken solely to harass or injure other people, such as threats of violence, defamation of character or defamation of a person's race, religion or ethnic origin;
- d) Disruption: Speech, be it verbal, written or symbolic, that materially and substantially disrupts classroom work, school activities or school functions, such as demonstrations, "sit-ins," "boycotts," or simply talking in class when told not to do so by the teacher; and
- e) Lewd, vulgar or indecent speech or conduct.

The right of students to express their thoughts and opinions in school-sponsored publications is also generally protected. However, there are certain limitations on this right which students are responsible for learning in the process of their education. In order to prevent the disruption of classroom instruction, the principal may restrict the distribution of any publication at school and school-related activities to reasonable times and places. In addition, the principal may prohibit the distribution at school and school-related activities of a publication if he/she considers the publication to be obscene; to be libelous; to contain "fighting or abusive" words; to be lewd, vulgar or indecent; or to be materially and substantially disruptive of school work, activities or functions. If a principal prohibits the disruption of a student publication, the student shall be informed that he or she may file a grievance in accordance with **Board Policy 1740/4010**, Student and Parent Grievance Procedures.

## **H. Rules of Conduct**

### **RULE 1: COMPLIANCE WITH DIRECTIONS OF SCHOOL PERSONNEL**

Students shall comply with the directions of all principals, assistant principals, teachers, substitute teachers, counselors, media specialists, teacher assistants, student teachers, coaches, advisors, bus drivers, bus supervisors and other authorized school personnel at all times while a student is at school in any school building; on any school premises; attending school-sponsored activities; on or about any school-approved activity or function; during any period of time when students are subject to the authority of school personnel; and/or at any time when the student's behavior has a direct and immediate effect on maintaining order and discipline and protecting the safety and welfare of students and staff. Violation of this rule may result in disciplinary action in accordance with school rules or standards. For repeated or serious violations, the principal may suspend a student for up to ten days.

**Guideline Consequence:** ISS; OSS for up to 10 days for repeated or serious violations.

### **RULE 2: THREATS AND ASSAULTS ON OR PHYSICAL INJURY TO OTHERS**

The board will not tolerate assaults or threats from any student. Any student engaging in such behavior will be removed from the classroom or school environment for as long as is necessary to provide a safe and orderly environment for learning. Neither self-defense nor action undertaken on the reasonable belief that it was necessary to protect some other person shall be considered an intentional act under this rule.

In all cases involving assault of another student, the school should inform the offended student and his/her parents or the offended school employee to initiate criminal prosecution.

Assault: Students are prohibited from assaulting, physically injuring, attempting to injure, or intentionally behaving in such a way as could reasonably cause injury to any other person. Assault includes engaging in a fight. Assault includes a sexual assault.

A student who is long-term suspended or reassigned to alternative education services as a result of assaulting or injuring a teacher shall not return to that teacher's classroom without the teacher's consent

Threatening Acts: Students are prohibited from directing toward any other person any language that threatens force, violence, or disruption, or any sign or act that constitutes a threat of force, violence, or disruption.

**Guideline Consequence:** Parents notification; restriction from field trips, extracurricular events and school activities for remainder of year; removal from teacher's classroom; modification of student's schedule; notification of Mental Health for counseling sessions; ISS or OSS for a period of up to 10 days; ICART; long-term suspension; contact law enforcement; **law enforcement must be contacted** for assault resulting in serious physical injury.

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### **RULE 3: WEAPONS AND WEAPON-LIKE ITEMS**

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The board will not tolerate the presence of weapons or destructive devices, bomb or terrorist threats, or actions that constitute a clear threat to the safety of students or employees. Any student who violates this rule will be removed from the classroom or school environment for as long as is necessary to provide a safe and orderly environment for learning.

Students are prohibited from possessing, handling, using or transmitting, whether concealed or open, any weapon or any instrument that reasonably looks like a weapon or could be used as a weapon. Weapons include, but are not limited to the following:

1. loaded and unloaded firearms, including guns, pistols, and rifles;
2. destructive devices, including explosives, such as dynamite cartridges, bombs, grenades, and mines, as described below in the Specific Consequences Mandated by Law;
3. knives, including pocket knives, bowie knives, switchblades, dirks, and daggers;
4. slingshots and slungshots;
5. leaded canes;
6. blackjacks;
7. metal knuckles;
8. BB guns; air rifles and air pistols;
9. stun guns and other electric shock weapons, such as tasers;
10. icepicks;
11. razors and razor blades (except those designed and used solely for personal shaving);
12. fireworks;
13. gun powder, ammunition, or bullets; and
14. any sharp pointed or edged instruments except unaltered nail files and clips and tools used solely for preparation of food, instruction, and maintenance.

Examples of other objects that may be considered weapons are box cutters and other types of utility blades and blowguns.

Items that are not weapons or dangerous instruments but are represented as such shall be dealt with by school authorities in the same manner as a weapon or dangerous instrument. It is the responsibility of the principal to judge whether or not an object in question is a weapon. Such decisions can be based on the type, size, and intended use of the object as judged by the principal.

No student may knowingly or willfully cause, encourage, or aid another student to possess, handle, or use any of the weapons or weapon-like items listed above. A student who finds a weapon or weapon-like item, who witnesses another student or other person with such an item, or who becomes aware that another student or other person intends to possess, handle, or use such an item must notify a teacher or the principal immediately.

This section does not apply to board-approved and -authorized activities for which the board has adopted appropriate safeguards to protect student safety.

### **Specific Consequences Mandated by Law**

As required by law, a student who brings or possesses a firearm or destructive device on school property or at a school-sponsored event must be suspended for 365 days, unless the superintendent modifies, in writing, the required 365-day suspension for an individual student on a case-by-case basis. The superintendent shall not impose a 365-day suspension if the superintendent determines that the student (1) took or received the firearm or destructive device from another person at school or found the firearm or destructive device at school, (2) delivered or reported the firearm or destructive device as soon as practicable to a law enforcement officer or school personnel and (3) had no intent to use the firearm or destructive device in a harmful or threatening way.

For the purpose of this subsection, a firearm is (1) a weapon, including a starter gun that will, is designed to or may readily be converted to expel a projectile by the action of an explosive, (2) the frame or receiver of any such weapon or (3) any firearm muffler or firearm silencer. A firearm does not include an inoperable antique firearm, a BB gun, a stun gun, an air rifle or an air pistol. For the purposes of this subsection, a destructive device is an explosive, incendiary or poison gas (1) bomb, (2) grenade, (3) rocket having a propellant charge of more than four ounces, (4) missile having an explosive or incendiary charge of more than one-quarter ounce, (5) mine or (6) similar device.

A student may not be suspended for 365 days for a weapons violation except in accordance with this subsection.

**Guideline Consequence:** ISS, OSS; long-term suspension; confiscate weapon; restitution for property damage; **law enforcement must be contacted** for possession of a weapon; 365-day suspension **required** for firearm or powerful explosive.

## RULE 4: BOMB THREATS

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Students are prohibited from making, aiding, and/or abetting in making a bomb threat or perpetrating a bomb hoax against school system property by making a false report that a device designed to cause damage or destruction by explosion, blasting, or burning is located on school property.

No student may knowingly or willfully cause, encourage, or aid another student to make a bomb threat or perpetrate a bomb hoax. Any student who becomes aware that another student or other person intends to use a bomb, make a bomb threat, or perpetrate a bomb hoax must notify a teacher or the principal immediately.

**Guideline Consequence:** OSS, long-term suspension; expulsion, if appropriate (only for students at least age 14); **law enforcement must be contacted.**

## RULE 5: TERRORIST THREATS

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Students are prohibited from making, aiding, conspiring, and/or abetting in making a terrorist threat or perpetrating a terrorist hoax against school system property by making a false report that a device, substance, or material designed to cause harmful or life-threatening injury to another person is located on school property or at a school event.

No student may knowingly or willfully cause, encourage, or aid another student to make a terrorist threat or perpetrate a terrorist hoax. Any student who becomes aware that another student or other person intends to use a device, substance, or material designed to cause harmful or life-threatening illness or injury to another person, make a terrorist threat, or perpetrate a terrorist hoax must notify a teacher or the principal immediately.

**Guideline Consequence:** OSS; long-term suspension

## RULE 6: CLEAR THREATS TO STUDENT AND EMPLOYEE SAFETY

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Students are prohibited from engaging in behavior that constitutes a clear threat to the safety of other students or employees. Behavior constituting a clear threat to the safety of others includes, but is not limited to:

1. theft or attempted theft by a student from another person by using or threatening to use a weapon;
2. the intentional and malicious burning of any structure or personal property, including any vehicle;
3. an attack or threatened attack by a student against another person wherein the student uses a weapon or displays a weapon in a manner found threatening to that person;
4. an attack by a student on any employee, adult volunteer, or other student that does not result in serious injury but that is intended to cause or reasonably could cause serious injury;
5. an attack by a student on another person whereby the victim suffers obvious severe or aggravated bodily injury, such as broken bones, loss of teeth, possible internal injuries, laceration requiring stitches, loss of consciousness, or significant

- bruising or pain; or whereby the victim requires hospitalization or treatment in a hospital emergency room as a result of the attack;
6. any intentional, highly reckless, or negligent act that results in the death of another person;
  7. confining, restraining, or removing another person from one place to another, without the victim's consent or the consent of the victim's parent, for the purpose of committing a felony or for the purpose of holding the victim as a hostage, for ransom, or for use as a shield;
  8. the possession of a weapon on any school property, including in a vehicle, with the intent to use or transmit for another's use or possession in a reckless manner so that harm is reasonably foreseeable;
  9. taking or attempting to take anything of value from the care, custody, or control of another person or persons, by force, threat of force, or violence, or by putting the victim in fear;
  10. any unauthorized and unwanted intentional touching, or attempt to touch, by one person of the sex organ of another, including the breasts of the female and the genital areas of the male and female;
  11. the possession, manufacture, sale, or delivery, or any attempted sale or delivery, of a controlled substance in violation of Chapter 90 of the North Carolina General Statutes;
  12. any behavior resulting in a felony conviction on a weapons, drug, assault, or other charge that implicates the safety of other persons; and
  13. any other behavior that demonstrates a clear threat to the safety of others in the school environment.

**Guideline Consequence:** OSS; long-term suspension; ICART; 365-day; expulsion

### **Specific Consequences Mandated by Law**

As required by law, a student who brings or possesses a firearm or destructive device on school property or at a school-sponsored event must be suspended for 365 days, unless the superintendent modifies, in writing, the required 365-day suspension for an individual student on a case-by-case basis. The superintendent shall not impose a 365-day suspension if the superintendent determines that the student (1) took or received the firearm or destructive device from another person at school or found the firearm or destructive device at school, (2) delivered or reported the firearm or destructive device as soon as practicable to a law enforcement officer or school personnel and (3) had no intent to use the firearm or destructive device in a harmful or threatening way.

For the purpose of this subsection, a firearm is (1) a weapon, including a starter gun that will, is designed to or may readily be converted to expel a projectile by the action of an explosive, (2) the frame or receiver of any such weapon or (3) any firearm muffler or firearm silencer. A firearm does not include an inoperable antique firearm, a BB gun, a stun gun, an air rifle or an air pistol. For the purposes of this subsection, a destructive device is an explosive, incendiary or poison gas (1) bomb, (2) grenade, (3) rocket having a propellant charge of more than four ounces, (4) missile having an explosive or incendiary charge of more than one-quarter ounce, (5) mine or (6) similar device.

A student may not be suspended for 365 days for a weapons violation except in accordance with this subsection.

## **RULE 7: CHEATING, COPYRIGHT VIOLATIONS, AND STANDARDS OF INTEGRITY**

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In addition to any standards or rules established by the schools, the following behaviors are in violation of the standards of integrity and civility and are specifically prohibited:

1. cheating, including the actual giving or receiving of any unauthorized assistance or the actual giving or receiving of an unfair advantage on any form of academic work, including through the use of a cell phone or other electronic device;
2. plagiarizing, including copying the language, structure, idea and/or thought of another and representing it as one's own original work;
3. providing false verbal or written statements to school officials with regard to any report card, attendance matter, grades or progress reports, discipline matters or any other school business;
4. violating copyright laws, including the unauthorized reproduction, duplication and/or use of printed or electronic work, computer software, or other copyrighted material;
5. cursing or using vulgar, abusive or demeaning language toward another person; and
6. playing abusive or dangerous tricks or otherwise subjecting a student or an employee to personal indignity.

Violation of this rule may result in disciplinary action in accordance with school rules or standards. For repeated or serious violations of this policy, the principal may suspend a student for up to ten days.

**Guideline Consequence:** Zero on assignment; ISS; IC; OSS for up to 5 days; OSS for up to 10 days for repeated or serious violations. Cell phones or electronic devices will be taken and may be returned to parent upon request.

## **RULE 8: THREATENING, INSULTING, ABUSIVE, OR SERIOUSLY DISCOURTEOUS WORDS, SIGNS, OR OTHER ACTS, INCLUDING SEXUALLY-RELATED WORDS, SIGNS, OR ACTS**

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Students shall respect other students, visitors, school employees and other persons by utilizing appropriate language and behaviors at all times. No student shall direct toward any principal, teacher or other school personnel, toward any other student or toward any other person any act which disrupts the learning or working environment for any student or employee or which demeans or degrades another person, including but not limited to, any cursing or any language which threatens force or violence, or which is abusive, demeaning, vulgar, harassing, profane, obscene, seriously disrespectful or insulting; or any sign or act which constitutes a threat of force or violence or which is abusive, dangerous, coercive, intimidating or insulting or otherwise subjects another person to personal indignity.

The school may initiate criminal prosecution if the threatened actions of a student or students are intended to extort money, other personal property or personal services from any other student, or if any student intimidates or coerces or attempts to intimidate or coerce any school employee or other student by any language which threatens force or violence or any act which constitutes a threat of force or violence.

**Guideline Consequence:** OSS or ISS for a period of up to 10 days; long-term suspension; expulsion; law enforcement may be contacted.

## RULE 9: DISRUPTION OF SCHOOL OR ENGAGING IN SEXUAL ACTIVITIES AT SCHOOL

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No student shall, by use of passive resistance, noise, threat, fear, intimidation, coercion, force, violence or any other form of conduct, intentionally cause the disruption of any lawful function, mission, or process of the school to which he/she is assigned or any other school in the school system.

No student shall engage nor shall encourage any other student to engage in any such conduct as is referred to above for the purpose of causing the disruption of any lawful function, mission or process of the school to which he/she is assigned or any other school in the school system, if such disruption is reasonably certain to result therefrom.

While this list is not intended to be exclusive, the following conduct is illustrative of disruptive behavior and is prohibited:

1. intentional verbal or physical acts that result or have the potential to result in blocking access to school functions or facilities or preventing the convening or continuation of school-related functions;
2. appearance or clothing that (1) violates a reasonable dress code adopted and publicized by the school; (2) is substantially disruptive; (3) is provocative or obscene; or (4) endangers the health or safety of the student or others;
3. possessing or distributing literature or illustrations that significantly disrupt the educational process or that are obscene or unlawful;
4. engaging in behavior that is immoral, indecent, lewd, disreputable or of an overly sexual nature in the school setting;
5. engaging in sexual activities on school property, regardless of whether those activities are consensual between the students and regardless of whether those activities are in public view;
6. failing to observe established safety rules, standards and regulations, including on buses and in hallways;
7. activating any fire or other alarm system, unless authorized to do so by school employees or unless there are reasonable grounds to believe that an actual emergency situation exists, or otherwise intentionally alerting authorities to false claims of impending danger; and
8. interfering with the operation of school buses, including delaying the bus schedule, getting off at an unauthorized stop, and willfully trespassing upon a school bus.

Violation of this rule may result in disciplinary action in accordance with school rules or standards. For repeated or serious violations of this policy, the principal may suspend a student for up to ten days.

**Guideline Consequence:** OSS for a period of 10 days; ICART; long-term suspension.

## RULE 10: FIGHTING

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No student shall intentionally hit, shove, scratch, bite, spit, block the passage of, or throw objects at another student or any other person. No student shall take any action or make any comments or written messages intended to cause others to fight or which might reasonably be expected to result in a fight.

If a student is attempting to involve another student in a fight, the other student should walk away and report it to a teacher, assistant principal or principal. A student who is attacked may use reasonable force in self-defense but only to the extent to free him/herself from the attack and notify proper school authorities. A student who exceeds this reasonable force may be disciplined even though he may not have provoked the fight.

Students who instigate fights will be subject to the same consequences as those who are actually involved in fighting. Minor violations of this rule may result in disciplinary measures of responses up to and including short-term suspension. Aggravated or repeated violations of this rule may justify treating an otherwise minor violation as a serious violation that may result in a long-term suspension.

**Guideline Consequence:** OSS; ICART; long-term suspension.

## RULE 11: THEFT, TRESPASS, AND DAMAGE TO PROPERTY

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The board will not tolerate theft, trespass or damage to property by any student. Any student engaging in such behavior will be removed from the classroom or school environment for as long as is necessary to provide a safe and orderly environment for learning.

1. Theft

Students are prohibited from stealing or attempting to steal school or private property and/or from knowingly being in possession of stolen property.

2. Damage to Property

Students are prohibited from damaging or attempting to damage school or private property.

3. Trespass

Students are prohibited from trespassing on school property. A student will be considered a trespasser and may be criminally prosecuted in any of the following circumstances:

- a. the student is on the campus of a school to which he or she is not assigned during the school day without the knowledge and consent of the officials of that school;
- b. the student is loitering at any school after the close of the school day without any specific need or supervision; or
- c. the student has been suspended from school but is on the property of any school during the suspension period without the express permission of the principal.

**Guideline Consequence:** ISS; OSS for a period up to 10 days; IC; long-term suspension; restitution.

## **RULE 12: NARCOTICS, ALCOHOLIC BEVERAGES, STIMULANTS, DRUGS, CONTROLLED SUBSTANCES, OR INTOXICANTS**

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The board is committed to maintaining alcohol-free and drug-free schools. Unauthorized or illegal drugs and alcohol are a threat to safe and orderly schools and will not be tolerated. The superintendent is responsible for ensuring that this rule is consistently applied throughout the school system.

Students are prohibited from possessing, using, transmitting, selling or being under the influence of any of the following substances:

1. narcotic drugs;
2. hallucinogenic drugs;
3. amphetamines;
4. barbiturates;
5. marijuana or any other controlled substance;
6. synthetic stimulants, such as MDPV and mephedrone (e.g., "bath salts"), and synthetic cannabinoids (e.g., "Spice," "K2");
7. any alcoholic beverage, malt beverage, fortified or unfortified wine or other intoxicating liquor; or
8. any chemicals, substances or products procured or used with the intention of bringing about a state of exhilaration or euphoria or of otherwise altering the student's mood or behavior.

Students also are prohibited from possessing, using, transmitting or selling drug paraphernalia or counterfeit (fake) drugs. Students may not participate in any way in the selling or transmitting of prohibited substances, regardless of whether the sale or transmission ultimately occurs on school property.

Possession or use of prescription and over-the-counter drugs is not in violation of this rule if such drugs are possessed and used in accordance with **Policy 6125**, Administering Medicines to Students. The principal may authorize other lawful uses of substances that are otherwise prohibited by this policy, such as for approved school projects.

### **First Violation: Possession/Consumption**

Parents and law enforcement shall be notified immediately. The first violation shall result in an out-of-school suspension from school for a period of 5 to 10 days. If the parent(s) and student agree to a program of substance abuse counseling, the principal may alter the discipline recommendation. The school administration retains the authority to revoke the alternative discipline and recommend long-term suspension if the student and parent(s) fail to satisfactorily complete the substance abuse counseling program. All costs for counseling will be the responsibility of the parent(s) and student.

### **Second Violation: Possession/Consumption**

Parents and law enforcement shall be notified immediately. The second violation within the same school year or within succeeding school years shall result in out-of-school suspension for a period of ten school days. The principal also may recommend to the superintendent that the student be given a long-term suspension for the balance of the school year.

### **First Violation: Distribution**

Parents and law enforcement shall be notified immediately. Because the board of education considers distribution, sale, or delivery of a controlled substance to be a more serious threat to the safety of all students and a more serious breach of this policy, the following actions may be taken. If the amount of the controlled substance possessed by the student clearly indicates intent to sell/deliver/distribute the substance, or if the student is

discovered in the act of selling/delivering/distributing the substance, the principal may recommend to the superintendent that the student be suspended for the balance of the school year. The principal may also recommend expulsion if such action is necessary to ensure the safety of all students.

**Guideline Consequence:** OSS for a period of 10 days; long-term suspension; treatment program; **law enforcement must be contacted.**

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## **RULE 13: USE OF TOBACCO PRODUCTS**

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The board is committed to creating safe, orderly, clean and inviting schools for all students and staff. To this end, the board supports state laws that prohibit the sale or distribution of tobacco products to minors and that prohibit the use of tobacco products by minors. The board also supports state and federal laws that prohibit the use of tobacco products in school buildings, on school campuses, and in or on any other school property owned or operated by the school board. For the purposes of this policy, the term “tobacco product” means any product that contains or that is made or derived from tobacco and is intended for human consumption. This rule prohibits the use and possession of electronic cigarettes (such as vaping devices, hookah pens, and related paraphernalia) and all lighted and smokeless tobacco products.

### **A. PROHIBITED BEHAVIOR**

In support of the board’s commitments and state and federal law, students are prohibited from using or possessing any tobacco product (1) in any school building, on any school campus, and in or on any other school property owned or operated by the school board, including school vehicles; (2) at any school-related activity, including athletic events; or (3) at any time when the student is subject to the supervision of school personnel, including during school trips.

Nothing in this rule prohibits the use or possession of tobacco products for an instructional or research activity conducted in a school building, provided that the activity is conducted or supervised by a faculty member and that the activity does not include smoking, chewing or otherwise ingesting tobacco.

### **B. NOTICE AND POSTING**

Students will be provided with notice of the information in this rule through the Code of Student Conduct, student handbooks or other means identified by the principal. In addition, the principal shall post signs in a manner and at locations that adequately notify students, school personnel, and visitors about prohibitions against the use of tobacco products in all school facilities, on all school grounds, and at all school-sponsored events.

**Guideline Consequences:** Violation of this rule will result in disciplinary action in accordance with any applicable school rules or standards. For repeated or serious violations of this policy, the principal may suspend a student for up to ten days and may recommend long-term suspension, as appropriate. The principal may alter the discipline recommendation if the parent(s) and student(s) agree to an alternative program. The school administration shall retain the authority to revoke the alternative discipline if the student fails to satisfactorily complete the alternative program.

## RULE 14: SCHOOL ATTENDANCE

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Attendance in school and participation in class are integral parts of academic achievement and the teaching-learning process. Through regular attendance, students develop patterns of behavior essential to professional and personal success in life. Regular attendance by every student is mandatory. The State of North Carolina requires that every child in the State between the ages of 7 (or younger if enrolled) and 16 attend school. Parents and legal guardians are responsible for ensuring that students attend and remain at school daily. The following are recognized as excused absences or tardies:

1. personal illness or injury which makes the student physically unable to attend school;
2. isolation ordered by the State Board of Health;
3. death in the immediate family;
4. with a medical note, medical or dental appointments;
5. participation under subpoena as a witness in a court proceeding;
6. observance of an event required or suggested by the religion of the student or the student's parents. The student will have the opportunity to make up any tests or other work missed due to the excused absence for a religious observance;
7. participation in a valid educational opportunity, such as travel, or service as a legislative or Governor's page with prior approval by the principal;
8. pregnancy and related conditions or parenting, when medically necessary;
9. visits with the student's parent or legal guardian who is an active duty member of the uniformed services, has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat support posting.

Extended illnesses generally require a statement from a physician.

The principal shall determine if the amount of time missed is of reasonable length. All other absences are considered unexcused. Part of the requirement to receive credit for any grade or course is to fulfill the board policy on minimum days in attendance, which is 160 days during the school year for students in grades K-5, 165 days for students in grades 6-8, and 85 days per semester for students in grades 9-12.

Excessive tardies and early sign-outs may affect a student's attendance status.

**Guideline Consequence:** ISS, OSS for a period of 2 days or less.

## RULE 15: BUS CONDUCT

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Student transportation service is a privilege, not a right. Students shall comply with all appropriate rules in this code of conduct while riding, boarding or leaving the bus and shall observe the directives of the school bus driver. In addition, students shall adhere to any additional school, county, or state rules developed specifically to govern their conduct while riding, boarding or leaving the bus.

The following conduct is specifically prohibited and may result in revocation of bus privileges:

1. riding a bus to which you have not been assigned without authorization of the principal;
2. delaying the bus schedule;
3. fighting, smoking, using profanity or refusing to obey the driver's instructions;
4. tampering with or willfully damaging the school vehicle;
5. possession or use of unauthorized drugs, intoxicating beverages or controlled substances as outlined in this Code;
6. getting off at an unauthorized stop;
7. distracting the driver's attention by participating in disruptive behavior while the vehicle is in operation;
8. throwing objects from the bus;
9. engaging in sexual activities of any kind, regardless of whether such activities are consensual;
10. failing to observe and obey safety regulations;
11. willfully trespassing on a school-owned or operated vehicle or violating any other Code rule while on the bus.

If a violation of this rule also violates other rules in the Code, consequences in addition to those listed below may be implemented. Violation of this rule may result in disciplinary action in accordance with school rules or standards. For repeated or serious violations of this policy, the principal may suspend a student for up to ten days and may impose additional disciplinary actions pursuant to other board policies or rules of conduct that address the behavior.

**Guideline Consequence:** Suspension from bus for a specified time; ISS; OSS for up to 10 days for repeated or serious violations; removal of privilege to ride a bus.

## RULE 16: FOOD AND BEVERAGES

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Students shall not consume food or beverages in areas not designated for that purpose by the building principal, unless authorized to do so by appropriate school personnel.

**Guideline Consequence:** disciplinary measures may include ISS

## RULE 17: GAMBLING

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Students shall not engage in any form of games of chance or gambling for money and/or things of value.

**Guideline Consequence:** Parent may be notified; punishment is dependent upon the number of offenses and may include ISS or OSS for a period of less than 3 days.

## **RULE 18: INAPPROPRIATE INTERPERSONAL BEHAVIOR / PUBLIC DISPLAYS OF AFFECTION**

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Students shall conduct their personal and social relationships according to acceptable community standards. Inappropriate public displays of affection as determined by the principal will not be allowed.

**Guideline Consequence:** Parent may be notified; punishment is dependent upon the number of offenses and may include ISS for a period of less than 3 days.

## **RULE 19: HAZING**

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Hazing by any individual or group associated with the school system is prohibited and will not be tolerated. Hazing is defined as subjecting another student to physical injury or assault as part of an initiation or as a prerequisite to membership into any organized school group, including any athletic team, club, society or similar group. Hazing includes, but is not limited to, requiring any student to wear abnormal dress or costume on campus; playing abusive or ridiculous tricks on a student; frightening, scolding, beating or harassing a student; or subjecting a student to personal indignity.

The board of education reserves the right to disband any extracurricular club or athletic team, if the circumstances merit such action.

**Guideline Consequence:** ISS or OSS for a period of less than five days, ICART; OSS for up to 10 days or long-term suspension for repeated or more serious violations.

**Additional Consequences:** Punishment is dependent upon the severity of the offense and will result in disciplinary action, including, but not limited to suspension or removal from the athletic team or school organization, ISS, short-term or long-term suspension, or expulsion, as allowed by law. In accordance with board policy, placement in an alternative educational setting may be made instead of suspension. Upon approval of the superintendent, the principal may prohibit a student from participating in an extracurricular activity pending full investigation of hazing allegations, if the principal's preliminary investigation indicates that the allegations are valid and that the student likely violated this rule. At a minimum, the preliminary investigation will include notifying the student of the allegations and providing him/her the opportunity to respond. Violation of this rule also may result in criminal prosecution.

## **RULE 20: STUDENT DRESS CODE**

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Students are expected to adhere to standards of dress and appearance that are compatible with a safe and effective learning environment. The board prohibits appearance or clothing that (1) violates a reasonable dress code adopted and publicized by the board or an individual school, (2) is substantially disruptive, (3) is provocative, revealing, vulgar or obscene or (4) endangers the health or safety of the student or others.

Before being punished, a student who is not in compliance with this rule or a school dress code will be given a reasonable period of time to make adjustments so that he or she will be in compliance.

Examples of prohibited dress or appearance include, but are not limited to, those listed below.

1. Head apparel (hats, headbands, scarves, bandanas, picks, combs, etc.) or sunglasses may not be worn inside the building unless the headgear is worn based on a sincerely-held religious belief;
2. Exposed undergarments;
3. Halter tops, tank tops, spaghetti straps (no bare shoulders);
4. Clothing that exposes the midriff or cleavage;
5. Pants that are baggy or drag the floor (pants/shorts must be worn around the waist);
6. Short shorts or excessively short dresses/skirts;
7. Spandex or other very tight clothing, or excessively oversized clothing;
8. Sleepwear or bedroom slippers;
9. Bare feet;
10. Clothing that contains advertisements for tobacco, alcohol, or drugs; pictures or graphics of nudity; words that are profane, lewd, vulgar, or indecent or likely to be disruptive to the learning environment;
11. Items that are potentially dangerous such as fish hooks, chains, or spiked objects; and
12. Any symbols, styles or attire that would violate Rule 23, Gang Control.

Individual schools may maintain written guidelines in addition to those above and will be made available to students and parents. School administrators may make exceptions to the dress code as deemed appropriate for medical or religious reasons, for special observances, or for other activities that would allow for non-conforming dress on a school campus.

If a student's dress, appearance or lack of cleanliness is detrimental to the health or safety of him/herself or others, substantially disrupts the school or work environment, or otherwise violates this policy, the principal may require the student to adjust his/her appearance or clothing. Failure to comply with this rule or a school dress code will result in the student being removed from the classroom and/or school until his/her appearance or clothing adheres to the rules. The student's parent/guardian will be notified prior to any removal from school.

**Guideline Consequence:** Contact parent for appropriate attire; ISS; IC; OSS for up to 3 days.

## **RULE 21: CRIMINAL BEHAVIOR**

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Criminal or other illegal behavior is prohibited. Any student who the principal reasonably believes has engaged in criminal behavior on school premises or at school activities will be subject to appropriate disciplinary action, as stated in applicable board policies, and also may be criminally prosecuted.

School officials shall cooperate fully with any criminal investigation and prosecution. School officials shall independently investigate any criminal behavior that also violates school rules or board policy.

### **Students Charged with or Convicted of Criminal Behavior**

The superintendent and principal may take reasonable or legally required measures to preserve a safe, orderly environment when a student has been charged with or convicted of a serious crime, regardless of whether the alleged offense was committed on school grounds or was related to school activities. Depending upon the circumstances, including the nature of the crime or alleged crime, the child's age, and the publicity within the school community, reasonable or legally required efforts may include changing a student's classroom assignment or transferring the student to another school. Transfer to an alternative education program may be made in accordance with the criteria established in **Policy 3470/4305**, Alternative Learning Programs/Schools. The student will continue to be provided with educational opportunities unless and until the student is found to have violated board policy or school rules and is suspended or expelled in accordance with procedures established in board policy.

### **REPORTING CRIMINAL BEHAVIOR**

A school employee is permitted to report to law enforcement an assault by a student on a school employee. Principals or other supervisors shall not, by threats or in any other manner, intimidate or attempt to intimidate the school employee from doing so.

Principals must immediately report to law enforcement when they have personal knowledge or actual notice from school personnel that the acts listed in section E.11 of **Policy 4300** have occurred on school property. A principal who willfully fails to make a required report to law enforcement will be subject to disciplinary action, up to and including dismissal.

The principal or designee shall notify the superintendent or designee in writing or by e-mail of any report made by the principal to law enforcement. Such notice must occur by the end of the workday in which the incident occurred, when reasonably possible, but not later than the end of the following workday. The superintendent must inform the board of any such reports. In addition, the principal or designee must notify the parents of students who are alleged to be victims of any reported offenses.

Certain crimes must be reported to the State Board of Education in accordance with State Board of Education Policy HRS-A-000.

**Guideline Consequence:** Change student's classroom or school assignment as necessary; if appropriate, OSS; long-term suspension or expulsion pursuant to other board policies or rules of conduct that address the behavior; **law enforcement must be contacted.**

## **RULE 22: DISCRIMINATION, HARASSMENT, AND BULLYING**

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The board acknowledges the dignity and worth of all students and employees and strives to create a safe, orderly, caring, and inviting school environment to facilitate student learning and achievement. The board prohibits discrimination on the basis of race, color, national origin, sex, disability, or age and will provide equal access to the Boy Scouts and other designated youth groups as required by law. The board will not tolerate any form of unlawful discrimination, harassment, or bullying in any of its educational or employment activities or programs. See **Policy 1710/4021/7230**, Prohibition Against Discrimination, Harassment, and Bullying. (This policy can be found on page 46 in this handbook.)

**Guideline Consequence:** ISS or OSS for a period of less than five days, OSS for up to 10 days; ICART; or long-term suspension for repeated or more serious violations.

**Additional Consequences:** Punishment is dependent upon the severity of the offense and will result in disciplinary action, including, but not limited to suspension or removal from extracurricular activities, ISS, short-term or long-term suspension, or expulsion, as allowed by law. In accordance with board policy, placement in an alternative educational setting may be made instead of suspension.

A student who is convicted under G.S. 14-458.2 of cyberbullying a school employee will be transferred to another school. If there is no other appropriate school within the school system, the student will be transferred to a different class or assigned to a teacher who was not involved as a victim of the cyberbullying. The superintendent may modify the required transfer of an individual student on a case-by-case basis and shall provide a written statement of this modification in the student's record.

## **RULE 23: GANG CONTROL**

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The board strives to create a safe, orderly, caring and inviting school environment. Gangs and gang-related activities have proven contrary to that mission and are prohibited within the schools. A gang is any ongoing organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of criminal acts and having a common name or common identifying sign, colors or symbols. The violence and crime that accompany gangs pose a serious threat to the safety of students and employees of the school system. Even absent acts of violence or crime, the existence of gang-related activity within the schools creates an atmosphere of fear and hostility that obstructs student learning and achievement. Thus, the board condemns the existence of gangs and will not tolerate gang-related activity in the school system.

Gang-related activity is strictly prohibited within the schools. For the purposes of this policy, "gang-related activity" means: (1) any conduct that is prohibited by another board policy and is engaged in by a student on behalf of an identified gang or as a result of the student's gang membership; or (2) any conduct engaged in by a student to perpetuate, proliferate or display the existence of any identified gang.

### **PROHIBITED BEHAVIOR**

Conduct prohibited by this rule includes:

- a. wearing, possessing, using, distributing, displaying or selling any clothing, jewelry, emblems, badges, symbols, signs or other items with the intent to convey membership or affiliation in a gang;
- b. communicating either verbally or non-verbally (gestures, handshakes, slogans, drawings, etc.) with the intent to convey membership or affiliation in a gang;
- c. tagging, or otherwise defacing school or personal property with symbols or slogans intended to convey membership or affiliation in a gang (see Rule 11, Theft, Trespass and Damage to Property);
- d. requiring payment of protection, insurance or otherwise intimidating or threatening any person related to gang activity (see Rule 2, Threats and Assaults)

- on or Physical Injury to Others);
- e. inciting others to intimidate or to act with physical violence upon any other person related to gang activity (Rule 2, Threats and Assaults on or Physical Injury to Others);
- f. soliciting others for gang membership; and
- g. committing any other illegal act or other violation of school system policies in connection with gang-related activity.

### **NOTICE**

The superintendent or designee shall regularly consult with law enforcement officials to maintain current examples of gang-related activities, including but not limited to gang names and particularized examples of potential gang indicators including symbols, hand signals, graffiti, clothing, accessories and behaviors. Each principal shall be provided the list of current examples of gang-related activities to assist students, parents and teachers in identifying gang symbols and practices. The list shall be available in an easily accessible location in the main office of the school. Parents, students and school employees may, upon request, access the list, which shall include a warning that wearing or displaying clothing, hand signs or symbols identified in the list with the intent to convey membership or affiliation in any gang may subject a student to discipline under this policy.

In addition, the Code of Student Conduct and all student handbooks (or such other similar materials distributed to parents and students in lieu of a student handbook) shall contain notice that (1) current information on gang-related activities is maintained in the main office at each school; (2) information on gang-related activities is subject to change and the principal should be consulted for updates; and (3) wearing or displaying clothing, hand signs or symbols identified in the list with the intent to convey membership or affiliation in any gang may subject a student to discipline.

In providing this information for students and parents, the board acknowledges that not all potential gang indicators connote actual membership in a gang.

***Guideline Consequences:*** If gang-related activity is associated with another act of misconduct, evidence of gang activity shall be considered an aggravating factor.

**Prior to first offense:** When a student is suspected of gang affiliation through circumstantial evidence, the school principal shall have a face-to-face meeting with parents explaining interventions and prevention strategies for the student.

**First violation:** Parents shall be notified immediately. The first violation will result in a five- to 10-day suspension with a referral to an intervention for gang activity. If parents agree to a program of gang intervention, the principal may alter the discipline recommendation. The school administration shall retain the authority to revoke the alternative discipline and reinstate the original suspension.

**Second violation:** Parents shall be notified immediately. The second violation within the same year shall result in an automatic 10-day suspension. The principal may recommend to the superintendent that the student be given a long-term suspension for the balance of the school year.

**Violations in succeeding school years:** Parents shall be notified immediately and the violation shall result in an automatic 10-day suspension. The principal may recommend to the superintendent that the student be given a long-term suspension for the balance of the school year.

## **RULE 24: USE OF WIRELESS DEVICES**

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The board recognizes that cellular phones and other wireless communication devices have become important tools through which parents communicate with their children. Therefore, students are permitted to possess such devices on school property so long as the devices are not activated, used, displayed or visible during instructional time or as otherwise directed by school rules or school personnel. Wireless communication devices include, but are not limited to, cellular phones, electronic devices with internet capability, paging devices, two-way radios and similar devices.

### **Search of Wireless Communication Devices**

In accordance with **Policy 4342, Student Searches**, a student's wireless communication device and its contents, including, but not limited to, text messages and digital photos, may be searched whenever a school official has reason to believe the search will provide evidence that the student has violated or is violating a law, board policy, the Code of Student Conduct or a school rule. The scope of such searches must be reasonably related to the objectives of the search and not excessively intrusive in light of the nature of the suspected infraction.

### **Liability**

Students are personally and solely responsible for the security of their wireless communication devices. The school system is not responsible for the theft, loss or damage of a cellular phone or other personal wireless communication device.

### **Consequences for Unauthorized Use**

School employees may immediately confiscate any wireless communication devices that are on, used, displayed or visible in violation of this policy. Absent compelling and unusual circumstances, confiscated wireless communication devices will be returned only to the student's parent.

The following factors should be considered when determining appropriate consequences: whether the wireless communication device was used (1) to reproduce images of tests, obtain unauthorized access to school information or assist students in any aspect of their instructional program in a manner that violates any school board policy, administrative regulation or school rule; (2) to bully or harass other students; (3) to send illicit text messages; (4) to take and/or send illicit photographs; or (5) in any other manner that would make more severe disciplinary consequences appropriate.

***Guideline Consequences:*** Confiscation of item; detention; ISS; OSS

### III. Important RCSS Board Policies

#### PROHIBITION AGAINST DISCRIMINATION, HARASSMENT, AND BULLYING POLICY CODE 1710/4021/7230

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The board acknowledges the dignity and worth of all students and employees and strives to create a safe, orderly, caring, and inviting school environment to facilitate student learning and achievement. The board prohibits discrimination on the basis of race, color, national origin, sex, disability, or age and will provide equal access to the Boy Scouts and other designated youth groups as required by law. The board will not tolerate any form of unlawful discrimination, harassment, or bullying in any of its educational or employment activities or programs. Any violation of this policy will be considered serious and school officials shall promptly take appropriate action to address the violation.

##### **A. Prohibited Behavior**

Students, school system employees, volunteers, and visitors are expected to behave in a civil and respectful manner. The board expressly prohibits unlawful discrimination, harassment, and bullying by students, employees, board members, volunteers, or visitors. "Visitors" includes parents and other family members and individuals from the community, as well as vendors, contractors, and other persons doing business with or performing services for the school system.

Students are expected to comply with the behavior standards established by board policy, the Code of Student Conduct, and school and classroom rules. Employees are expected to comply with board policy, school system regulations, and school rules. Volunteers and visitors on school property also are expected to comply with board policy, school system regulations, and school rules and procedures.

This policy applies to behavior that takes place: (1) in any school building or on any school premises before, during, or after school hours; (2) on any bus or other vehicle as part of any school activity; (3) at any bus stop; (4) during any school-sponsored activity or extracurricular activity; (5) at any time or place when the individual is subject to the authority of school personnel; or (6) at any time or place when the behavior has a direct and immediate effect on maintaining order and discipline in the schools.

##### **B. Definitions**

For purposes of this policy, the following definitions apply:

###### 1. Discrimination

Discrimination means any act or failure to act, whether intentional or unintentional, 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, pregnancy, religion, age, or disability.

###### 2. Harassment and Bullying

- a. Harassment or bullying behavior is deliberate conduct intended to harm another person or group of persons. Such conduct violates this policy when any pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication:

- 1) places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property; or
- 2) creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities, or benefits, or by adversely altering the conditions of an employee's employment.

"Hostile environment" means that the victim subjectively views the conduct as harassment or bullying and that the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is harassment or bullying. A hostile environment may be created through pervasive or persistent misbehavior or a single incident, if sufficiently severe.

Harassment and bullying include, but are not limited to, behavior described above that is reasonably perceived as being motivated by any actual or perceived differentiating characteristic or motivated by an individual's association with a person who has or is perceived to have a differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability. Examples of behavior that may constitute bullying or harassment include, but are not limited to, acts of disrespect, intimidation or threats, such as verbal taunts, name-calling and put-downs, epithets, derogatory comments or slurs, lewd propositions, exclusion from peer groups, extortion of money or possessions, implied or stated threats, 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. Harassment and bullying may occur through electronic means ("cyberbullying"), such as through the Internet, e-mailing, or text messaging, or by use of personal websites to support deliberate and repeated behavior intended to cause harm to persons or groups. Legitimate age-appropriate pedagogical techniques are not considered harassment or bullying.

Harassment, including sexual or gender-based harassment, as described below, is not limited to specific situations or relationships. It may occur between fellow students or co-workers, between supervisors and subordinates, between employees and students, or between non-employees, including visitors, and employees or students. Harassment may occur between members of the opposite sex or the same sex.

- b. Sexual harassment is a form of harassment that violates this policy. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
  1. submission to the conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, academic progress, or completion of a school-related activity;
  2. submission to or rejection of such conduct is used as the basis for employment decisions affecting the individual, or in the case of a

student, submission to or rejection of such conduct is used in evaluating the student's performance within a course of study or other school-related activity; or

3. such conduct is sufficiently severe, persistent, or pervasive that it has the purpose or effect of (a) unreasonably interfering with an employee's work or performance or a student's educational performance, (b) limiting a student's ability to participate in or benefit from an educational program or environment, or (c) creating an abusive, intimidating, hostile, or offensive work or educational environment.

Sexually harassing conduct includes, but is not limited to, deliberate, unwelcome touching that has sexual connotations or is of a sexual nature, suggestions or demands for sexual involvement accompanied by implied or overt promises of preferential treatment or threats, pressure for sexual activity, continued or repeated offensive sexual flirtations, advances or propositions, continued or repeated verbal remarks about an individual's body, sexually degrading words used toward an individual or to describe an individual, sexual assault, sexual violence, or the display of sexually suggestive drawings, objects, pictures or written materials. Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex, but not involving sexual activity or language, may be combined with incidents of sexually harassing conduct to determine if the incidents of sexually harassing conduct are sufficiently serious to create a sexually hostile environment.

As provided in **Policy 4040/7310**, Staff-Student Relations, employees are strictly prohibited from engaging in a romantic or sexual relationship with any student enrolled in the school system, whether or not the relationship is consensual. Such conduct is prohibited whether or not it constitutes sexual harassment.

- c. Gender-based harassment is also a type of harassment that violates this policy. Gender-based harassment may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping but not involving conduct of a sexual nature.

### **C. Reporting and Investigating Complaints of Discrimination, Harassment, or Bullying**

Any person who believes that he or she has been discriminated against, harassed, or bullied in violation of this policy by any student, employee, or other person under the supervision and control of the school system, or any third person who knows or suspects conduct that may constitute discrimination, harassment, or bullying, should inform a school official designated to receive such complaints, as described in **Policy 1720/4015/7225**, Discrimination, Harassment, and Bullying Complaint Procedure.

Any employee who has witnessed or who has reliable information that another person may have been subjected to discrimination, harassment, or bullying in violation of this policy has a duty to report such conduct in accordance with **Policy 1720/4015/7225**. Employees who observe an incident of harassment or bullying are expected to intervene to stop the conduct in situations in which they have supervisory control over the perpetrator and it is safe to do so. If an employee knows of an incident involving discrimination, harassment, or bullying

and the employee fails to report the conduct or take proper action or knowingly provides false information in regard to the incident, the employee will be subject to disciplinary action up to, and including, dismissal.

Reports, except mandatory employee reports, may be anonymously, and all reports will be investigated in accordance with **Policy 1720/4015/7225**.

#### **D. Responding to Occurrences of Discrimination, Harassment, or Bullying**

##### **1. Consequences for the Perpetrator**

###### **a. Disciplinary Consequences for Students**

Students will be disciplined in accordance with the Code of Student Conduct (**see Policy 4300**). Based on the nature and severity of the offense and the circumstances surrounding the incident, the student will be subject to appropriate consequences and remedial actions ranging from positive behavioral interventions up to, and including, expulsion. In addition, the violation may also be reported to law enforcement, as appropriate.

Incidents of misbehavior that do not rise to the level of discriminatory harassment or bullying may violate acceptable standards of student behavior, including, but not limited to, the expectation that students will demonstrate civility and integrity in the actions and interactions with others. The consequences for such behavior will be consistent with applicable board policy and the Code of Student Conduct.

This policy will not be construed to allow school officials to punish student expression or speech based on undifferentiated fear or apprehension of a disturbance or out of a desire to avoid the discomfort and unpleasantness that may accompany an unpopular viewpoint.

###### **b. Disciplinary Consequences for Employees**

Employees who violate this policy will be subject to disciplinary action up to, and including, dismissal. In addition, the violation may also be reported to law enforcement, as appropriate. Nothing in this policy will preclude the school system from taking disciplinary action against an employee when the evidence does not establish unlawful discrimination, harassment, or bullying, but the conduct otherwise violates board policy or expected standards of employee behavior.

###### **c. Consequences for Other Perpetrators**

Volunteers and visitors who violate this policy will be directed to leave school property and/or reported to law enforcement, as appropriate, in accordance with **Policy 5020**, Visitors to the Schools. A third party under the supervision and control of the school system will be subject to termination of contracts/agreements, restricted from school property, and/or subject to other consequences, as appropriate.

##### **2. Consideration of Need for More Extensive Response**

School administrators shall consider whether the misconduct warrants more than just a response at the individual level. Given the nature and severity of the misconduct, the administrators may determine that a classroom, school-wide, or school system-wide response is necessary.

Such classroom, school-wide, or school system-wide responses may include additional staff training, harassment and bullying prevention programs, and other measures deemed appropriate by the superintendent to address the behavior. The actions taken must be reasonably calculated to end the behavior, eliminate a hostile environment and its effects if one has been created, and prevent recurrence of the behavior.

### 3. Retaliation Prohibited

The board prohibits reprisal or retaliation against any person for (a) reporting or intending to report violations of this policy, (b) supporting someone for reporting or intending to report a violation of this policy, or (c) participating in the investigation of reported violations of this policy.

After consideration of the nature and circumstances of the reprisal or retaliation and in accordance with applicable federal, state, or local laws, policies, and regulations, the superintendent or designee shall determine the consequence and remedial action for a person found to have engaged in reprisal or retaliation.

## E. Training and Programs

The board directs the superintendent to establish training and other programs that are designed to prevent discrimination, harassment, and bullying and to foster an environment of understanding and respect for all members of the school community. Information about this policy and the related complaint procedure must be included in the training plan.

As funds are available, the board will provide additional training for students, employees, and volunteers who have significant contact with students regarding the board's efforts to address discrimination, harassment, and bullying and will create programs to address these issues. The training or programs should (1) provide examples of behavior that constitutes discrimination, harassment, or bullying; (2) teach employees to identify groups that may be the target of discrimination, harassment, or bullying; and (3) train school employees to be alert to locations where such behavior may occur, including locations within school buildings, at school bus stops, on cell phones, and on the Internet.

## F. Notice

The superintendent is responsible for providing effective notice to students, parents, and employees of this policy and of the procedures for reporting and investigating complaints of discrimination, harassment, and bullying established in **Policy 1720/4015/7225**, Discrimination, Harassment, and Bullying Complaint Procedure. The superintendent must ensure that each principal provides a copy of this Policy and **Policy 1720/4015/7225** to students, employees, and parents or other responsible care givers at the beginning of each school year. In addition, both policies must be posted on the school system website, and copies of the policies must be readily available at each school and worksite. Notice of the policies must appear in all student and employee handbooks and in any school or school system publication that sets forth the comprehensive rules, procedures, and standards of conduct for students and employees.

## G. Coordinators

The superintendent has appointed the following individuals to coordinate the school system's efforts to comply with and carry out its responsibilities under federal non-

discrimination laws. These responsibilities include investigating any complaints communicated to school officials alleging noncompliance with Title VI or Title IX of the Civil Rights Act, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act (ADA), the Age Discrimination Act, and/or the Boy Scouts Act, or alleging actions which would be prohibited by those laws.

1. Title IX Coordinator

Position Title: Assistant Superintendent for Operations

Office Address: 2222-C South Fayetteville Street, Asheboro, N.C. 27205

Phone Number: (336)633-5000

2. Section 504 Coordinator

Position Title: Director of Administrative Services for Students

Office Address: 2222-C South Fayetteville Street, Asheboro, N.C. 27205

Phone Number: (336)633-5000

3. ADA Coordinator

Position Title: Director of Facilities and Maintenance

Office Address: 2222-C South Fayetteville Street, Asheboro, N.C. 27205

Phone Number: (336)633-5000

4. Age Discrimination Coordinator

Position Title: Assistant Superintendent for Human Resources

Office Address: 2222-C South Fayetteville Street, Asheboro, N.C. 27205

Phone Number: (336)633-5000

5. Coordinator for Other Non-discrimination Laws

Position Title: Assistant Superintendent for Human Resources; Director of Administrative Services for Students

Office Address: 2222-C South Fayetteville Street, Asheboro, N.C. 27205

Phone Number: (336)633-5000

**H. Records and Reporting**

The superintendent or designee shall maintain confidential records of complaints or reports of discrimination, harassment, or bullying. The records must identify the names of all individuals accused of such offenses and the resolution of such complaints or reports. The superintendent also shall maintain records of training conducted and corrective action(s) or other steps taken by the school system to provide an environment free of discrimination, harassment, and bullying.

The superintendent shall report to the State Board of Education all verified cases of discrimination, harassment, or bullying. The report must be made through the Discipline Data Collection Report or through other means required by the State Board.

**I. Evaluation**

The superintendent shall evaluate the effectiveness of efforts to correct or prevent discrimination, harassment, and bullying and shall share these evaluations periodically with the board.

## **DISCRIMINATION, HARASSMENT, AND BULLYING COMPLAINT PROCEDURE POLICY CODE 1720/4015/7225**

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The board takes seriously all complaints of unlawful discrimination, harassment, and bullying. The process provided in this policy is designed for those individuals who believe that they may have been discriminated against, bullied, or harassed in violation of **Policy 1710/4021/7230**, Prohibition Against Discrimination, Harassment, and Bullying, or **Policy 1730/4022/7231**, Nondiscrimination on the Basis of Disabilities. Individuals who have witnessed or who have reliable information that another person has been subject to unlawful discrimination, harassment, or bullying also should use the process in this policy to report such violations to one of the school system officials listed in subsection C.1, below. In addition, the process in this policy should be used to report a violation of **Policy 4040/7310**, Staff-Student Relations.

Any report made through this process established in this policy may be made anonymously, except mandatory employee reports. The school system will ensure that institutional interests do not interfere with the impartiality of the process for investigating and resolving complaints established in this policy.

The process set forth in this policy does not apply to allegations regarding or related to the identification, evaluation, educational placement, or free appropriate public education of a student under Section 504 or the IDEA. Such allegations may be raised through the procedures established under **Policy 1730/4022/7231**, Nondiscrimination on the Basis of Disabilities (for Section 504 complaints), or in accordance with the procedures described in the *Parents' Rights Handbook* published by the N.C. Department of Public Instruction (for IDEA complaints).

### **A. Definitions**

1. **Alleged Perpetrator:** The alleged perpetrator is the individual alleged to have discriminated against, harassed, or bullied the complainant.
2. **Complaint:** A complaint is a written notification made by a person who believes he or she is the victim of unlawful discrimination, harassment, or bullying. If any person complains orally to a school administrator, the administrator must provide the complainant with a report form. If the complainant is unable to complete the form, the school administrator shall provide any needed assistance to complete the form.
3. **Complainant:** The complainant is the individual complaining of being discriminated against, harassed, or bullied.
4. **Days:** Days are the working days, exclusive of Saturdays, Sundays, vacation days, or holidays, as set forth in the school calendar. In counting days, the first day will be the first full working day following receipt of the complaint. When a complaint is submitted on or after May 1, time limits will consist of all weekdays (Monday–Friday) so that the matter may be resolved before the close of the school term or as soon thereafter as possible.
5. **Investigative Report:** The investigative report is a written account of the findings of the investigation conducted in response to a complaint.

6. **Investigator:** The investigator is the school official responsible for investigating and responding to the complaint. The investigator must be a person free of actual or reasonably perceived conflicts of interest and biases for or against any party.
7. **Report:** A report is a written notification that an individual, other than the reporter, is a suspected perpetrator or victim of unlawful discrimination, harassment, or bullying. If any person reports orally to a school administrator, the administrator must provide the reporter with a report form. If the reporter is unable to complete the form, the school administrator shall provide any needed assistance to complete the form.

## **B. Reporting by Employees or Other Third Parties:**

1. **Mandatory Reporting by School Employees**

Any employee who witnessed or who has reliable information or reason to believe that a student or other individual may have been discriminated against, harassed, or bullied in violation of **Policy 1710/4021/7230** or **Policy 1730/4022/7231** must report the offense immediately to an appropriate individual designated in subsection C.1., below. Suspected violations of **Policy 4040/7310**, Staff-Student Relations, should be reported directly to the superintendent or designee. An employee who does not promptly report possible discrimination, harassment, or bullying or violations of **Policy 4040/7310** shall be subject to disciplinary action.
2. **Reporting by Other Third Parties**

All members of the school community including students, parents, volunteers, and visitors are also strongly encouraged to report any act that may constitute an incident of discrimination, harassment, or bullying.
3. **Anonymous Reporting**

Reports of discrimination, harassment, or bullying may be made anonymously (except mandatory reports by school employees) but formal disciplinary action may not be taken solely on the basis of an anonymous report.
4. **Investigation of Reports**

School officials shall sufficiently investigate all reports of discrimination, harassment, or bullying, even if the alleged victim does not file a complaint or seek action by school officials, to understand what occurred and to determine whether further action under this policy or otherwise is necessary. School officials shall take such action as appropriate under the circumstances, regardless of the alleged victim's willingness to cooperate. At the option of the alleged victim, the report may be treated as a complaint by the alleged victim under this policy.

The Superintendent is authorized to develop reporting forms by which a written report may be made. School administrators are directed to ensure that reporters who attempt to make oral reports are provided a reporting form so that they can make written reports.

## C. Complaints Brought by Alleged Victims of Discrimination, Harassment, or Bullying

### 1. Filing a Complaint

Any individual who believes that he or she has been discriminated against, harassed, or bullied is strongly encouraged to file a complaint in writing to any of the following individuals:

- a. the principal or assistant principal of the school at which either the alleged perpetrator or alleged victim attends or is employed;
- b. an immediate supervisor if the individual making the complaint is an employee;
- c. the assistant superintendent of human resources if the alleged perpetrator or alleged victim is an employee of the school system (or the superintendent if the assistant superintendent of human resources is the alleged perpetrator);
- d. the Title IX coordinator for claims of sex discrimination or sexual harassment (see **Policy 1710/4021/7230** for contact information);
- e. the Section 504 coordinator or the ADA coordinator for claims of discrimination on the basis of a disability (see **Policy 1710/4021/7230** for contact information); or
- f. for claims of other forms of prohibited discrimination, the applicable civil rights coordinator as established in **Policy 1710/4021/7230**.

### 2. Time Period for Filing a Complaint

A complaint should be filed as soon as possible but no later than 30 days after disclosure or discovery of the facts giving rise to the complaint. Complaints submitted after the 30-day period may be investigated; however, individuals should recognize that delays in reporting may significantly impair the ability of school officials to investigate and respond to such complaints.

### 3. Informal Resolution

The board acknowledges that many complaints may be addressed informally without a full investigation and/or hearing through such methods as conferences or mediation. The board encourages the use of informal procedures such as mediation to the extent possible in appropriate cases and when all parties voluntarily agree after receiving a full disclosure of the allegations and the option for formal resolution; however, mediation or other informal procedures will not be used to resolve complaints alleging sexual assault or sexual violence, complaints by a student of sexual harassment perpetrated by an employee, or when otherwise deemed inappropriate by the investigator or applicable civil rights coordinator.

If an informal process is used, the principal or other designated personnel must (1) notify the complainant that he or she has the option to end the informal process and begin formal procedures at any time and (2) make a copy of this policy and other relevant policies available to the complainant. Any informal process should be completed within a reasonable period of time, not to exceed 30 days unless special circumstances necessitate more time. If informal procedures fail to resolve the matter in a reasonable period of time or are inappropriate, or if the complainant requests formal procedures, the complaints

will be investigated promptly, impartially, and thoroughly according to the procedures outlined in the remainder of this policy.

The Superintendent is authorized to develop complaint forms by which a written complaint may be made. School administrators are directed to ensure that complainants who attempt to make oral reports are provided a complaint form so that they can make written complaints.

#### **D. Process for Addressing Complaints of Alleged Incidents of Discrimination, Harassment, or Bullying**

##### **1. Initiating the Investigation**

- a. Whoever receives a complaint of discrimination, harassment, or bullying pursuant to subsection C.1, above, shall immediately notify the appropriate investigator who shall respond to the complaint and investigate. The investigator of a complaint is originally determined as follows; however, the superintendent may determine that individual circumstances warrant the assignment of a different investigator.
  - 1) If the alleged incident occurred under the jurisdiction of the principal, the investigator is the principal or designee, unless the alleged perpetrator is the principal, the assistant superintendent of human resources, the superintendent, or a member of the board. If the alleged perpetrator is any other employee, the principal or designee shall conduct the investigation in consultation with the assistant superintendent of human resources or designee.
  - 2) If the alleged perpetrator is the principal, the assistant superintendent of human resources or designee is the investigator.
  - 3) If the alleged incident occurred outside of the jurisdiction of a principal (for example, at the central office), the assistant superintendent of human resources or designee is the investigator unless the alleged perpetrator is the assistant superintendent of human resources, the superintendent, or a member of the board.
  - 4) If the alleged perpetrator is the assistant superintendent of human resources, the superintendent or designee is the investigator.
  - 5) If the alleged perpetrator is the superintendent, the board attorney is the investigator. (In such cases, whoever receives a complaint of discrimination, harassment, or bullying shall immediately notify the assistant superintendent of human resources who shall immediately notify the board chair. The board chair shall direct the board attorney to respond to the complaint and investigate.)
  - 6) If the alleged perpetrator is a member of the board, the board attorney is the investigator. (In such cases, whoever receives a complaint of discrimination, harassment, or bullying shall immediately notify the superintendent who shall direct the board attorney to respond to the complaint and investigate. Unless the board chair is the alleged perpetrator, the superintendent shall also notify the board chair of the complaint.)

- b. As applicable, the investigator shall immediately notify the Title IX, Section 504, ADA, or other relevant coordinator of the complaint, and, as appropriate, may designate the coordinator to conduct the investigation.
- c. The applicable coordinator and the investigator shall jointly assess the need for interim measures of support for either party and, as necessary, shall implement appropriate measures in a timely manner and monitor the effectiveness of the measures during the pendency of the investigation. Interim measures that restrict the ability of either party to discuss the investigation (“gag orders”) may not be used.
- d. The investigator shall explain the process of the investigation to the complainant and inquire as to whether the complainant would like to suggest a course of corrective action.
- e. Written documentation of all reports and complaints, as well as the school system’s response, must be maintained in accordance with **Policy 1710/4021/7230**.
- f. Failure to investigate and/or address claims of discrimination, harassment, or bullying shall result in disciplinary action.

## 2. Conducting the Investigation

The investigator is responsible for determining whether the alleged act(s) constitutes a violation of Policy 1710/4021/7230, Policy 1730/4022/7231, or Policy 4040/7310. In so doing, the investigator shall impartially, promptly, and thoroughly investigate the complaint. In complaints alleging sexual misconduct between students, each party will receive notice and access to information consistent with guidance from the U.S. Department of Education, Office for Civil Rights.

- a) The investigator shall interview all individuals who may have relevant information, including (1) the complainant; (2) the alleged perpetrator(s); (3) individuals identified as witnesses by the complainant or alleged perpetrator(s); and (4) any other individuals, including other possible victims, who may have relevant information. The investigation will include a review of all evidence presented by the complainant or alleged perpetrator.
- b) If the investigator, after receipt of the complaint, an interview with the complainant, and consultation with the board attorney, determines that the allegations submitted, even if factual, do not constitute discrimination, harassment, or bullying as defined in **Policy 1710/4021/7230** or **Policy 1730/4022/7231**, school officials will address the matter outside the scope of this policy. Information regarding the investigator’s determination and the process for addressing the complaint will be provided to the complainant.
- c) The complaint and investigation will be kept confidential to the extent possible. Information may be shared only with individuals who need the information in order to investigate and address the complaint appropriately and those with a legal right to access the information. Any requests by the complainant for further confidentiality will be evaluated within the context of the legal responsibilities of the school system. Any complaints withdrawn to protect confidentiality must be recorded in accordance with **Policy 1710/4021/7230**.
- d) The investigator shall review the factual information gathered through the investigation to determine whether, based on a preponderance of the

evidence, the alleged conduct constitutes discrimination, harassment, or bullying, giving consideration to all factual information, the context in which the alleged incidents occurred, the age, and maturity of the complainant and alleged perpetrator(s), and any other relevant circumstances. The investigator shall submit a written investigative report to the superintendent and, as applicable, to the Title IX, Section 504, ADA, or other coordinator.

### 3. Notice to Complainant and Alleged Perpetrator

- a. The investigator shall provide written notification to the complainant of the results of the investigation within 15 days of receiving the complaint, unless additional time is necessary to conduct an impartial, thorough investigation. The investigator shall specify whether the complaint was substantiated and, if so, shall also specify:
  - 1) reasonable, timely, age-appropriate, corrective action intended to end the discrimination, harassment, or bullying, and prevent it from recurring;
  - 2) as needed, reasonable steps to address the effects of the discrimination, harassment, or bullying on the complainant; and
  - 3) as needed, reasonable steps to protect the complainant from retaliation as a result of communicating the complaint.
- b. If required by federal law, information regarding specific disciplinary action imposed on the alleged perpetrator(s) will be given to the complainant, such as when the information relates directly to the complainant (e.g. an order requiring the perpetrator not to have contact with the complainant). School officials shall consult with the superintendent and board attorney before releasing such information, however.
- c. If the investigator determines that the complaint was substantiated, the perpetrator(s) shall be subject to discipline or other corrective steps, as described in **Policy 1710/4021/7230**. If the corrective steps involve actions outside the scope of the investigator's authority, the superintendent will be notified so that responsibility for taking the corrective steps may be delegated to the appropriate individual.
- d. Each alleged perpetrator will be provided with a written summary of the results of the investigation in regard to whether the complaint was substantiated, whether the alleged perpetrator violated relevant law or board policies by his or her actions, and what, if any, disciplinary actions or consequences will be imposed upon the perpetrator in accordance with board policy. The perpetrator may appeal any disciplinary action or consequence in accordance with board policy and law. However, an appeal by the perpetrator of disciplinary action does not preclude school officials from taking appropriate action to address the discrimination, harassment, or bullying.

### 4. Appeal

- a. If the complainant is dissatisfied with the investigative report, he or she may appeal the decision to the superintendent (unless the alleged perpetrator is the assistant superintendent of human resources or the superintendent, in which cases the complainant may appeal directly to the board in accordance with the procedure described in subsection D.4.b below). The appeal must be submitted in writing within five days of receiving the

investigative report. The superintendent may review the documents, conduct any further investigation necessary, or take any other steps the superintendent determines to be appropriate in order to respond to the complaint. The superintendent shall provide a written response within 10 days after receiving the appeal, unless further investigation is needed.

- b. If the complainant is dissatisfied with the superintendent's response, he or she may appeal the decision to the board within five days of receiving the superintendent's response. The board will review the documents, direct that further investigation be conducted if necessary, and take any other steps that the board determines to be appropriate in order to respond to the complaint. Upon request of the complainant, the board will hold a hearing pursuant to **Policy 2500**, Hearings Before the Board. The board will provide a written response within 30 days after receiving the appeal, unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

### **E. Timeliness of Process**

The school system will make a good faith effort to conduct a fair, impartial investigation in a timely manner designed to provide all parties with a prompt and equitable resolution. The number of days indicated at each step of the process should be considered a maximum. Every effort should be made to expedite the process. The school system reserves the right to extend any deadline contained in this policy for good cause with written notice to the parties of the delay and the reason for the delay.

If any school official charged with investigating the complaint or reviewing the investigation fails at any step in the process to communicate a decision within the specified time limit, the complainant will be entitled to appeal the complaint to the next step unless the official has notified the complainant of the delay and the reason for the delay, such as the complexity of the investigation, review, or report. The school official shall make reasonable efforts to keep the complainant apprised of progress being made during any period of delay. Delays that interfere with the exercise of any legal rights are not permitted.

Failure by the complainant at any step in the process to appeal a complaint to the next step within the specified time limit will be considered acceptance of the decision at that step, unless the complainant has notified the investigator of a delay and the reason for the delay and the investigator has consented in writing to the delay.

### **F. General Requirements**

1. No reprisals or retaliation of any kind will be taken by the board or by an employee of the school system against the complainant or other individual on account of his or her filing a complaint or report or participating in an investigation of a complaint or report filed and decided pursuant to this policy, unless the person knew or had reason to believe that the complaint or report was false or knowingly provided false information.
2. All meetings and hearings conducted pursuant to this policy will be private.

3. The board and school system officials will consider requests to hear complaints from a group, but the board and officials have the discretion to hear and respond to complainants individually.
4. The complainant may be represented by an advocate, such as an attorney, at any meeting with school system officials. Should the complainant choose to be represented by an attorney, the complainant should notify school officials in advance so that an attorney for the school system may also be present.
5. Should, in the judgment of the superintendent or designee, the investigation or processing of a complaint require that an employee be absent from regular work assignments, such absences shall be excused without loss of pay or benefits. This shall not prevent the superintendent or designee from suspending the alleged perpetrator without pay during the course of the investigation.

#### **G. Records**

Records will be maintained as required by **Policy 1710/4021/7230**.

## **STUDENT AND PARENT GRIEVANCE PROCEDURE POLICY CODE 1740/4010**

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#### **A. Options for Resolving Complaints**

The board strives to resolve concerns and complaints of students and parents whenever possible. To this end, the board has provided opportunities for students and parents to express their concerns through processes established in board policies. **Policy 1742/5060**, Responding to Complaints, identifies these different processes, including a mechanism for resolving complaints in an informal manner.

While the board encourages resolutions of complaints through informal means, it recognizes that, at times, a formal process may be necessary for certain types of complaints or if the informal process did not produce satisfactory results. This policy provides a complaint procedure that may be used as described below.

The primary purpose of the grievance procedure is to find a means for orderly and equitable resolutions to problems and concerns of students and their parents. During all grievance conferences and hearings, efforts shall be focused on finding a resolution to the problem, rather than merely describing or elaborating on the problem itself.

Any parent or student who has questions about the options for proceeding with a complaint or concern may contact the principal or superintendent for further information and copies of all applicable board policies.

#### **B. Definitions**

1. **Days:** Days are working days, exclusive of Saturdays, Sundays, vacation days, or holidays, as set forth in the school calendar. In counting days, the first day will be the first full working day following the receipt of the grievance. After May 1, time limits will consist of all weekdays (Monday–Friday) so that the matter may be resolved before the close of the school term or as soon thereafter as possible.

2. **Final Administrative Decision:** A final administrative decision is a decision of a school employee from which no further appeal to a school administrator is available.
3. **Grievance:** A grievance is a formal complaint regarding specific decisions made by school personnel that alleges that such decisions have adversely affected the person making the complaint. A grievance includes, but is not limited to, circumstances such as when a student or parent believes that board policy or law has been misapplied, misinterpreted, or violated. The term “grievance” does not include any matter for which the method of review is prescribed by law (for example, student admission, assignment, or discipline matters), for which there is a more specific board policy providing a process for addressing the concern, or upon which the board is without authority to act. Claims of discrimination, harassment or bullying must be processed under **Policy 1720/4015/7225, Discrimination, Harassment and Bullying Complaint Procedure.**
4. **Grievant:** The grievant is the parent, student or group of parents or students submitting the grievance.
5. **Official:** The official is the school system employee hearing and responding to the grievant.

### **C. Timeliness of Process**

The number of days indicated at each step of the grievance process should be considered a maximum, and every effort should be made to expedite the process.

Failure by the official at any step to communicate a decision within the specified time limit will permit the grievant to appeal the grievance to the next step unless the official has notified the grievant of the delay and the reason for the delay, such as the complexity of the investigation or report. The official shall make reasonable efforts to keep the grievant apprised of progress being made during any period of delay. Delays that interfere with the exercise of the grievant’s legal rights are not permitted.

Failure by the grievant at any step of the process to appeal a grievance to the next step within the specified time limit will be considered acceptance of the decision at the current step, unless the grievant has notified the official of a delay and the reason for the delay and the official has consented in writing to the delay.

### **D. General Requirements**

1. No reprisals of any kind will be taken by the board or by an employee of the school system against any grievant or other student or employee because of his or her participation in a grievance filed and decided pursuant to this policy.
2. All meetings and hearings conducted pursuant to this policy will be private.
3. The board and school system officials will consider requests to hear grievances from a group of grievants, but the board and officials have the discretion to hear and respond to grievants individually.
4. If a student can provide adequate documentation that his/her learning conditions may be further adversely affected by the grievance procedures, he/she may request permission from the superintendent’s office to bypass certain steps in the grievance procedure.

5. If the grievance proceedings require an employee, third party representative, or administrator to be released from his or her regular assignment, he or she shall be released without loss of salary or benefits.
6. Both the grievant and the person against whom the grievance is being filed may be represented at all stages of the grievance procedures by a third party representative whose role and type of participation shall be determined by the grievant and the person against whom the grievance is being filed. Attorneys may only represent the parties during appeals to the board or a board panel. If the grievant intends to be represented by a third party representative or legal counsel, he or she must notify the appropriate school official in advance so that school personnel also will have the opportunity to be represented.

## **E. Process for Grievance**

### **1. Filing a Grievance**

- a. Whenever a student or parent or guardian believes that he or she has been adversely affected by a decision of a school employee, the student or parent or guardian may file a grievance as provided in this policy.
- b. A grievance must be filed as soon as possible but no later than 30 days after disclosure or discovery of the facts giving rise to the grievance. For a grievance submitted after the 30 day period that claims a violation, misapplication or misinterpretation of state or federal law, the superintendent or designee shall determine whether the grievance will be investigated after considering factors such as the reason for the delay; the extent of the delay; the effect of the delay on the ability of the school system to investigate and respond to the complaint; and whether the investigation of the complaint is necessary to meet any legal obligations. However, students, parents and guardians should recognize that delays in filing a grievance may significantly impair the ability of the school system to investigate and respond effectively to such complaints.
- c. A student or parent or guardian who has a grievance must provide the following information in writing to the principal: (1) the name of the school system employee or other individual whose decision or action is at issue; (2) the specific decision(s) or action(s) at issue; (3) any board policy, state or federal law, state or federal regulation, or State Board of Education policy or procedure that the parent or guardian or student believes has been misapplied, misinterpreted or violated; and (4) the specific resolution desired. If there is not a specific decision or action at issue and no concern that state or federal law has been misapplied, misinterpreted or violated, then the procedure established in **Policy 1742/5060** is appropriate, and the principal shall address the concern following that policy.
- d. Even if the principal is the employee whose decision or action is at issue, the student must submit the grievance first to the principal in order for the principal to address the issue within the formal process. If, however, the grievance claims that a state or federal law has been misapplied, misinterpreted or violated, the student may submit the grievance directly to the superintendent or designee.
- e. If a student wants to initiate a formal grievance regarding a decision by the superintendent that directly and specifically affects the student, the general process described in this policy will be used, except that the grievance will

be submitted to the assistant superintendent of human resources, who shall forward the grievance to the board chairperson.

2. Investigation

- a. The principal shall schedule and hold a meeting with the student and/or parent or guardian within five school days after the grievance has been filed with the principal. The student may be accompanied by a parent, legal guardian or other person who is in a position of *loco parentis* to the student.
- b. The principal shall conduct any investigation of the facts necessary before rendering a decision.

3. Response by Principal

- a. The principal shall provide a written response to the written grievance within 10 days of the meeting. The response will include the principal's decision regarding resolution of the grievance and the basis for the decision. In responding, the principal may not disclose information about other students or employees that is considered confidential by law.
- b. A copy of the grievance and the principal's response will be filed with the superintendent.

4. Response by Superintendent

- a. If the grievant is dissatisfied with the principal's decision, the grievant may appeal the decision to the superintendent. The appeal must be made in writing within five days of receiving the principal's decision
- b. The superintendent may review the written documents and respond or the superintendent may schedule and hold a conference with the grievant, principal and any other individuals the superintendent determines to be appropriate within five school days after receiving the appeal. The student may be accompanied by a parent, legal guardian or other person who is in a position of *loco parentis* to the student.
- c. The superintendent shall provide a written response within 10 days after receiving the appeal. In responding, the superintendent may not disclose information about other students or employees that is considered confidential by law.

5. Appeal to the Board

If the grievant has alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board of education policy or procedure, the grievant will have the right to appeal a final administrative decision to the board of education (see subsection E.5.a, Mandatory Appeals, below). If a grievant has not alleged such specific violations, he or she may request a board hearing, which the board may grant at its discretion (see subsection E.5.b, Discretionary Appeals, below).

a. Mandatory Appeals

- i. If the grievant is dissatisfied with the superintendent's response to his or her grievance and has alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board of education policy

or procedure, the grievant may appeal the decision to the board within five days of receiving the superintendent's response.

- ii. A hearing will be conducted pursuant to **Policy 2500**, Hearings Before the Board.
- iii. The board will provide a final written decision within 30 days of receiving the appeal unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

b. Discretionary Appeals

- i. If the grievant is dissatisfied with the superintendent's response to his or her grievance but has *not* alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board of education policy or procedure, then within five days of receiving the superintendent's response, the grievant may submit to the superintendent a written request for a hearing before the board of education.
- ii. If the full board will be meeting within two weeks of the request for a hearing, the board will decide at that time whether to grant a hearing. Otherwise, the board chairperson will appoint a three-person panel to review the request and determine whether to (1) deny the appeal; (2) review the superintendent's decision on the written record only; or (3) grant a hearing. The panel will report the decision to the board. The board may modify the decision of the panel upon majority vote at a board meeting.
- iii. If the board denies the appeal, the decision of the superintendent will be final and the grievant will be notified within five days of the board's decision.
- iv. If the board decides to grant a hearing, the hearing will be conducted pursuant to **Policy 2500**.
- v. The board will provide a final written decision within 30 days of the decision to grant an appeal, unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

**F. Notice**

The superintendent or designee is responsible for providing effective notice to students, parents and school system employees of the procedures for reporting and investigating grievances.

**G. Records**

Appropriate records shall be maintained in accordance with state and federal law.

## **TECHNOLOGY RESPONSIBLE USE POLICY CODE 3225/4312/7320**

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The board provides its students and staff access to a variety of technological resources. These resources provide opportunities to enhance learning and improve communication within the school community and with the larger global community. Through the school system's technological resources, users can observe events as they occur around the world, interact with others on a variety of subjects, and acquire access to current and in-depth information.

The board intends that students and employees benefit from these resources while remaining within the bounds of safe, legal and responsible use. Accordingly, the board establishes this policy to govern student and employee use of school system technological resources. This policy applies regardless of whether such use occurs on or off school system property, and it applies to all school system technological resources, including but not limited to computer networks and connections, the resources, tools and learning environments made available by or on the networks and all devices that connect to those networks.

### **A. Expectations for Use of School Technological Resources**

The use of school system technological resources, including access to the Internet, is a privilege, not a right. Individual users of the school system's technological resources are responsible for their behavior and communications when using those resources. Responsible use of school system technological resources is use that is ethical, respectful, academically honest and supportive of student learning. Each user has the responsibility to respect others in the school community and on the Internet. Users are expected to abide by the generally accepted rules of network etiquette. General student and employee behavior standards, including those prescribed in applicable board policies, the Code of Student Conduct and other regulations and school rules, apply to use of the Internet and other school technological resources.

In addition, anyone who uses school system computers or electronic devices or who accesses the school network or the Internet using school system resources must comply with the additional rules for responsible use listed in Section B, below. These rules are intended to clarify expectations for conduct but should not be construed as all-inclusive.

Before using the Internet, all students must be trained about appropriate online behavior as provided in **Policy 3226/4205**, Internet Safety.

All students and employees must be informed annually of the requirements of this policy and the methods by which they may obtain a copy of this policy. Before using school system technological resources, students and employees must sign a statement indicating that they understand and will strictly comply with these requirements and acknowledging awareness that the school system uses monitoring systems to monitor and detect inappropriate use of technological resources. Failure to adhere to these requirements will result in disciplinary action, including revocation of user privileges. Willful misuse may result in disciplinary action and/or criminal prosecution under applicable state and federal law.

## B. Rules for Use of School Technological Resources

1. School system technological resources are provided for school-related purposes only. Acceptable uses of such technological resources are limited to responsible, efficient and legal activities that support learning and teaching. Use of school system technological resources for commercial gain or profit is prohibited. Student personal use of school system technological resources for amusement or entertainment is also prohibited. Because some incidental and occasional personal use by employees is inevitable, the board permits infrequent and brief personal use by employees so long as it occurs on personal time, does not interfere with school system business and is not otherwise prohibited by board policy or procedure.
2. Under no circumstance may software purchased by the school system be copied for personal use.
3. Students and employees must comply with all applicable laws, including those relating to copyrights and trademarks, confidential information, and public records. Any use that violates state or federal law is strictly prohibited. Plagiarism of Internet resources will be treated in the same manner as any other incidents of plagiarism, as stated in the Code of Student Conduct.
4. No user of technological resources, including a person sending or receiving electronic communications, may engage in creating, intentionally viewing, accessing, downloading, storing, printing or transmitting images, graphics (including still or moving pictures), sound files, text files, documents, messages or other material that is obscene, defamatory, profane, pornographic, harassing, abusive or considered to be harmful to minors.
5. The use of anonymous proxies to circumvent content filtering is prohibited.
6. Users may not install or use any Internet-based file sharing program designed to facilitate sharing of copyrighted material.
7. Users of technological resources may not send electronic communications fraudulently (i.e., by misrepresenting the identity of the sender).
8. Users must respect the privacy of others. When using e-mail, chat rooms, blogs or other forms of electronic communication, students must not reveal personal identifying information, or information that is private or confidential, such as the home address or telephone number, credit or checking account information or social security number of themselves or fellow students. For further information regarding what constitutes personal identifying information, see **Policy 4705/7825**, Confidentiality of Personal Identifying Information. In addition, school employees must not disclose on school system websites or web pages or elsewhere on the Internet any personally identifiable, private or confidential information concerning students (including names, addresses or pictures) without the written permission of a parent or guardian or an eligible student, except as otherwise permitted by the Family Educational Rights and Privacy Act (FERPA) or **Policy 4700**, Student Records. Users also may not forward or post personal communications without the author's prior consent.

9. Users may not intentionally or negligently damage computers, computer systems, electronic devices, software, computer networks or data of any user connected to school system technological resources. Users may not knowingly or negligently transmit computer viruses or self-replicating messages or deliberately try to degrade or disrupt system performance. Users must scan any downloaded files for viruses.
10. Users may not create or introduce games, network communications programs or any foreign program or software onto any school system computer, electronic device or network without the express permission of the technology director or designee.
11. Users are prohibited from engaging in unauthorized or unlawful activities, such as "hacking" or using the computer network to gain or attempt to gain unauthorized or unlawful access to other computers, computer systems or accounts.
12. Users are prohibited from using another individual's ID or password for any technological resource without permission from the individual. Students must also have permission from the teacher or other school official.
13. Users may not read, alter, change, block, execute or delete files or communications belonging to another user without the owner's express prior permission.
14. Employees shall not use passwords or user IDs for any data system (e.g., the state student information and instructional improvement system applications, time-keeping software, etc.) for an unauthorized or improper purpose.
15. If a user identifies a security problem on a technological resource, he or she must immediately notify a system administrator. Users must not demonstrate the problem to other users. Any user identified as a security risk will be denied access.
16. Teachers shall make reasonable efforts to supervise students' use of the Internet during instructional time.
17. Views may be expressed on the Internet or other technological resources as representing the view of the school system or part of the school system only with prior approval by the superintendent or designee.

### **C. Restricted Material on the Internet**

The Internet and electronic communications offer fluid environments in which students may access or be exposed to materials and information from diverse and rapidly changing sources, including some that may be harmful to students. The board recognizes that it is impossible to predict with certainty what information on the Internet students may access or obtain. Nevertheless school system personnel shall take reasonable precautions to prevent students from accessing material and information that is obscene, pornographic or otherwise harmful to minors, including violence, nudity, or graphic language that does not serve a legitimate pedagogical purpose. The superintendent shall ensure that technology protection measures are used as provided in **Policy 3226/4205**, Internet Safety, and are disabled or minimized only when permitted by law and board policy. The board is not responsible for the content accessed by users who connect to the Internet via their personal mobile telephone technology (e.g., 3G, 4G service).

## **D. Parental Consent**

The board recognizes that parents of minors are responsible for setting and conveying the standards their children should follow when using media and information sources. Accordingly, before a student may independently access the Internet, the student's parent must be made aware of the possibility that the student could obtain access to inappropriate material while engaged in independent use of the Internet. The parent and student must consent to the student's independent access to the Internet and to monitoring of the student's internet activity and e-mail communication by school personnel.

In addition, in accordance with the board's goals and visions for technology, students may require accounts in third party systems for school related projects designed to assist students in mastering effective and proper online communications or to meet other educational goals. Parental permission will be obtained when necessary to create and manage such third party accounts.

## **E. Privacy**

Students, employees, visitors, and other users have no expectation of privacy in anything they create, store, send, delete, receive, or display when using the school system's network, devices, Internet access, email system, or other technological resources owned or issued by the school system, whether the resources are used at school or elsewhere, and even if the use is personal purposes. Users should not assume that files or communications created, transmitted, or displayed using school system technological resources or stored on servers or on the storage mediums of individual devices will be private. The school system may, without notice, (1) monitor, track, and/or log network access, communications, and use; (2) monitor and allocate fileserver space; and (3) access, review, copy, store, delete or disclose the content of all user files, regardless of medium, the content of electronic mailboxes, and system outputs, such as printouts, for any lawful purpose. Such purposes may include, but are not limited to, maintaining system integrity, security, or functionality, ensuring compliance with board policy and applicable laws and regulations, protecting the school system from liability, and complying with the public records requests. School system personnel shall monitor online activities of individuals who access the Internet via a school-owned device.

## **F. Use of Personal Technology on School System Property**

Each principal may establish rules for his or her school site as to whether and how personal technology devices (including, but not limited to smart phones, tablets, laptops, etc.) may be used on campus. Students' devices are governed also by **Policy 4318**, Use of Wireless Communication Devices. The school system assumes no responsibility for personal technology devices brought to school.

## **G. Personal Websites**

The superintendent may use any means available to request the removal of personal websites that substantially disrupt the school environment or that utilize school system or individual school names, logos or trademarks without permission.

1. Students  
Though school personnel generally do not monitor students' Internet activity conducted on non-school system devices during non-school hours, when the student's online behavior has a direct and immediate effect on school safety or maintaining order and discipline in the schools, the student may be disciplined in accordance with board policy (see the student behavior policies in the [4300](#) series).
2. Employees  
Employees' personal websites are subject to **Policy 7335**, Employee Use of Social Media.
3. Volunteers  
Volunteers are to maintain an appropriate relationship with students at all times. Volunteers are encouraged to block students from viewing personal information on volunteer personal websites or online networking profiles in order to prevent the possibility that students could view materials that are not age-appropriate. An individual volunteer's relationship with the school system may be terminated if the volunteer engages in inappropriate online interaction with students.

## H. Texting

Employees, non-Randolph County School System employed but support personnel (i.e. lay coaches, band coaches, boosters, club sponsors, etc.) and school volunteers should not send text messages to individual students. When text messaging is used for school-related matters, the following rules apply:

1. Employees, non-instructional support and school volunteers shall not send text messages to elementary and middle school students;
2. Employees, non-instructional support and school volunteers shall use group texting websites (such as "cel.ly" , "Remind 101") to communicate with high school students via text message;
3. Employees, non-instructional support and school volunteers must invite parents to join the group texting website;
4. Employees, non-instructional support and school volunteers may not communicate with high school students via text message unless the student's parent or guardian has provided a phone number for texting that is listed in the NC Student Information System/ HomeBase database; and
5. Employees, non-instructional support and school volunteers may only text high school students on the number listed in the NC Student Information System/Home Base database; and
6. Employees, non-instructional support and school volunteers must keep a record of all texts sent to and from students.

As a general rule, student record information protected by the Family Education Rights and Privacy ACT (FERPA) and personnel records confidential pursuant to state law should not be sent via email, text, or facsimile unless sent in a secure manner.

## INTERNET SAFETY POLICY CODE 3226/4205

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### A. Introduction

It is the policy of the board to: (a) prevent user access via its technological resources to, or transmission of, inappropriate material on the Internet or through electronic mail or other forms of direct electronic communications; (b) prevent unauthorized access to the Internet and devices or programs connected to or accessible through the Internet; (c) prevent other unlawful online activity; (d) prevent unauthorized online disclosure, use or dissemination of personal identification information of minors; and (e) comply with the Children's Internet Protection Act.

### B. Definitions

1. **Technology Protection Measure:** The term "technology protection measure" means a specific technology that blocks or filters Internet access to visual depictions that are obscene, child pornography or harmful to minors.
2. **Harmful to Minors:** The term "harmful to minors" means any picture, image, graphic image file or other visual depiction that:
  - a. taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex or excretion;
  - b. depicts, describes or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts or a lewd exhibition of the genitals; and
  - c. taken as a whole, lacks serious literary, artistic, political or scientific value as to minors.
3. **Child Pornography:** The term "child pornography" means any visual depiction, including any photograph, film, video picture or computer or computer-generated image or picture, whether made or produced by electronic, mechanical or other means, of sexually explicit conduct, where:
  - a. the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;
  - b. such visual depiction is a digital image, computer image or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or
  - c. such visual depiction has been created, adapted or modified to appear that an identifiable minor is engaging in sexually explicit conduct.
4. **Sexual Act; Sexual Contact:** The terms "sexual act" and "sexual contact" have the meanings given such terms in section 2246 of title 18, United States Code.
5. **Minor:** For purposes of this policy, the term "minor" means any individual who has not attained the age of 17 years.

### C. Access to Inappropriate Material

To the extent practical, technology protection measures (or "Internet filters") will be used to block or filter access to inappropriate information on the Internet and World Wide Web.

Specifically, blocking will be applied to audio and visual depictions deemed obscene or to be child pornography or harmful to minors. Student access to other materials that are inappropriate to minors will also be restricted. The board has determined that audio or visual materials that depict violence, nudity or graphic language that does not serve a legitimate pedagogical purpose are inappropriate for minors. The superintendent, in conjunction with a school technology and media advisory committee (see **Policy 3200**, Selection of Instructional Materials), shall make a determination regarding what other matter or materials are inappropriate for minors. School system personnel may not restrict Internet access to ideas, perspectives or viewpoints if the restriction is motivated solely by disapproval of the viewpoints involved.

A student or employee must immediately notify the appropriate school official if the student or employee believes that a website or web content that is available to students through the school system's Internet access is obscene, constitutes child pornography, is "harmful to minors" as defined by CIPA, or is otherwise inappropriate for students. Students must notify a teacher or the school principal; employees must notify the superintendent or designee.

Due to the dynamic nature of the Internet, sometimes Internet websites and web material that should not be restricted are blocked by the Internet filter. A student or employee who believes that a website or web content has been improperly blocked by the school system's filter should bring the website to the attention of the principal. The principal shall confer with the technology director to determine whether the site or content should be unblocked. The principal shall notify the student or teacher promptly of the decision. The decision may be appealed through the school system's grievance procedure. (See **Policies 1740/4010**, Student and Parent Grievance Procedure, and **1750/7220**, Grievance Procedure for Employees.)

Subject to staff supervision, technology protection measures may be disabled during use by an adult for bona fide research or other lawful purposes.

#### **D. Inappropriate Network Usage**

All users of school system technological resources are expected to comply with the requirements established in **Policy 3225/4312/7320**, Technology Responsible Use. In particular, users are prohibited from: (a) attempting to gain unauthorized access, including "hacking", and engaging in other similar unlawful activities; and (b) engaging in the unauthorized disclosure, use or dissemination of personal identifying information regarding minors.

#### **E. Education, Supervision and Monitoring**

To the extent practical, steps will be taken to promote the safety and security of users of the school system's online computer network, especially when they are using electronic mail, chat rooms, instant messaging and other forms of direct electronic communications. It is the responsibility of all school personnel to educate, supervise and monitor usage of the online computer network and access to the Internet in accordance with this policy, the Children's Internet Protection Act, the Neighborhood Children's Internet Protection Act and the Protecting Children in the 21st Century Act.

Procedures for the disabling or otherwise modifying any technology protection measures are the responsibility of the Executive Director of Media & Technology or designated representatives.

The Executive Director of Media & Technology or designated representatives shall provide age-appropriate training for students who use the school system's Internet services. The training provided will be designed to promote the school system's commitment to educating students in digital literacy and citizenship, including:

1. the standards and acceptable use of Internet services as set forth in **Policy 3225/4312/7320**, Technology Responsible Use;
2. student safety with regard to safety on the Internet, appropriate behavior while online, including behavior on social networking websites and in chat rooms, and cyberbullying awareness and response; and
3. compliance with the E-rate requirements of the Children's Internet Protection Act.

Following receipt of this training, the student must acknowledge that he or she received the training, understood it and will follow the provisions of **Policy 3225/4312/7320**, Technology Responsible Use.

The superintendent shall develop any regulations needed to implement this policy and shall submit any certifications necessary to demonstrate compliance with this policy.

## **RELEASE OF STUDENTS TO OTHER SCHOOL SYSTEMS POLICY CODE 4121**

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The board believes that in almost all cases, the child should attend the school that serves his/her domicile. Exceptions to this will be made in limited circumstances within the criteria provided below and any administrative procedures created by the superintendent. Any releases or admissions granted to students pursuant to this policy will be for one school year and a written request for renewal must be made annually.

### **A. Release of Randolph County System Students**

The superintendent or designee is authorized to grant releases to students domiciled in the Randolph County School System to seek assignment to a school in another school administrative unit.

Parents must make a written request to the superintendent of the Randolph County School System for their child's release to another school system for the following school year during the time period of February 15 to March 30. Letters reminding parents of the requirement to seek release for the following school year will be mailed no later than February 15.

Before granting a release, the superintendent shall determine whether there is an unusual hardship or other extenuating circumstances that clearly makes the release in the best interests of the individual student. Students may be released by the superintendent to attend school in another school administrative unit for one or more of the following reasons:

1. Change of Domicile

A student whose parents plan to move on or before November 1 may be released at the beginning of the school year to the school system serving the student's new domicile. However, the student's parent must show proof of domicile at the new home.

2. Child Care

A student who has not yet entered the 9th grade may be released to another school system when the working hours of the parents are such that the pupil would be unsupervised either before or after school hours were the student not kept by someone other than the parents. Students entering the 9th grade are no longer considered to be in need of child care that requires school reassignment, absent a satisfactory showing of extraordinary circumstances.

3. Employees' Children

A student whose parent is employed in another school system may be released to that school system.

4. Discipline

A student who is subject to exclusion from school due to misbehavior may be released to another school system.

5. Hardship or Other Extenuating Circumstances

A student may be released to another school system because of undue hardship when the superintendent determines based on all of the facts and circumstances that such undue hardship necessitates a release.

A student's release from the school system is effective for only one year. As a result, parents must submit a request for their child to be released to another school system on an annual basis during the February 15 to March 30 time period even if such release has been approved for prior school years.

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## **RELEASE OF STUDENTS FROM SCHOOL POLICY CODE 4210**

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The safety of students is a paramount concern of the board and school system. The following guidelines apply to the release of students from school:

1. No school or grade may be dismissed before the regular school hour for school dismissal except with the approval of the office of the superintendent of schools.
2. No teacher may permit any individual student to leave school prior to the regular hour of dismissal except by permission of the principal. Leaving school without permission constitutes truancy.
3. No student may be permitted to leave school prior to the dismissal hour at the request of or in the company of anyone other than an authorized school employee, a police officer, a court official or a parent or legal guardian of the child, unless the permission of the parent or legal guardian has been secured first. If any police or court official requests the dismissal of a student during school hours, parents shall be notified as soon as possible, unless such notification is prohibited by the police or court official.

The principal or designee shall make reasonable efforts to verify that any person appearing at a school and requesting permission to take a student from the school is properly identified before the student is released to him or her.

Except in the most extreme circumstances, custody of a student shall not be relinquished to any person without the prior approval of the parent or guardian who has physical custody of the student. However, if the parents are divorced or separated, the student may be released to either parent, unless the principal has been provided with a copy of a court order or agreement that specifies otherwise.

If the principal or designee judges that the student's health or safety may be harmed by releasing the student, the principal shall contact law enforcement and/or the department of social services as appropriate.

Principals are encouraged to develop guidelines as necessary to implement this policy. At a minimum, procedures for checking a student out of school will include the following:

1. Staff will check the student's emergency information.
2. Staff will check identification as needed.
3. Staff will accept from a parent or legal guardian a phone call (at the discretion of the principal) or a signed note as authorization for someone else to pick up their child.
4. Student will only be checked out of school by a school employee.
5. Students will not be called to the office to be checked out until the person picking up the student has been appropriately identified.
6. A student checkout log will be maintained and will include (a) the printed name and signature of the person checking out the student, (b) the student's name, (3) the purpose of the checkout, and (4) the date and time.

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## **COMMUNICABLE DISEASES POLICY CODE 4230**

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The board strives to provide a safe and healthy environment for all students and employees. The board also strives to maintain a balance among the needs to educate all eligible students, to protect students' and employees' rights, and to control communicable diseases, including HIV and AIDS.

Under certain circumstances, students with communicable diseases may pose a threat to the health and safety of other students and employees. Decisions regarding the educational status of students with communicable diseases will be made on a case-by-case basis in accordance with this policy. Nothing in this policy is intended to grant or confer any school attendance or education rights beyond those existing by law. This policy will be shared with school employees annually and with new employees as part of any initial orientation.

### **A. Definition Of Communicable Disease**

A communicable disease is defined as an illness due to an infectious agent, or its toxic products, that is transmitted directly or indirectly to a person from an infected person or animal.

### **B. Precautions**

In order to prevent the spread of communicable diseases, school system officials shall distribute guidelines for necessary health and safety precautions that all school system employees must follow. (See **Policy 7260**, Occupational Exposure to Bloodborne Pathogens, and **Policy 7262**, Communicable Diseases – Employees). Employees are also

required to follow the school system's bloodborne pathogens exposure control plan that contains universal precautions and specific work practice controls relating to the handling, disposal and cleanup of blood and other potentially infectious materials.

Students should not be involved in the handling, disposal, and cleanup of potentially infectious materials unless the students have been specifically trained in the handling of such materials and are qualified to perform first aid services. Employees shall take reasonable precautions to avoid allowing students to come in contact with these substances.

### **C. Curriculum**

The curriculum will include health, hygiene, and safety education, including age-appropriate information concerning safe health practices that inhibit and prevent the spread of diseases, including HIV and AIDS. (See **Policy 3540**, Comprehensive Health Education Program.)

### **D. Reporting and Notice Requirements**

In accordance with G.S. 130A-136, school principals shall report suspected cases of communicable diseases to the county health department. Confidentiality of such reports is protected by law. School principals are presumed by law to be immune from liability for making such reports in good faith. Without releasing any information that would identify the student, the principal also must report suspected cases of communicable diseases to the superintendent. Additionally, parents or guardians will be notified in a timely manner when their child has potentially been exposed to a communicable disease through the exchange of blood with another individual and will be encouraged to contact their private physician or the county health department for consultation.

If the local health director determines that there is significant risk of HIV transmission, the local health director is responsible for deciding which school personnel will be informed of the identity of a student with AIDS or HIV infection. The health director is also responsible for determining which school personnel will be informed of the identity of students with other communicable diseases required to be reported.

Any employee who is informed of or becomes aware of the student's condition shall respect and maintain that student's right of privacy and the confidentiality of his or her records and may not share that information unless specifically permitted to do so by the health director, the student's parent or guardian, or by other applicable state or federal laws or regulations. Permission from a parent or guardian to share a student's HIV status with other school personnel must be in writing. Any documents relating to a student's HIV or AIDS infection will be retained in a locked cabinet separate from the student's other school records and medical records and will be released or shared only as necessary to comply with this policy. Employees who are informed of the student's condition will also be provided with appropriate information concerning necessary precautions and will be made aware of the strict confidentiality requirements. If an employee releases this type of confidential information or record, except as permitted by law, the employee will have committed a misdemeanor and may be subject to further discipline.

In order to address the needs of the student within the school environment, school employees are required to notify the principal if they are aware or become aware of any

student suffering from a communicable disease other than HIV infection. Parents will be encouraged to notify the principal as well.

Students who are immunodeficient, whether due to AIDS or other causes, face an increased risk of severe complications from exposure to communicable diseases that appear in the school setting. Although students with an HIV infection are not required to notify school staff of their HIV status, students and their parents or guardians are encouraged to inform the principal if a student suffers from this immunodeficiency. Students who are immunodeficient because of other communicable diseases, and their parents, are also encouraged to inform the principal.

If notified that a student suffers from an immunodeficiency, the principal should request that the notifying party provide information about what types of exposures might put the student at risk and what reasonable practices can be taken in the school setting to minimize risk to the student. Whenever possible, the principal of a school should notify the parents or guardians of an infected or immunodeficient student (or the student himself or herself, where appropriate) about the presence of chicken pox, influenza, meningococcus, measles, tuberculosis, or other contagious diseases occurring in the school that may present a serious threat to the student's health. Students who are removed from school as a result of such conditions will be provided instruction in an appropriate alternative educational setting.

#### **E. Education/School Attendance for Students with Aids/HIV Infection and Hepatitis B**

Students with an AIDS or HIV infection or Hepatitis B will be permitted to attend school without special restrictions except in accordance with 10A N.C.A.C. 41A .0201-.0204 and this subsection.

When the local health director notifies the superintendent that a student with AIDS or HIV infection or Hepatitis B may pose a significant risk for transmission, the superintendent, in consultation with the local health director, shall appoint an interdisciplinary committee in accordance with state health regulations and procedures established by the superintendent. The committee shall consult with the local health director regarding the risk of transmission and advise the superintendent regarding the placement of the student. The committee will include appropriate school system personnel, medical personnel, and the student's parent or guardian and may include legal counsel. The parent may request additional participants as necessary to appropriately evaluate the risk. The health director will be responsible for determining whether to add additional members requested by the parents. The superintendent shall inform the board whenever a committee has been formed and shall advise the board of the professional composition of the committee.

The interdisciplinary committee shall review each case individually in consultation with the local health director to determine (1) the degree to which the student's conduct or presence in school exposes others to possible transmission or other harm and (2) what risk the school environment may pose to the infected student. If the local health director concludes that a significant risk of transmission exists in the student's current placement, the committee must determine whether an appropriate adjustment can be made to the student's school program to eliminate this risk. If that is not possible, the student will be provided instruction in an appropriate alternative educational setting that incorporates protective measures required by the local health director.

If the administrative or instructional personnel on the committee determine that the student has limited strength, vitality or alertness due to a chronic or acute health problem that adversely affects the student's educational performance, they must refer the student for possible identification and placement as a student with special needs.

All deliberations of the interdisciplinary committee will be kept strictly confidential and shared only as allowed by law. Any student records related to the deliberations of the committee will be retained in a locked cabinet separate from the student's other school records and medical records.

## **STUDENT SEX OFFENDERS POLICY CODE 4260**

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The board is committed to the safety of students, employees and other persons on school property. In order to create and maintain a safe school environment and comply with [G.S. 14-208.18](#), the board establishes the following policy provisions.

### **A. Student Sex Offender on School Property**

A student who is enrolled in the school system and is a registered sex offender subject to **Policy 5022**, Registered Sex Offenders, is expressly prohibited from (1) knowingly being present on any property owned or operated by the school system, including school buildings, athletic fields, playgrounds, parking lots, buses and other property, and (2) attending school-sponsored or school-related activities, except to the extent the student is permitted to be on school property to receive educational services.

A student subject to **Policy 5022**, Registered Sex Offenders, who is receiving educational services on school grounds must comply with the requirement that he or she be supervised by school personnel at all times.

### **B. Educational Services for Student Sex Offenders**

1. If permitted by the board, a student who is subject to Section A of this policy and is eligible to attend public school under [G.S. 115C-378](#) may be present on school property subject to any conditions and restrictions imposed by the board.
2. The board will hold a hearing to determine whether to expel the student or provide the student with educational services in accordance with subsection B.4.b. of **Policy 4353**, Long-Term Suspension, 365-Day Suspension, Expulsion.
3. Prior to expelling a student pursuant to [G.S.115C-390.11\(a\)\(2\)](#) the board will consider whether there are alternative educational services that may be offered to the student.
4. If the board determines that a student will be provided educational services on school property, the student must be supervised by school personnel at all times.
5. If a student subject to this policy violates the conditions and restrictions placed upon the student by the board, school officials will impose disciplinary consequences consistent with the terms of the conditions and restrictions placed on the student's admission or as otherwise provided in Section D of **Policy 4300**, Student Behavior Policies, and any applicable provisions of the Code of Student conduct.
6. If a student subject to this policy is a student with disabilities, he or she will be provided with educational services in compliance with federal and state law.

## SCHOOL-LEVEL INVESTIGATIONS POLICY CODE 4340

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The board is committed to creating a safe, orderly environment for students and employees. Principals are authorized and responsible for investigating conduct that may violate a board policy, school standard, school rule, or the Code of Student Conduct.

All employees and students, including students alleged to have engaged in misconduct, are expected to respond fully and truthfully to any questions or issues raised in the course of the investigation and any related proceedings.

Any student who has violated a board policy, school standard, school rule or the Code of Student Conduct must accept the consequences for his or her misbehavior. All consequences must be administered in a fair and nondiscriminatory manner.

The school administrator shall take the following steps in addressing all cases of alleged misbehavior appropriately referred to his or her office:

1. investigate the facts and circumstances related to the alleged misbehavior;
2. offer the student an opportunity to be heard on the matter; and
3. determine whether a board policy, school standard, school rule, or the Code of Student Conduct has been violated;

If a violation has occurred, the school administrator shall implement an appropriate consequence in accordance with the school's plan for managing student behavior, the Code of Student Conduct, or applicable board policy.

Parents are to be notified and involved in accordance with **Board Policy 4341**, Parental Involvement in Student Behavior Issues.

When the misbehavior may result in a suspension or an expulsion from school, procedures provided in related board policies also will apply. See **Policy 4351**, Short-Term Suspension, and **Policy 4353**, Long-Term Suspension, 365-Day Suspension, Expulsion.

A student with disabilities recognized by Section 504 of the Rehabilitation Act of 1973 or the Individuals with Disabilities Education Act (IDEA) will be accorded all rights granted by federal and state laws and regulations. (See **Policy 4307**, Disciplinary Action for Exceptional Children/Students with Disabilities).

## STUDENT SEARCHES POLICY CODE 4342

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School officials have the authority to conduct reasonable searches of students and to seize students' unauthorized materials for the purposes of maintaining a safe, orderly environment and upholding standards of conduct established by the board or school. Any searches or seizures must be conducted in accordance with the standards described in this policy and any other applicable legal requirements. All school officials carrying out a search or seizure are expected to be knowledgeable about the constitutional rights of students and the appropriate procedures for conducting the search or seizure. A search must be justified at its inception and permissible in scope. School officials shall make reasonable, good faith efforts to investigate allegations of misconduct before a student search is conducted.

This policy applies to searches conducted on school grounds, in school facilities, or at school-sponsored events.

**Policy 3225/4312/7320**, Technology Responsible Use, not this policy, applies to the search of school system-owned technological resources and the data located on school system-owned electronic equipment.

## A. Searches Based on Individualized Reasonable Suspicion

A student or the student's possessions may be searched when a school official has reasonable suspicion that the search will turn up evidence that the particular student has violated or is violating a specific law or school rule. This reasonable suspicion must be based upon specific and articulable facts, which have been acquired through reliable and/or corroborated information from employees, students, law enforcement officers, or other credible sources, or upon visual or other evidence (e.g., the smell of alcohol or marijuana, an alert from a metal detector or drug dog) viewed in light of the totality of the circumstances and the school official's professional judgment. The scope of the search and the methods used to conduct the search must be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

Reasonable suspicion is not required if a student freely and voluntarily consents to the search of his or her person or possessions.

In accordance with the standards described above, the board authorizes the following types of searches based on reasonable suspicion.

1. **Searches of Personal Effects**  
School officials may search a student's desk, locker, and/or personal effects, including but not limited to purses, book bags, and outer clothing. Rule 24 of **Policy 4300**, Code of Student Conduct, addresses the circumstances under which searches of student cell phones and other electronic devices may be conducted.
2. **Searches of Motor Vehicles**  
School officials may search the interior of a student's motor vehicle.
3. **"Pat-down" Searches**  
A school official may conduct a frisk or "pat-down" search of a student's person. The search must be conducted in private by a school official of the same gender with an adult witness present.
4. **More Intrusive Personal Searches**  
More intrusive personal searches are discouraged and are to be used only in very limited circumstances. A personal search is more intrusive when it extends beyond a student's personal effects and outer clothing and potentially exposes intimate body parts and/or undergarments. Such intrusive personal searches will be permissible only if: (1) the school official has reasonable suspicion that a search of a particular student will yield dangerous contraband (e.g., drugs or weapons); and (2) the school official has reasonable suspicion that the student has hidden the contraband in his or her undergarments. This search must be conducted in private by a school official of the same gender, with an adult witness of the same gender present, and only with the prior approval of the superintendent or designee, unless the health or safety of students will be endangered by the delay that might be caused by following these procedures. Body cavity searches and searches that require a student to completely disrobe are strictly prohibited.
5. **Metal Detector Searches**  
Except as provided in Section B.2, below, a metal detector may be used to search a student's person and/or personal effects. The search must be conducted by a school official and will be done in private, when feasible.

## B. Suspicionless General Searches

In an effort to maintain a safe, drug-free, and weapon-free learning environment, school officials may conduct certain types of general, suspicionless searches in the schools. All general searches must be conducted in a minimally-intrusive, nondiscriminatory manner (e.g., all students in randomly selected classrooms, every third individual entering a school-sponsored extracurricular activity) and may not be used to single out a particular individual or category of individuals. The searches must be conducted in accordance with standardized procedures established by the superintendent or designee. Absent exigent circumstances (e.g., a report of a weapon on campus), prior to conducting general searches, school administrators must: (1) demonstrate to the superintendent or designee the need for general searches based upon a pattern or expectation of violence, drug activity, or disruption; and (2) provide written notice to students and parents of the school policy and/or procedures governing general searches, but not of specific times when or places where searches will be conducted.

When conducted in accordance with the standards described above and any corresponding procedures, the board authorizes the following types of general, suspicionless searches.

### 1. Searches of Desks and Lockers

School officials may conduct routine searches of student desks and lockers. Student desks and lockers are school property and remain at all times under the control of the school. However, students are expected to assume full responsibility for the security of their desks and lockers. Student desks and lockers may not be used to store illegal, unauthorized, or contraband materials.

A student's personal effects found within a desk or locker, such as a backpack, gym bag, or purse, may be searched only in accordance with the guidelines for individualized searches of personal effects described in Section A, above.

### 2. Point-of-Entry Metal Detector Searches

Due to the increasing problem of weapons in schools, school officials may use metal detectors to conduct general point-of-entry searches of students and other persons for weapons. The search must be conducted in accordance with procedures established by the superintendent or his or her designee. Prior to initiating general searches, the school must: (1) substantiate to the superintendent the need for general searches based upon a pattern or expectation of violence or disruption; and (2) provide written notice, if feasible, to students and parents of the school policy governing general searches, but not of specific times or places where searches will be conducted. Any search conducted pursuant to this policy must be conducted by a school official.

### 3. Use of Trained Dogs

With the prior approval of the superintendent, and in conjunction with local law enforcement, school officials may use trained dogs (canines) to locate illegal materials. All dogs must be accompanied by a certified and authorized trainer who is responsible for the dog's actions and who is able to verify the dog's reliability and accuracy in sniffing out illegal material. Trained dogs may sniff lockers, desks, book bags, motor vehicles, and other inanimate objects. Dogs may not be used to sniff students or other persons under any circumstances. No students

should be present during a dog search. Before a search occurs in a classroom, students will first be moved to a location outside the classroom.

### **C. Seized Items**

Any illegal contraband seized by school officials must be promptly turned over to the proper law enforcement authorities.

### **D. Failure to Cooperate**

A student's failure to cooperate with a reasonable search or seizure as provided in this policy will be considered a violation of the expected standard of behavior, and will subject the student to appropriate consequences.

Any person who is not a student who refuses to permit a general metal detector search of his or her person and/or belongings at the point-of-entry to a school-sponsored activity may be denied entry to the activity.

### **E. Notice**

School principals shall take reasonable steps to provide notice of this policy to students and parents at the start of each school year.

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## **STUDENT DISCIPLINE RECORDS POLICY CODE 4345**

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### **A. Retention of Records and Report of Data**

The principal shall retain in each student's file, either in paper or electronic form, all records related to violations of board policies, the Code of Student Conduct, school standards, or school rules.

As required by law, the superintendent shall maintain the following data on each student who was suspended for more than 10 days, reassigned for disciplinary reasons, expelled, or to whom corporal punishment was administered: race, gender, age, grade level, ethnicity, disability status, type of incident or offense, duration of the suspension, whether alternative education services were provided, and whether the student had multiple suspensions in that academic year.

As secretary to the board, the superintendent also shall maintain records from the board's considerations of 365-day suspensions and expulsions and any readmission reconsiderations of 365-day suspensions and expulsions.

The superintendent shall ensure that data on disciplinary incidents is reported using the state student information system application in accordance with State Board of Education policies and procedures.

### **B. Disclosure of Records**

Confidential student records concerning conduct that posed a significant safety risk to the student or others in the school community may be disclosed to teachers and school officials, including teachers and school officials in other schools, who have legitimate educational interests in the behavior of the student.

## C. Removal of Records

### 1. End of Year Removal

The following types of discipline records may not be removed from student records, electronic files, and databases at the end of the school year:

- a) notice of any suspension for a period of more than 10 days and the record of the conduct for which the student was suspended;
- b) notice of any expulsion under [G.S. 115C-390.11](#) and the record of the conduct for which the student was expelled; and
- c) any records (including of in-school suspensions or short-term suspensions) that need to be maintained in order to be able to serve the student appropriately or to protect the safety of others.

### 2. Expunging Records

The superintendent or designee shall expunge any record of suspension for a period of more than 10 days or expulsion if the following criteria are met:

- a) a request that the record be expunged is made to the superintendent or designee by the student's parent or guardian, or by the student if the student is at least 16 years old or is emancipated;
- b) the student either graduates from high school or is not suspended or expelled again during the two-year period commencing on the date of the student's return to school after the expulsion or suspension; and
- c) the superintendent or designee determines that the maintenance of the record is no longer needed to adequately serve the child or to maintain safe and orderly schools.

In addition, the superintendent may expunge any notice of suspension or expulsion from a student's official record provided that criteria b. and c. above are met.

This section is not intended to limit parents' right to request removal of information from a student's record under **Policy 4700**, Student Records.

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## IN-SCHOOL AND SHORT-TERM SUSPENSIONS POLICY CODE 4351

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### A. In-School Suspension

An in-school suspension is the denial to a student of the right to attend regular classes, but does not prevent the student from attending school. The purpose of an in-school suspension is to provide a form of consequence that results in improving behaviors without removal of the student from the school environment and school supervision. In-school suspension is permitted at each school and may be imposed at the principal's discretion as an alternative to removal of the student from the school setting. A student who has been given in-school suspensions is required to do assignments developed by the student's regular teachers. Credit is given for this work. A student will not be allowed to participate in any extracurricular activities during the period of in-school suspension. The principal shall notify parents when a student is assigned to in-school suspension.

### B. Short-Term Suspension

A short-term suspension is the disciplinary exclusion of a student from attending his or her assigned school for up to 10 school days. A short-term suspension does not include (1) the removal of a student from class by the classroom teacher, the principal or other authorized school personnel for the remainder of the subject period or for less than one-half of the school day, (2) the changing of a student's location to another room or place on the school premises, or (3) a student's absence under G.S.130A-440 (for failure to submit a school

health assessment form within 30 days of entering school). A student who is placed on a short-term suspension will not be permitted to be on school property or to take part in any school function during the period of suspension without prior approval from the principal.

The principal or designee has the authority to determine when a short-term suspension is an appropriate consequence and to impose the suspension, so long as all relevant board policies are followed.

In accordance with [G.S. 115C-390.6\(e\)](#) and [115C-45\(c\)\(1\)](#), a student is not entitled to appeal the principal's decision to impose a short-term suspension to either the superintendent or the board unless it is appealable on some other basis.

### **C. Pre-Suspension Rights of the Student**

Except in the circumstances described below, a student must be provided with an opportunity for an informal hearing with the principal or designee before a short-term suspension is imposed. The principal or designee may hold the hearing immediately after giving the student oral or written notice of the charges against him or her. At the informal hearing, the student has the right to be present, to be informed of the charges and the basis for the accusations against him or her, and to make statements in defense or mitigation of the charges.

The principal or designee may impose a short-term suspension without first providing the student with an opportunity for a hearing if the presence of the student (1) creates a direct and immediate threat to the safety of other students or staff or (2) substantially disrupts or interferes with the education of other students or the maintenance of discipline at the school. In such cases, the principal or designee shall give the student notice of the charges and an opportunity for an informal hearing as soon as practicable.

### **D. Student Rights During the Suspension**

A student under a short-term suspension must be provided with the following:

1. the opportunity to take textbooks home for the duration of the suspension;
2. upon request, the right to receive all missed assignments and, to the extent practicable, the materials distributed to students in connection with such assignments; and
3. the opportunity to take any quarterly, semester, or grading period examinations missed during the suspension period.

### **E. Notice to Parent or Guardian**

When imposing a short-term suspension, the principal or designee shall provide the student's parent or guardian with notice that includes the reason for the suspension and a description of the student conduct upon which the suspension is based. The principal or designee must give this notice by the end of the workday during which the suspension is imposed when reasonably possible, but in no event more than two days after the suspension is imposed. If English is the second language of the parent, the notice must be provided in English and in the parent's primary language, when the appropriate foreign language resources are readily available. Both versions must be in plain language and easily understandable.

The initial notice may be by telephone, but it must be followed by timely written notice. The written notice must include all of the information listed above and may be sent by fax, e-mail, or any other method reasonably designed to give actual notice. School officials also shall maintain a copy of the written notice in the student's educational record.

Multiple short-term suspensions for a student with disabilities will be addressed in accordance with the *Policies Governing Services for Children with Disabilities* and other applicable state and federal law.

## LONG-TERM SUSPENSION, 365-DAY SUSPENSION, AND EXPULSION POLICY CODE 4353

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### A. Definitions

1. **Superintendent:** For purposes of this policy, superintendent includes the superintendent and the superintendent's designee.
2. **Principal:** For purposes of this policy, principal includes the principal and the principal's designee.
3. **Long-Term Suspension:** A long-term suspension is the disciplinary exclusion of a student from attending his or her assigned school for more than 10 school days. Disciplinary reassignment of a student to a full-time educational program that meets the academic requirements of the standard course of study established by the State Board of Education and that provides the student with the opportunity to make timely progress toward graduation and grade promotion is not a long-term suspension requiring the due process procedures set out in this policy, nor is an absence under G.S. 130A-440 (for failure to submit a school health assessment form within 30 days of entering school).

Upon the recommendation of the principal, the superintendent may impose a long-term suspension on a student who willfully engages in a serious violation of the Code of Student Conduct and the violation either (1) threatens the safety of students, staff or school visitors, or (2) threatens to substantially disrupt the educational environment. The principal may recommend long-term suspension for a minor violation if aggravating circumstances justify treating the student's behavior as a serious violation.

If the offense leading to the long-term suspension occurred before the final quarter of the school year, the exclusion must be no longer than the remainder of the school year in which the offense was committed. If the offense leading to the long-term suspension occurred during the final quarter of the school year, the exclusion may include a period up to the remainder of the school year in which the offense was committed and the first semester of the following school year.

4. **365-Day Suspension:** A 365-day suspension is the disciplinary exclusion of a student from attending his or her assigned school for 365 calendar days. The superintendent may impose a 365-day suspension only for certain firearm and destructive device violations, as identified in **Policy 4300**, Code of Student Conduct.
5. **Expulsion:** An expulsion is the indefinite exclusion of a student from school enrollment for disciplinary purposes. Upon the recommendation of the superintendent, the board may expel a student who is 14 years of age or older for certain types of misbehavior as provided in **Policy 4300**, Code of Student Conduct, if the student's continued presence in school constitutes a clear threat to the safety of other students or employees. Additionally, a student who is subject to **Policy 4260**, Student Sex Offenders, may be expelled if the student's continued presence in school constitutes a clear threat to the safety of other students or employees. During the expulsion, the student is not entitled to be present on educational property and is not considered a student of the school system.

## B. Determination of Appropriate Consequence

### 1. Principal's Recommendation

The principal may impose a short-term suspension or any other consequence that is consistent with **Policy 4351**, Short-Term Suspension, and the Code of Student Conduct (**see Policy 4300**). If the principal determines that a suspension of more than 10 days (either long-term or 365-day) or an expulsion is an appropriate consequence, the principal shall propose the disciplinary penalty based upon a review of the student's culpability and dangerousness and the harm caused by the student, plus any other mitigating or aggravating factors the principal finds relevant.

- a. **Culpability of Student** – In assessing the culpability of the student for his or her behavior, the principal may consider criteria such as:
  1. the student's age;
  2. the student's ability to form the intent to cause the harm that occurred or could have occurred; and
  3. evidence of the student's intent when engaging in the conduct.
- b. **Dangerousness of the Student** – In assessing the dangerousness of the student, the principal may consider criteria such as:
  1. the student's disciplinary or criminal record related to anti-social behavior or drugs and alcohol;
  2. whether a weapon was involved in the incident and if a weapon was involved, whether the student had the ability to inflict serious injury or death with the weapon;
  3. evidence of the student's ability to cause the harm that was intended or that occurred; and
  4. whether the student is subject to **Policy 4260**, Student Sex Offenders.
- c. **Harm Caused by the Student** – In assessing the severity of the harm caused by the student, the principal may consider criteria such as whether any of the following occurred:
  1. someone was physically injured or killed;
  2. someone was directly threatened or property was extorted through the use of weapon;
  3. someone was directly harmed, either emotionally or psychologically;
  4. educational property or others' personal property was damaged; or
  5. students, school employees or parents were aware of the presence of a weapon or of dangerous behavior on the part of the perpetrator.

After considering the above factors, the principal shall make a recommendation to the superintendent, stating the nature of the offense, the substance of the evidence involved and the length of suspension recommended. The principal also must consider and make a recommendation as to whether any alternative education services, counseling or other programs should be part of the consequence for violating board policy, the Code of Student Conduct, school standards or school rules.

If the principal recommends a 365-day suspension, he or she must identify the type of firearm or destructive device involved and the evidence substantiating that the student brought it to school grounds or to a school activity or possessed it on school grounds or at a school activity.

If the principal recommends an expulsion, he or she shall identify the basis for determining that there is clear and convincing evidence that the student's continued presence in school constitutes a clear threat to the safety of other students or employees.

## 2. Notice to the Student's Parent

The principal must provide to the student's parent written notice of the recommendation for long-term suspension, 365-day suspension or expulsion by the end of the workday during which the long-term suspension or expulsion is recommended when reasonably possible or as soon thereafter as practicable. The notice must be written in plain English and, when appropriate language resources are readily available, also in the parent's native language. The notice must contain the following 10 elements:

- a. the notice type, i.e., notice of long-term suspension, 365-day suspension or expulsion; \*
- b. a description of the incident and the student's conduct that led to the recommendation;
- c. the specific provision(s) of the Code of Student Conduct that the student allegedly violated;
- d. the specific process by which the parent may request a hearing to contest the decision and the deadline for making the request; \*
- e. the process by which the hearing will be held, including all due process rights to be accorded the student during the hearing;
- f. notice of the right to retain an attorney to represent the student in the hearing process;
- g. notice that an advocate, instead of an attorney, may accompany the student to assist in the presentation of the appeal;
- h. notice of the right to review and obtain copies of the student's educational records prior to the hearing;
- i. a reference to **Policy 4345**, Student Discipline Records, regarding the expungement of disciplinary records; and
- j. the identity and phone number of a school employee whom the parent may call to obtain assistance in receiving a Spanish translation of the English language information included in the document. \*

*\*This information must be provided on the notice in both English and Spanish.*

## 3. Superintendent's Decision

The student or student's parent may request a hearing within three days of receiving notice from the principal of the recommendation for long-term suspension, 365-day suspension or expulsion. Any hearing held will follow the hearing procedures outlined in Section A of **Policy 4370**, Student Discipline Hearing Procedures. A decision will be rendered before the long-term suspension is imposed.

If the student or parent makes a timely request for a hearing, the superintendent shall (1) confirm that the charges against the student, if substantiated, could warrant the recommended disciplinary action, (2) appoint a hearing panel composed of three professional staff members, and (3) give the student and parent reasonable notice of the time and place of the hearing.

If neither the student nor the parent appears for a scheduled hearing after being given reasonable notice of the time and place of the hearing, the student and parent are deemed to have waived the right to a hearing.

If the student and parent fail to make a timely request for a hearing or if they waive the right to a hearing by failing to appear for a duly scheduled hearing, the superintendent shall review the circumstances of the recommended long-term suspension. Following this review, the superintendent (1) may impose the long-term or 365-day suspension if it is consistent with board policies and appropriate

under the circumstances, (2) may impose another appropriate penalty authorized by board policy or (3) may decline to impose any penalty.

If the student or parent requests a postponement of the hearing, or if the request for the hearing is untimely, the hearing will be scheduled, but the student does not have the right to return to school pending the hearing.

Based on substantial evidence presented at the hearing, the hearing panel shall recommend whether to uphold, modify or reject the principal's recommendation. Within three business days, the superintendent shall review the hearing panel's recommendation and make a final decision regarding the suspension. The superintendent shall adopt the panel's factual determinations unless they are not supported by substantial evidence in the record.

The superintendent shall immediately inform the principal of the decision regarding the recommended disciplinary penalty of a long-term or 365-day suspension and, when applicable, of any modifications to the penalty recommended by the principal.

The superintendent shall send notice of the decision via certified mail to the student and parent. The notice must include:

- a. the basis of the decision, with reference to any policies or rules that the student violated;
- b. notice of what information will be included in the student's official record pursuant to [G.S. 115C-402](#);
- c. notice of the student's right to appeal the decision and the procedures for such appeal;
- d. if the decision is to suspend the student for 365 days, notice of the student's right to petition the board for readmission under [G.S. 115C-390.12](#);
- e. if applicable, notice that the superintendent or designee is recommending to the board that the student be expelled and any required notifications related to the expulsion if the student did not already receive such notice from the principal or designee; and
- f. if the student is to be suspended, notice of the superintendent's or designee's decision on whether to offer alternative education services to the student during the period of suspension, and, as applicable, a description of the services to be offered or the reason justifying the superintendent's or designee's decision to deny such services.

Following issuance of the decision, the superintendent shall implement the decision by authorizing the student's return to school upon the completion of any short-term suspension or by imposing the suspension reflected in the decision.

The superintendent shall offer alternative education services to any student who receives a long-term or 365-day suspension unless the superintendent provides a significant or important reason for declining to offer such services. Alternative education services are part-time or full-time programs that provide direct or computer-based instruction to allow the student to progress in one or more core academic courses. Such services may include programs described in **Policy 3470/4305**, Alternative Learning Programs/Schools.

The student may appeal to the board the superintendent's decision not to provide alternative education services, as permitted by [G.S. 115C-45\(c\)\(1\)](#). Any appeal to the board must be made in writing within five days of receiving the superintendent's decision. The superintendent shall inform the board chairperson of the request for an appeal and arrange in a timely manner a hearing before the board. In advance of the hearing, the superintendent shall

provide to the student and parent and to the board a written explanation for the denial of services along with any documents or other information supporting the decision. The hearing will be conducted pursuant to **Policy 2500**, Hearings Before the Board. The board will provide to the student and parent and to the superintendent written notice of its decision within 30 days of receiving the appeal.

If the superintendent determines that expulsion is appropriate, the superintendent shall submit to the board a recommendation and the basis for the recommendation along with any proposal for alternative education services.

#### 4. Hearings Before the Board

##### a. Long-Term or 365-Day Suspensions.

A student or his or her parent may appeal an imposed long-term or 365-day suspension. The student or parent must appeal to the board in writing within three days of receiving the superintendent's decision. The superintendent shall inform the board chairperson of the request for an appeal and shall arrange in a timely manner a hearing before the board. The suspension need not be postponed pending the outcome of the appeal. The hearing will be conducted pursuant to Section B of **Policy 4370**, Student Discipline Hearing Procedures. The board will provide to the student and parent and to the superintendent written notice of its decision not more than 30 calendar days after receiving the appeal.

##### b. Expulsions

The student or parent may request a hearing within five days of receiving notice of the superintendent's recommendation that the student be expelled. The hearing will be scheduled with the board within five days of the superintendent's receipt of the hearing request. The superintendent shall notify the student and parent of the date, time and place of the hearing. Any appeal of a long-term or 365-day suspension will be addressed in the same hearing. The hearing will be conducted pursuant to Section B of **Policy 4370**.

If a hearing is not requested by the student or parent, the superintendent shall submit written evidence to support his or her recommendation to the board. The board may elect to request a hearing or to request additional records and documents.

When the board decides to expel a student, the board will document the basis for its determination that there is clear and convincing evidence that the student's behavior indicates that the student's continued presence in school constitutes a clear threat to the safety of other students or employees. The board also will consider and make a written determination of whether alternative education services are to be provided to the expelled student. Regardless of whether the school system provides alternative education services, the board expects school system administrators to work with other agencies to help the student and parent identify other types of services that may be of assistance to the student. The board will send via certified mail to the student's parent a copy of the decision, notification of what information will be included in the student's official record, the procedure for expungement of this information under [G.S. 115C-402](#), and notice of the right to petition for readmission pursuant to [G.S. 115C-390.12](#).

### **C. Educational Services for Students with Disabilities During Long-Term Suspension, 365-Day Suspension or Expulsion**

Students with disabilities recognized by the Individuals with Disabilities Education Act will receive educational services during periods of suspension or expulsion to the extent required by *Policies Governing Services for Children with Disabilities* and state and federal law.

### **D. Reducing Suspension and Expulsion Rates**

Though the board believes that suspension or expulsion may be an appropriate and necessary consequence in certain situations, the board also recognizes that excessive use of suspension and expulsion may have a negative impact on academic achievement and graduation rates. Thus, the board encourages school administrators to find ways to reduce suspension and expulsion rates in the schools.

## **CORPORAL PUNISHMENT POLICY CODE 4355**

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North Carolina General Statutes provide that school personnel may use reasonable force in the exercise of lawful authority to restrain or correct pupils and maintain order. This provision has been legally interpreted to include corporal punishment. Although not encouraged, corporal punishment may be administered at all levels. However, it is not generally recommended for older pupils.

In the administration of corporal punishment, the following shall be followed:

#### Notice

1. The student body shall be informed beforehand what general types of misconduct could result in corporal punishment.
2. The principal shall annually review the guidelines for administering corporal punishment with all teachers in the school.
3. Board policy regarding corporal punishment must be available to all students and their parents or guardians at the beginning of the school year.
4. Corporal punishment should not be used unless other, lesser punishments have been tried first, and unless the pupil has been warned that corporal punishment may be the result of specific behavior or further misbehavior. The only exception to this condition is when the acts of misconduct are so anti-social or disruptive in nature as "to shock the conscience."
5. Parents must be notified in advance of the administration of corporal punishment. It is required that the parents also be warned that corporal punishment may be used in continued misbehavior.
6. The student must be informed beforehand of the reason for corporal punishment, pursuant to the requirements provided below. As a general rule, the pupil should be given the option of some alternative punishment.
7. Corporal punishment shall not be administered on a student whose parent or guardian has stated in writing that corporal punishment shall not be administered to that student. Parents and guardians shall be given a form to make such an election at the beginning of the school year or when the student first enters the school during the year. The form shall advise the parent or guardian that the student may be subject to suspension, among other possible punishments, for offenses that would otherwise not require suspension if corporal punishment were available. If the parent or guardian does not return the form, corporal punishment may be administered on the student.

### Conditions of Administration

1. Minimal procedural due process should be accorded the student in cases where corporal punishment is administered. Such process should include informing the student of the charges against him/her and giving the student an opportunity to raise and explain any defenses felt to be available.
2. Corporal punishment must be administered either by a teacher, assistant principal or the principal. In any event, the principal or the principal's designee (limited to an assistant principal, teacher, must be present as a witness.
3. Prior to corporal punishment being administered, the witness and student must be told beforehand and in each other's presence as to the reason for the punishment.
4. Corporal punishment shall not be administered in the presence of other children, and preferably it should occur in the administrative offices of the school.
5. Corporal punishment must be administered on the buttocks by hand or paddle. Slapping, striking a child about the face or head, and shaking a pupil by the shoulders, or excessive force that results in injury to the child that requires medical attention beyond simple first aid are prohibited.
6. Corporal punishment must not be administered in anger and must not amount to cruel and unusual punishment.
7. Parents must be notified in advance of the use of corporal punishment as corrective action. If parents disagree with the recommended use of corporal punishment, then the administration will use an alternative form of punishment.

### Documentation

1. A specific record of corporal punishment must be kept by the principal to include the date, time of administration, names of individuals present, and the reason for the administration of the punishment.
2. The principal or designee shall provide the child's parent or guardian with notification that corporal punishment has been administered either by telephone, conference or letter. The person who administered the corporal punishment shall provide the student's parent or guardian a written explanation of the reasons and the name of the witness(es) who was present.

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## **ATTENDANCE POLICY CODE 4400**

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Attendance in school and participation in class are integral parts of academic achievement and the teaching-learning process. Through regular attendance, students develop patterns of behavior essential to professional and personal success in life. Regular attendance by every student is mandatory. The State of North Carolina requires that every child in the State between the ages of 7 (or younger if enrolled) and 16 attend school. Parents and legal guardians are responsible for ensuring that students attend and remain at school daily.

### **A. Attendance Records**

School officials shall keep accurate records of attendance, including accurate attendance records in each class. Attendance records will be used to enforce the Compulsory Attendance Law of North Carolina.

### **B. Student Attendance Accounting**

To be counted present for the school day, a student shall be present in school at least one-half of the student's instructional day. To be recorded present, a student also shall be seated or at his or her assigned station (homeroom, home base, classroom, etc.) ready to work at the time appointed for the school to record daily attendance or the class to begin.

Failure to be in the assigned location when the tardy bell rings will result in the student being recorded tardy for that day or that class.

Two types of attendance are kept for each high school student. Class attendance, defined as a student's presence in class for at least 50 percent of the class period, is kept by the teacher. The teacher's grade book is the official record. Daily attendance, defined as a student being present for a minimum of 50 percent of the student's instructional day, is kept in Power School by the school administration. The computer printout is the official record.

### C. Excused Absences and Tardies

When a student must miss school, a written excuse signed by a parent or guardian must be presented to the student's teacher on the day the student returns after an absence. Absences due to extended illnesses may also require a statement from a physician. An absence may be excused for any of the following reasons:

1. personal illness or injury that makes the student physically unable to attend school;
2. isolation ordered by the State Board of Health;
3. death in the immediate family;
4. medical or dental appointment;
5. participation under subpoena as a witness in a court proceeding;
6. a minimum of two days each academic year for observance of an event required or suggested by the religion of the student or the student's parent(s);
7. participation in a valid educational opportunity, such as travel or service as a legislative or Governor's page, with prior approval from the principal;
8. pregnancy and related conditions or parenting, when medically necessary; or
9. visitation with the student's parent or legal guardian, at the discretion of the superintendent or designee, if the parent or legal guardian (a) is an active duty member of the uniformed services as defined by **Policy 4050**, Children of Military Families, and (b) has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat support posting.

A principal may require any additional documentation deemed necessary to verify an absence or tardiness. Failure to comply will result in the absence or tardiness being recorded as unexcused. Extended illnesses generally require a statement from a physician.

Any absence of a student that results from an out-of-school suspension of that student for misconduct pursuant to board policy and legal requirements shall be considered an involuntary absence rather than an unexcused absence.

In the case of excused absences, short-term out-of-school suspensions, and absences under G.S. 130A-440 (for failure to submit a health assessment form within 30 days of entering school) the student will be permitted to make up his or her work. (See **Policy 4110**, Immunization and Health Requirements for School Admissions, and **Policy 4351**, Short-Term Suspension.) The teacher will determine when work is to be made up, but under no circumstances shall the time permitted to complete make-up work exceed 10 instructional days from the time of the absence. The student is responsible for finding out what assignments are due and completing them within the specified time period.

## D. School-Related Activities

All classroom activities are important and difficult, if not impossible, to replace if missed. Principals shall ensure that classes missed by students due to school-related activities are kept to an absolute minimum. The following school-related activities will not be counted as absences from either class or school:

1. field trips sponsored by the school;
2. job shadows and other work-based learning opportunities, as described in [G.S. 115C-47](#)(34a);
3. school-initiated and -scheduled activities;
4. athletic events that require early dismissal from school;
5. Career and Technical Education student organization activities approved in advance by the principal; and
6. in-school suspensions.

Assignments missed for these reasons are eligible for makeup by the student. The teacher will determine when work is to be made up. The student is responsible for finding out what assignments are due and completing them within the specified time period.

## E. Excessive Absences

Class attendance and participation are critical elements of the educational process and may be taken into account in assessing academic achievement. Students are expected to be at school on time and to be present at the scheduled starting time for each class. Students who are excessively tardy to school or class may be suspended for up to two days for such offenses.

The principal shall notify parents and take all other steps required by [G.S. 115C-378](#) for excessive absences. Students may be suspended for up to two days for truancy.

1. **Elementary School:** Elementary students (K-5) who are absent from school more than 20 days for any reason will generally receive no credit for the year of study and will be retained in the same grade for the succeeding year, except by a determination of the principal upon review of the student's record. Promotion decisions affecting a child in the Exceptional Children's program will include recommendations of the IEP Team.
2. **Middle School:** Middle school students who are absent from school more than 15 days for any reason generally will receive no credit for the year of study and may be retained in the same grade for the succeeding year, except by a determination of the principal upon review of the student's record. Promotion decisions affecting a child in the Exceptional Children's program will include recommendations of the IEP Team.
3. **High School:** If a student is absent from school for six or more days in a semester course, the student loses the opportunity to receive credit for the course. He or she will receive a grade of 59 along with the comment "grade due to excessive absences" unless his or her average is lower, in which case the actual grade earned will be assigned. At the secondary level cumulative absences above five (5) in a block course (ten (10) in a full-year course) are excessive. After three (3) days of accumulated absences in one or more block courses, (six (6) in a full-year course) there will be school determined, expectations-based intervention to help the student improve his/her attendance. The intervention will involve parents. After five (5) days of accumulated absences in a block course (ten (10) in a full-year course) and failure to meet previously-determined expectations, the student will be subject to the following:
  1. the student will not receive a passing grade for the semester;
  2. the student's grade will be reduced;

3. the student will receive the grade otherwise earned; or
4. the student will be given additional time to complete the missed work before a determination of the appropriate grade is made.

Students with excused absences due to documented chronic health problems are exempt from this policy. In addition, for students experiencing homelessness (see **Policy 4125, Homeless Students**), school officials must consider issues related to the student's homelessness, such as a change of caregivers or nighttime residence, before taking disciplinary action or imposing other barriers to school attendance based on excessive absences or tardies.

Excessive absences may impact eligibility for participation in interscholastic athletics. See **Policy 3620, Extracurricular Activities and Student Organizations**.

#### **F. Excessive Tardies And Early Signouts**

Principals will communicate with students and their parents when tardies or early sign-outs become excessive. All elementary schools and the middle schools shall allow three tardies and/or early sign-outs each semester before denying a Perfect Attendance Award. Parents must realize that class time missed due to tardies and early sign-outs shall be considered as a factor in decisions regarding promotion and retention.

#### **G. Waivers**

Each school will establish a process that provides parents or legal guardians an opportunity to present information, which might result in a waiver of the attendance requirements, stated in this policy and which ensures a reasonable review by school personnel. Decisions of the school in regards to such a waiver request will stand, absent an abuse of discretion.

#### **H. Examinations Exemption Policy in High School Courses**

Exemption for final exams based on attendance cannot be applied to any high school course for which there is a required State end-of-course examination, measures of student learning, CTE Post Assessment or college course examination. Students will be eligible to be exempt from all final high school course exams not required by the State Board of Education, under the condition that they have no more than two absences for the term in the class where the exemption can be granted. Students eligible for exemption from the final exam may choose to take the exam in order that the student's final grade will be changed due to the exam grade only if it causes the grade to be higher. These final exam results shall count as 25 percent of a student's final grade in each high school course for which these exams are required.