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The board recognizes that students must be the primary focus of each school, the school system and the board. To support students in their formal education, each school should strive for a learning environment in which:

1. school grounds, buildings and classrooms are safe, orderly, clean and inviting;
2. students learn and practice responsible behavior;
3. students are treated fairly; and
4. students have input in decisions affecting them when feasible.

Legal References: G.S. 115C-36

Cross References:

Adopted: December 3, 2012
The board affirms the principle that every student, regardless of race, creed, color, national origin, sex, cultural or economic background, or disability, should be given an equal opportunity for a sound basic education. Furthermore, no student, on the basis of sex, marital status, pregnancy, or parenthood, will be excluded from participating in, denied the benefits of, or subjected to discrimination under any educational program or activity conducted by the school system. The school system will treat its students without discrimination with regard to course offerings, athletics, counseling, employment assistance and extracurricular activities.

Any student, parent or guardian who feels that this policy has been misinterpreted, misapplied or violated may file a complaint in accordance with policy 1720/4015/7225, Discrimination, Harassment and Bullying Complaint Procedure.

The superintendent shall develop appropriate procedures to ensure that public education is provided to each qualified student with disabilities in accordance with 34 C.F.R. pt. 104, subpart D.


Cross References: Discrimination, Harassment and Bullying Complaint Procedure (policy 1720/4015/7225), Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Education for Pregnant and Parenting Students (policy 4023)

Adopted: December 3, 2012
The board recognizes the critical role of parents in the education of their children and in the schools. The board directs school administrators to develop programs that will promote and support parental involvement in student learning and achievement at school and at home and encourage successful progress toward graduation. Each parent is encouraged to learn about the educational program, the educational goals and objectives of the school system, and his or her own child’s progress. The board also encourages parents to participate in activities designed by school personnel to involve them, such as parent conferences, in order to encourage effective communication.

The board directs each principal or designee to develop a parental involvement plan as a part of the school improvement plan. This plan must include, at a minimum, efforts that meet the requirements established in this policy. In addition, the plan must include ways to enhance parental involvement in the following areas:

1. meaningful two-way communication between home and school;
2. promotion of responsible parenting;
3. involvement of parents and guardians in student learning;
4. promotion of volunteering;
5. involvement of parents and guardians in school decisions that affect children and families;
6. parental training;
7. community collaboration; and
8. promotion of student health awareness.

This policy applies to the parents, legal guardians and legal custodians of students who are under 18 years old and are not married.

A. Parent Communication and Conferences

The board encourages school personnel to have regular contact with parents for commendation as well as for notification of concerns. Principals or designees shall plan for periodic communication with parents. Teachers are responsible for scheduling conferences with parents.

The principal or designee is responsible for identifying students at each school who are at risk for academic failure and who are not successfully progressing toward grade
promotion and graduation, beginning no later than the fourth grade. Additionally, no later than the end of the first quarter or after the teacher has had up to nine weeks of instructional time with a student, a personal education plan for academic achievement shall be developed for each student at risk of academic failure who is not performing at least at grade level. The principal or designee shall notify the student’s parent of the student’s personal education plan and provide the parent with a copy of the plan.

The board encourages the superintendent to work with local business leaders, including the local chambers of commerce, to encourage employers to adopt as part of their stated personnel policies time for employees who are parents or guardians to attend conferences with their child’s teachers.

B. PARENTAL NOTIFICATION

Each principal or designee of a Title I school shall effectively notify parents of all parental rights and other required information regarding Title I schools and programs, in accordance with federal law. Parents of students in Title I schools shall receive a copy of the system-wide Title I parent involvement policy (policy 1320/3560, Title I Parent Involvement) and the school-wide parent involvement plan.

In addition, annually every building principal or designee shall effectively notify parents of the following:

1. parental rights related to student records (see policy 4700, Student Records);
2. parental rights related to student surveys (see policy 4720, Surveys of Students);
3. the approximate dates of 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;
4. the schedule of pesticide use on school property and their right to request notification of nonscheduled pesticide use (see policy 9205, Pest Management);
5. student behavior policies, the Code of Student Conduct and school standards and rules (see policies in the 4300 series);
6. the permissible use of seclusion and restraint in the schools (see policy 4302, School Plan for Management of Student Behavior);
7. policy 1720/4015/7225, Discrimination, Harassment and Bullying Complaint Procedure;
8. policy 1740/4010, Student and Parent Grievance Procedure;
9. grading practices that will be followed at the school and, in the high schools, the method of computing the grade point averages that will be used for determining class rank (see policies 3400, Evaluation of Student Progress and 3450, Class Rankings);

10. a description of the curriculum being offered (see policy 3100, Curriculum Development);

11. student performance standards (see policies in the 3400 series);

12. a report containing aggregate information, including, but not limited to, student achievement (disaggregated by category), graduation rates, performance of the school system and teacher qualifications;

13. sports and extracurricular activities available for students (see policy 3620, Extracurricular Activities and Student Organizations);

14. supportive services available to students, including guidance, counseling and health services (see policies 3540, Comprehensive Health Education Program and 3610, Counseling Program);

15. information about meningococcal meningitis and influenza, including the causes, symptoms and vaccines, how the diseases are spread, and places where parents and guardians may obtain additional information and vaccinations for their children;

16. for students in Grades 5 through 12, information about cervical cancer, cervical dysplasia and human papillomavirus, including the causes and symptoms of these diseases, how they are transmitted, how they may be prevented by vaccination, including the benefits and possible side effects of vaccination, and places parents and guardians may obtain additional information and vaccinations for their children;

17. how to reach school officials in emergency situations during non-school hours;

18. information about and an application form for free and reduced price meals and/or free milk (see policy 6225, Free and Reduced Price Food Services);

19. for parents of children with disabilities, procedural safeguards (see also policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities);

20. information on the availability of the asbestos management plan and planned or in-progress inspections, re-inspections, response actions and post-response actions, including periodic re-inspection and surveillance activities;

21. education rights of homeless students (see policy 4125, Homeless Students);
22. the content and implementation of the local school wellness policy (see policy 6140, Student Wellness);

23. their right to take four hours of unpaid leave from their jobs every year in order to volunteer in their child’s school as stated in G.S. 95-28.3 (see policy 5015, School Volunteers);

24. that the school system does not discriminate on the basis of race, color, national origin, sex, disability or age (see policies 1710/4021/7230, Prohibition Against Discrimination, Harassment and Bullying and 1730/4022/7231, Nondiscrimination on the Basis of Disabilities); and

25. that the school system provides equal access to its facilities, programs and activities to the Boy Scouts and other designated youth groups (see policy 1710/4021/7230, Prohibition Against Discrimination, Harassment and Bullying).

C. OPPORTUNITIES TO WITHHOLD CONSENT/OPT OUT

As a part of the annual notification described above, parents will be effectively notified that they may opt out of any of the following:

1. release of student directory information about their child for school purposes or to outside organizations (see policy 4700, Student Records);

2. release of their child’s name, address and telephone listing to military recruiters or institutions of higher education (see policy 4700, Student Records);

3. their child’s participation 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. 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. To meet any review periods required by law, materials also may be made available for review in the central office;

4. their child’s participation in academic or career guidance or personal or social counseling services of a generic nature offered to groups of students (e.g., peer relations strategies offered to all sixth graders). However, parental notification and permission are 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. their child’s participation in non-Department of Education-funded surveys concerning protected topics (see policy 4720, Surveys of Students);

6. their child’s participation 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;

7. the collection, disclosure or use of their child’s personal information for marketing purposes (see policy 4720, Surveys of Students); and

8. release of their child’s free and reduced-price meal information to State Medicaid or State children’s health insurance program (SCHIP).

Any parent or legal guardian who wishes to opt out/withhold consent must do so in writing after receiving notice. Otherwise, consent to the programs or activities is presumed. After the annual notification, the school is not required to provide further notice to the parent or legal guardian as to the manner in which student directory information is used, the curriculum is provided, or guidance programs are made available.

D. **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.


Cross References: Title I Parent Involvement (policy 1320/3560), Prohibition Against Discrimination, Harassment and Bullying (policy 1710/4021/7230), Discrimination, Harassment and Bullying Complaint Procedure (policy 1720/4015/7225), Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Student and Parent Grievance Procedure (policy 1740/4010), Curriculum Development (policy 3100), Student Performance Policies (3400 series), Special Education Programs/Rights of Students with Disabilities (policy 3520), Comprehensive Health Education Program (policy 3540), Counseling Program (policy 3610), Extracurricular Activities and Student Organizations (policy 3620), Homeless Students (policy 4125), Student Insurance Program (policy 4220), Child Abuse – Reports and Investigations (policy 4240/7312), Student Behavior Policies (4300 series), Student Records (policy 4700), Surveys of Students (policy 4720), School Volunteers (policy 5015), Registered Sex Offenders (policy 5022), Administering Medicines to Students (policy 6125), Student Wellness (policy 6140), Free and Reduced Price Food Services (policy 6225), Pest Management (policy 9205)

Adopted: December 3, 2012
The board recognizes that there are many students and parents in the school system for whom English is a second language. The board further recognizes the importance of communicating the policies of the school system to all students and parents. As funds permit, to the extent practicable, and as otherwise required by law, the school system will provide translations of pertinent school system information and policies to those students and parents who speak English as a second language. During non-instructional times, staff in the English as a Second Language Department may assist schools in providing such translations. The superintendent may explore additional options for providing translations or interpretations of student and parent policies.

Legal References: No Child Left Behind Act, 20 U.S.C. 6316, 6318; G.S. 115C-36, -47

Cross References: Parental Involvement (policy 1310/4002)

Adopted: December 3, 2012
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.

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 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. The grievant may have a representative, including an attorney, at any stage of the grievance. However, if the grievant intends to be represented by 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 by legal counsel.

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

1) 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.

2) A hearing will be conducted pursuant to policy 2500, Hearings Before the Board.

3) 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

1) 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.

2) 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 if a hearing should be granted. 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.

3) If the board decides to grant a hearing, the hearing will be conducted pursuant to policy 2500.

4) The board will provide a final written decision within 30 days of the decision to grant a hearing, 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.

Legal References: G.S. 115C-45(c); 126-16; 150B-43 et seq.

Cross References: Prohibition Against Discrimination, Harassment and Bullying (policy 1710/4021/7230), Discrimination, Harassment and Bullying Complaint Procedure (policy 1720/4015/7225), Responding to Complaints (policy 1742/5060), Hearings Before the Board (policy 2500), Student Behavior Policies (4300 series)

Adopted: December 3, 2012
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. Individuals who have witnessed or have reliable information that another person has been subject to unlawful discrimination, harassment or bullying also should report such violations to one of the school system officials listed in subsection C.1 of this policy. Reports may be made anonymously.

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 an oral or written notification made by a person who believes he or she is the victim of unlawful discrimination, harassment or bullying.

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.

7. Report

A report is an oral or written notification that an individual, other than the reporter, is a suspected perpetrator or victim of unlawful discrimination, harassment or bullying.

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 an individual may have been discriminated against, harassed or bullied in violation of policy 1710/4021/7230 must report the offense immediately to an appropriate individual designated in subsection C.1., below. An employee who does not promptly report possible discrimination, harassment or bullying 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 but formal disciplinary action may not be taken solely on the basis of an anonymous report.

4. Investigation of Reports

Reports of discrimination, harassment or bullying shall be investigated sufficiently to determine whether further action under this policy or otherwise is necessary, and school officials shall take such action as appropriate under the circumstances. At the option of the alleged victim, the report may be treated as a complaint by the alleged victim under this policy.

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 orally or 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;

e. the Section 504 coordinator or the ADA coordinator for claims of discrimination on the basis of a disability; 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 through such methods as conferences or mediation, and the board encourages the use of such procedures to the extent possible. 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 request formal procedures at any time and (2) make a copy of this policy and other relevant policies available to the complainant. In those circumstances in which informal procedures fail or are inappropriate or in which 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.

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. shall immediately notify the appropriate investigator who shall respond to the complaint and investigate. The investigator of a complaint is determined as follows.

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 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.

d. 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.

e. Failure to investigate and/or address claims of discrimination, harassment or bullying shall result in disciplinary action.

2. Conducting the Investigation

a. The investigator is responsible for determining whether the alleged act(s) constitutes a violation of policy 1710/4021/7230. In so doing, the investigator shall impartially, promptly and thoroughly investigate the complaint. The investigator shall interview (1) the complainant; (2) the alleged perpetrator(s); and (3) any other individuals, including other possible victims, who may have relevant information.

b. Information may be shared only with individuals who need the information in order to investigate and address the complaint appropriately. Any requests by the complainant for confidentiality shall 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.

c. The investigator shall review the factual information gathered through the investigation to determine whether 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.

3. Investigative Report

a. The investigator shall submit a written investigative report to the superintendent and, as applicable, to the Title IX, Section 504, ADA or other coordinator.

b. The investigator shall notify 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.

c. Information regarding specific disciplinary action imposed on the alleged perpetrator(s) will not be given to the complainant unless the information relates directly to the complainant (e.g., an order requiring the perpetrator not to have contact with the complainant).

d. 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.

e. 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 of Investigative Report

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 number of days indicated at each step of the process should be considered a maximum. Every effort should be made to expedite the process.

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.

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.

Racial Incidents and Harassment Against Students at Educational Institutions; Investigative
Guidance, U.S. Department of Education, Office for Civil Rights (1994); Revised Sexual
Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third
Parties, U.S. Department of Education, Office for Civil Rights (2001); Notice of Non-
Discrimination, U.S. Department of Education, Office for Civil Rights (2010); Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998); Davis v. Monroe County Board of
Education, 526 U.S. 629 (1999); G.S. 115C-407.15 through -407.18; State Board of Education
Policy HRS-A-007

Cross References: Prohibition Against Discrimination, Harassment and Bullying (policy
1710/4021/7230), Student and Parent Grievance Procedure (policy 1740/4010), Hearings Before
the Board (policy 2500), Assaults, Threats and Harassment (policy 4331)

Adopted: December 3, 2012
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.

A. **Prohibited Behaviors and Consequences**

1. Discrimination, Harassment and Bullying

   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.

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

   Any violation of this policy is serious and school officials shall promptly take appropriate action. Students will be disciplined in accordance with the school’s student behavior management plan (see policy 4302, School Plan for Management of Student Behavior). 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.

   Employees who violate this policy will be subject to disciplinary action, up to, and including, dismissal. 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.

   When considering if a response beyond the individual level is appropriate, school administrators should consider the nature and severity of the misconduct to determine whether a classroom, school-wide or school system-wide response is necessary. Such classroom, school-wide or school system-wide responses may include staff training, harassment and bullying prevention programs and other measures deemed appropriate by the superintendent to address the behavior.

2. Retaliation
The board prohibits reprisal or retaliation against any person for reporting or intending to report violations of this policy, supporting someone for reporting or intending to report a violation of this policy or 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 consequences and remedial action for a person found to have engaged in reprisal or retaliation.

B. APPLICATION OF POLICY

This policy prohibits unlawful discrimination, harassment and bullying by students, employees, volunteers and visitors. “Visitors” includes persons, agencies, vendors, contractors and organizations doing business with or performing services for the school system.

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; and

6. at any time or place when the behavior has a direct and immediate effect on maintaining order and discipline in the schools.

C. DEFINITIONS

For purposes of this policy, the following definitions apply:

1. Discrimination

   Discrimination means any act or failure to act that unreasonably and unfavorably differentiates treatment of others based solely on their membership in a socially distinct group or category, such as race, ethnicity, sex, pregnancy, religion, age or disability. Discrimination may be intentional or unintentional.
2. Harassment and Bullying

a. Harassment or bullying behavior is any pattern of gestures or written, electronic or verbal communications, or any physical act or any threatening communication that:

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.

“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, 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. Legitimate age-appropriate pedagogical techniques are not considered harassment or bullying.

It is possible for harassment, including sexual or gender-based harassment, to occur in various situations. For example, harassment 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 one type of harassment. 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 unreasonably interfering with an employee’s work or performance or a student’s educational performance, limiting a student’s ability to participate in or benefit from an educational program or environment, or 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, 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.

c. Gender-based harassment is also a type of harassment. 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.

D. REPORTING AND INVESTIGATING COMPLAINTS OF DISCRIMINATION, HARASSMENT OR BULLYING

Employees are required to report any actual or suspected violations of this policy. Students, parents, volunteers, visitors or others are also strongly encouraged to report any actual or suspected incidents of discrimination, harassment or bullying. All reports should be made in accordance with policy 1720/4015/7225, Discrimination, Harassment
and Bullying Complaint Procedure, and reported to one of the school officials identified in that policy. Reports may be made anonymously, and all reports shall be investigated in accordance with that policy.

E. **TRAINING AND PROGRAMS**

The board directs the superintendent to establish training and other programs that are designed to help eliminate unlawful 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 the procedures for reporting and investigating complaints of discrimination, harassment and bullying. This policy must be posted on the school system website, and copies of the policy must be readily available in the principal’s office, the media center at each school and the superintendent’s office. Notice of this policy must appear in all student and employee handbooks and in any school system publication that sets forth the comprehensive rules, procedures and standards of conduct for students and employees.

G. **COORDINATORS**

The superintendent or designee shall appoint one or more 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. The superintendent or designee shall publish the name(s), office address(es) and phone number(s) of the compliance coordinator(s) in a manner intended to ensure that students, employees, applicants, parents and other individuals who participate in the school system’s programs are aware of the coordinator(s).

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.


Cross References: Discrimination, Harassment and Bullying Complaint Procedure (policy 1720/4015/7225), Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Prohibition Against Retaliation (policy 1760/7280), Equal Educational Opportunities (policy 4001), School Plan for Management of Student Behavior (policy 4302), Visitors to the Schools (policy 5020), Community Use of Facilities (policy 5030), Recruitment and Selection of Personnel (policy 7100), Professional Employees: Demotion and Dismissal (policy 7930), Classified Personnel: Suspension and Dismissal (policy 7940)

Adopted: December 3, 2012
The board of education will not discriminate against qualified persons with disabilities on the basis of a disability. This non-discrimination policy includes, but is not limited to, benefits of and participation in system programs and activities. The system will provide aids, benefits and school services to a person with disabilities in the most integrated school setting appropriate to his or her needs so that he or she may have an opportunity commensurate to that provided to persons without disabilities to obtain the same results, gain the same benefit or reach the same level of achievement.

The superintendent is directed to develop appropriate procedures to implement this nondiscrimination policy. The superintendent or designee shall:

1. submit an assurance of nondiscrimination with each application for federal financial assistance;

2. designate a person to coordinate the system’s efforts to comply with Section 504 of the Rehabilitation Act of 1973 (“Section 504”) and its regulations;

3. designate a person to coordinate the system’s efforts to comply with the Americans with Disabilities Act and its regulations;

4. publish the name, office address and phone number of the compliance coordinator(s) in a manner intended to ensure that employees, applicants, students, parents and other individuals who participate in the school system’s programs are aware of the coordinator(s);

5. make complaint procedures available as provided in policy 1720/4015/7225, Discrimination, Harassment and Bullying Complaint Procedure, which provides opportunities for prompt and equitable resolutions to complaints alleging actions prohibited by Section 504 or ADA or regulations for these statutes;

6. provide notice that the school system does not discriminate on the basis of disability in violation of Section 504 or the ADA, or their implementing regulations, and make such notice accessible to employees, applicants, students and parents;

7. make reasonable accommodations for qualifying applicants or employees with disabilities; however, a reasonable accommodation does not include an accommodation that demonstrably would impose an undue hardship on the program or would fundamentally alter the nature of the service, program or activity;

8. not inquire about any disabilities that may need accommodation until after an applicant has been made an offer and, additionally, avoid using employment tests or other selection criteria that tend to screen out persons with disabilities unless the criteria are...
demonstrably job-related and effective alternatives are not available;

9. provide a free appropriate public education to each qualified student with disabilities in accordance with Section 504 and its regulations; and

10. establish and implement a system of procedural safeguards with respect to the identification, evaluation or educational placement of a student with disabilities under Section 504 which includes an opportunity for the student’s parent or guardian to examine relevant records, an impartial hearing with the opportunity for participation by the parent or guardian and representation by counsel, and a review procedure.


Cross References: Prohibition Against Discrimination, Harassment and Bullying (policy 1710/4021/7230), Discrimination, Harassment and Bullying Complaint Procedure (policy 1720/4015/7225), Service Animals in Schools (policy 4202/5029/7272)

Adopted: December 3, 2012
The board of education will provide all pregnant and parenting students with the same educational instruction as other students or its equivalent. Pregnant and parenting students will not be discriminated against or excluded from school or from any program, class or extracurricular activity because they are pregnant or parenting students. School administrators shall provide assistance and support to encourage pregnant and parenting students to remain enrolled in school and graduate.

In accordance with state law, school system officials shall use, as needed, supplemental funds from the At-Risk Student Services allotment to support programs for pregnant and parenting students. Students who are pregnant or parenting will be given excused absences from school for pregnancy and related conditions for the length of time the students’ physicians find medically necessary. These absences include those due to the illness or medical appointment during school hours of a child of whom the student is the custodial parent. Homework and make-up work will be made available to pregnant and parenting students to ensure that they have the opportunity to keep current with assignments and avoid losing course credit because of their absence from school, and, to the extent necessary, a homebound teacher will be assigned.

Legal References:  G.S. 115C-375.5

Cross References:  Prohibition Against Discrimination, Harassment and Bullying (policy 1710/4021/7230), Equal Educational Opportunities (policy 4001), Attendance (policy 4400)

Adopted: December 3, 2012
The relationship between staff and students should be one of cooperation, understanding and mutual respect. The staff has the responsibility to provide an atmosphere conducive to learning and to motivate each student to perform to his or her capacity. The staff is expected to model the behavior expected of students in staff-student relationships.

All employees are prohibited from dating, courting or entering into a romantic or sexual relationship with any student enrolled in the school system regardless of the student's age. Employees engaging in such inappropriate conduct will be subject to disciplinary action, up to and including dismissal, and may be subject to criminal action as provided in G.S. 14-202.4 and 14-27.7.

Any employee who has reason to believe that another employee is inappropriately involved with a student, as described above, is required to report this information to the superintendent. An employee who fails to inform the superintendent of a suspected inappropriate relationship between an employee and a student may be subject to disciplinary action, up to and including dismissal.

For the purposes of this policy, the term “employees” includes independent contractors and school safety officers but does not include student employees.


Cross References: Governing Principle – Removal of Barriers (policy 1700), Prohibition Against Discrimination, Harassment and Bullying (policy 1710/4021/7230), Discrimination, Harassment and Bullying Complaint Procedure (policy 1720/4015/7225), Student and Parent Grievance Procedure (policy 1740/4010), Staff Responsibilities (policy 7300)

Adopted: December 3, 2012
The board recognizes the unique circumstances faced by children of military families who are often required to transfer to a new school system because their parents or guardians have a new military assignment. The board also recognizes that children whose immediate family members are deployed by the military may be at increased risk of emotional, psychological, or other harm. The board is committed to supporting these children in the school system and undertaking to serve their unique needs.

A. **Identification of Military-Connected Students**

Each principal shall annually identify all military-connected students enrolled in the school and shall develop a means for serving their unique needs. For purposes of this section, a military-connected student is defined as a student who has a parent, step-parent, sibling, or any other person who resides in the same household serving in the active or reserve components of the Army, Navy, Air Force, Marine Corps, Coast Guard, or National Guard.

The identification of military-connected students is not a public record subject to public records law.

B. **Compliance with the Interstate Compact on Educational Opportunity for Military Children**

In order to promote flexibility and cooperation among the school system, parents and guardians, and children of military families, to promote the children’s well-being, and to assist these children in achieving educational success in their new schools, the superintendent shall adopt procedures necessary to ensure compliance with the Interstate Compact on Educational Opportunity for Military Children (hereinafter “Compact”) and to educate employees about the unique needs of children of military families.

1. **Definitions**

   The following definitions apply to all policies and procedures adopted in compliance with the Compact.

   a. **Active Duty**

      Active duty is full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. 12301 *et seq.* and 10 U.S.C. 12401 *et seq.*

   b. **Children of Military Families**
Children of military families are school-aged children, enrolled in kindergarten through twelfth grade, in the household of an active duty member.

c. Deployment

Deployment is the period one month prior to the service members’ departure from their home station on military orders though six months after their return to their home station.

d. Education Records

Education records are those official records, files and data directly related to a student and maintained by the school or school system, including but not limited to records encompassing all the material kept in the student’s cumulative folder, such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs.

e. Extracurricular Activities

Extracurricular activities are voluntary activities sponsored by the school or school system or an organization sanctioned by the school system. Extracurricular activities include, but are not limited to, preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities.

f. Member State

A member state is a state that has enacted the Compact.

g. Non-Member State

A non-member state is a state that has not enacted the Compact.

h. Receiving State

The receiving state is the state to which a child of a military family is sent, brought, or caused to be sent or brought.

i. Rule

A rule is a written statement by the Interstate Commission promulgated pursuant to Article XII of the Compact that is of general applicability, implements, interprets or prescribes a policy or provision of the Compact,
or an organizational, procedural, or practice requirement of the Interstate Commission, and has the force and effect of rules promulgated under the Administrative Procedures Act as found in Chapter 150B of the North Carolina General Statutes, and includes the amendment, repeal, or suspension of an existing rule.

j. Sending State

The sending state is the state from which a child of a military family is sent, brought, or caused to be sent or brought.

k. Student

The student is the child of a military family for whom the school system receives public funding and who is formally enrolled in kindergarten through twelfth grade.

l. Transition

The transition is (1) the formal and physical process of transferring from school to school or (2) the period of time in which a student moves from one school in the sending state to another school in the receiving state.

m. Uniformed Services

The uniformed services are the Army, Navy, Air Force, Marine Corps, and Coast Guard, as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration and the Public Health Services.

n. Veteran

A veteran is a person who served in the uniformed services and who was discharged or released therefrom under conditions other than dishonorable.

2. Those to Whom Adopted Policies and Procedures Apply

Policies and procedures that are adopted to comply with the Compact apply to the children of:

a. active duty members of the uniformed services as defined in section A of this policy, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. 12301 et seq. and 10 U.S.C. 12401 et seq.;
b. members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after medical discharge or retirement; and

c. members of uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death.

3. Those to Whom Adopted Policies and Procedures Do Not Apply

The policies and procedures adopted to comply with the Compact do not apply to the children of:

1. inactive members of the National Guard and Military Reserves;

2. members of the uniformed services now retired, except as provided in section B of this policy; and

3. veterans of the uniformed services, except as provided in section B of this policy, and other U.S. Department of Defense personnel and other federal agency civilians and contract employees not defined as active duty members of the uniformed services.

Legal References: G.S. 115C-12(18)(f), -288(m), -407.5

Cross References: Student Promotion and Accountability (policy 3420), Graduation Requirements (policy 3460), Extracurricular Activities and Student Organizations (policy 3620), Immunization and Health Requirements for School Admission (policy 4110), Domicile or Residence Requirements (policy 4120), Assignment to Classes (policy 4155), Attendance (policy 4400), Student Records (policy 4700)

Adopted: December 3, 2012
Revised: December 8, 2014
The board of education requires all students to meet the eligibility requirements for school admission established by the state and the board, including age. Any parent or guardian who is unclear whether a child meets the age requirements is encouraged to contact the superintendent’s office or the elementary school that the child is likely to attend.

A. Entitlement to Initial Entry

A child who is presented for enrollment at any time during the first 120 days of a school year will be considered eligible for initial entry in any of the following circumstances.

1. The child reaches or reached the age of five on or before August 31 of that school year.

2. The child resided in another state and was attending school during that school year in accordance with that state’s laws or rules prior to moving to North Carolina. (The child does not need to reach the age of five on or before August 31 in this circumstance.)

3. The child did not reach the age of five on or before August 31 of that school year but would be eligible to attend school during that school year in another state in accordance with the laws or rules of that state, and if all of the following apply:
   a. the child’s parent is a legal resident of North Carolina who is an active member of the uniformed services assigned to a permanent duty station in another state;
   b. the child’s parent is the sole legal custodian of the child;
   c. the child’s parent is deployed for duty away from the permanent duty station; and
   d. the child resides with an adult who is a domiciliary of a local school administrative unit in North Carolina as a result of the parent’s deployment away from the permanent duty station.

B. Discretionary Enrollments

The board may allow a child to be enrolled in either of the following circumstances.

1. The child is presented for enrollment after the first 120 days of a school year and meets one of the circumstances specified above for entitlement to initial entry.

2. The child reached the age of four on or before April 16; the child is presented for
enrollment no later than the end of the first month of the school year; and the
principal of the school finds, based on information submitted by the child’s parent
or guardian, that the child is gifted and has the maturity to justify admission to
school. The board regards admission of a four-year-old child to be an
extraordinary measure that should not to be used merely because the child is
developmentally advanced. In making such a determination, the principal shall
follow guidelines established by the State Board of Education.

C. **GRADE LEVEL OF INITIAL ENTRY**

The initial point of entry will be the kindergarten level. After initial entry, a principal
may move the child to the first grade if the principal determines that by reason of
maturity, the child may be served more appropriately in the first grade.

D. **EVIDENCE OF AGE**

When a child is presented for admission for the first time, the principal shall require the
parent or guardian of the child to furnish a certified copy of the child’s birth certificate or
other competent and verifiable evidence of the child’s date of birth. Such evidence may
include, but is not limited to: (1) a certified copy of any medical record of the child’s
birth issued by the treating physician or the hospital in which the child was born; or (2) a
certified copy of a birth certificate issued by a church, mosque, temple or other religious
institution that maintains birth records of its members.

A birth certificate or other satisfactory proof of age issued by a foreign country or
institution will be accepted and treated in the same manner as comparable documents
issued in the United States. School officials shall use such documents only for the
purpose of establishing the age of the child and not to inquire about the citizenship or
immigration status of the child, parent or guardian.

For a student who is considered homeless, the inability to provide documentation must
not prohibit or cause a delay in enrollment of the student. The homeless liaison shall
work with the student, the parent or guardian, school personnel, and other agencies to
obtain the necessary enrollment records or other information in a timely manner.

Legal References: McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431 et seq.; G.S.
115C-288, -364; 130A-109; 16 N.C.A.C. 6E.0105; State Board of Education Policy GCS-J-001

Cross References: Homeless Students (policy 4125)

Adopted: December 3, 2012
IMMUNIZATION AND HEALTH REQUIREMENTS FOR SCHOOL ADMISSION

The board of education requires all students to meet the eligibility requirements for school admission established by the State and the board, including immunization and health assessments. The principal or designee shall maintain on file immunization and health assessment records for all students, and these records may be inspected by officials of the county or state health departments. Each school principal shall file required reports with the Department of Health and Human Services and the Department of Public Instruction.

A. IMMUNIZATION

Within 30 calendar days of his or her first enrollment date, each student must show evidence of immunization against tetanus, diphtheria, whooping cough, red measles, German measles (rubella), mumps, Hepatitis B, haemophilus influenza (Hib), poliomyelitis, varicella and any other disease as required by law or regulation.

For students entering the sixth grade, a booster dose of Tdap vaccine is required if five years or more have passed since the student’s last dose of tetanus-containing vaccine.

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).

Principals are required to refuse admittance to any child whose parent or guardian does not present a medical certification of proper immunizations within the allotted time. If, following approved medical practice, the administration of a vaccine requires more than 30 calendar days to complete, upon certification of this fact by a physician, additional days may be allowed in order to obtain the required immunizations.

Exceptions to the immunization requirement will be made only for religious reasons or for medical reasons approved by a physician.

B. HEALTH ASSESSMENT/VISION SCREENING

Within 30 calendar days of the first day of school entry, all kindergarten students must furnish to the principal a document indicating that the student has received a health assessment pursuant to G.S. 130A-440. The assessment must include a medical history and physical examination with screening for vision and hearing and, if appropriate, testing for anemia and tuberculosis. The health assessment must be conducted no more than 12 months prior to the date of school entry. Exceptions to the health assessment requirement will be made only for religious reasons.

Vision screening must comply with the vision screening standards adopted by the former
Governor’s Commission on Early Childhood Vision Care. Within 180 days of the start of the school year, the parent of the child must present to the principal or designee certification that within the past 12 months, the child has obtained a comprehensive eye examination performed by an ophthalmologist or optometrist or has obtained a vision screening conducted by a licensed physician, an optometrist, a physician assistant, a nurse practitioner, a registered nurse, an orthoptist or a vision screener certified by Prevent Blindness North Carolina. If a child enters the first grade without having been enrolled in a kindergarten program requiring a vision screening, the screening is required at that point.

Children who receive and fail to pass the required vision screening must obtain a comprehensive eye exam conducted by a duly licensed optometrist or ophthalmologist. The provider of the exam must present to the parent a signed transmittal form, which the parent must submit to the school. If a member of the school staff has reason to believe that a child enrolled in kindergarten through third grade is having problems with vision, the staff member may recommend to the child’s parent that the child have a comprehensive eye examination.

No child will be excluded from attending school for a parent’s failure to obtain a comprehensive eye exam. If a parent fails or refuses to obtain a comprehensive eye exam or to provide the certification of a comprehensive eye exam, school officials shall send a written reminder to the parent of required eye exams.

C. HOMELESS STUDENTS

Notwithstanding the provisions of this policy, admissions for homeless students will not be prohibited or delayed due to the student’s inability to provide documentation of immunizations or health assessments. The homeless liaison shall work with the student, parent/guardian, school personnel or other agencies to obtain documentation of immunization and/or the health assessment or to arrange for such immunizations and/or assessments in a timely manner.

D. CHILDREN OF MILITARY FAMILIES

The board acknowledges that immunization requirements for newly enrolling military children are governed by the Interstate Compact on Educational Opportunity for Military Children. Children of military families, as defined in policy 4050, Children of Military Families, will have 30 days from the date of enrollment or within such time as reasonably determined by the rules of the Interstate Commission to obtain any required immunization. For a series of immunizations, initial vaccinations must be obtained within 30 days or within such time as is reasonably determined under the Interstate Commission.

Legal References: McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431 et seq.; G.S. 115C-407.5; 130A-152 to -157, -440 to -443; 143B-216.75; 10A N.C.A.C. 41A .0401
Cross References: Children of Military Families (policy 4050), Homeless Students (policy 4125)

Adopted: December 3, 2012
This policy applies to transfer students seeking admission to the school system. Transfer students are students who have been enrolled in or who have attended a private school or a public school in this state or another state.

In accordance with state law, the student’s parent, guardian or custodian must provide a statement made under oath or affirmation before a notary indicating (1) whether at the time of the admission request the student is under suspension or expulsion from attendance at a private or public school in this or any other state and (2) whether the student has been convicted of a felony in this or any other state.

**Students Under Suspension/Expulsion or Convicted of a Felony**

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

1. **Suspension:** The board may deny admission to a student who is under a suspension for conduct that could have led to a suspension from a school within the school system. Admission may be denied until the suspension has expired.

2. **Expulsion:** The board may deny admission to a student who has been expelled from a school pursuant to G.S. 115C-390.11 or who has been expelled from a school for behavior that indicated the student’s continued presence in school constituted a clear threat to the safety of other students or employees. The student may request reconsideration of the board’s decision in accordance with G.S. 115C-390.12.

3. **Felony Conviction:** The board may deny admission to a student who has been convicted of a felony in this state or any other state. The student may request reconsideration of the board’s decision in accordance with G.S. 115C-390.12.

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

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

Cross References: Discretionary Admission (policy 4130)

Adopted: December 3, 2012
A student who is domiciled within the geographic area served by the school system, who is under age 21 (22 for students entitled to special education services), who has not completed the prescribed courses for high school graduation and who otherwise qualifies for admission, is entitled to be admitted without payment of tuition. Under certain circumstances specified by law, a student who resides in the area served by the school system and who otherwise qualifies for admission to its schools also is entitled to be admitted without payment of tuition.

Children with disabilities are required to meet state domicile requirements to be entitled to admission to school without payment of tuition unless they are “grandfathered” into the system under subsection C.5, below, or unless they otherwise meet one of the circumstances that entitle them to admission without payment of tuition. (See Section C, below.)

A. DOMICILE AND RESIDENCE DEFINED

Domicile requires the intent to abandon one’s prior home and remain in the new location as a permanent home for an indefinite period. In contrast, a residence need not be one’s exclusive home and does not require an intention that the residence be the permanent home.

B. MEETING DOMICILE REQUIREMENTS

1. Domicile of Students Generally

The domicile of a student under 18 years of age is presumed to be the domicile of his or her parents, legal guardian, or legal custodian as defined by the General Statutes of North Carolina.

2. Domicile of Emancipated Students

If a student is at least 18 years of age, is married, or has been abandoned by his or her parents, or if the court declares a student to be emancipated, the student may establish a domicile independent from that of his or her parents, legal guardian, or legal custodian. A student who establishes domicile as a result of being emancipated is a domiciliary of the school system and is entitled to the same rights and privileges of other students domiciled in the school system.

3. Domicile of Students with Divorced or Separated Parents

Domicile for the purpose of school admission and assignment will be determined by the following criteria.
a. In the event that a student’s parents are divorced or separated and physical custody has been given to only one parent, the student’s domicile follows that of the parent who has been granted physical custody.

b. If physical custody has not been determined or has been granted jointly to both parents, or if the custodial parent wishes the student to attend school in the non-custodial parent’s system of residence, then the parents must jointly agree on which residence will be used to determine the student’s domicile. The selected residence must be submitted in writing to the superintendent.

c. The selection may not be changed during the school year unless the parents satisfy the board’s policies on transfers and releases.

d. In the event that the parents cannot agree on which residence will be used to determine the student’s domicile for school assignment purposes, school officials shall assign the student according to the residence of the parent with physical custody of the student at the beginning of the school year.

C. MEETING RESIDENCE REQUIREMENTS

A student who resides in the system in any of the following circumstances will be admitted without payment of tuition.

1. The student is homeless as defined in state and federal law and policy 4125, Homeless Students. A student living with a friend or relative is not a homeless student unless he or she lives there due to conditions that constitute homelessness under state and federal statutes. A homeless student will be assigned in accordance with policy 4125, Homeless Students.

2. The parent, guardian, or legal custodian residing in the school system attendance area is a student, employee, or faculty member of a college or university or is a visiting scholar at the National Humanities Center.

3. The student resides in a group home, foster home, or other similar facility or institution.

4. The student resides in a pre-adoptive home following placement by a county department of social services or a licensed child-placing agency.

5. The student is considered a child with a disability by the General Statutes and the North Carolina Policies Governing Services for Children with Disabilities and the child was (a) enrolled in the school system on the last day of school for the 2006-07 school year or (b) enrolled in and attending a school in the school system
on August 1, 2007, for the 2007-08 school year, so long as the child lives within
and is continuously enrolled in the system.

6. The student resides with an adult who is a domiciliary of the school system as a
result of any of the following.

a. The death, serious illness, or incarceration of the child’s parent or legal
   guardian.

b. The abandonment by the child’s parent or legal guardian of the complete
   control of the student as evidenced by the failure to provide substantial
   financial support and parental guidance.

c. Abuse or neglect by the parent or legal guardian.

d. The physical or mental condition of the parent or legal guardian is such
   that he or she cannot provide the student with adequate care and
   supervision.

e. The relinquishment of physical custody and control of the student by the
   student’s parent or legal guardian upon the recommendation of the
   department of social services or the Division of Mental Health.

f. The loss or uninhabitability of the student’s home as the result of a natural
   disaster.

g. The parent or legal guardian is one of the following: (1) on active military
   duty, not including periods of active duty for training for less than 30
   days, and is deployed out of the local school administrative unit in which
   the student resides; (2) a member or veteran of the uniformed services who
   is severely injured and medically discharged or retired (but only for a
   period of one year after the medical discharge or retirement of the parent
   or guardian); or (3) a member of the uniformed services who has died
   while on active duty or as a result of injuries sustained on active duty (but
   only for a period of one year after the death of the parent or guardian).
   Assignment under this subsection is only available if some evidence of the
   deployment, medical discharge, retirement, or death is tendered with the
   affidavits required under G.S. 115C-366.

In order to be admitted under this provision, the student may not be currently
under a term of suspension or expulsion from a school for conduct that could have
led to a suspension or an expulsion from the local school administrative unit,
unless the student is identified as eligible for special education and related
services under the Individuals with Disabilities Education Act, 20 U.S.C. 1400, et
seq., and evidence of such eligibility is tendered with the affidavits described
below.
The adult with whom the student resides and the student’s parent, guardian, or legal custodian, if available, must complete and sign separate affidavits available from the superintendent’s office attesting to information required by G.S. 115C-366(a3). If it is found that a person willfully and knowingly provided false information in the affidavit, the maker of the affidavit will be guilty of a Class 1 misdemeanor and will pay to the board an amount equal to the cost of educating the student during the period of enrollment. Repayment will not include state funds.

D. STUDENTS PARTICIPATING IN THE NORTH CAROLINA ADDRESS CONFIDENTIALITY PROGRAM

In determining whether a student meets the domicile or residence requirements of this policy, school personnel shall consider the actual address of a participant in the North Carolina Address Confidentiality Program established by G.S. Chapter 15C, but such address will remain confidential in accordance with law and policy 4250/5075/7316, North Carolina Address Confidentiality Program.

E. APPEAL OF ADMISSION DECISIONS

Within 10 working days of receiving all of the information required under this policy, the superintendent or designee shall provide a written decision to the applicant for admission to the school system. The superintendent’s decision regarding admission of the student may be appealed to the board in accordance with subsection E.5 in policy 1740/4010, Student and Parent Grievance Procedure.


Cross References: Student and Parent Grievance Procedure (policy 1740/4010), Children of Military Families (policy 4050), Homeless Students (policy 4125), North Carolina Address Confidentiality Program (policy 4250/5075/7316)

Adopted: December 3, 2012
Revised: December 8, 2014
As required by the North Carolina Constitution and North Carolina law, the board of education is committed to providing a free public school education to all children who are legally entitled to enroll in the school system. In accordance with 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 located within the county, encourage their enrollment, and eliminate barriers to their receiving an education that may exist in school system policies or practices. Based on individual need, homeless students will be provided services available to all students, such as preschool, free or reduced price school meals, services for English language learners, special education, vocational/technical education, gifted and talented services, and before- and after-school care.

The provisions of this policy will supersede any and all conflicting provisions in board policies that address the areas discussed in this policy.

A. **DEFINITION OF HOMELESS STUDENTS**

Homeless students are children and youth who lack a fixed, regular, and adequate nighttime residence. The term “homeless student” shall also be deemed to include the term “unaccompanied youth,” which includes a youth who is not in the physical custody of a parent or guardian. Homeless children and youth include those students who are as follows:

1. sharing the house of other persons due to loss of housing, economic hardship or a similar reason;
2. living in motels, hotels, transient trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
3. living in emergency or transitional shelters;
4. abandoned in hospitals or awaiting foster care placement;
5. living in a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodations for human beings;
6. living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; or
7. living in a migratory situation that qualifies as homeless because the child lacks a fixed, regular and adequate nighttime residence.

B. **HOMELESS LIAISON**
The superintendent or designee shall appoint and train a school employee to serve as the homeless liaison. The homeless liaison’s duties include, but are not limited to, the following:

1. ensuring that school personnel identify homeless children and youth;

2. ensuring school/preschool enrollment and opportunities for academic success for homeless children and youth;

3. informing parents of available transportation services and helping to coordinate such services;

4. ensuring that public notice of the educational rights of homeless students is disseminated in locations where these students and families receive other support services;

5. informing parents of educational and related opportunities available to their children and ensuring that parents have a meaningful opportunity to participate in their child’s education;

6. helping to mediate enrollment disputes, including ensuring that a homeless child or youth is enrolled immediately pending resolution of the dispute;

7. working with school personnel, the student, parents or guardians, and/or other agencies to obtain critical enrollment records, including immunization and medical records, in a timely manner; and

8. working with the superintendent or designee to identify board policies or procedures that might serve as a barrier to enrollment of homeless students, including those related to immunization records, medical records, uniforms or dress codes, school fees, and school admission.

C. ACCESS TO STUDENTS’ RECORDS

Homeless students transferring into the school system may provide cumulative and other records directly to school system personnel. The superintendent or designee shall not require that such records be forwarded from another school system before the student may enroll. However, school personnel shall immediately request the official records from the previous school.

School personnel shall immediately enroll homeless students, even if they do not have proof of residency, school and immunization records, birth certificates, or other documents, and even if they are not accompanied by an adult. The homeless liaison shall assist the students/parent in securing appropriate records or otherwise meeting enrollment requirements.
D. **ENROLLMENT**

A homeless student (or his or her parent or guardian) may request to attend his or her school of origin or any public school that other students living in the same attendance area are eligible to attend. The school of origin is defined as the school the student attended before losing permanent housing or the school in which the student was last enrolled. To the extent feasible, the student will remain enrolled in the school of origin for the entire time the student is homeless or until the end of any academic year in which the student moves into permanent housing.

The superintendent shall designate the Director of Student Assignment or other appropriate personnel to decide, in consultation with the homeless liaison, which school a homeless student will attend. The decision will be based upon the student’s best interests. In making the enrollment decision, the superintendent’s designee may consider the following factors:

1. the age of the student;
2. the distance of the commute and its impact on the student’s education;
3. personal safety issues;
4. the student’s need for special instruction (such as special education and related services);
5. the length of any anticipated stay in a temporary shelter or other temporary location; and
6. the time remaining in the school year.

If the superintendent’s designee assigns a student to a school other than the one requested by the parent or guardian, he or she must provide a written explanation of the decision to the parent or guardian, along with a statement regarding the right to appeal the placement decision and referral to the homeless liaison.

E. **ENROLLMENT DISPUTE RESOLUTION**

The school system will implement an enrollment dispute resolution process that is consistent with the process required by the State Board of Education in the North Carolina Administrative Code, Section 6H .0112.

1. **Initiation of the Dispute and Stay Put**

   If a dispute arises over school selection or enrollment in a school for a homeless student, the following must occur:
a. The homeless student will be immediately admitted to the school in which enrollment is sought, will receive all services for which he or she is eligible and will be allowed to participate fully in school activities, pending resolution of the dispute.

b. The unaccompanied youth or parent or guardian of the student will be provided a written explanation of the school’s decision regarding the enrollment, including the right to appeal the decision. Such information must be provided in a language that the parent or guardian or unaccompanied youth can understand. The information must contain:

1. contact information, including telephone number and address of the homeless liaison and of the State coordinator for homeless education, with a brief description of their roles;
2. the right to initiate the dispute resolution process either orally or in writing;
3. a simple form that parents, guardians, or unaccompanied youth can complete and submit to the homeless liaison to initiate the dispute resolution process;
4. a step-by-step description of how to dispute the school’s decision;
5. notice of the right to enroll immediately in the school of choice or remain in the school of origin with transportation provided pending resolution of the dispute;
6. notice that immediate enrollment includes full participation in all school activities; and
7. notice of the right to obtain assistance of advocates or attorneys.

c. The student or parent or guardian will be referred to the system’s homeless liaison, who shall carry out the appeal process as expeditiously as possible after receiving notice of the dispute.

2. Homeless Liaison Review

a. Any parent or guardian or student initiating an enrollment dispute (hereinafter “complainant”) is encouraged to attempt to resolve the dispute informally through discussion with the homeless liaison. If the dispute cannot be resolved informally, the complainant may present a formal complaint orally or in writing to the homeless liaison either directly or through the principal of the school at which enrollment is sought.
b. The complaint should include the date of the filing, a description of the disputed enrollment action, the name of the person(s) involved and a description of the relief requested. The complainant must be informed of the right to provide supporting written or oral documentation and to seek the assistance of an advocate or attorney.

c. Within five school days after receiving the complaint, the homeless liaison shall provide a written decision, including the reasons for the decision, to the complainant and the superintendent.

3. Appeal to the Superintendent of the Liaison’s Decision

a. Within five school days of receiving the liaison’s decision, the complainant may appeal the decision to the superintendent in writing. The homeless liaison shall ensure that the superintendent receives copies of the written complaint and the response.

b. The superintendent or designee shall schedule a conference with the complainant to discuss the complaint.

c. Within five school days of receiving the appeal, the superintendent or designee shall provide a written decision to the complainant including a statement of the reasons for the decision.

4. Appeal to the Board of the Superintendent’s Decision

If the complainant is dissatisfied with the superintendent’s decision, he or she may file a written appeal with the board of education. The board will provide the complainant with a written decision within 30 days of receiving the appeal. The board’s decision will constitute the final decision of the school system. The written statement of the board’s opinion will include the name and contact information of the State coordinator for homeless education and will describe the appeal rights to the State coordinator.

5. Appeal to the State Coordinator of the Board’s Decision

If the complainant is dissatisfied with the action taken by the board of education, he or she may file an appeal with the State coordinator for homeless education, who will issue a final decision on the complaint. Within five school days following a request from the State coordinator, the homeless liaison shall provide the record of complaint and a copy of the board’s decision along with any other information requested regarding issues in the appeal.

F. TRANSPORTATION
The board of education will provide homeless students with transportation services comparable to those of other students. In addition, at the parent or guardian’s request (or the request of the homeless liaison for unaccompanied youth), the board will provide transportation services to/from the school of origin. The superintendent or designee and the homeless liaison shall coordinate homeless students’ transportation needs, based on the child’s best interest and feasibility. In situations in which a student attends school in this system but his or her temporary housing is in another system (or vice versa), the superintendent or designee shall work with the other system to share the cost and/or responsibility for transportation. If an agreement cannot be reached between the systems, the cost of such transportation will be divided evenly.

If a homeless student becomes permanently housed and chooses to remain in his or her school of origin, the board will provide transportation to the student for the remainder of the school year, except in extraordinary circumstances as recommended by the superintendent.

G. TITLE I

Homeless students are automatically eligible for Title I services. The homeless liaison and the Title I director shall collaborate to identify the needs of homeless students.


Cross References: Immunization Requirements for School Admission (policy 4110), Domicile or Residence Requirements (policy 4120), Discretionary Admission (policy 4130), School Assignment (policy 4150)

Adopted: December 3, 2012
DISCRETIONARY ADMISSION

Policy Code: 4130

The superintendent or designee shall approve or deny requests for admission to the school system for students who do not meet the domicile or residence requirements outlined in policy 4120, Domicile or Residence Requirements. Applications from residents of the school system 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.

A. ADMISSION CRITERIA

A non-domiciled student may be admitted and enrolled, at the discretion of the superintendent, if the following conditions are met.

1. The parent, legal guardian or legal custodian must submit a request in writing that explains why, in the opinion of the parent, legal guardian or legal custodian, the student needs to attend school in the school system. An explanation of need may be considered when:
   a. there are compelling, specific circumstances indicating that the student should continue his or her education in the school system (as, for example, when the student is in his or her senior year when the parent, legal guardian or legal custodian becomes domiciled outside the school system);
   b. there is an extraordinary, compelling, specific family need (as, for example, when a parent, legal guardian or legal custodian is clearly unable to care for the child); or
   c. another extraordinary, specific, and compelling need or hardship is demonstrated.

   Any reason having to do with athletics or participation in athletics is not a valid or sufficient explanation of need.

2. The board must have determined that space is available in the school system and in the particular school or program in which the student seeks to enroll.

3. The student must demonstrate that he or she was in good standing in the previous school attended by that student, in terms of academics, discipline, and other measures of standing and progress in the school system. The student also must satisfy the requirements in policy 4115, Behavior Standards for Transfer Students.

4. With the initial application, the student must furnish a transcript and other student record data, including evidence of compliance with the North Carolina immunization requirements.
5. If the student is transferring from another school system in North Carolina, the student must submit a release approved by the board of education of the other school system from which the transfer is being made.

6. If the student resides with an adult who is not the student’s parent, legal guardian or legal custodian, the student must furnish the school system with a notarized written document showing that the parent, legal guardian or legal custodian consents to the student attending school in the school system and authorizes the adult with whom the student lives to make all decisions relating to the student’s education, including, but not limited to, any decisions relating to placement, services, field trips, medical treatment, grading and reporting, discipline, participation in extracurricular activities and participation in athletics.

7. If the student is asserting residency in the school system, sufficient evidence must be provided with the initial application, such as a copy of utility bills.

B. DISCRETIONARY ADMISSION DECISIONS

1. Final Decisions

Admission for up to one full school year may be granted based upon the information contained in the application and supporting documents. Nonresident students who are admitted based upon false or misleading information on their application will have their application voided and acceptance rescinded.

The superintendent or designee shall send a written response to an applicant within 10 working days of receipt of the information required under this policy. Final decisions regarding discretionary admissions may be delayed until the board has determined whether space is available in the requested school. Therefore, the written response may provide either a final decision or a notification that a final decision is pending until the board determines space availability.

2. Appeals

A final decision may be appealed to the board in accordance with the procedures of section E.5 in policy 1740/4010, Student and Parent Grievance Procedure.

3. Renewals

For the renewal of admission in subsequent school years, the student must continue to meet all admission criteria and must be in good standing in terms of academics, discipline and other measures of standing and progress in the school system.

The superintendent or designee shall develop and administer a procedure to implement this
policy.

Legal References: G.S. 7B, art. 35; 35A, art. 6; 50-13.1 to 13.3; 115C-231, -364 to -366.1

Cross References: Student and Parent Grievance Procedure (policy 1740/4010), Behavior Standards for Transfer Students (policy 4115), Domicile or Residence Requirements (policy 4120)

Adopted: December 3, 2012
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. Tuition will equal the local per pupil allocation for current expense as provided by the board of commissioners from the preceding year. 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, when the agreement specifies that the payment of tuition by the individual will not be required.

2. The student resides on a military base 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.

3. The student demonstrates extraordinary financial hardship.

4. The student is a nonresident whose parents moved or plan to move into the school system on or before December 1 and therefore may be assigned at the beginning of the school year to the school serving the pupil’s new residence without payment of tuition.

5. The student’s legal domicile was located inside of the boundaries of the school system, but during the school year the student moves into the boundaries of another school system; in this case the student will be eligible for continued enrollment during the school year without payment of tuition.

6. The student’s parent(s) are employed by the school system.

Tuition will not be charged to students who are domiciliaries of the State and who reside in the school system. However, the board may enter an agreement with the board of education of the student's domicile for payment of tuition by that board.

Legal References:  G.S. 115C-366, -366.1

Cross References:  Discretionary Admission (policy 4130)

Adopted: December 3, 2012
A. ASSIGNMENT AREAS

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 non-discriminatory manner.

The superintendent shall review periodically the attendance areas and submit recommendations for revisions to the board when necessary.

B. ASSIGNMENT OF STUDENTS

The superintendent shall assign students to particular schools based upon the established assignment areas. Notwithstanding the provisions of this policy, the superintendent shall assign homeless students in a manner consistent with state and federal law and policy 4125, Homeless Students.

Students who are participating in or whose parent is participating in the North Carolina Address Confidentiality Program established by G.S. Chapter 15C will be assigned on the basis of their actual address, but such address will remain confidential in accordance with law and policy 4250/5075/7316, North Carolina Address Confidentiality Program.

Parents or guardians also have the option of applying for admission to one of the school system’s magnet schools. Admission decisions for magnet schools will take into account the following criteria:

1. maintaining a socioeconomic, geographic and student achievement diversity that is reasonably reflective of the school system as a whole;
2. efficient use of school facilities;
3. any program criteria that must be met by the student for admission to the particular school;
4. enabling siblings to attend the same school; and
5. hardship on the student or parent that has been documented by the parent.

C. REQUESTS FOR REASSIGNMENT
1. **Procedure for Requesting Reassignment Before Notice of Assignment**

Before notice is given of assignment for the following school year, parents or guardians may request assignment to a school outside of their regular attendance area. Such a request must be submitted in writing to the superintendent by June 1. The superintendent shall consider and make a determination based upon the best interest of the child, the orderly and efficient administration of the public schools, the proper administration of the school to which assignment is requested and the instruction, health and safety of the pupils there enrolled. A decision will be made and the parent notified by June 30. If the parent is dissatisfied with the superintendent’s response, the parent may request the board to reassign the student as provided below.

2. **Procedure for Requesting Reassignment After Notice of Assignment**

Within 10 days of notice of the assignment or the last publication thereof, the parent may request in writing the reassignment of the child to a different public school. The request must specify the reason why reassignment is sought. If the application for reassignment is disapproved, the board will give notice to the applicant by registered or certified mail.

Within five days of receiving the notice of the disapproval, the parent may request a hearing on the reassignment request. The board or a panel of the board will hear the appeal. If a panel hears the appeal, the panel’s recommendation will be submitted to the full board for a final determination. At the hearing the board will consider and make a determination based upon the best interest of the child, the orderly and efficient administration of the public schools, the proper administration of the school to which reassignment is requested, and the instruction, health and safety of the pupils there enrolled. The board will promptly render a decision, and notice of the decision will be given to the applicant by mail, telephone, telefax, e-mail or any other method reasonably designed to achieve notice.

**D. Transfer of Students During the School Year**

1. **Change of Residence**

Students whose legal residence changes from one school assignment area to another within the school system during the same school year may choose to finish out that school year in the same school or attend school in the area to which they have moved. If they elect to remain in the first school in order to complete that year, they will be assigned to the school according to the area in which they live at the beginning of the next school year. Students whose legal residence has changed but who choose to complete the school year at their first school will be responsible for their own transportation to school.
2. Unsafe School Choice Transfer under the No Child Left Behind Act

Transfers for students who are victims of violent criminal offenses at school or for students attending persistently dangerous schools as defined by State Board of Education policy will be made pursuant to policy 4152, Unsafe School Choice Transfer.

3. School Improvement Choice Transfer under the No Child Left Behind Act

Students enrolled in a Title I school that has not made adequate yearly progress for at least two years in a row under the No Child Left Behind Act may transfer to another school in the system that has not been identified for school improvement or identified as persistently dangerous, pursuant to policy 4153, School Improvement Choice Transfer. In providing school improvement choice transfers, the superintendent shall ensure that first priority for choice is provided to the lowest-achieving, low income students.

4. Transfer of Homeless Students

Students who become homeless between academic years or during an academic year may request to remain at the school of origin for the duration of their homelessness or may request to be enrolled in any public school that other students living in the same attendance area are eligible to attend. Any decision about the transfer or reassignment of a homeless student will be consistent with legal requirements and based on the student’s best interest. (See policy 4125, Homeless Students.)

5. Other Transfers

The superintendent shall consider student requests for transfer to another school during the school year based upon space availability, the needs of the child, the effect on the school to which transfer is requested, principal recommendations and other criteria established by the superintendent.

E. CONDITIONS FOR REASSIGNMENT OR TRANSFER

The following conditions apply in regard to any reassignments or transfers made in accordance with sections C and D of this policy.

1. The parent is responsible for transportation (except for (a) school improvement choice transfers for which the system must provide transportation for as long as the original school is identified for Title I school improvement or (b) homeless student transfers for which the system will provide transportation in a manner consistent with legal requirements and policy 4125).

2. The transfer or reassignment is valid for no more than one school year (except for
(a) unsafe school choice transfers and school improvement choice transfers for which the length of reassignment will be consistent with legal requirements and policies 4152 and 4153 and (b) homeless student transfers for which the length of reassignment will be consistent with legal requirements and policy 4125).

3. Any transfer request that is approved based upon false or misleading information will be declared void, and the transfer will be rescinded.

F. ASSIGNMENT TO ALTERNATIVE SCHOOL

Students will be assigned to the alternative school in accordance with policy 3470/4305, Alternative Learning Programs/Schools.


Cross References: Alternative Learning Programs/Schools (policy 3470/4305), Homeless Students (policy 4125), Unsafe School Choice Transfer (policy 4152), School Improvement Choice Transfer (policy 4153), North Carolina Address Confidentiality Program (policy 4250/5075/7316)

Adopted: December 3, 2012
The board is committed to providing an environment at each school that is safe, orderly and inviting. The board believes that in most cases, a student should attend the school that serves his or her domicile. Under certain circumstances or conditions, however, the board provides parents the opportunity to request that their child attend a school outside of his or her attendance area (see policy 4150, School Assignment).

Pursuant to federal and State Board of Education requirements, the board will allow a student who attends a school designated as a persistently dangerous school or a student who becomes the victim of a violent criminal offense at his or her school to attend another school that the superintendent has identified as an eligible transfer school.

A. **Definitions**

For purposes of this policy, the following definitions apply:

1. **Violent Criminal Offenses**

   Violent criminal offenses are the following crimes, as reported to the State Board of Education in the annual *Report on School Crime and Violence*:

   a. homicide;
   b. assault resulting in serious bodily injury;
   c. assault involving use of a weapon;
   d. rape;
   e. sexual offense;
   f. sexual assault;
   g. kidnapping;
   h. robbery with a dangerous weapon;
   i. robbery; and
   j. taking indecent liberties with a minor.

2. **Recurrent Incidents**

   Recurrent incidents are those incidents in which a total of five or more violent
criminal offenses were committed per 1000 students (0.5 or more per 100 students) during the school year.

3. Persistently Dangerous School

A persistently dangerous school is a school that meets the following criteria:

a. a total of five or more violent criminal offenses were committed per 1000 students (0.5 or more per 100 students) during each of the two most recent school years; and

b. the conditions that contributed to the commission of such offenses are likely to continue into another school year.

4. Eligible Transfer School

An eligible transfer school is a school that is not designated as a persistently dangerous school, that offers instruction at the student’s grade level and that the superintendent has identified as eligible for unsafe school choice transfer.

B. SCHOOL REVIEW OF VIOLENT CRIMINAL OFFENSES

Upon the commission of any violent criminal offense at the school, the principal and the school improvement team shall review the incident to determine whether any conditions or procedures at the school or in the school improvement plan need to be modified as a result of the incident. The principal shall provide a report of the review to the superintendent or designee.

C. IDENTIFICATION OF SCHOOLS AS PERSISTENTLY DANGEROUS

1. Notification to the State Board of Education of Recurrent Incidents

At the end of each school year, along with the Annual Report on School Crime and Violence, the superintendent must provide written notification to the State Board of Education of all schools in the school system that have recurrent incidents during the most recent school year and during each of the two most recent school years.

For any school that has recurrent incidents during each of the two most recent school years, the board will determine whether any changes need to be made in the school- or system-level school safety procedures. The superintendent shall report to the State Board of Education any conditions in the school that may have contributed to the commission of the violent criminal offenses and any plans that the board has to eliminate such conditions.

2. Probationary Schools
If the State Board of Education determines that a school should be placed on probation, during the probationary year the principal and school improvement team shall implement strategies to protect students from violent criminal offenses and to deter future offenses from occurring. Such strategies must be incorporated into the school improvement plan. As necessary, the superintendent may request assistance from the Department of Public Instruction to help identify strategies for implementation.

3. Persistently Dangerous Schools

If the State Board of Education determines that a school is a persistently dangerous school, the superintendent shall assign personnel from the central office to review safety procedures at the school. The central office team also shall assist the school with creating and implementing a corrective action plan for the school. The corrective action plan should be based on an analysis of the problems at the school, should include strategies to improve safety at the school, and should identify any system-level policies and procedures that need to be modified. Any strategies identified for the corrective action plan should be incorporated into the school improvement plan.

Pursuant to the unsafe school choice transfer procedures provided below, a student who attends a persistently dangerous school will be allowed to transfer to another school that the superintendent has designated as an eligible transfer school.

As deemed appropriate, the board will pursue any appeals process available for review of a school’s designation as probationary or persistently dangerous.

D. Victim of a Violent Criminal Offense

A student shall be considered the victim of a violent criminal offense when the following criteria are met:

1. the principal determines, based upon reasonable evidence, that the student has been the victim of any of the applicable offenses identified in this policy; and

2. the offense occurred while the student was on the grounds of the public school that he or she attends.

Pursuant to the unsafe school choice transfer procedures provided below, a student who is a victim of a violent criminal offense shall be allowed to transfer to another school that the superintendent has designated as eligible for transfer.

E. Unsafe School Choice Transfer Procedures
The superintendent shall establish procedures to facilitate the transfer of students when a school has been identified as persistently dangerous or when a student has been identified as a victim of a violent criminal offense. Such procedures must include the following elements:

1. notice to parents within 10 days of the determination that their child attends a school that has been identified as persistently dangerous or that their child has been identified as a victim of a violent criminal offense;

2. notice to parents that their student has the opportunity to transfer to another school that has not been identified as persistently dangerous, that serves the student’s instructional level, and that the superintendent has designated as an eligible transfer school; this notice must be provided no later than 14 days before the start of the school year for students attending persistently dangerous schools and no later than 14 days after determining that a student has become a victim of a violent criminal offense;

3. identification of those schools, including any virtual schools, within the system that are eligible to receive unsafe school choice transfers;

4. identification of other options for unsafe school choice transfers if no schools in the school system are eligible;

5. a process for parents to request transfer upon receiving notification of the unsafe school choice transfer option;

6. a process to ensure that transfers are completed by the start of the school year for students attending a school designated as persistently dangerous or as expeditiously as possible but not later than the start of the school year for a student victim, except in extraordinary circumstances; and

7. a report to the State Board of Education and to the local school board of each student transfer made pursuant to this policy.

Transfers made because a student’s school was designated as persistently dangerous shall remain in effect as long as the school is so identified. Transfers made because a student was a victim of a violent criminal offense shall remain in effect at least through the remainder of the school year in which the incident occurred.

F. TRANSPORTATION

Parents who decide to transfer their child pursuant to this policy are responsible for transportation of their child to the receiving school.

Legal References: No Child Left Behind Act, 20 U.S.C. 7912; Unsafe School Choice Option Non-Regulatory Guidance, U.S. Department of Education (May 2004); G.S. 115C-36, -105.27, -
366, -367; State Board of Education Policy HRS-A-006

Cross References: School Safety (policy 1510/4200/7270), School Improvement Plan (policy 3430), Conflict Resolution (policy 3431), School Assignment (policy 4150)

Other Resources: Giving Parents Options: Strategies for Informing Parents and Implementing Public School Choice and Supplemental Educational Services Under No Child Left Behind, U.S. Department of Education Office of Innovation and Improvement (September 2007)

Adopted: December 3, 2012
The board is committed to providing a quality education to all students in the school system, regardless of the particular school the student attends. Although all schools in the system strive for academic excellence, the board recognizes that some schools may need to improve to meet such standards. The board encourages parents to support and work with these schools to improve the educational opportunities provided.

The board believes that in most cases, a student should attend the school that serves his or her domicile. Under certain circumstances or conditions, however, the board provides parents the opportunity to request that their child attend a school outside of his or her attendance area (see policy 4150, School Assignment). Pursuant to federal and State Board of Education requirements, the board will offer school improvement choice transfers to eligible students as provided in this policy.

A. **Eligibility for School Improvement Choice Transfers**

Students enrolled in a Title I school that has not made adequate yearly progress for at least two consecutive years, under the No Child Left Behind Act, may transfer to an eligible transfer school. If it is not possible to offer school improvement choice to all students, then priority will be provided to the lowest achieving students from low income families.

B. **Schools Eligible to Receive Transfers**

Eligible transfer schools are those schools that:

1. have not been identified for school improvement, corrective action or restructuring (as defined in the No Child Left Behind Act and State Board of Education policy);

2. are not considered persistently dangerous;

3. have a higher academic performance than the original school; and

4. have been designated by the superintendent to receive school improvement choice transfers.

C. **School Improvement Choice Transfer Procedures**

The superintendent shall establish procedures to facilitate the transfer of students when a Title I school has been identified for school improvement. Such procedures will include the elements outlined below.

1. Notice must be provided to parents of the determination that their child attends a
Title I school that has been identified for school improvement. Such notice must be provided no later than 14 calendar days before the first day of the next school year and, whenever practicable, should be provided before the end of July. The notice must be provided by personal letters as well as by other means, including newspapers and posters. Notice must also be provided on the school system website in accordance with policy 1310/4002, Parental Involvement. The notice must be in a comprehensive, easy-to-understand format and, to the extent practicable, in a language the parents can understand.

2. Notice must be provided to parents that their student has the opportunity to transfer to an eligible transfer school that serves the student’s instructional level.

3. The notification must identify those schools within the system that are eligible to receive school improvement choice transfers and will describe the performance and quality of the schools of choice. The school system has flexibility to determine which schools will comprise the range of alternatives for students eligible to transfer; however, the superintendent shall ensure that such alternatives provide students with the opportunity to obtain a better education. If the choices of eligible transfer schools available to parents have been limited, the notice also will include an explanation of why such limitations have been made.

4. If no schools in the school system are eligible to receive transfers, the notification must identify any other available options for school improvement choice transfers.

5. The notification must describe the process for parents to request transfers within 15 days of receiving notification of the school improvement choice transfer option, including the opportunity for parents to submit their preferences among the choices provided. Within five days, parents will be notified of the final transfer school option. Parents will have five days to accept or reject this option.

6. The notification must include information about what happens if the parent declines the offer to transfer.

7. The superintendent or designee shall create a process to ensure that transfers are completed in no more than 30 days from the date that the school is identified for school improvement.

8. The superintendent or designee shall ensure that a report of each student transfer made pursuant to this policy is provided to the local school board and the State Board of Education.

D. TRANSPORTATION

The school system shall provide transportation for students who decide to accept school improvement choice transfers. If funds available are insufficient to provide
transportation to all students requesting transfer, the school system shall give priority to the lowest achieving eligible students from low income families. The school system will not provide transportation for students who remain at a school after the end of the school year in which a student’s original school is no longer identified for Title I school improvement.

E. **LENGTH OF TRANSFERS**

Students who transfer to an eligible transfer school will be permitted to remain in the choice school until the students have completed the highest grade in the school. If the new school is placed in Title I school improvement, the student will have the option to move again to another school in the subsequent school year.

F. **RESPONSIBILITIES OF RECEIVING SCHOOLS**

Schools that receive students eligible for transfer shall ensure that students are enrolled in classes and other school activities in the same manner as all other students in the school. However, any board policies or other rules (such as North Carolina High School Athletic Association rules) that restrict the activities of students who transfer under other board policies also will be applied to students who receive school improvement choice transfers under this policy.


Cross References: Parental Involvement (policy 1310/4002), School Assignment (policy 4150), Unsafe School Choice Transfer (policy 4152)

Other Resources: Giving Parents Options: Strategies for Informing Parents and Implementing Public School Choice and Supplemental Educational Services Under No Child Left Behind, U.S. Department of Education Office of Innovation and Improvement (September 2007)

Adopted: December 3, 2012
A. **General Authority**

The principal has the authority to assign students to classes. The principal is encouraged to seek input from the professional staff in making these decisions. Parents may submit to the principal written requests for assignment or reassignment of their children so long as the parents provide a compelling reason for the request. The principal shall consider parental requests in assigning students to classes. Unless otherwise required by the special circumstances described below, the principal shall balance any individual request for assignment or reassignment against the welfare of other students and the efficient operation of the school.

B. **Special Circumstances**

1. **Multiple Birth Siblings**

School officials will defer to parental preference in making the initial classroom assignment of multiple birth siblings to the extent provided in this section and applicable state law. “Multiple birth siblings” means twins, triplets, quadruplets or other siblings resulting from a multiple birth.

   a. **Consultative Meeting with the School Principal**

   The parent or guardian of multiple birth siblings who are assigned to the same grade level and school may request a consultative meeting with the principal to consider whether to initially place the siblings into the same classroom or into separate classrooms. The request must be made no later than five days before the first day of each school year or, if the students are enrolled after the school year starts, five days after their first day of attendance.

   At the meeting, the parent may request either that the students be placed (1) into the same classroom; or (2) into separate classrooms. School officials may offer professional educational advice to the parent or guardian and may recommend an appropriate classroom placement for the students.

   b. **Initial Classroom Placement**

   Following the meeting, the principal shall place the students in accordance with the parent or guardian’s request unless doing so would require adding an additional class at the students’ grade level.

   This section shall not otherwise limit the principal’s authority to determine
the specific classroom assignment(s) for multiple birth siblings, including
the students’ assignment to a specific teacher or team.

c. Change to Initial Classroom Placement

The principal may change the initial classroom assignment of one or more
multiple birth siblings in the following circumstances:

1) the principal, in consultation with the students’ classroom
teacher(s), determines at the end of the first grading period that the
requested placement is disruptive to the school; or

2) the principal determines that one or more of the multiple birth
siblings must be removed from a classroom pursuant to any board
discipline policy, school rule and/or the Code of Student Conduct.

2. Newly Enrolled Children of Military Families

The principal shall comply with the requirements of the Interstate Compact for
Military Children (G.S. 115C-407.5) when making class assignments for children
of military families, as defined in policy 4050, Children of Military Families.

a. Course Placement

When a student transfers before or during the school year, school
administrators shall initially honor placement in educational courses based
on the student’s enrollment in his or her sending school and/or educational
assessments conducted at the sending school if the courses are offered.
Course placement includes, but is not limited to, Honors, International
Baccalaureate, Advanced Placement, vocational, technical and career
pathways courses. Continuing the student’s academic program from the
previous school and promoting placement in academically and career
challenging courses is to be a primary concern when considering the
student’s course placement.

b. Educational Program Placement

For a newly enrolled student, school administrators shall initially honor
placement of the student in educational programs based on current
educational assessments conducted at the school in the sending state or
participation/placement in similar programs in the sending state. Such
programs include, but are not limited to, gifted and talented programs and
English as a Second Language programs.

c. Special Education Services
In compliance with the Individuals with Disabilities Education Act, school administrators shall initially provide comparable services to a student with disabilities based on his or her current Individualized Education Program (IEP). In compliance with the requirements of Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act, school administrators shall make reasonable accommodations and modifications to address the needs of an incoming student with disabilities, subject to an existing 504 or Title II Plan, in order to provide the student with equal access to education. This accommodation does not preclude school administrators from performing subsequent evaluations to ensure appropriate placement of the student.

d. Placement Flexibility

The board authorizes and directs the superintendent and school administrators to be flexible in waiving course or program prerequisites or other preconditions for placement in courses or programs offered by the school system.


Cross References: Children of Military Families (policy 4050)

Adopted: December 3, 2012
Safe schools are critical to creating a learning environment in which students can succeed. Staff and students share the responsibility for taking reasonable precautions and following established safety measures to create and maintain safe schools. The following safety measures must be implemented at each school.

A. **Supervision of Students**

Students must be reasonably supervised while in the care and custody of the school system. This supervision must occur throughout school hours, including during class, between classes, on the playground, and during recess or lunch periods; during authorized school field trips; and on school buses. Reasonable precautions should be taken to protect the safety of students on school grounds and on buses before, during and after school.

Students who are subject to policy 4260, Student Sex Offenders, and are receiving educational services on school property must be supervised by school personnel at all times.

B. **Supervision of Visitors**

School administrators shall strictly enforce policies 5015, School Volunteers, and 5020, Visitors to the Schools.

C. **Safety of School Buildings and Grounds**

The superintendent and each building principal shall comply with all duties set out for their respective positions in G.S. 115C-288(d) and G.S. 115C-525 to minimize fire hazards. The principal is required to inspect school buildings, playgrounds and equipment for health, fire and safety hazards on a regular basis, as required by law, and to notify the superintendent immediately of unsanitary conditions or repairs needed to meet safety standards.

Any employee who observes any potential hazards must notify the principal or the employee’s supervisor immediately.

All warning systems must meet building and equipment codes required by law and must be properly maintained. When necessary, proper signs indicating potential hazards or recommended safety precautions must be posted.

D. **Establishing Processes to Address Potential Safety Concerns and Emergencies**

1. School Safety and Discipline Concerns
Each school must include a plan to address school safety and discipline concerns in the school improvement plan (see also policy 3430, School Improvement Plan).

2. School Rules

The principal or designee shall develop rules to help prevent accidents in school buildings, on school buses and on school grounds.

3. Training for Staff and Students

Staff training must include detailed instruction on how to respond to a variety of emergency situations. In addition, staff should be able to recognize and respond to behavior, information and related indicators that warn of impending problems.

School personnel must teach and review with students (1) safety procedures, including fire safety procedures; (2) precautions for handling chemicals or potentially dangerous equipment; and (3) appropriate responses to threats to school safety.

4. Safety Equipment

School employees shall provide students with safety equipment as required by law and shall enforce school rules pertaining to wearing safety equipment. School employees shall wear and use appropriate safety equipment as required for the safe performance of their specific job assignments.

5. Planning for Emergencies and Conducting Fire Drills and Other Emergency Drills

The superintendent shall develop system-wide plans and procedures to address emergency situations. As appropriate, the superintendent shall consult with local law enforcement agencies and emergency responders to plan for and conduct emergency drills. The superintendent must provide local law enforcement and emergency management agencies with copies of floor plans of all school buildings and site plans showing campus boundaries and access points.

Principals, with the assistance of both law enforcement and emergency responders as appropriate, shall conduct fire drills as required by law and shall conduct other emergency drills in accordance with school system emergency plans and procedures.

6. Reporting Suspicious Behavior

Students should notify any staff member of any acts of violence, harassment or bullying or any other unusual or suspicious behavior that may endanger safety. Ongoing student education efforts will aim at minimizing any fear, peer pressure,
embarrassment or other impediments to students reporting potential problems.

Maintaining a safe school environment that is conducive to learning requires staff to be proactive in dealing with violence, harassment and bullying. Staff members must report immediately to the principal any information reported by a student or their own observations of unusual or suspicious behavior or acts of violence, harassment or bullying.

Every principal is required to investigate and act upon any report of such behavior, including, when appropriate, reporting criminal activities to law enforcement, the State Board and the superintendent or designee (see policies 1710/4021/7230, Prohibition Against Discrimination, Harassment and Bullying, 1720/4015/7225, Discrimination, Harassment and Bullying Complaint Procedure, and 4335, Criminal Behavior).

7. Potential Threats of Registered Sex Offenders

The principal of each school shall register with the North Carolina Sex Offender and Public Protection Registry to receive e-mail notification when a registered sex offender moves within a one-mile radius of the school.

8. Student Behavior Standards

Students are expected to meet behavior standards set forth in board policies.

Legal References: G.S. 14-208.18; 115C-36, -47, -81.4, -166, -288, -307, -391.1, -521, -524, -525; State Board of Education Policies HRS-A-000, TCS-P-005

Cross References: Prohibition Against Discrimination, Harassment and Bullying (policy 1710/4021/7230), Discrimination, Harassment and Bullying Complaint Procedure (policy 1720/4015/7225), School Improvement Plan (policy 3430), Student Sex Offenders (policy 4260), Student Behavior policies (4300 series), School Volunteers (policy 5015), Visitors to the Schools (policy 5020), Registered Sex Offenders (policy 5022), Weapons and Explosives Prohibited (policy 5027/7275), Public Records – Retention, Release and Disposition (policy 5070/7350), Relationship with Law Enforcement (policy 5120), Occupational Exposure to Hazardous Chemicals in Science Laboratories (policy 7265), Staff Responsibilities (policy 7300), Security of Facilities (policy 9220)


Adopted: December 3, 2012
RESPONDING TO BOMB THREATS

It is the goal of the board to provide a process by which school system personnel can respond quickly and effectively to any threat to the safety of their students and staff. Therefore, school personnel are required to follow this regulation, and any other implementing regulations promulgated by the superintendent, in preparing for, responding to and following up on the communication of any threat that a bomb or other destructive device has been or will be placed on school grounds.

The principal or designee of each school will develop a plan that addresses how threats that a bomb or other destructive device is on school grounds (hereafter “bomb threat”) will be handled at the principal’s school. The plan must address the following items.

A. **ANTICIPATING A BOMB THREAT**

1. **Communication and Coordination with Law Enforcement**

   The principal shall establish and maintain a process for ongoing communication and coordination among school staff and all appropriate public safety authorities for purposes of planning for, training for, and responding to any bomb threat. The principal shall establish a bomb threat response team consisting of the principal; the superintendent; and persons representing teachers, custodians, office staff, transportation providers and parents. The principal shall also request participation by persons representing local law enforcement and fire/rescue agencies.

2. **Training of School Personnel**

   The principal shall arrange for the training of all staff in responding to threats and in searching for bombs and other potentially destructive devices. This training must include at least one drill annually for the school staff and others involved in responding to bomb threats.

   a. **Full Staff Training**

      The principal shall ensure that all staff members are trained about their responsibilities in the event of a bomb threat. Such responsibilities may include executing proper evacuation procedures, ensuring the safety of students and staff, noting the absence of any students, conducting quick but complete visual scans of their workplace and adhering to the requirements for reporting specific information. Substitute teachers and other substitute school personnel must be made aware of this regulation and staff obligations, including their own specific obligations, during a bomb threat.

   b. **Telephone Operators Training**
The principal shall ensure that all staff members whose regular duties include answering incoming telephone calls are trained in the protocol to use when confronted by a telephone bomb threat.

c. Training for Staff Participating in a Search

The principal shall ensure that all staff members participating in a search for bombs or other destructive devices are first trained by appropriate public safety personnel regarding the potential danger and the proper sequence and technique involved.

3. Instruction of Students

The principal shall ensure that all students are instructed about proper conduct during a bomb threat, the potential criminal and civil penalties and school discipline associated with making a bomb threat and the disruption and costs to the educational process stemming from a bomb threat.

4. Drills

The principal shall conduct no fewer than two bomb threat drills for the bomb threat response team and staff during the course of the school year.

5. Pre-arranged Signal

The principal shall establish a signal for announcing a bomb threat and train staff to recognize and respond to the signal.

6. Precautions

The principal shall take all reasonable precautions to protect the school environment in the event of a bomb threat.

a. Call Tracing Capacity

The principal shall assess the feasibility of caller ID or other call-tracing capacity on telephones and, if appropriate, recommend the addition of such a service.

b. Locking Work Areas

The principal shall ensure that school employees with access to lockable workspaces, such as closets and cabinets, keep them locked when not in use.
c. Trash

The principal shall direct school personnel not to allow the accumulation of trash, boxes and other such articles inside or next to the building.

d. Parking

The principal shall ensure that parking spaces are not located close to the school building or that parking spaces close to the building are designated for staff use only. The principal also shall ensure parking restrictions are strictly enforced.

e. Evacuation Sites

The principal shall identify and designate evacuation gathering places, which are specific locations to which all students and staff members will go during an evacuation. The designated location must be away from heavily traveled roadways.

B. Reacting to a Bomb Threat

1. Notification

a. Duty of School Personnel

School personnel are required to notify the principal immediately of all bomb threats by telephone or other means. School personnel also shall notify the principal immediately of any suspicious devices on school property.

b. Telephone Answering

All personnel who regularly answer telephone calls from outside sources must be provided with a bomb threat card and report form to be placed within easy reach of their telephones. The card must have printed upon it information to ask for and information to listen for in the event a caller makes a bomb threat. Whoever receives the call shall attempt to transfer it to the principal or, if that cannot be done, ask the caller as many of the questions on the bomb threat card as he or she can, carefully noting all wording and other information. Any information received from the caller must be passed on to the principal as soon as possible.

c. Duty of Principal

Upon learning of the threat, the principal shall alert the appropriate officials, including local public safety agencies, utility companies and the
superintendent.

2. Assessment

Upon learning of the threat, the principal shall consult with local public safety officials and the superintendent, to the extent time permits. The principal is responsible for evaluating the credibility of the threat, deciding whether to direct a search of the building, and deciding whether and when to evacuate the building.

3. Evacuation

a. Extent of Evacuation

The principal, in consultation with the bomb threat response team (as possible under the circumstances), shall decide on the extent to which the building will be evacuated and/or the extent to which students will be assembled in one or several locations within the building. When students are evacuated they should be taken to a particular site no less than 300 feet from the building to avoid any potential damage from explosions.

b. Signaling

Through the use of the prearranged signal, the principal shall inform the staff immediately of the decision to evacuate the school.

c. Adjusting Evacuation Route and Sites

The principal shall direct personnel to adjust their usual evacuation routes and evacuation sites if necessary to avoid any suspected bomb or other destructive device or other potential danger.

d. Staff Obligations

In the event of an ordered evacuation, staff shall:

1) Scan their rooms or other work areas for signs of any unusual object or person and report any suspicious object or person to the principal or law enforcement authorities;

2) Ensure that windows and doors are locked;

3) Make sure that any students in their charge are guided to safety and remain with the students in their charge; and

4) Take attendance books, check attendance once the evacuation is accomplished and report names of any missing students to the
principal.

e. Student Conduct

All students are required to obey all directions and maintain an orderly and quiet demeanor.

f. Utilities

The principal shall decide whether the gas, electric and telephone should be turned off and, if so, make the appropriate arrangements.

g. Traffic

The principal shall ensure that there is a safe and efficient method for access to the building by public safety vehicles and for departure of students and staff.

h. Searches

The principal shall work with local law enforcement to determine who will be included in a search team. Under no circumstances will students be included. All search team members must be trained with respect to the dangers involved, precautions to observe and the techniques to follow. If any suspicious object is discovered, no school personnel should touch it. The presence of any suspicious object or person must be reported immediately to the principal and/or the public safety official in charge. If there is an explosion, the principal shall yield to the decisions of public safety officials.

Legal References: G.S. 115C-36, -390.1

Cross References: School Safety (policy 1510/4200/7270)

Adopted: December 3, 2012
SERVICE ANIMALS IN SCHOOLS

The board will make reasonable accommodations for qualified persons with disabilities in accordance with policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities, and the requirements of state and federal law. An individual with a disability may be accompanied by his or her service animal on school property subject to the requirements of this policy. If necessary, the superintendent may establish administrative regulations for the use of service animals on school property.

A. **DEFINITION OF “SERVICE ANIMAL”**

A “service animal” for purposes of this policy is any dog that has been individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the individual’s disability or necessary to mitigate a disability. Federal regulation 28 C.F.R. 35.104 provides examples of types of work or tasks that would qualify. Service animals do not include any other species of animal, whether wild or domestic, trained or untrained, except that a miniature horse will be permitted for use as a service animal if reasonable modifications can be made after assessing the specific factors listed in 28 C.F.R. 35.136(i). Animals whose sole function is to provide emotional support, well-being, comfort, companionship, or therapeutic benefits, or to act as a crime deterrent, are not service animals for the purposes of this policy.

B. **USE OF A SERVICE ANIMAL ON SCHOOL PROPERTY BY STUDENTS AND EMPLOYEES**

1. **Introduction of a Service Animal**

School administrators shall facilitate the introduction of an eligible service animal into the school environment. To promote a successful integration of the service animal into the educational program and to minimize unnecessary disruption, an employee or student with a disability who intends to bring a service animal to school during the school day is encouraged to follow these guidelines.

   a. The employee, student, or student’s parent should notify the superintendent and the principal of the applicable school in writing at least 10 work days prior to the date proposed to bring the service animal onto school property.

   b. The employee, student, or student’s parent should work with school personnel to create a plan addressing the presence of the service animal during the school day. A plan to integrate a service animal into the school environment should include the following:
1) appropriate training for school personnel and students regarding interaction with the service animal;

2) arrangements for meeting the service animal’s basic needs during the school day;

3) any necessary modifications to the educational program so that the employee or student with a disability may be accompanied by the service animal; and

4) when necessary, provisions for the presence of a handler other than the employee or student with the disability to control or care for the service animal.

c. It is recommended, but not required, that the service animal wear identification to provide adequate notice to students, school personnel, and school visitors that the dog is a service animal.

d. The service animal should be free of parasites and otherwise in good health.

2. Presence of a Service Animal on School Property

An employee or student with a disability accompanied by a service animal must meet the following requirements for a service animal to be present on school property.

a. A student or employee who elects to be accompanied by a service animal will be expected to care for and supervise the animal. If a student is not capable of providing adequate care and supervision, the parent will be responsible for providing such care and supervision.

b. If a student requires assistance from a parent or handler to control and care for the service animal while on school property, that individual must submit to a background screening, which may include a criminal history check in accordance with state law and any procedures established by the superintendent.

c. The service animal must be on a leash or other mechanical restraint at all times. If mechanical restraint is not feasible due to a student’s disability, the animal must be under other sufficient means of control.

d. The service animal must be housebroken, under the control of its handler, and have received all necessary vaccinations as required by state law.
The principal or designee shall notify all security personnel of the existence and possible locations of any service animals on school property.

C. **USE OF A SERVICE ANIMAL ON SCHOOL PROPERTY BY SCHOOL VISITORS**

A school visitor who is an individual with a disability may be accompanied by a service animal in accordance with all applicable state and federal laws and regulations and with policy 5020, Visitors to the Schools. A service animal that is accompanying a school visitor may be properly excluded from school property for a reason(s) set forth in section E of this policy.

D. **LIABILITY**

The board may hold the owner or handler of a service animal liable for any property damage caused by the animal to the same extent required by other board policy or administrative rules that impose liability for property damage. In addition, either the owner or handler, or both, may be liable for personal injury caused by the animal or related to the presence of the animal on school property.

E. **EXCLUSION OF A SERVICE ANIMAL FROM SCHOOL PROPERTY**

School personnel shall not ask an individual with a disability about the nature or extent of his or her disability or for proof of a service animal’s training as a condition of allowing the animal onto school property. However, when not readily apparent to school personnel, a principal or designee may inquire as to whether the animal is required because of a disability and what work or task the animal has been trained to perform. Such inquiries may be made to confirm that the dog is a service animal and is rightfully present on school property.

A principal or designee may exclude a service animal from school property for the following reasons:

1. The animal poses a direct threat to the health or safety of others that cannot be eliminated by reasonable modifications.
2. The animal is out of control and the animal’s handler does not take effective action to control it.
3. The animal is not housebroken.
4. The presence or behavior of the animal fundamentally alters the service, program, or activity of the school system.

If a principal or designee excludes a dog or service animal from school property, the principal or designee must document the reasons for the exclusion and notify the superintendent. The superintendent or designee will make a determination on whether a
service animal will be allowed to return to the school and, if reasonably possible, notify the individual with the disability in writing of the decision within five work days of the initial exclusion.

If the superintendent determines that an animal does not meet the definition of a service animal or that a service animal should be excluded for one or more of the reasons described in this section, the student’s Section 504 or IEP Team shall meet to consider and document whether the animal’s presence is necessary for the child to receive an appropriate education or to have equal access to the educational program and, if not, whether the child needs other aids and services or accommodations.

If a service animal is excluded, an individual with a disability will be provided the opportunity to participate in educational services, programs or activities as required by law without having the service animal on the premises.

F. APPEAL OF AN EXCLUSION OF A SERVICE ANIMAL FROM SCHOOL PROPERTY

The superintendent’s decision regarding exclusion of a service animal from school property in accordance with this policy may be appealed consistent with policy 1720/4015/7225, Discrimination, Harassment, and Bullying Complaint Procedure, and any other procedure established by the superintendent under policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities.


Cross References: Discrimination, Harassment, and Bullying Compliant Procedure (policy 1720/4015/7225), Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), School Volunteers (policy 5015), Visitors to the Schools (policy 5020)

Adopted: December 3, 2012
Revised: December 8, 2014
The safety of students is a paramount concern of the board and school system. 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.

Legal References: G.S. 115C-36, -47, -288

Cross References: Child Abuse – Reports and Investigations (policy 4240/7312), Relationships with Other Governmental Agencies (policy 5100)

Adopted: December 3, 2012
STUDENT INSURANCE PROGRAM

Policy Code: 4220

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 school publications.

Purcahse of this insurance constitutes an agreement between the student and/or parent and the insurance company. The school system is not a party to this agreement. The school system does not assume any contractual responsibility for expenses not covered by insurance.

Students who choose to participate in programs that may have a higher risk of physical injury than most school activities, including off-site internship programs, football and other interscholastic sports, are required to have accident insurance through the group plan or comparable coverage. The superintendent may designate other activities, including certain school trips, as requiring accident insurance.

Legal References: G.S. 115C-36

Cross References:

Adopted: December 3, 2012
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

Students with an AIDS or HIV infection 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 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.
Legal References:  G.S. 115C-36, 130A-136, -142 to -144, -152 to -157; 10A N.C.A.C. 41A .0201 through .0204

Cross References:  Comprehensive Health Education Program (policy 3540), Occupational Exposure to Bloodborne Pathogens (policy 7260), Communicable Diseases – Employees (policy 7262)

Adopted: December 3, 2012
The board of education supports all employees who in good faith make a report of suspected child abuse, neglect, dependency or death as a result of maltreatment.

Any school employee who knows or has cause to suspect child abuse, neglect, dependency or death as a result of maltreatment is legally required to report the case of the child to the director of social services. The employee also shall immediately report the case to the principal.

Any doubt about reporting a suspected situation must be resolved in favor of reporting, and the report must be made immediately. A school employee is immune by statute from any civil and/or criminal liability when reporting in good faith suspected child abuse, neglect, dependency or death as a result of maltreatment. Failure on the part of any school employee to report may result in disciplinary action being brought against the employee by the school system or civil action under the law.

The principal may establish a contact person in the school to act as a liaison with social services. All employees shall cooperate fully with the department of social services in its investigation of suspected child abuse, neglect, dependency or death as a result of maltreatment. Employees shall permit the child to be interviewed by social services on school campuses during school hours and shall provide social services with confidential information, so long as the disclosure does not violate state or federal law. Any confidential information disclosed by the department of social services to employees will remain confidential and will only be redisclosed for purposes directly connected with carrying out the responsibilities of the school system or the employee.

Upon request and to the extent permitted by law, school system officials shall share with other agencies designated in G.S. 7B-3100(a) information that is relevant to (1) any assessment of a report of child abuse, neglect, dependency or death as a result of maltreatment by the department of social services; (2) the provision or arrangement of protective services in a child abuse, neglect or dependency case by the department of social services; or (3) any case in which a petition is filed alleging that a juvenile is abused, neglected, dependent undisciplined or delinquent. School system officials and the designated agencies must continue to share such information until the protective services case is closed by the department of social services or, if a petition is filed, until the juvenile is no longer subject to the jurisdiction of juvenile court.

The superintendent shall develop any necessary procedures for reporting suspected child abuse, neglect, dependency or death as a result of maltreatment, for sharing information with designated agencies and for cooperating with investigations by the department of social services. The board encourages school officials to provide staff development opportunities related to identifying and reporting child abuse, neglect, dependency or death as a result of maltreatment.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; G.S. 7B-101, -301, -302, -309, -3100; 8-53.4; 14-318.2; 115C-400, -402
Cross References: Professional and Staff Development (policy 1610/7800), Student Records (policy 4700)

Adopted: December 3, 2012
The board seeks to provide a work and school environment free from violence or the threat of violence against employees, students, or other persons. The board encourages eligible individuals to participate in the North Carolina Address Confidentiality Program established pursuant to Chapter 15C of the General Statutes. This program protects the address of relocated victims of domestic violence, sexual offense, stalking, or human trafficking to prevent a victim’s assailants or potential assailants from finding the victim through public records. The program provides participants with the use of a substitute mailing address and denies public access to a participant’s actual address.

A. PROGRAM DETAILS

The Address Confidentiality Program is administered by the State Attorney General. Information and assistance in applying to the program may be obtained by telephone from the Attorney General’s Address Confidentiality Program Office at (919) 716-6785.

Program participants receive an authorization card with a substitute mailing address that may be presented whenever an address is required. Mail sent to the substitute address is forwarded cost-free by the program to the participant at his or her residential address.

B. SCHOOL PERSONNEL PARTICIPANTS

The name, actual address, and telephone number of any school system personnel participating in the Address Confidentiality Program will not be open to inspection as a public record, will not be included as part of any employee directory published by the school system, and will be redacted from any record released pursuant to G.S. 115C-320. (See policies 5070/7350, Public Records – Retention, Release, and Disposition, and 7820, Personnel Files.)

C. STUDENT PARTICIPANTS

The school system will use the actual address of a program participant, not the substitute address designated by the Attorney General, for any purpose related to admission or assignment but will keep the actual address confidential from the public. Student records will reflect only the substitute address and not the student’s actual address. The student’s telephone number also will be kept confidential from the public. The parent or guardian of a student participant may request that a student’s name be withheld from any release of directory information by the school, as provided in policy 1310/4002, Parental Involvement.

When transferring school records from one school to another, the transferring school may send the files to the participant (parent or guardian) via the substitute address provided by
the Address Confidentiality Program to ensure confidentiality of the student’s new location.

D. **DISCLOSURE PROHIBITED**

The knowing and intentional disclosure of a program participant’s actual address or telephone number to unauthorized persons is prohibited. Failure to comply with this policy may result in disciplinary action, up to and including termination. In addition, violators may be subject to criminal prosecution.

Legal References: G.S. Ch. 15C; 115C-47, -320, -366(g), -402(f); 132-1.1(d)

Cross References: Parental Involvement (policy 1310/4002), Domicile or Residence Requirements (policy 4120), School Assignment (policy 4150), Student Records (policy 4700), Public Records – Retention, Release, and Disposition (policy 5070/7350), Personnel Files (policy 7820)

Adopted: December 3, 2012
Revised: December 8, 2014
The board is committed to the safety of students, school employees and other persons on school property. In order to create and maintain a safe school environment and to 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 education services that may be offered to the student.

4. If the board determines that a student will be provided with 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 on 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.

Cross References: School Safety (policy 1510/4200/7270), Alternative Learning Programs/Schools (policy 3470/4305), Student Behavior Policies (policy 4300), Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety (policy 4333), Long-Term Suspension, 365-Day Suspension, Expulsion (policy 4353), Registered Sex Offenders (policy 5022)

Adopted: December 3, 2012
The board recognizes that concussions and other head injuries may be serious and potentially life threatening and that such injuries may result in serious consequences later in life if managed improperly. The board is committed to practices that reduce the potential for short-term or long-term effects from such injuries. In support of this commitment, the board directs school employees to comply with the concussion safety requirements for interscholastic athletic competition established by G.S. 115C-12(23) as amended in the Gfeller-Waller Concussion Awareness Act of 2011, and to implement and follow all concussion safety requirements set forth in State Board of Education rules and policies for middle and high schools. The superintendent or designee shall develop a plan consistent with state requirements and shall implement and monitor compliance with this policy. The superintendent is authorized to investigate the use of baseline testing for student-athletes and require that student-athletes undergo such testing prior to their participation in any interscholastic athletic competition.

A. **DEFINITION OF CONCUSSION**

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.

B. **SCHOOL HEAD INJURY INFORMATION SHEET**

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.

C. **REMOVAL FROM AND RETURN TO PLAY**

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.

D. **EMERGENCY ACTION PLANS**
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.

E. RECORD KEEPING

The superintendent shall require each principal to maintain complete and accurate records of actions taken in his or her school to comply with this policy and applicable legal authority. Records shall include accounts of any education or training as may be required by law or State Board of Education policy.

The superintendent’s annual report to the board on compliance with laws and policies related to student wellness shall include a report on the system’s compliance with laws and policies related to concussions and head injuries. (See Section G of policy 6140, Student Wellness.)

Legal References: G.S. 115C-12(23); S.L. 2011-147

Cross References: Student Wellness (policy 6140)

Other Resources: Matthew Gfeller Sport-Related TBI Research Center at UNC website http://tbicenter.unc.edu/MAG_Center/Home.html; Report to the North Carolina General Assembly: Study of Sports Injuries at Middle School and High School Levels, N.C. Department of Public Instruction (2011)

Adopted: December 3, 2012
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.

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

Board policies related to student behavior are codified mainly in the 4300 series. The superintendent shall incorporate information from such policies into a Code of Student Conduct that notifies students of the behavior expected of them, conduct that may subject them to discipline and the range of disciplinary measures that may be used by school officials. At the discretion of the superintendent, the Code of Student Conduct may include additional rules needed to implement the board’s student behavior policies. Each school shall create a student behavior management plan that will elaborate further on processes for addressing student misbehavior and the use of intervention strategies and consequences (see policy 4302, School Plan for Management of Student Behavior). The
Code of Student Conduct must incorporate by reference any additional student behavior standards, prohibited conduct or disciplinary measures identified in individual school behavior plans developed in accordance with policy 4302, provided such measures are consistent with law and board policy. The Code of Student Conduct must 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; (4) any additional discipline-related information from the school’s student behavior management plan, including behavior standards, prohibited conduct or disciplinary measures; and (5) 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. CONSEQUENCES FOR VIOLATIONS

Violations of the Code of Student Conduct must be dealt with in accordance with the guidelines established in the school’s behavior management plan (see policy 4302, School Plan for Management of Student Behavior).

1. Minor Violations
Minor violations of the Code of Student Conduct are those less severe infractions involving a lower degree of dangerousness and harm. Examples of minor violations include 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.

Minor violations of the Code of Student Conduct may result in disciplinary measures or responses up to and including short-term suspension. Further information regarding the procedures for short-term suspensions is provided in policy 4351, Short-Term Suspension. Other disciplinary measures or responses may include, but are not limited to, the following:

a. parental involvement, such as conferences;
b. isolation or time-out for short periods of time;
c. behavior improvement agreements;
d. instruction in conflict resolution and anger management;
e. peer mediation;
f. individual or small group sessions with the school counselor;
g. academic intervention;
h. in-school suspension;
i. detention before and/or after school or on Saturday;
j. community service;
k. exclusion from graduation ceremonies;
l. exclusion from extracurricular activities;
m. suspension from bus privileges; and
n. placement in an alternative school.

The parent or guardian is responsible for transportation that may be required to carry out a consequence. With the exception of suspension from bus privileges, if a parent or guardian is unable to provide transportation, another consequence will
be substituted.

2. **Serious Violations**

   Serious violations of the Code of Student Conduct may result in any of the consequences that may be imposed for minor violations. In addition, serious violations that threaten to substantially disrupt the educational environment may result in long-term suspension, and serious violations that threaten the safety of students, school employees or school visitors may result in long-term suspension or expulsion. Certain violations involving firearms or explosive devices may result in a 365-day suspension. Further information regarding the standards and procedures for long-term suspensions, 365-day suspensions and expulsions is provided in policies 4351, Short-Term Suspension, and 4353, Long-Term Suspension, 365-Day Suspension, Expulsion. (See also policy 4333, Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety, for information regarding 365-day suspensions for certain violations involving firearms or explosive devices.)

**E. ENFORCEMENT**

The superintendent is responsible for supervising the enforcement of the Code of Student Conduct to ensure that school disciplinary policies are uniformly and fairly applied throughout the school system.

Legal References: G.S. 115C-47, -276(r), -288, -307, -390.1, -390.2

Cross References: Goals and Objectives of the Educational Program (policy 3000), Counseling Program (policy 3610), Domicile or Residence Requirements (policy 4120), Student Behavior policies (4300 series)

Adopted: December 3, 2012
The principal has the authority and responsibility to investigate and take appropriate action regarding any prohibited or criminal student behavior and any other behavior appropriately referred to him or her. The principal is responsible for informing students and parents of any standards or rules that, if violated, could result in short-term or long-term suspension or expulsion.

The teacher has the authority and responsibility to manage student behavior in the classroom and when students are under his or her supervision. The teacher is expected to implement the student behavior management plan and any other school standards or rules. The teacher may develop other standards or rules consistent with the direction provided by the board, superintendent and school principal. Every teacher, student teacher, substitute teacher, voluntary teacher, teacher assistant or other school employee is required to report to the principal all acts of violence occurring in school, on school grounds or at any school-sponsored activity.

Teachers and other school personnel have the authority to manage or remove disruptive or dangerous students from the classroom and other locations within the school building. School personnel may use reasonable force to control behavior or to remove a person from the scene in those situations when necessary:

1. to correct students;
2. to quell a disturbance threatening injury to others;
3. to obtain possession of a weapon or another dangerous object on the person, or within the control, of a student;
4. for self-defense;
5. for the protection of persons or property; or
6. to maintain order on school property, in the classroom, or at a school-related activity whether on or off school property.

Except as restricted by G.S. 115C-391.1, school personnel may use appropriate seclusion and restraint techniques reasonably needed in the circumstances described above as long as such use is consistent with state law and applicable board policies and procedures. (See policy 4302, School Plan for Management of Student Behavior.)

Students must comply with all directions of principals, teachers, substitute teachers, student teachers, teacher assistants, bus drivers and all other school personnel who are authorized to give such directions during any period of time when they are subject to the authority of such personnel.
Legal References: G.S. 115C-47, -288, -307, -390.3, -391.1

Cross References: School Safety (policy 1510/4200/7270), School Plan for Management of Student Behavior (policy 4302), Rules for Use of Seclusion and Restraint in Schools (regulation 4302-R)

Adopted: December 3, 2012
Each school must have a plan for managing student behavior that incorporates effective strategies consistent with the purposes and principles established in policy 4300, Student Behavior Policies. School officials are encouraged to implement a system of positive behavior support and to seek other positive, innovative and constructive methods of correcting and managing student behavior in an effort to avoid repeated misbehavior and suspension.

A. **COMPONENTS OF THE PLAN**

The plan should address: (1) the process by which student behavior will be addressed, including any use of a disciplinary committee and the means by which students at risk of repeated disruptive or disorderly conduct are identified, assessed and assisted; (2) positive behavioral interventions and possible consequences that will be used; and (3) parental involvement strategies that address when parents or guardians will be notified or involved in issues related to their child’s behavior (see policy 4341, Parental Involvement in Student Behavior Issues).

No school plan for managing student behavior may authorize the use of corporal punishment. Corporal punishment is the intentional infliction of physical pain upon the body of a student as a disciplinary measure. It includes, but is not limited to, spanking, paddling and slapping. The board prohibits corporal punishment, believing that other consequences are more appropriate and effective for teaching self-control. No teacher, substitute teacher, student teacher, bus driver, or other employee, contractor or volunteer may use corporal punishment to discipline any student. Reasonable force that is necessary to protect oneself or others is not considered corporal punishment. (See also policy 4301, Authority of School Personnel.)

Principals shall avoid removing students from the classroom for a long period of time, including in-school or out-of-school suspension, unless necessary to provide a safe, orderly environment that is conducive to learning. The principal is authorized to remove students in accordance with board policies for prohibited or criminal conduct or for other behavior that interferes with a safe, orderly environment.

B. **PROCESS FOR DEVELOPING AND EVALUATING THE PLAN**

Principals are encouraged to use a team approach in developing and evaluating the school’s plan to manage student behavior. On at least an annual basis, the plan should be evaluated based upon data on disciplinary actions taken and the impact on student academic performance. Principals shall report on at least an annual basis to the superintendent and the board on the effectiveness of the plan in minimizing classroom disruptions, referrals to the principal’s office and the use of out-of-school suspension. The report also will address the plan’s effect on academic performance.
The superintendent also is encouraged to consider, develop and propose new and alternative discipline programs to the board.


Cross References: Student Behavior Policies (policy 4300), Authority of School Personnel (policy 4301), Parental Involvement in Student Behavior Issues (policy 4341)

Adopted: December 3, 2012
RULES FOR USE OF
SECLUSION AND RESTRAINT IN SCHOOLS  Regulation Code:  4302-R

The following rules will govern the use of seclusion and restraint by school personnel. As used in this regulation, “school personnel” means employees of the board and any persons working on school grounds or at a school function under a contract or written agreement with the public school system or for another agency to provide educational or related services to students.

A.  PHYSICAL RESTRAINT

Physical restraint means the use of physical force to restrict the free movement of all or a part of a student’s body.

Physical restraint will be considered to be a reasonable use of force when used in the following circumstances:

1.  as reasonably needed to obtain possession of weapons or other dangerous objects on the person or within the control of a student;

2.  as reasonably needed to maintain order or to prevent or break up a fight;

3.  as reasonably needed for self-defense;

4.  as reasonably needed to ensure the safety of any student, employee, volunteer, or other person present;

5.  as reasonably needed to teach a skill, to calm or comfort a student, or to prevent self-injurious behavior;

6.  as reasonably needed to escort a student safely from one area to another;

7.  if used as provided for in an IEP, Section 504, or behavior intervention plan; or

8.  as reasonably needed to prevent imminent destruction to school or another person’s property.

Except as set forth above, physical restraint of students will not be considered a reasonable use of force, and its use is prohibited. In addition, physical restraint will not be considered a reasonable use of force when used solely as a disciplinary consequence.

B.  MECHANICAL RESTRAINT

Mechanical restraint means the use of any device or material attached or adjacent to a student’s body that restricts freedom of movement or normal access to any portion of the student’s body and that the student cannot easily remove.
Mechanical restraint of a student by school personnel is permissible only in the following circumstances:

1. when properly used as an assistive technology device included in the student’s IEP, Section 504, or behavior intervention plan or as otherwise prescribed by a medical or related service provider;
2. when using seat belts or other safety restraints to secure a student during transportation;
3. as reasonably needed to obtain possession of weapons or other dangerous objects on the person or within the control of a student;
4. as reasonably needed for self-defense;
5. as reasonably needed to ensure the safety of any student, employee, volunteer, or other person.

Except as set forth above, mechanical restraint, including the tying down, taping, or strapping down of a student, will not be considered to be a reasonable use of force, and its use is prohibited.

C. SECLUSION

Seclusion means the confinement of a student alone in an enclosed space from which the student is (a) physically prevented from leaving or (b) incapable of leaving due to physical or intellectual capacity.

Seclusion of a student by school personnel may be used in the following circumstances:

1. as reasonably needed to respond to a person in control of a weapon or other dangerous object;
2. as reasonably needed to maintain order or prevent or break up a fight;
3. as reasonably needed for self-defense;
4. as reasonably needed when a student’s behavior poses a threat of imminent physical harm to self or others or imminent substantial destruction of school or another person’s property; or
5. when used as specified in the student’s IEP, Section 504, or behavior intervention plan; and
   a. the student is constantly monitored by an adult in close proximity who is
able to see and hear the student at all times;

b. the student is released from seclusion upon cessation of the behaviors that led to the seclusion or as otherwise specified in the student’s IEP, Section 504, or behavior intervention plan;

c. the confining space has been approved for such use by the local education agency;

d. the space is appropriately lighted, ventilated, and heated or cooled; and

e. the space is free from objects that unreasonably expose the student or others to harm.

Except as set forth above, the use of seclusion is not considered to be reasonable force, and its use is prohibited. In addition, seclusion will not be considered a reasonable use of force when used solely as a disciplinary consequence.

D. ISOLATION

Isolation means 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:

1. the isolation space is appropriately lighted, ventilated and heated or cooled;

2. the duration of the isolation is reasonable in light of the purpose for the isolation;

3. the student is reasonably monitored; and

4. the isolation space is free from objects that unreasonably expose the student or others to harm.

E. TIME-OUT

Time-out means a behavior management technique in which a student is separated from other students for a limited period of time in a monitored setting. Teachers are authorized to use time-out to regulate behavior within their classrooms.

F. AVERSIVE PROCEDURES

Aversive procedure means a systematic physical or sensory intervention program for modifying the behavior of a student with a disability that causes or reasonably may be expected to cause one or more of the following:
1. significant physical harm, such as tissue damage, physical illness, or death;

2. serious and foreseeable long-term psychological impairment;

3. obvious repulsion on the part of observers who cannot reconcile such extreme procedures with acceptable standard practice, for example:

   a. electric shock applied to the body;
   b. extremely loud auditory stimuli;
   c. forcible introduction of foul substances to the mouth, eyes, ears, nose or skin;
   d. placement in a tub of cold water or shower;
   e. slapping, pinching, hitting or pulling hair;
   f. blindfolding or other forms of visual blocking;
   g. unreasonable withholding of meals;
   h. eating one’s own vomit; or
   i. denial of reasonable access to toileting facilities.

The use of aversive procedures in public schools is prohibited.

G. NOTICE, REPORTING AND DOCUMENTATION

1. School staff will promptly notify the principal or designee of any of the following:

   a. any use of aversive procedures;
   b. any prohibited use of mechanical restraint;
   c. any use of physical restraint resulting in observable physical injury to a student;
   d. any prohibited use of seclusion; or
   e. any seclusion exceeding 10 minutes or beyond the amount of time specified on a student’s behavior intervention plan.

2. Notice to Parents
When a principal or designee has personal or actual knowledge of any of the events listed above, he or she shall promptly notify the student’s parent or guardian and shall provide the name of the school employee whom the parent or guardian may contact regarding the incident.

3. Written Report to Parents

Within a reasonable period of time not to exceed 30 days after the incident, the principal or designee shall also provide the parent or guardian with a written incident report. This report must include the following:

a. the date, time of day, location, duration, and description of the incident and interventions;

b. the events or events that led up to the incident;

c. the nature and extent of any injury to the student; and

d. the name of a school employee the parent or guardian can contact regarding the incident.

4. Reporting to State Board

The board will maintain a record of incidents reported under the procedure described above and will provide this information annually to the State Board of Education.

5. Non-Retaliation for Reporting

An employee making a report alleging a prohibited use of physical or mechanical restraint, seclusion or aversive procedure will NOT be discharged, threatened or retaliated against through compensation, terms, conditions, location or privilege of employment by any local board of education or any employee unless the employee knew or should have known that the report was false.

Adopted: December 3, 2012
A. PURPOSES

The board is committed to the goal of providing a safe and orderly learning environment in each school. The educational program and the student behavior management plan developed at each school, in addition to numerous other strategies identified in board policy, are intended to create such an environment and to help each student be a successful and contributing member of the school community.

Alternative learning programs or schools are provided as an option for those instances in which a student’s behavior management or academic performance needs cannot be met in a regular educational setting. The purposes of an alternative learning program or school are: (1) to intervene and address problems that prevent a student from achieving success in the regular educational setting; (2) to reduce the risk that a student will drop out of school by providing resources to help the student resolve issues affecting his or her performance at school; (3) to return a student, if and when it is practicable, to the regular educational setting with the skills necessary to succeed in that environment; and (4) to preserve a safe and orderly learning environment in the regular educational setting.

B. ALTERNATIVE LEARNING PROGRAMS/SCHOOLS

Alternative learning programs and schools should serve the purposes described above. Such alternative education programs are expected to meet all board policy and state requirements. In addition, alternative education programs and support services should be designed to facilitate students’ transition back to the regular educational setting when appropriate.

All school personnel at alternative learning programs or schools should receive training so that students enrolled in such programs or schools receive appropriate educational services.

Each alternative learning program or school is required to develop a behavior management plan, a school improvement plan and a parental involvement plan in accordance with board policy. In addition, a conflict resolution plan, as provided in policy 3431, Conflict Resolution, must be included in the school improvement plan. The board encourages the principal and other school personnel, in developing these plans, to review successful alternative education programs and make effective use of the resources provided by the superintendent.

The superintendent and board will review these plans in accordance with board policy. While providing flexibility at the school level to develop the plans, the superintendent and board will not approve any plan that is not reasonably likely to meet the purposes of an alternative learning program or school.
Prior to implementing a new alternative learning program or school, the board will develop a program proposal that is consistent with the State Board of Education standards for alternative learning programs. The board then will submit the proposal to the State Board for its review. After the proposal has been reviewed by the State Board, the board will consider any recommendations from the State Board to modify the proposal before implementing the alternative learning program or school. The board also will review on a regular basis whether the school system’s alternative learning programs and schools comply with State Board standards.

C. **Transfer to Alternative Learning Programs or Schools**

Students generally are assigned to a school based on attendance area. However, as provided by law, the board may assign any student to a school outside of his or her attendance area in order for the student to attend a specialized school or for any other reason the board, in its sole discretion, deems sufficient.

Students may be transferred to an alternative learning program or school on a voluntary or involuntary basis. The transfer process is provided below.

1. **Responsibilities of Personnel at Referring School**

In addition to any other procedures required by this policy, prior to referring a student to an alternative learning program or school, the principal of the referring school must:

a. document the procedures that were used to identify the student as being at risk of academic failure or as being disruptive or disorderly;

b. provide the reasons for referring the student to an alternative learning program or school; and

c. provide to the alternative learning program or school all relevant student records, including anecdotal information.

2. **Responsibilities of School Personnel at the Alternative Learning Program or School**

In addition to any other procedures required by this policy, once a student is placed in an alternative learning program or school, the appropriate school personnel of the program or school must meet to review the student’s records and any other documentation forwarded by the referring school. Based on these records and any input provided by the parent concerning the student’s needs, the personnel at the alternative program or school shall determine the support services and intervention strategies that are recommended for the student.
If a student who is subject to G.S. 14-208.18 is assigned to an alternative school, the student must be supervised by school personnel at all times.

3. Voluntary Referral

The board encourages parental involvement in decisions regarding the child’s education and in identifying effective options for addressing concerns regarding the child’s behavior or academic performance.

Voluntary transfers are encouraged whenever possible. A voluntary transfer is an agreement by the parent, the principal and the disciplinary review committee that transfer is an appropriate option for the particular student. After agreement has been reached, the principal of the regular educational setting and the principal of the alternative learning program or school shall arrange the process and time for the transfer. The principal of the regular educational setting shall notify the superintendent of the transfer.

4. Involuntary Referral

A student may be required to be transferred from the regular educational setting to an alternative learning program or school under any of the following circumstances:

a. the student presents a clear threat to the safety of other students or personnel;

b. the student presents a significant disruption to the educational environment in the regular educational setting;

c. the student is at risk of dropping out or not meeting standards for promotion, and resources in addition to or different from those available in the regular educational setting are needed to address the issue;

d. the student has been charged with a felony or a crime that allegedly endangered the safety of others, and it is reasonably foreseeable that the educational environment in the regular educational setting will be significantly disrupted if the student remains; or

e. if the Code of Student Conduct provides for a transfer as a consequence of the student’s behavior.

Prior to an involuntary transfer in circumstances where a student is experiencing academic or developmental difficulties or chronic social/behavioral problems, the principal or disciplinary committee of the referring school shall document the student’s behavior and academic performance and efforts to assist the student in the regular educational environment. School administrators are encouraged to
meet with the student’s parents to try to reach a consensus on how to address the student’s difficulties at school.

The preceding steps are encouraged, but not required in the case of an involuntary transfer arising from a disciplinary reassignment or when the student’s behavior immediately endangers other students or personnel.

If an agreement for voluntary transfer is not reached and a basis for involuntary transfer exists, the principal may recommend to the superintendent that the student be transferred to an alternative school. The principal must provide in writing: (1) an explanation of the student’s behavior or academic performance that is at issue; (2) documentation or a summary of the documentation of the efforts to assist the student in the student’s regular educational setting, if applicable; and (3) documentation of the circumstances that support an involuntary transfer.

A copy of the recommendation and other documentation must be provided to the parents by certified mail or in person. The parent may request an informal meeting with the superintendent to discuss the transfer. The superintendent has the authority to determine who may be present at the meeting.

If the superintendent approves the transfer, the principal of the regular educational setting and the principal of the alternative school shall make all necessary arrangements.

The parent may appeal the superintendent’s decision to the board. The board will hear the appeal in closed session and will follow its procedures as provided in policy 2500, Hearings Before the Board. During the period of the appeal, the student may be transferred to the alternative learning program or school.

5. Assignment During a Long-Term or 365-Day Suspension

A student who receives a long-term or 365-day suspension may be offered services in the alternative learning program or school for a portion or the full duration of the suspension. See policy 4353, Long-Term Suspension, 365-Day Suspension, Expulsion. Any student who receives a long-term or 365-day suspension must be offered alternative education services unless the superintendent provides a significant or important reason for declining to offer such services. Alternative education services include, but are not limited to, the alternative programs or schools established in this policy in accordance with G.S. 115C-105.47A.

6. Assignment of Student Sex Offenders

The board may decide, pursuant to G.S. 115C-390.11(a)(2), to assign a student who is subject to G.S. 14-208.18 to an alternative learning program or school.
D. **TRANSITION FROM ALTERNATIVE LEARNING PROGRAMS OR SCHOOLS**

In most instances, the goal of the alternative learning program or school is to return the student to the regular educational setting with the skills necessary to succeed in that environment as soon as practicable. The personnel of the alternative learning program or school and those of the regular educational setting shall work together to help create a successful transition for the student.

If the student is not or will not be returned to the regular educational setting, the alternative learning program or school will assist in the student’s transition to other educational settings, including other programs offered by the school system or a community college or vocational school.

E. **ASSIGNMENT OF PROFESSIONAL PERSONNEL TO ALTERNATIVE LEARNING PROGRAMS OR SCHOOLS**

When assigning professional personnel to an alternative learning program or school, the superintendent shall consider the experience and evaluation ratings of the professional employee who may be assigned to the program or school. As school system resources allow, the superintendent shall strive to avoid assigning to an alternative school or program less experienced professional personnel or professional personnel who have received an evaluation rating of less than “accomplished” within the last three years.

F. **EVALUATION OF ALTERNATIVE LEARNING PROGRAMS OR SCHOOLS**

1. **Information to be Reported**

Each year, the board will evaluate each alternative learning program or school based upon reports provided by the superintendent and any other information the board wishes to consider. In addition to data required by policy 3430, School Improvement Plan, each alternative learning program or school must report the following information annually to the board:

   a. referral patterns from the regular educational setting, including age, race, gender and method of transfer (voluntary, as an alternative to suspension or expulsion, or involuntary);

   b. drop-out rates;

   c. how long students stay at the alternative learning program or school and where they go (including the regular educational setting, community college/technical schools or dropping out) when they leave the alternative program or school;

   d. the training and development of professional employees assigned to the
alternative learning program or school;

e. a list of services or programs that the alternative learning program or school coordinates with other governmental agencies; and

f. any other information the superintendent requires.

To assist the board in evaluating an alternative learning program or school, each alternative school or program’s school improvement plan must include measures of the effectiveness of the alternative program or school.

2. Items to be Considered

In addition to any other outcomes the board deems important, the board will determine whether:

a. a diverse group of students is referred to the alternative learning program or school;

b. the alternative learning program or school complies with State Board standards;

c. the alternative learning program or school incorporates best practices for improving student academic performance and reducing disruptive behavior;

d. school personnel at the alternative learning program or school are well-trained and provided with appropriate professional development;

e. the alternative learning program or school is organized to provide coordinated services;

f. students at the alternative learning program or school receive high quality and rigorous academic instruction; and

g. the alternative learning program or school assists students in transitioning back to the regular educational setting or to other educational settings.

Legal References: G.S. 14-208.18; 115C-47(32a), -105.27, -105.47A, -105.48, -276(r), -288, -367, -369, -390.7, -390.9, -390.10, -390.11; State Board of Education Policy GCS-Q-002

Cross References: Parental Involvement (policy 1310/4002), Hearings Before the Board (policy 2500), School Improvement Plan (policy 3430), Conflict Resolution (policy 3431), Student Sex Offenders (policy 4260), School Plan for Management of Student Behavior (policy 4302), Student Discipline Records (policy 4345), Long-Term Suspension, 365-Day Suspension, Expulsion (policy 4353), Assignments/Reassignments/Transfers (policy 7440)
Adopted: December 3, 2012
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.


Cross References: Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Special Education Programs/Rights of Students with Disabilities (policy 3520)

Adopted: December 3, 2012
INTEGRITY AND CIVILITY

Policy Code: 4310

All students are expected to demonstrate integrity, civility, responsibility and self-control. This expectation is directly related to the board’s educational objectives for students to learn to be responsible for and accept the consequences of their behavior and for students to respect cultural diversity and ideological differences. Integrity, civility, responsibility and self-control also are critical for establishing and maintaining a safe, orderly and inviting environment.

A. **PROHIBITED BEHAVIOR**

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;
2. plagiarizing, including copying the language, structure, idea and/or thought of another and representing it as one’s own original work;
3. violating copyright laws, including the unauthorized reproduction, duplication and/or use of printed or electronic work, computer software, or other copyrighted material;
4. cursing or using vulgar, abusive or demeaning language toward another person; and
5. playing abusive or dangerous tricks or otherwise subjecting a student or an employee to personal indignity.

B. **CONSEQUENCES**

The disciplinary consequences for violations of this policy shall be consistent with Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy.


Cross References: Goals and Objectives of the Educational Program (policy 3000), Copyright Compliance (policy 3230/7330), Student Behavior Policies (policy 4300)

Adopted: December 3, 2012
TECHNOLOGY ACCEPTABLE USE  

Policy Code: 3225/4312/7320

Technological resources, including computers, other electronic devices, programs, networks and the Internet, provide opportunities to enhance instruction, appeal to different learning styles and meet the educational goals of the board. 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.

Use of technological resources should be integrated into the educational program. Technological resources should be used in teaching the North Carolina Standard Course of Study and in meeting the educational goals of the board. The curriculum committee should provide suggestions for using technological resources in the curriculum guides as provided in policy 3115, Curriculum and Instructional Guides. Teachers are encouraged to further incorporate the use of technological resources into their lesson plans.

The superintendent shall ensure that school system computers with Internet access comply with federal requirements regarding filtering software, Internet monitoring and Internet safety policies. The superintendent shall develop any regulations and submit any certifications necessary to meet such requirements.

A. REQUIREMENTS FOR USE OF TECHNOLOGICAL RESOURCES

The use of school system technological resources, such as computers and other electronic devices, networks, and the Internet, is a privilege, not a right. Before using the Internet, all students must be trained about appropriate on-line behavior. Such training must cover topics such as cyberbullying and interacting with others on social networking websites and in chat rooms.

Anyone who uses school system computers or electronic devices or who accesses the school network or the Internet at an educational site must comply with the requirements listed below. All students and employees must receive a copy of this policy annually. Before using school system technological resources, students and employees must sign a statement indicating that they understand and will strictly comply with these requirements. Failure to adhere to these requirements will result in disciplinary action, including revocation of user privileges. Willful misuses may result in disciplinary action and/or criminal prosecution under applicable state and federal law.

1. School system technological resources are provided for school-related purposes only. Acceptable uses of such technological resources are limited to activities that support learning and teaching. Use of school system technological resources for commercial gain or profit is prohibited.

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 board policies, administrative regulations, and school standards and rules in using technological resources. All applicable laws, including those relating to copyrights and trademarks, confidential information, and public records, apply to technological resource use. Any use that violates state or federal law is strictly prohibited.

4. No user of technological resources, including a person sending or receiving electronic communications, may engage in creating, intentionally 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 or considered to be harmful to minors.

5. Users of technological resources may not send electronic communications fraudulently (i.e., by misrepresenting the identity of the sender).

6. Users must respect the privacy of others. When using e-mail, chat rooms, blogs or other forms of electronic communication, students must not reveal personally identifiable, private or confidential information, such as the home address or telephone number, of themselves or fellow students. In addition, school employees must not disclose on the Internet or on school system websites or web pages any personally identifiable 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.

7. Users may not intentionally or negligently damage computers, computer systems, electronic devices, software or computer networks. 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.

8. 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.

9. 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.

10. Users are prohibited from using another individual’s computer account. Users may not read, alter, change, execute or delete files belonging to another user without the owner’s express prior permission.
11. 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.

12. Teachers shall make reasonable efforts to supervise a student’s use of the Internet during instructional time.

13. Views may be expressed as representing the view of the school system or part of the school system only with prior approval by the superintendent or designee.

B. **RESTRICTED MATERIAL ON THE INTERNET**

Before a student may use the Internet for any purpose, the student’s parent must be made aware of the possibility that the student could obtain access to inappropriate material. The parent and student must sign a consent form acknowledging that the student user is responsible for appropriate use of the Internet and consenting to monitoring by school system personnel of the student’s e-mail communication and use of the Internet.

The board is aware that there is information on the Internet that is not related to the educational program. The board also is aware that the Internet may provide information and opportunities to communicate on subjects that are not suitable for school-age children and that many parents would find objectionable. School system personnel shall take reasonable precautions to prevent students from having access to inappropriate materials, such as violence, nudity, obscenity or graphic language that does not serve a legitimate pedagogical purpose. The superintendent shall ensure that the Internet service provider or technology personnel have installed a technology protection measure that blocks or filters Internet access to audio or visual depictions that are obscene, that are considered pornography or that are harmful to minors. School officials may disable such filters for an adult who uses a school-owned computer for bona fide research or another lawful educational purpose. School system personnel may not restrict Internet access to ideas, perspectives or viewpoints if the restriction is motivated solely by disapproval of the ideas involved.

C. **PRIVACY**

No right of privacy exists in the use of technological resources. School system administrators or individuals designated by the superintendent may review files, monitor all communication, and intercept e-mail messages to maintain system integrity and to ensure compliance with board policy and applicable laws and regulations. School system personnel shall monitor on-line activities of individuals who access the Internet via a school-owned computer.

D. **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 computers during non-school hours, when the student’s on-line 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

All employees must use the school system network when communicating with students about any school-related matters. Thus, employees may not use personal websites or on-line networking profiles to post information in an attempt to communicate with students about school-related matters.

Employees are to maintain an appropriate relationship with students at all times. Employees are encouraged to block students from viewing personal information on employee personal websites or on-line networking profiles in order to prevent the possibility that students could view materials that are not age-appropriate. If an employee creates and/or posts inappropriate content on a website or profile and it has a negative impact on the employee’s ability to perform his or her job as it relates to working with students, the employee will be subject to discipline up to and including dismissal. This section applies to all employees, volunteers and student teachers working in the school system.


Cross References: Curriculum and Instructional Guides (policy 3115), Technology in the Educational Program (policy 3220), Copyright Compliance (policy 3230/7330), Web Page Development (3227/7322), Student Behavior Policies (all policies in the 4300 series), Public Records – Retention, Release and Disposition (policy 5070/7350), Use of Equipment, Materials and Supplies (policy 6520), Network Security (policy 6524), Staff Responsibilities (policy 7300)

Adopted: December 3, 2012
An orderly school environment is necessary for teachers to be able to teach and for students to be able to learn. Students are encouraged to participate in efforts to create a safe, orderly and inviting school environment. Students also are entitled to exercise their constitutional right to free speech as part of a stimulating, inviting educational environment. A student’s right to free speech will not be infringed upon; however, school officials may place reasonable, constitutional restrictions on time, place and manner in order to preserve a safe, orderly environment.

Principals and teachers have full authority as provided by law to establish and enforce standards and rules as necessary to create orderly schools and classrooms.

A. **Prohibited Behavior**

Students are prohibited from disrupting teaching, the orderly conduct of school activities, or any other lawful function of the school or school system. 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 (see policy 4316, Student Dress Code);

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. failing to observe established safety rules, standards and regulations, including on buses and in hallways; and

6. 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.

B. **Consequences**

The disciplinary consequences for violations of this policy shall be consistent with Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be
imposed on a student for violations of this policy.


Cross References:  Student Behavior Policies (policy 4300), Student Dress Code (policy 4316)

Adopted: December 3, 2012
Purpose

The primary goal of the Northampton County Schools is to provide a safe learning environment where all students are able to achieve at their highest potential. The personal appearance of every student is an important component of establishing a safe environment for optimal learning and respect for one another. Students are expected to adhere to standards of dress and appearance that are compatible with an effective learning environment. In support of these goals and expectations the Board establishes the following dress code for students:

Exceptions/Special Circumstances

The administration shall make reasonable accommodations on the basis of a student’s religious beliefs or medical conditions. Guardians seeking exemption from this policy should submit an application for exemption to be reviewed by the principal.

Dress Code Regulations

Clothing and accessories that interrupt or disrupt the school learning environment are prohibited. Prohibited clothing and accessories include, but are not limited to, items that promote gang or gang related activities and items that contain vulgar, insolent, or sexually explicit material. Any school system employee may alert a school administrator to a dress code policy violation.

Pants/Capris/Gouchos:

- All pants must be worn at a student’s waistline.
- If pants have belt loops, students must wear a belt.
- Pants must have no more than 6 pockets.
- Excessively baggy or tight fitting pants are prohibited.
- Undergarments/underwear shall not be visible at any time.
- Pants may not have holes.
- Pajamas, leggings, and tight spandex are prohibited.
- For the purposes of this policy, the waistline is the narrowest point of the human body between the ribcage and hips.

Tops:

- Tops that reveal underwear, cleavage, or bare skin between the upper chest and the waistline are prohibited.
- Sleeveless tops are prohibited.
- Polo shirts, turtleneck shirts, T-shirts, and collared blouses/shirts are allowed.
- V-neck T-shirts may not be worn as an outer layer.
- Visibility of shoulders and midriffs is prohibited.
- Undergarments must not be visible.
- Un-tucked shirts of excessive length are prohibited.
• For the purposes of this policy, the waistline is the narrowest point of the human body between the ribcage and hips.

**Skirts/Shorts/Skorts/Jumpers:**
• These items must be worn at the waistline and must extend to at the middle of the entire thigh.
• For the purposes of this policy, the waistline is the narrowest point of the human body between the ribcage and hips.

**Outerwear:**
• Light outerwear, such as sweatshirts, vests, and sweaters may be worn.
• Heavy coats are permitted, but must be removed upon entry into the classroom.

**Shoes:**
• Steel toes, cleats, bedroom shoes, high heels of greater than 2 inches, flip flops, Chinese slippers, and heelies are prohibited.
• Shoes with laces must be properly laced and tied.

**Other:**
• Caps, hats, earmuffs, head coverings of any kind, and sunglasses are prohibited inside school buildings.
• Large chains/jewelry and belt buckles are prohibited.

**Consequences for Violation of Dress Code Policy**

• **1st Offense**
  Covering of items and/or bare skin, if applicable, and parent meeting or telephone call regarding policy compliance.

• **2nd Offense**
  Covering of items and/or bare skin, if applicable, and parent meeting or telephone call regarding policy compliance. Maximum of 2 days of in-school suspension at the middle and high school levels. Appropriate disciplinary action—not to include out of school suspension—at the elementary school level. In addition, the school Administrator may revoke the student’s privileges to attend and/or participate in any school-sponsored extra-curricular activities, including a student’s participation in athletic competition.

• **3rd Offense (and all subsequent offenses)**
  Covering of items, if applicable. Maximum of 3 days of out of school suspension (“OSS”) and a parent conference. The three days OSS shall be reduced by the school administrator if the parent arranges for a parent conference (to include the student) on or before the third day of suspension and the parent enters into an agreement stating that the student will comply with the dress code policy in the future. If such a parent conference is held, the OSS shall end on the day of the parent conference. This provision may only be utilized once to shorten the length of the three day out of school suspension. In
addition to the three days OSS, the school Administrator may revoke the student’s privileges to attend and/or participate in any school-sponsored extra-curricular activities, including a student’s participation in athletic competition, or require the student to participate in a program for solution based intervention. If the student drives, his/her privileges to drive to school may be suspended, and/or the student may be placed on lunch restrictions for up to three consecutive days.

Applicability

This policy shall apply to all students in all school buildings during the regular school day, on field trips, and when students represent the school. This policy shall also apply to all students at all times on all Board of Education property; including in school buildings and on school grounds; on all school buses and other school vehicles. This policy does not apply to school sanctioned uniforms and costumes for athletic, choral, or dramatic performances with the prior written approval of the principal.


ADOPTED: October 5, 2009

REVISED: July 29, 2013

APPROVED: August 12, 2013
USE OF WIRELESS COMMUNICATION DEVICES

Policy Code:  4318

The board recognizes that cellular phones and other wireless communication devices have become an important tool 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 the instructional day 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.

A. AUTHORIZED USE

Administrators may authorize individual students to use wireless communication devices for personal purposes when there is a reasonable need for such communication. Teachers and administrators may authorize individual students to use the devices for instructional purposes, provided that they supervise the students during such use.

Although use generally is permitted before and after school, use of cellular phones and other wireless communication devices may be prohibited on school buses when noise from such devices interferes with the safe operation of the buses. In addition, elementary and middle school students who participate in after-school programs are prohibited from using wireless communication devices during such programs.

B. 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 disciplinary consequences for violations of this policy shall be consistent with Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy.

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.

C. 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.

D. 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.

Legal References: G.S. 115C-36, -390.2

Cross References: Student Behavior Policies (policy 4300), Disruptive Behavior (policy 4315), Student Searches (policy 4342)

Adopted: December 3, 2012
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, including electronic cigarettes 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 policy 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. **Consequences**

The disciplinary consequences for violations of this policy shall be consistent with Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy.

In determining appropriate consequences for violations of this policy, school officials are encouraged to identify programs or opportunities that will provide students with a greater understanding of the health hazards of tobacco use, the hazards of secondhand smoke, and the impact of tobacco use on efforts to provide a safe, orderly, clean and inviting school environment.

C. **Services for Students**

The administration shall consult with the county health department and other appropriate organizations to provide students with information and access to support systems and programs to encourage students to abstain from the use of tobacco products. The school system may, from time to time, provide free non-smoking programs and services to its students.
D. **NOTICE**

Students will be provided with notice of the information in this policy 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.


Cross References: Student Behavior Policies (policy 4300), Smoking and Tobacco Products (policy 5026/7250)

Adopted: December 3, 2012
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 policy is consistently applied throughout the school system.

A. **PROHIBITED BEHAVIOR**

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 policy 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.

B. **CONSEQUENCES**

As required by policy 4335, Criminal Behavior, the principal must report to the
appropriate law enforcement agency any student who has used or possessed prohibited substances in violation of this policy.

The disciplinary consequences for violations of this policy shall be consistent with Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy.

Legal References: G.S. 18B-301; 20-11(n1); ch. 90 art. 5; 115C-47, -276, -288, -307, -390.2

Cross References: Student Behavior Policies (policy 4300), Criminal Behavior (policy 4335), Administering Medicines to Students (policy 6125)

Adopted: December 3, 2012
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.

A. **Prohibited Behavior**

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.

Conduct prohibited by this policy includes:

1. 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;

2. communicating either verbally or non-verbally (gestures, handshakes, slogans, drawings, etc.) with the intent to convey membership or affiliation in a gang;

3. tagging, or otherwise defacing school or personal property with symbols or slogans intended to convey membership or affiliation in a gang (see policy 4330, Theft, Trespass and Damage to Property);

4. requiring payment of protection, insurance or otherwise intimidating or threatening any person related to gang activity (see policy 4331, Assaults, Threats and Harassment);

5. inciting others to intimidate or to act with physical violence upon any other person related to gang activity (see policy 4331);

6. soliciting others for gang membership; and

7. committing any other illegal act or other violation of school system policies in connection with gang-related activity.
B. **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 maintain a 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 under this policy. The Code of Student Conduct and student handbook (or such other similar materials) also shall provide the addresses of websites that contain additional information identifying gang signs, symbols, clothing and other gang indicators.

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

C. **Consequences**

Before being punished for a violation of subsection A.1 or A.2, above, a student shall receive an individualized warning as to what item or conduct is in violation of this policy and shall be permitted to immediately change or remove any prohibited items. A student may be punished only if he or she previously received notice that the specific item or conduct is prohibited.

Disciplinary consequences for violations of subsections A.1, A.2 and A.6, above, shall be consistent with Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of these subsections.

Violations of subsections A.3, A.4, A.5 and A.7, above, are violations of both this policy and other board policies. Disciplinary consequences for such violations shall be consistent with Section D of policy 4300 and the specific range of consequences listed in the Code of Student Conduct for the other board policy violated. That the violation was
gang-related shall be an aggravating factor when determining the appropriate consequences.

In a situation where a student has violated this policy or is otherwise suspected of gang affiliation through other circumstantial evidence, the principal shall conduct an intervention involving the principal and/or assistant principal, the student and the student’s parent. Such intervention also may include the school resource officer and others as appropriate. The purpose of an intervention is to discuss school officials’ observations and concerns and to offer the student and his or her parents information and an opportunity to ask questions or provide other information to the school officials.

This policy shall be applied in a non-discriminatory manner based on the objective characteristics of the student’s conduct in light of the surrounding circumstances.

Legal References: G.S. 115C-390.2

Cross References: Student Behavior Policies (policy 4300), Student Dress Code (policy 4316), Theft, Trespass and Damage to Property (policy 4330), Assaults, Threats and Harassment (policy 4331), Criminal Behavior (policy 4335)

Adopted: December 3, 2012
THEFT, TRESPASS
AND DAMAGE TO PROPERTY

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.

A. Prohibited Behavior

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.

B. Consequences

The disciplinary consequences for violations of this policy shall be consistent with Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy.

Legal References: G.S. 14-60, -87, -87.1, -132, -132.2; 115C-47, -276(r), -288, -307, -390.2
Cross References: Student Behavior Policies (policy 4300), Integrity and Civility (policy 4310), Criminal Behavior (policy 4335)

Adopted: December 3, 2012
ASSAULTS, THREATS AND HARASSMENT

The board will not tolerate assaults, threats or harassment 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.

A. Prohibited Behavior

1. 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.

2. 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.

Bomb and terrorist threats are also addressed in policy 4333, Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety.

3. Harassment

Students are prohibited from engaging in or encouraging any form of harassment, including bullying of students, employees or other individuals on school grounds or at school-related functions. Harassment is unwanted, unwelcome and uninvited behavior that demeans, threatens or offends the victim and results in a hostile environment for the victim. The hostile environment may be created through pervasive or persistent misbehavior or a single incident if sufficiently severe.

Harassment and bullying are further defined in policy 1710/4021/7230, Prohibition Against Discrimination, Harassment and Bullying. Complaints of harassment will be investigated pursuant to policy 1720/4015/7225, Discrimination, Harassment and Bullying Complaint Procedure. For incidents of misbehavior that do not rise to the level of harassment, see policy 4310, Integrity and Civility, which establishes the expectation that students will demonstrate civility and integrity in their interactions with others.

B. Consequences

The disciplinary consequences for violations of this policy shall be consistent with
Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy.

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.

Legal References: G.S. 14-33, -34 through -34.2; 115C-47, -276(r), -288, -307, -390.2, -390.7

Cross References: Prohibition Against Discrimination, Harassment and Bullying (policy 1710/4021/7230), Discrimination, Harassment and Bullying Complaint Procedure (policy 1720/4015/7225), Student Behavior Policies (policy 4300), Integrity and Civility (policy 4310), Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety (policy 4333)

Adopted: December 3, 2012
WEAPONS, BOMB THREATS, TERRORIST THREATS, AND CLEAR THREATS TO SAFETY

Policy Code: 4333

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 policy will be removed from the classroom or school environment for as long as is necessary to provide a safe and orderly environment for learning.

A. Prohibited Behavior

1. Weapons and Weapon-Like Items

   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:

   a. loaded and unloaded firearms, including guns, pistols, and rifles;
   b. destructive devices, as described in subsection B.2 of this policy, including explosives, such as dynamite cartridges, bombs, grenades, and mines;
   c. knives, including pocket knives, bowie knives, switchblades, dirks, and daggers;
   d. slingshots and slungshots;
   e. leaded canes;
   f. blackjacks;
   g. metal knuckles;
   h. BB guns;
   i. air rifles and air pistols;
   j. stun guns and other electric shock weapons, such as tasers;
   k. icepicks;
   l. razors and razor blades (except those designed and used solely for personal shaving);
m. fireworks;

n. gun powder, ammunition, or bullets; and

o. 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.

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.

2. Bomb Threats

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.

3. Terrorist Threats

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.

4. Clear Threats to Student and Employee Safety

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:

a. theft or attempted theft by a student from another person by using or threatening to use a weapon;

b. the intentional and malicious burning of any structure or personal property, including any vehicle;

c. 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;

d. 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;

e. 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;

f. any intentional, highly reckless, or negligent act that results in the death of another person;

g. confining, restraining, or removing another person from one place to another, without the victim’s consent or the consent of the victim’s 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;

h. 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;

i. 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;

j. 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;

k. 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;

l. any behavior resulting in a felony conviction on a weapons, drug, assault, or other charge that implicates the safety of other persons; and

m. any other behavior that demonstrates a clear threat to the safety of others in the school environment.

B. CONSEQUENCES

1. General Consequences

The disciplinary consequences for violations of this policy shall be consistent with Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy.

2. 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.

Cross References: Student Sex Offenders (policy 4260), Student Behavior Policies (policy 4300), Integrity and Civility (policy 4310), Disruptive Behavior (policy 4315), Theft, Trespass, and Damage to Property (policy 4330), Assaults, Threats, and Harassment (policy 4331), Criminal Behavior (policy 4335)

Adopted: December 3, 2012
Revised: December 8, 2014
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.

A. **Students Charged with or Convicted of Criminal Behavior**

If necessary, the superintendent and principal may take reasonable 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 alleged crime, the child’s age, and the publicity within the school community, reasonable efforts may include changing a student’s classroom assignment or transferring the student to another school. Transfer to an alternative school 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.

B. **Reporting Criminal Behavior**

Principals must immediately report to law enforcement the following acts when they have personal knowledge, a reasonable belief 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.

The principal or designee shall notify the superintendent or designee in writing or by e-mail of any report made 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.

Legal References: Gun-Free Schools Act, 20 U.S.C. 7151; G.S. 14-17, -18, -27.2 to -27.5, -32, -33, -34 to -34.2, -41, -60, -69.1, -69.2, -87, -87.1, -132, -132.2, -202.1, -269.2; ch. 90 art. 5; 115C-47(56); -288(g), -325; State Board of Education Policy HRS-A-000

Cross References: Alternative Learning Programs/Schools (policy 3470/4305), Drugs and Alcohol (policy 4325), Theft, Trespass and Damage to Property (policy 4330), Assaults, Threats and Harassment (policy 4331), Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety (policy 4333), School-Level Investigations (policy 4340)

Adopted: December 3, 2012
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 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).


Cross References: Student Behavior Policies (policy 4300), School Plan for Management of
Student Behavior (policy 4302), Disciplinary Action for Exceptional Children/Students with Disabilities (policy 4307), Parental Involvement in Student Behavior Issues (policy 4341), Student Searches (policy 4342), Short-Term Suspension (policy 4351), Long-Term Suspension, 365-Day Suspension, Expulsion (policy 4353)

 Adopted: December 3, 2012
The board recognizes the need for parents and guardians to work with school employees in helping students to learn and practice acceptable standards of behavior. School employees are directed to encourage parents to participate in discussions on effective strategies for correcting misbehavior and appropriate consequences for violations of board policies, the Code of Student Conduct, and other school standards and school rules.

School employees are expected, as part of their school’s student behavior management plan, to identify strategies that involve parents. At a minimum, the plan must provide for inviting parents to conferences whenever there are repeated violations of board policies, the Code of Student Conduct, school standards or school rules or whenever there is a serious violation that may result in removing the student from his or her regular educational environment for any extended period of time. Parents also have the right to inspect or obtain copies of student records as provided in policy 4700, Student Records.

When the principal decides to impose a short-term suspension, the principal shall:

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.

Legal References: G.S. 115C-47, -390.5, -390.6, -390.7, -390.8, -390.10, -390.11
Cross References: Parental Involvement (policy 1310/4002), Short-Term Suspension (policy 4351), Long-Term Suspension, 365-Day Suspension, Expulsion (policy 4353), Student Records (policy 4700)

Adopted: December 3, 2012
A. Authority to Conduct Searches and Seizures

School administrators have the authority to conduct reasonable searches and seize materials in accordance with this policy for the purpose of maintaining a safe, orderly environment and for upholding standards of conduct established by the board or school. This policy does not apply to investigations conducted by law enforcement officials or to investigations conducted exclusively for the purpose of criminal prosecution. Any school official carrying out a search or seizure is expected to be knowledgeable about the constitutional rights of students and the appropriate procedures for conducting the search or seizure.

A search of a student is lawful if there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating a law or a school rule. A search of a student is permissible in scope when measures adopted are 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, voluntarily and knowingly consents and agrees to the search of his or her person or personal effects.

A student’s failure to permit reasonable searches and seizures as provided in this policy will be considered a violation of the expected standard of behavior, and appropriate consequences may be imposed.

B. Personal Searches

A student’s person and/or personal effects (e.g., purse, book bag, etc.) may be searched whenever a school authority has reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating a law or a school rule.

If a frisk or “pat down” search of a student’s person is conducted, it must be conducted in private by a school official of the same gender and with an adult witness present, when feasible.

If the school official has reasonable grounds for suspecting that the student has on his or her person an item imminently dangerous to the student or to others, a more intrusive search of the student’s person may be conducted. Such a search may be conducted only in private by a school official of the same gender, with an adult witness of the same gender present, and only upon 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.

C. Use of Metal Detectors
A metal detector may be used to search a student’s person and/or personal effects whenever a school official has reasonable grounds for suspecting that the student is in possession of a weapon. The search must be conducted by a school official. The search will be conducted in private, when feasible.

A school official is authorized to conduct general searches of students and other persons and their personal effects with a metal detector before the person may gain entry to the school campus or any school-sponsored extracurricular activity. The search must be conducted in accordance with procedures established by the superintendent or designee. Prior to conducting general searches, school administrators must: (1) demonstrate 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 when or places where searches will be conducted. Any search conducted pursuant to this policy must be conducted by a school official.

D. **DESK AND LOCKER SEARCHES**

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. Inspections of desks and lockers may be conducted by school authorities for any reason consistent with board policies or school rules at any time, without notice, without consent, and without a search warrant. A student’s personal effects found in a desk or locker, such as backpacks, gym bags or purses, may be searched only pursuant to guidelines for personal searches described above.

E. **SEARCHES OF STUDENT MOTOR VEHICLES**

Students are permitted to park on school premises as a matter of privilege, not of right. School officials have authority to patrol student parking lots at all times to maintain safety in the parking lots. The interior of a student’s motor vehicle parked on the school premises may be searched if a school official has reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating a law or a school rule.

F. **USE OF TRAINED DOGS IN CONDUCTING SEARCHES**

With the prior approval of the superintendent, school officials may use trained dogs in inspections for illegal materials in school facilities, on school grounds and in school parking lots. All dogs must be accompanied by a qualified 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, student motor vehicles and other inanimate objects. Such inspections are not considered searches and do not require notice or consent.
Dogs may not be used for random searches of students or other persons. If a school official has reasonable suspicion that a student possesses illegal material on his or her person, a dog may sniff the air near the student. Such a search will be conducted in private with the school official and an adult witness present, when feasible.

Legal References: U.S. Const. amend. IV; G.S. 115C-47, -288, -307, -391

Cross References: School Plan for Management of Student Behavior (policy 4302), School-Level Investigations (policy 4340)

Adopted: December 3, 2012
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.


Cross References: Theft, Trespass, and Damage to Property (policy 4330), Assaults, Threats, and Harassment (policy 4331), Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety (policy 4333), Long-Term Suspension, 365-Day Suspension, Expulsion (policy 4353), Student Records (policy 4700)

Other References: North Carolina Discipline Data Reporting Procedures, N.C. Department of Public Instruction Safe and Healthy Schools Support Division (Revised, October 2013), available at http://www.ncpublicschools.org/docs/research/discipline/collection/discipline-reporting-procedures.pdf

Adopted: December 3, 2012
Revised: December 8, 2014
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 or (2) the changing of a student’s location to another room or place on the school premises. 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.

A. **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.

B. **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.

C. **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.


Cross References: School Safety (policy 1510/4200/7270), School Plan for Management of Student Behavior (policy 4302), School-Level Investigations (policy 4340), Parental Involvement in Student Behavior Issues (policy 4341), Removal of Student During the Day (policy 4352)

Adopted: December 3, 2012
Revised: December 8, 2014
The principal is authorized to impose out-of-school short-term suspensions in accordance with board policy.

The principal may remove from school grounds a student who has been suspended during the school day, under any of the following circumstances:

1. the parent has been notified and is able to make arrangements for the student to leave the school or agrees to the student’s using public transportation or driving himself or herself home;

2. the parent has been notified and is available to receive the student, and the principal is able to arrange for transportation from the school to the home; or

3. the principal involves law enforcement in the removal of the student from school grounds because such action is necessary to provide a safe, orderly school environment.

If none of these circumstances exists, the suspension will begin on the next school day.

Legal References: G.S. 115C-47, -288, -390.3, -390.5, -391.1

Cross References: Short-Term Suspension (policy 4351)

Adopted: December 3, 2012
LONG-TERM SUSPENSION,
365-DAY SUSPENSION, EXPULSION

Policy Code: 4353

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.

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 4333, Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety.

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 4325, Drugs and Alcohol, policy 4330, Theft, Trespass and Damage to Property, policy 4331, Assaults, Threats and Harassment, and policy 4333, Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety, 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, policy 4302, School Plan for Management of Student Behavior, and the Code of Student Conduct. 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 a 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 ten 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 before the superintendent 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 confirm that the charges against the student, if substantiated, could warrant the recommended disciplinary action and shall 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 superintendent shall decide whether to uphold, modify or reject the principal’s recommendation. 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)(2). 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.


Cross References: Hearings Before the Board (policy 2500), Alternative Learning Programs/Schools (policy 3470/4305), Student Sex Offenders (policy 4260), School Plan for Management of Student Behavior (policy 4302), Drugs and Alcohol (policy 4325), Theft, Trespass and Damage to Property (policy 4330), Assaults, Threats and Harassment (policy 4331), Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety (policy 4333), Criminal Behavior (policy 4335), School-Level Investigations (policy 4340), Student Discipline Records (policy 4345), Short-Term Suspension (policy 4351), Student Discipline Hearing Procedures (policy 4370)

Adopted: December 3, 2012
REQUESTS FOR READMISSION OF STUDENTS SUSPENDED FOR 365 DAYS OR EXPELLED

Policy Code: 4362

All requests for readmission of students who have been suspended for 365 days or expelled will be considered in accordance with the procedures set out below.

A. Requests by Students Suspended for 365 Days

A student who is serving a 365-day suspension may submit a request to the superintendent for readmission any time after the 180th calendar day of his or her suspension. Upon receipt of the request, the superintendent or designee shall offer the student an opportunity for an in-person meeting to be held within five days. The student may provide documents in support of the request, such as signed statements from individuals knowledgeable about the student or documents verifying that the student is participating in or has completed counseling or rehabilitation programs. If the student demonstrates to the satisfaction of the superintendent or designee that the student’s presence in school no longer constitutes a threat to the safety of other students or employees, the superintendent must readmit the student.

Within 30 days of the student’s request, the superintendent or designee shall provide written notice of his or her decision to the student, the student’s parents and the board. If the superintendent or designee decides to readmit the student, the notice will include the date of readmission, the school or program to which the student will be assigned and any reasonable restrictions placed on the readmission. If the superintendent or designee rejects the request for readmission, the notice will advise the parents of the right to appeal the decision to the board. Any appeal to the board must be made in writing within five days of receipt of the superintendent’s or designee’s decision. The superintendent or designee shall inform the board chairperson of the request for an appeal and arrange in a timely manner a hearing before the board. The hearing will be conducted in accordance with policy 2500, Hearings Before the Board. The board will provide to the student, the student’s parent and the superintendent or designee written notice of its decision within 30 days of receiving the appeal of the superintendent’s or designee’s decision.

If the request for readmission is denied, no subsequent requests from that student will be considered during that 365-day suspension.

B. Requests by Expelled Students

A student who has been expelled may submit a request to the board for readmission any time after 180 calendar days from the start date of the student’s expulsion. The board chairperson immediately will forward the request to the superintendent, who shall arrange in a timely manner a hearing before the board. The hearing will be conducted in accordance with policy 2500. After considering the student’s request and the superintendent’s or designee’s recommendation regarding readmission, if the board determines that the student has satisfactorily demonstrated that his or her presence in
school no longer constitutes a clear threat to the safety of other students or employees, the board will readmit the student. The board will notify the student, the student’s parents and the superintendent in writing of its decision within 30 days of the submission of the request for readmission.

If the board decides to readmit the student, the notice will include the date of readmission, the school or program to which the student will be assigned and any reasonable restrictions placed on the readmission. If the student was expelled as a result of assaulting or injuring a teacher, the student will not be returned to that teacher’s classroom following readmission without the teacher’s consent.

If the expelled student’s request for readmission is denied, the board will not consider a subsequent request for readmission of that student until six months after the submission of the previous request.

Legal References: G.S. 115C-47, -390.1, -390.12

Cross References: Hearings Before the Board (policy 2500), Long-Term Suspension, 365-Day Suspension, Expulsion (policy 4353)

Adopted: December 3, 2012
A. **Administrative Hearings**

The rules set out below will govern hearings held by the superintendent in assessing misbehavior and appropriate consequences. The purpose of the hearing will be to determine the facts relevant to the alleged misbehavior and the credibility of witnesses, based on the evidence presented at the hearing.

1. The hearing will be informal and conducted in private.

2. Prior to the hearing, the student and his or her parents and representative will have an opportunity to review any audio or video recordings of the incident and, consistent with federal and state student records laws and regulations, the information that may be presented as evidence against the student, including statements made by witnesses whose names are withheld in accordance with number 5, below.

3. The hearing must be attended by the superintendent, the principal and/or assistant administrators and any persons the superintendent deems necessary. The student has the right to be present at the hearing, to be accompanied by his or her parents and to be represented by an attorney or non-attorney advocate. Witnesses should be present only when providing information.

4. The school representatives have the burden of proving the misbehavior; the violation of board policy, the Code of Student Conduct, school standards or school rules; and the appropriateness of the recommended consequence for the violation.

5. The school representatives will present the witnesses and documentary evidence against the student first. School officials may withhold witness names or other identifying information if identification of a witness could threaten the witness’s safety.

6. After the school representatives have presented their evidence, the student or his or her representative may present evidence relating to the alleged disciplinary infraction, the student’s intent at the time of the incident, any mitigating or aggravating factors involved, the disciplinary and academic history of the student and the potential benefits to the student of alternatives to suspension. Such evidence may include oral testimony by the student or witnesses, written statements and other documents.

7. Both the school representatives and the student or his or her parent or representative may examine the witnesses presented by the other side. The superintendent has the authority to limit questioning by any person if the
questioning is unproductive, unnecessarily lengthy, repetitive or irrelevant.

8. In reaching a determination in the matter, the superintendent shall consider the documents produced in the hearing, the testimony of the witnesses and other evidence presented at the hearing. If the superintendent determines that a violation occurred, the superintendent also shall determine the appropriateness of the recommended consequences for the violation. Formal rules of evidence do not apply, and the superintendent may rely on evidence that a reasonably prudent person would consider in the conduct of serious affairs.

9. Following the hearing, the superintendent shall render a written decision based on substantial evidence presented at the hearing and shall notify the student and parent of that decision in accordance with the requirements of policy 4353, Long-Term Suspension, 365-Day Suspension, Expulsion.

10. The superintendent or designee shall provide for making a record of the hearing, including any findings or conclusions made by the superintendent. The student will have the right to make his or her own audio recording of the hearing.

B. BOARD HEARINGS

1. Appeal of a Long-Term or 365-Day Suspension

The board will provide the opportunity for a hearing that follows the procedures established for administrative hearings, except that (1) the superintendent or designee will represent the school system and the board or a panel of the board will be the decision maker, and (2) unless the board requests otherwise or doing so would create a substantial threat of unfairness, the board will limit presentations of testimony to the student, the student’s parent and representative, and the school system’s representative and will limit documentation to the records and evidence presented at the administrative hearing. The board, at its discretion, may request additional information or evidence.

The board will review any records created by the superintendent’s decision and the record created from any administrative hearing held. The board will review the superintendent’s decision to be sure that: (1) there was a reasonable basis for determining that the student engaged in the specified misbehavior; (2) a board policy, the Code of Student Conduct, a school standard or a school rule was violated; (3) the consequence for the violation was reasonable; and (4) procedures established by board policy were followed.

2. Board Decision on Expulsion

The board will provide an opportunity for a hearing to review the superintendent’s recommendation for expulsion. The rules established for administrative hearings will be followed, except that the superintendent or designee will represent the
school system and the board will be the decision maker. The board may request additional records or witnesses. A decision will be made on the superintendent’s recommendation following the standards for expulsion established in policy 4353, Long-Term Suspension, 365-Day Suspension, Expulsion.


Cross References: Long-Term Suspension, 365-Day Suspension, Expulsion (policy 4353)

 Adopted: December 3, 2012
ATTENDANCE

Policy Code: 4400

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. EXCUSED ABSENCES

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. 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). 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 from the principal.
8. Pregnancy and related conditions or parenting, when medically necessary.

In addition, a student whose 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 will be granted additional excused absences at the discretion of the superintendent or designee to visit with his or her parent or legal guardian.

Absences due to extended illnesses generally require a statement from a physician.

In the case of excused absences and short-term out-of-school suspensions, the student will be permitted to make up his or her work. (See also policy 4351, Short-Term Suspension.) 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.

C. **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.

D. **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.

If a student is absent from school for five or more days in a semester, the principal or a committee established by the principal shall consider whether the student’s grades should be reduced because of the absences. The principal or committee shall review other measures of academic achievement, the circumstances of the absences, the number of absences, and the extent to which the student completed missed work. A committee may recommend to the principal and the principal may make any of the following determinations:

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.

Legal References: G.S. 115C-47, -84.2, -288(a), -375.5, -378 through -383, -390.2(d), -390.5, -407.5; 16 N.C.A.C. 6E .0102, .0103; State Board of Education Policies TCS-L-000 through -003

Cross References: Education for Pregnant and Parenting Students (policy 4023), Children of Military Families (policy 4050), Short-Term Suspension (policy 4351)

Adopted: December 3, 2012
The board will hold student fees to a minimum. No fee will be charged for required courses or activities.

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.

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.

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.

Legal References: N.C. Const. art. IX, § 2(1); G.S. 115C-47(6), -216(g), -384

Cross References: Parental Involvement (policy 1310/4002)

Adopted: December 3, 2012
All student records must be current and maintained with appropriate measures of security and confidentiality. The principal is responsible for complying with all legal requirements pertaining to the maintenance, review and release of records retained at the school.

A. **Annual Notification of Rights**

The superintendent or designee shall provide eligible students and parents with annual notification of their rights under the Family Educational Rights and Privacy Act (FERPA). The notice must contain all information required by federal law and regulations, including the following:

1. the right to inspect and review the student’s educational records and the procedure for exercising this right;

2. the right to request amendment of the student’s educational records that the parent or eligible student believes to be inaccurate, misleading or in violation of the student’s privacy rights; and the procedure for exercising this right;

3. the right to consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent;

4. the type of information designated as directory information and the right to opt out of release of directory information;

5. that the school system releases records to other institutions that have requested the information and in which the student seeks or intends to enroll;

6. the right to opt out of releasing the student’s name, address and phone number to military recruiters or institutions of higher education that request such information;

7. a specification of the criteria for determining who constitutes a school official and what constitutes a legitimate educational interest if a school official discloses or intends to disclose personally identifiable information to school officials without consent;

8. notification if the school system uses contractors, consultants, volunteers or similar persons as school officials to perform certain school system services and functions that it would otherwise perform itself; and

9. the right to file complaints with the Family Policy Compliance Office in the U.S. Department of Education.
School officials are not required to individually notify parents or eligible students of their rights but must provide the notice in a manner reasonably likely to inform the parents and eligible students of their rights. Effective notice must be provided to parents or eligible students with disabilities or those whose primary or home language is not English.

B. **Definition of Parent and Eligible Student**

1. **Parent**

For purposes of this policy, the term “parent” includes a natural parent, a guardian or an individual acting as a parent in the absence of a parent or guardian. If the parents of a student are separated or divorced, both parents have the right to access the student’s records as provided in this policy, unless the school system has been provided with evidence that there is a court order, state statute or other legally binding document that specifically revokes these rights.

2. **Eligible Student**

For purposes of this policy, an eligible student is a student who has reached 18 years of age or is attending an institution of postsecondary education. The rights afforded to parents under this policy transfer to an eligible student. However, parents may still have access to the records as long as the student is claimed as a dependent by the parent for federal income tax purposes. An eligible student who desires to prevent access to records by his or her parents must furnish to the principal information verifying that the student is not a dependent of his or her parents. If a parent of a student who is at least 18 and no longer attending a school within the system wishes to inspect and review the student’s records, he or she must provide information verifying that the student is a dependent for federal income tax purposes.

A student under age 18 may have access to student records only upon the consent of his or her parents.

C. **Classification and Maintenance of Records**

Information about students that is collected and stored by school personnel may be separated into several categories, including, but not limited to, the following records.

1. **Cumulative Records**

The cumulative record is the official record for each student. The cumulative record includes student identification information, such as the student’s name, address, sex, race, birthplace and birth date; family data including the parents’ names, addresses, work and home telephone numbers and places of employment; academic work completed; grades; standardized test scores; health screenings and
immunization documentation; attendance records; withdrawal and reentry records; discipline records; honors and activities; class rank; date of graduation; and follow-up records.

2. Discipline Records

Student discipline records are part of the student’s official record and must be maintained and reviewed pursuant to policy 4345, Student Discipline Records. Discipline records must be expunged and forwarded pursuant to the requirements of law and the procedures of policy 4345.

3. Records of Students with Disabilities

Students with recognized disabilities must be accorded all rights in regard to their records as provided by state and federal law, including the Individuals with Disabilities Education Act and policy 3520, Special Education Programs/Rights of Students with Disabilities. Records for a student identified as a student with a disability are considered part of the student’s official records and must be maintained in accordance with all appropriate federal and state regulations. Access to these records will be restricted to personnel having specific responsibility in this area. A list of all approved personnel having access to these restricted files will be updated as needed, and a current, dated list will be posted in the student records location.

4. Records Received from the Department of Social Services

The Department of Social Services may disclose confidential information to the school system in order to protect a juvenile from abuse or neglect. Any confidential information disclosed under these circumstances must remain confidential and may only be redisclosed for purposes directly connected with carrying out the school system’s mandated educational responsibilities.

5. Juvenile Records

Juvenile records include documentation or information regarding students who are under the jurisdiction of the juvenile court. These records may be received from local law enforcement and/or other local agencies authorized to share information concerning juveniles in accordance with G.S. 7B-3100. These records also may include notice from the sheriff to the board that a student has been required to register with the sheriff because the student has been found to be a danger to the community under G.S. Chapter 14, Part 4. Such documents must not be a part of a student’s official records but must be maintained by the principal in a safe, locked storage area that is separate from the student’s other records. The principal shall not make a copy of such documents under any circumstances.
Juvenile records will be used only to protect the safety of or to improve the educational opportunities for the student or others. The principal may share juvenile records with individuals who have (a) direct guidance, teaching or supervisory responsibility for the student and (b) a specific need to know in order to protect the safety of the student and others. Persons provided access to juvenile records must indicate in writing that they have read the document(s) and agree to maintain confidentiality of the records.

The principal or designee must destroy juvenile documents if he or she receives notification that a court no longer has jurisdiction over the student or if the court grants the student’s petition for expunction of the records. The principal or designee shall destroy all other information received from an examination of juvenile records when he or she finds that the information is no longer needed to protect the safety of or to improve the educational opportunities for the student or others. If the student graduates, withdraws from school, transfers to another school, is suspended for the remainder of the school year or is expelled, the principal shall return all documents not destroyed to the juvenile court counselor. If the student is transferring, the principal shall provide the juvenile court counselor with the name and address of the school to which the student is transferring.

6. Other Student Records

School system personnel may also keep other student records but must review such records annually and destroy them when their usefulness is no longer apparent or when the student leaves the school system.

7. Sole Possession, Employment and Law Enforcement Records

Student records do not include, and release of information under this policy does not apply to:

- records made by teachers, counselors and administrators that are in the sole possession of the maker thereof and that are not accessible or revealed to any other person except a substitute;

- employment records of student employees if those records relate exclusively to the student in his or her capacity as an employee and are not made available for any other use; and

- records created by a law enforcement unit of the school system if created for a law enforcement purpose and maintained solely by the law enforcement unit of the school system. This does not include information obtained from the student’s confidential file or other educational records that is contained in a law enforcement record.
D. **RECORDS OF STUDENTS PARTICIPATING IN THE NORTH CAROLINA ADDRESS CONFIDENTIALITY PROGRAM**

Records of students participating in the North Carolina Address Confidentiality Program must show only the substitute address provided by the Address Confidentiality Program and must not be released to any third party other than a school to which the student is transferring, or as otherwise provided by law.

When transferring the record of a student participating in the North Carolina Address Confidentiality Program to a school outside of the system, the transferring school may send the files to the Address Confidentiality Program participant (parent or guardian) via the substitute address provided by the Address Confidentiality Program.

E. **RECORDS OF MISSING CHILDREN**

Upon notification by a law enforcement agency or the North Carolina Center for Missing Persons of the disappearance of a child who is currently or was previously enrolled in the school, school officials shall flag the record of that child. If the missing child’s record is requested by another school system, the principal shall provide notice of the request to the superintendent and the agency that notified the school that the child was missing. The principal shall provide the agency with a copy of any written request for information concerning the missing child’s record.

Any information received indicating that a student transferring into the system is a missing child must be reported promptly to the superintendent and the North Carolina Center for Missing Persons.

F. **RECORDS OF MILITARY CHILDREN**

School administrators shall comply with any regulations pertaining to the records of military children developed by the Interstate Commission on Educational Opportunity for Military Children.

In addition, children of military families, as defined by policy 4050, Children of Military Families, are entitled to the following.

1. **For Students Leaving the School System**

   In the event that official education records cannot be released to the parents of military children who are transferring away from the school system, the custodian of records shall prepare and furnish to the parent a complete set of unofficial education records containing uniform information as determined by the Interstate Commission.

   When a request for a student’s official record is received from the student’s new school, school officials shall process and furnish the official records to the
student’s new school within 10 days or within such time as is reasonably
determined by the Interstate Commission.

2. For Students Enrolling in the School System

Upon receiving an unofficial education record from the student’s previous school,
school administrators shall enroll the student and place him or her in classes as
quickly as possible based on the information in the unofficial records, pending
validation by the official records.

Simultaneous with the enrollment and conditional placement of the student,
school administrators shall request the student’s official record from his or her
previous school.

G. REVIEW, RELEASE OF RECORDS TO PARENT OR ELIGIBLE STUDENT

A parent or eligible student may access the student’s records upon proper request. The
principal or guidance office personnel of the student’s school shall schedule an
appointment as soon as possible but no later than 45 days after the request by the parent
or eligible student. The parent or eligible student may formally review the student’s
complete records only in the presence of the principal or a designee competent to explain
the records. School personnel shall not destroy any educational records if there is an
outstanding request to inspect or review the records.

A parent or eligible student has the right to challenge an item in the student record
believed to be inaccurate, misleading or otherwise in violation of the student’s privacy
rights. The principal shall examine a request to amend a student record item and respond
in writing to the person who challenges the item. Subsequent steps, if necessary, will
follow the student grievance procedures as provided in policy 1740/4010, Student and
Parent Grievance Procedure. If the final decision is that the information in the record is
not inaccurate, misleading or otherwise in violation of the privacy rights of the student,
the principal shall inform the parent or eligible student of the right to place a statement in
the record commenting on the contested information in the record or stating why he or
she disagrees with the decision of the school system.

H. RELEASE OR DISCLOSURE OF RECORDS TO OTHERS

Before releasing or disclosing records as permitted by law, school officials shall use
reasonable methods to identify and authenticate the identity of the party to whom the
records are disclosed.

1. Release/Disclosure With Parental Consent

School officials shall obtain written permission from a parent or eligible student
before releasing or disclosing student records that contain personally identifiable
information, except in circumstances where the school system is authorized by
law to release the records without such permission. The written permission must specify the records to be released, the purpose of the release and the party(ies) to whom they are to be released.

2. Release/Disclosure Without Parental Consent

School system officials shall promptly release student records when a student transfers to another school. The records custodian may release or disclose records with personally identifiable information without parental permission to the extent permitted by law, including to other school officials who have a legitimate educational interest in the records.

When personally identifiable information from a student’s record is released or disclosed without prior written consent of the parent or eligible student, the party to whom the information is released must agree not to disclose the information to any other party without the prior consent of the parent or eligible student. This restriction does not apply to the release of directory information, release of information to parents of non-eligible students, release of information to parents of dependent students, or release of information in accordance with a court order or subpoena.

The superintendent shall employ reasonable methods to ensure that teachers and other school officials obtain access only to those educational records in which they have legitimate educational interests.

3. 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.)

a. The board designates the following student record information as directory information:

(1) name;
(2) address;
(3) telephone listing;
(4) electronic mail address;
(5) photograph;
(6) date and place of birth;
(7) participation in officially recognized activities and sports;
(8) weight and height of members of athletic teams;
(9) dates of attendance;
(10) grade level;
(11) diplomas, certifications and awards received; and
(12) most recent previous school or education institution attended by the student.

b. The telephone number and actual address of a student who is or whose parent is a participant in the North Carolina Address Confidentiality Program is not considered directory information and will not be released.

c. As required by law, the names, addresses and telephone numbers of secondary school students shall be released, upon request, to military recruiters or institutions of higher learning, whether or not such information is designated directory information by the school system. Students or their parents, however, may request that the student’s name, address and telephone number not be released without prior written parental consent. School officials shall notify parents of the option to make a request and shall comply with any requests made.

d. All requests for directory information must be submitted to the superintendent or designee for approval. The superintendent is directed to establish regulations regarding the release of directory information. At a minimum, the regulations must:

(1) specify the types of organizations that are eligible to receive directory information, and for what purposes;
(2) provide for equal disclosure to organizations that are similar in purpose; and
(3) authorize access to directory information to recruiters of military forces of the state or United States for the purpose of informing students of educational and career opportunities available in the military to the same extent that such information is made available to persons or organizations that inform students of occupational or educational options.

4. Records of Students with Disabilities
Students with recognized disabilities must be accorded all rights in regard to their records as provided by state and federal law, including the Individuals with Disabilities Education Act.

5. Disclosure of De-Identified Information

Education records may be released without consent of the parent or eligible student if all personally identifiable information has been removed. Personally identifiable information includes both direct and indirect identifiers that, alone or in combination, would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.

Unless specifically permitted by law, records that have been de-identified must not be released without the consent of the parent or eligible student if school officials reasonably believe that the person requesting the information knows the identity of the student to whom the education record relates.

I. WITHHOLDING RECORDS

School system administrators shall not withhold records upon a valid request by a parent, eligible student or school to which the student is transferring for any reason, including in order to collect fines assessed to the parent or student.

J. RECORD OF ACCESS AND DISCLOSURE

The principal or designee shall maintain a record in each student’s file indicating all persons who have requested or received personally identifiable information from a student’s record and the legitimate reason(s) for requesting or obtaining the information. This requirement does not apply to requests by or disclosure to parents, eligible students, school officials, parties seeking directory information, a party seeking or receiving the records under a court order or subpoena that prohibits disclosure, or those individuals with written parental consent.

K. DESTRUCTION OF STUDENT RECORDS

School officials shall only destroy student records in accordance with state and federal law and the Records Retention and Disposition Schedule for Local Education Agencies. After notifying parents, school officials may destroy student records when the records are no longer needed to provide educational services to the student or to protect the safety of the student or others. School officials must destroy student records if the parent or eligible student requests their destruction and if such records are no longer needed to provide educational services to the student or to protect the safety of the student or others. School officials shall not destroy student records if there is an outstanding request to inspect the particular records.

Cross References: Parental Involvement (policy 1310/4002), Student and Parent Grievance Procedure (policy 1740/4010), Special Education Programs/Rights of Students with Disabilities (policy 3520), Children of Military Families (policy 4050), North Carolina Address Confidentiality Program (policy 4250/5075/7316), Disciplinary Action for Exceptional Children/Students with Disabilities (policy 4307), Student Discipline Records (policy 4345), Confidentiality of Personal Identifying Information (policy 4705/7825), Surveys of Students (policy 4720), Public Records – Retention, Release and Disposition (policy 5070/7350)

Adopted: December 3, 2012
NOTIFICATION OF DIRECTORY POLICY AND OPT-OUT RIGHTS
Permission of the parent or eligible student is not required for the release of information that is designated as directory information by the Board of Education, provided that the parent or eligible student has been given proper notice and an opportunity to opt out. Under the Federal Educational and Privacy Rights Act, parents and guardians of students have the right to opt-out of any or all of the disclosures authorized by directory policies. Please note that opting out may interfere with school recognition of your child’s achievements, inclusion in the yearbook, and other announcements from the school. If you wish to opt out from the release of your child’s directory information, in whole or in part, please complete this form and return it to the school within ten (10) days.

TYPES OF DIRECTORY INFORMATION
The Board has designated the following types of information as directory information: name; 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; diplomas, certifications and awards received; and most recent previous school or educational institution attended by the student.

OPT-OUT DESIGNATIONS
Please place a check mark in the space next to each item of information that you do NOT want released as directory information. If you want to opt out of every category, please place a check mark in the space next to the last category, “opt out of all directory disclosures.”

( ) Name
( ) 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
( ) Diplomas, certifications and awards received
( ) Most recent previous school or educational institution attended by the student

( ) Opt out of all directory disclosures

CERTIFICATION
I, _______________________, am the parent or guardian of __________________________.

_________________________________  ______________
Parent/Guardian’s Signature    Date
CONFIDENTIALITY OF PERSONAL IDENTIFYING INFORMATION

Policy Code: 4705/7825

The board recognizes the need to protect students and employees from the improper release of social security numbers and other personal identifying information. To this end, the board requires that all school employees comply with the Identity Protection Act of 2005 and any other federal and state laws governing the collection, use and disclosure of personal identifying information. No person may knowingly disclose, transfer or unlawfully use the social security number or other personal identifying information of any employee, student or other individual.

For purposes of this policy, personal identifying information includes: social security numbers; employer taxpayer identification numbers; drivers license numbers; state identification card numbers; passport numbers; checking accounts; savings accounts; credit card and debit card numbers; personal identification (PIN) codes; digital signatures; any numbers or information that can be used to access an individual’s financial resources; biometric data; fingerprints; and passwords.

The superintendent shall establish rules and regulations to implement this policy. These rules and regulations will provide that:

1. the confidentiality of social security numbers and personal identifying information is maintained consistent with legal requirements;

2. the unlawful collection, disclosure and use of social security numbers and personal identifying information are prohibited;

3. access to and dissemination of information or documents containing social security numbers and personal identifying information is limited internally within the school system and externally with the general public;

4. documents containing social security numbers and personal identifying information are disposed of properly;

5. social security numbers and personal identifying information are redacted from public documents;

6. social security numbers and personal identifying information are collected only when specifically authorized by law or if collection is imperative for the performance of the school system’s duties and such need has been clearly documented;

7. board procedures governing the maintenance and destruction of records are followed for all documents containing social security numbers and other personal identifying information; and

8. in the event of a security breach, in which personal information is accessed and acquired
without authorization, the notice requirements of G.S. 75-65 are followed.

This policy and its rules will be published in the appropriate handbooks, manuals and other similar documents.

Any individual who fails to comply with this policy and the superintendent’s rules and regulations will be subject to disciplinary action up to and including suspension or expulsion for students and termination for employees. In addition, such person may be subject to criminal prosecution.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, h, 34 C.F.R. pt. 99; G.S. 14-113.20; ch. 75, art. 2A; 132-1.10; 143-64.60

Cross References: Confidential Information (policy 2125/7315), Student Records (policy 4700), Personnel Files (policy 7820)

Adopted: December 3, 2012
The following rules govern the collection, use and disclosure of social security numbers and other personal identifying information.

A. **Collection**

1. **Limitation on Collection and Use of Social Security Numbers**

   Social security numbers and other personal identifying information should only be collected when required or authorized by federal or state law. If a unique identifier is needed, then a substitute for the social security number will be used, such as a system-created student identification number that does not use the social security number.

2. **Authorized Purposes for Collection**

   Social security numbers will be collected only:

   a. for the administration of federal and state income taxes;
   b. for verification of employment eligibility as required by the Immigration Reform and Control Act of 1986;
   c. for Free and Reduced Lunch applications;
   d. if the school system maintained a system of records prior to January 1, 1975, and the disclosure of the social security number was required to verify the identity of an individual;
   e. if it is imperative for the performance of the school system’s duties and the need has been plainly documented; or
   f. if the collection and/or use of social security numbers is otherwise authorized by law.

Prior to the collection of a social security number, the school system department or division that requires the number shall provide an individual, upon request, with a statement of the purpose for which the number will be used. The number will be used only for that stated purpose. In addition, any school system department or division that collects social security numbers shall incorporate such numbers in a student or employee’s record in a manner that enables them to be easily redacted upon a valid public records request.
Any school form that requires a social security number must include information on why the number is being collected, what authority the school system is acting upon in collecting the number, and whether the disclosure of the number is mandatory or voluntary.

B. Disclosure

The school system shall not intentionally communicate or make available an individual’s social security number or other identifying information to the general public.

1. State Mandated Disclosure Restrictions

School system officials shall not do any of the following:

a. intentionally print or imbed a social security number on any card necessary for an individual to gain access to school services;

b. require an individual to release a social security number on the Internet unless the Internet connection is secure or the social security number is encrypted;

c. require an individual to use a social security number to gain access to a website, unless access also requires a password or unique PIN;

d. print an individual’s social security number on any materials that are mailed to the individual, unless required by state or federal law; or

e. print an individual’s social security number on a postcard, or allow a social security number to be visible through an envelope without the letter being opened.

2. Authorized Disclosures

School system officials are authorized to disclose social security numbers and other identifying information to an individual or entity outside of the school system in the following circumstances:

a. pursuant to a court order, warrant, or subpoena;

b. for public health purposes as required in Chapter 130A of the General Statutes; or

c. to another governmental entity if necessary for that entity to perform its duties.

3. Public Records
The presence of identifying information in a public record does not change the nature of the public record. If a social security number or personal identifying information is contained within a document subject to release under the Public Records Law, the social security number or personal identifying information will be redacted or removed, and the public record request will be complied with as promptly as possible.

4. Public Display

Social security numbers or personal identifying information must not be placed on identification cards, badges, time cards, employee rosters, bulletin boards, or any other materials or documents widely viewed by others. In addition, documents, materials or computer screens that display social security numbers or personal identifying information must be kept out of public view at all times.

5. Mailing or Faxing Documents

Documents containing social security numbers or other personal identifying information that must be sent through the mail must not be mailed on a postcard and must be mailed in a manner that does not reveal the number or information through the envelope window or without the envelope being opened.

If a social security number or personal identifying information must be faxed, the fax message must be accompanied by a transmittal sheet that includes a confidentiality notice.

C. ACCESS TO SOCIAL SECURITY NUMBERS OR PERSONAL IDENTIFYING INFORMATION

Only the following individuals within the school system will have access to social security numbers or other personal identifying information:

1. school system personnel, including agents, contractors and consultants, who require access to perform their jobs or otherwise to render services to the board; and

2. members of the board of education, when access is required to carry out the members’ duties and responsibilities.

Under no circumstances may any student have access to social security numbers or personal identifying information for other students or any school system personnel.

D. STORAGE AND DISPOSAL

All documents or files that contain social security numbers or personal identifying information must be stored in a physically secure manner. Social security numbers and
personal identifying information must not be stored on computers or other electronic
devices that are not secured against unauthorized access.

Documents or other materials that contain social security numbers or other personal
identifying information must not be thrown away through usual trash disposal; they must
be discarded or destroyed only in manner that protects their confidentiality, such as
shredding.

Any disposal of documents must comply with the Records Retention and Disposition
Schedule for Local Education Agencies.

E. IMPROPER COLLECTION, DISCLOSURE OR USE

Any individual who suspects that improper collection, disclosure or use of a social
security number or personal identifying information has occurred shall inform the
superintendent or designee.

In the event that a security breach occurs, the affected individual must be notified of the
breach. The term “security breach” means an incident of unauthorized access to and
acquisition of unencrypted, unredacted records or data containing personal information,
when such access (1) results in or is reasonably likely to result in illegal use of the
personal information or (2) creates a material risk of harm to the person. In addition, any
incident of unauthorized access to and acquisition of encrypted records or data containing
personal information, along with access to and acquisition of the confidential process or
key, will also constitute a security breach. Good faith acquisition of personal information
by an employee or agent of the school system for a legitimate business purpose is not
considered a security breach, provided that the personal information is not used for a
purpose other than a lawful purpose of the school system and is not subject to further
unauthorized disclosure.

Notice of a security breach must comply with the provisions of G.S. 75-65, including the
following.

1. Notice must be provided immediately upon discovery of the breach, unless a law
   enforcement agency informs school personnel that providing notice may impede a
criminal investigation or jeopardize national or homeland security. Any request
by a law enforcement agency to delay notice must be in writing; otherwise the
school employee receiving the request must document the request in writing at the
time it is made. The documentation must include the name and agency of the
requesting officer.

2. The notice must be in writing and may also be done via telephone, provided that
the phone contact is made directly with the affected person.

3. The notice must be clear and conspicuous.
4. The notice must include a general description of the security breach and a description of the type of information that was subject to the breach.

5. The notice must include action taken by the school system to protect the personal information from further access.

6. The notice must direct the person to remain vigilant by reviewing his or her personal account statements and monitoring his or her credit reports.

7. The notice must include a telephone number that the person may call for further assistance, if such a number exists.

Any individual who fails to comply with legal requirements, board policy or these regulations will be subject to disciplinary action, up to and including suspension or expulsion for students and termination for employees, and may also be subject to criminal prosecution.

Adopted: December 3, 2012
The superintendent shall ensure that all notification requirements of the Protection of Pupil Rights Amendment are met, along with any other legal requirements regarding the surveying of students.

A. **Protected Topics**

The school system must obtain prior written consent of a parent or eligible student before the student is required to participate in any Department of Education-funded survey, analysis or evaluation that reveals information concerning the following “protected topics”:

1. political affiliations or beliefs of the student or the student’s parent;
2. mental or psychological problems of the student or the student's family;
3. sex behavior and attitudes;
4. illegal, anti-social, self-incriminating or demeaning behavior;
5. critical appraisals of other individuals with whom respondents have close family relationships;
6. legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers;
7. religious practices, affiliations or beliefs of the student or the student’s parent; or
8. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

Upon request, parents have the right to review any survey that concerns one of the protected topics or any instructional materials used in any such survey. The school system will take measures to protect the identification and privacy of students participating in any survey concerning any of the protected topics. These measures may include limiting access to completed surveys and to survey results, as allowed by law.

The school system will notify parents at the beginning of each school year of the specific or approximate dates of administration of surveys concerning the protected topics that are not funded in whole or in part by the Department of Education. Parents have the right to review any survey that concerns one of the protected topics or any instructional materials used in any such survey. Parents also will have the opportunity to opt their children out of participating in the survey(s).
B. COLLECTION OF STUDENT DATA FOR MARKETING PURPOSES

The school system generally will not collect, disclose or use personal student information for the purpose of marketing or selling the information or otherwise providing the information to others for that purpose. However, the school system may collect such information from students if the information is used for the exclusive purpose of developing, evaluating, or providing educational products or services for or to students or educational institutions, such as the following:

1. college or other postsecondary education recruitment or military recruitment;
2. book clubs, magazines and programs providing access to low-cost literary products;
3. curriculum and instructional material used by elementary schools and secondary schools;
4. tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;
5. the sale by students of products or services to raise funds for school-related or education-related activities; and
6. student recognition programs.

If the school system collects such information from students for the purpose of marketing or selling the information to develop, evaluate, or provide educational products or services as described above, upon request, parents may inspect any instrument used to collect the information before it is administered or distributed to a student.

C. PARENT INVOLVEMENT

The board and superintendent will work with parents to create policies and guidelines concerning: (1) the administration of surveys by third parties; (2) arrangements to protect student privacy in the administration of surveys containing a protected topic; (3) parental rights to review and inspect instructional materials or survey instruments; and (4) the collection, disclosure or use of personal information for marketing or selling purposes.


Cross References: Parental Involvement (policy 1310/4002), Student and Parent Grievance Procedure (policy 1740/4010), Student Discipline Records (policy 4345)
Adopted: December 3, 2012