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1320/3560 Title I Parent and Family Engagement

The board of education recognizes the value of family engagement in a child's academic success and believes that the education of children is an ongoing cooperative partnership between the home and the school. Parents and other family members are their children's first teachers; therefore, the continued involvement of parents and family members in the educational process is most important in fostering and improving educational achievement. School system officials shall strive to support parents and provide parents and family members with meaningful opportunities to become involved in the programs offered by the Title I schools. The board encourages parents and family members to participate in the design and implementation of the programs and activities in order to increase the effectiveness of the school system's Title I program in helping students meet state and local achievement standards.

A. Definition of Parent and Family Engagement

For the purposes of this policy, the term "parent and family engagement" means the participation of parents, guardians, and other family members in regular, two-way, and meaningful communication involving student learning and other school activities, including ensuring the following:

1. that parents and family members play an integral role in assisting their child's learning;
2. that parents and family members are encouraged to be actively involved in their child's education at school;
3. that parents are full partners in their child's education and parents and family members are included, as appropriate, in decision making and on advisory committees to assist in the education of their child; and
4. that the school system utilizes activities to support parent and family engagement in the Title I programs.

B. Purpose and Operation of Title I Program

The Title I program is a federally supported program that offers assistance to educationally and economically disadvantaged children to help ensure they receive an equitable, high-quality, well-rounded education and meet the school system's challenging academic standards. The Title I program provides instructional activities and supportive services to eligible students over and above those provided by the regular school program.

Qualified Title I schools will operate as school-wide programs or targeted assistance programs based upon federal eligibility criteria. School-wide programs will provide comprehensive support to offer improved opportunities for all students in the school to meet the school system's academic standards. Targeted assistance programs will provide services to eligible students most in need of assistance in the school, as determined by objective criteria established by the superintendent or designee. Eligibility criteria may include, for example, standardized test scores, teacher judgment, and results of preschool screening and home-school surveys.

Both school-wide and targeted assistance programs shall be based on effective means of improving student achievement and shall include evidence-based strategies to support parent and family engagement.

C. Annual Meeting and Program Evaluation

Each year, school officials must invite parents of students participating in Title I programs to a meeting to explain parental rights, discuss the programs and activities to be provided with Title I funds, and solicit input on the Title I program and this

policy. In addition, school officials must provide parents and family members a meaningful opportunity annually to evaluate the content and effectiveness of the Title I programs and the parent and family engagement policies and plans. Information collected from these proceedings will be used to revise Title I programs and parent and family engagement plans.

D. Parent and Family Engagement Efforts

The board believes that the involvement of Title I parents and family members in the design and implementation of the Title I program will increase the effectiveness of the program and contribute significantly to the success of the children. The Title I staff and all school system personnel shall strive to conduct outreach to parents and family members and involve them in activities throughout the school year.

The superintendent shall ensure that this system-level parent and family engagement policy and plan is developed with, agreed upon with, and annually distributed to parents and family members of participating students. In addition to the system-level parent and family engagement plan, each school participating in the Title I program shall jointly develop and annually distribute to parents and family members a school-level written parent and family engagement plan that describes the means for carrying out school-level policy, sharing responsibility for student academic achievement, building the capacity of school staff and parents for involvement, and increasing accessibility for participation of all parents and family members of children participating in Title I programs, including parents and family members who have limited English proficiency, who have disabilities, or who are migratory. School-level plans must involve parents in the planning and improvement of Title I activities and must provide for the distribution to parents of information on expected student achievement levels and the school's academic performance.

School officials shall invite appropriate school personnel from private schools to consult on the design and development of its programs in order to provide equitable services to students enrolled in private schools. The superintendent or designee shall establish any additional procedures necessary to achieve timely and meaningful consultation with private school officials in accordance with federal law.

In addition, school system officials and Title I school personnel shall do the following:

1. involve parents and family members in the joint development of the Title I program and school support and improvement plan and the process of school review and improvement by including parents on the school advisory committee and any committees that review the Title I program;
2. provide coordination, technical assistance, and other support from various central office departments necessary to assist and build the capacity of all participating schools in planning and implementing effective parent and family engagement activities that are designed to improve student academic achievement and school performance;
3. coordinate and integrate parent and family engagement strategies in the Title I program to the extent feasible and appropriate with parental engagement strategies established in other federal, state, and local laws and programs;
4. with the meaningful involvement of parents, conduct an annual evaluation of the content and effectiveness of the school system parent and family engagement policies and program in improving the academic quality of the school and assisting students to meet the school system's academic standards;
5. strive to eliminate barriers to parental participation by assisting parents who have disabilities and parents who are economically disadvantaged, have

limited English proficiency, are migratory, or have other backgrounds or characteristics that may affect participation;

6. provide outreach and assistance to parents and family members of children who are participating in Title I programs in understanding the state’s testing standards, the assessments used, Title I requirements, and all national, state, and local standards and expectations through such efforts as community-based meetings, posting information on school websites, sending information home, newsletters, workshops, and newspaper articles;

7. design a parent–student–school staff compact that sets out respective responsibilities in striving to raise student achievement and explains how an effective home/school partnership will be developed and maintained;

8. with the assistance of parents, ensure that teachers, specialized instructional support personnel, principals, and other staff are educated in the value of parents as partners in the educational process and understand how to work with, communicate with, and reach out to parents as equal partners in education;

9. distribute to parents information on expected student proficiency levels for their child and the school’s academic performance, and provide materials and training to help parents monitor their child’s progress and work with educators to improve achievement through such methods as literacy training or using technology, which may include education about the harms of copyright piracy;

10. coordinate and integrate, to the extent feasible and appropriate, parental involvement programs and activities with federal, state, and local programs, including public preschool programs, and conduct other activities in the community that encourage and support parents to more fully participate in the education of their child;

11. strengthen the partnership with agencies, businesses, and programs that operate in the community, especially those with expertise in effectively engaging parents and family members in education;

12. ensure that parents are involved in the school’s Title I activities; and

13. provide such other reasonable support for Title I parental involvement activities as requested by parents.

E. Notice Requirements

School system officials and Title I school personnel shall provide effective notice of the following information as required by law. The notice must be in an understandable and uniform format and, to the extent practicable, in a language the parents can understand.

1. Program for English Learners

Each year the principal or designee shall provide notice of the following to parents of English learners identified for participation in a Title I, Part A or Title III funded language-instruction educational program:

a. the reasons for the child’s identification;

b. the child’s level of English proficiency and how such level was assessed;

c. methods of instruction;

d. how the program will help the child;

e. the exit requirements for the program;

- f. if the child has a disability, how the language instruction educational program meets the objectives of the child's individualized educational program (IEP);
- g. any other information necessary to effectively inform the parent of the program and the parental rights regarding enrollment, removal, and selection of a program for English learners; and
- h. notice of regular meetings for the purpose of formulating and responding to recommendations from parents.

2. System Report Card

Each year, school system officials shall disseminate to all parents, schools, and the public a school system report card containing information about the school system and each school, including, but not limited to:

- a. the following information both in the aggregate and disaggregated by category: student achievement, graduation rates, performance on other school quality and/or student success indicators, the progress of students toward meeting long-term goals established by the state, student performance on measures of school climate and safety, and, as available, the rate of enrollment in post-secondary education;
- b. the performance of the school system on academic assessments as compared to the state as a whole and the performance of each school on academic assessments as compared to the state and school system as a whole;
- c. the percentage and number of students who are:
 - i. assessed,
 - ii. assessed using alternate assessments,
 - iii. involved in preschool and accelerated coursework programs, and
 - iv. English learners achieving proficiency;
- d. the per pupil expenditures of federal, state, and local funds; and
- e. teacher qualifications.

3. Teacher Qualifications

- a. At the beginning of each year, school system officials shall notify parents of students who are participating in Title I programs (1) of the right to request certain information on the professional qualifications of the student's classroom teachers and paraprofessionals providing services to the child and (2) that such information will be provided in a timely manner (see policy [7820](#), Personnel Files).
- b. The principal or designee of a Title I school shall provide timely notice informing parents that their student has been assigned to or has been taught for at least four consecutive weeks by a teacher who does not meet applicable state certification or licensure requirements at the grade level or subject area in which the teacher has been assigned.

4. Student's Academic Growth and Achievement

School officials shall provide to each parent of a student who is participating in a Title I program information on the level of achievement and academic

growth, if applicable and available, of the student on each of the state's academic assessments.

5. Parental Rights and Opportunities for Involvement

a. Each year, the principal or designee of a Title I school shall provide notice to parents of the school's written parent and family engagement policy, parents' right to be involved in their child's school, and opportunities for parents and family members to be involved in the school.

b. At the beginning of each school year, the principal or designee of a Title I school shall provide notice to parents of (1) their right to request information regarding student participation in state-required assessments and (2) that such information will be provided in a timely manner.

F. Website Distribution of Information

Each year, school system officials shall publicize on the school system website and, where practicable, on the website of each school:

1. the report card described in subsection E.2, above; and
2. information on each assessment required by the state and, where feasible, by the school system, organized by grade level. The information must include:
 - a. the subject matter assessed;
 - b. the purpose for which the assessment is designed and used;
 - c. the source of the requirement for the assessment;
 - d. if available, the amount of time students will spend taking the assessments and the schedule of the assessments; and
 - e. if available, the time and format for distributing results.

1710/4020/7230 Discrimination & Harassment Prohibited by Federal Law

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, sex, color, national origin, religion, disability, or age (40 or older), 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 or harassment in any of its education activities or programs. All forms of prohibited discrimination and harassment are subject to this policy except the following, for which the board has established more specific policies.

- Discrimination and harassment on the basis of sex is addressed in policy [1720/4030/7235](#), Title IX Nondiscrimination on the Basis of Sex.
- Discrimination and harassment in employment is addressed in policy 7232, Discrimination and Harassment in the Workplace.

In addition, the process set out in this policy for bringing complaints does not apply to the following.

- Complaints of sexual harassment will be brought in accordance with the processes established in policies [1725/4035/7236](#), Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, and [1726/4036/7237](#), Title IX Sexual Harassment Grievance Process.

- Employee allegations of discrimination or harassment will be addressed using the process established in policy 7232, Discrimination and Harassment in the Workplace.
- Allegations regarding or related to the identification, evaluation, educational placement, or free appropriate public education of a student under Section 504 or the IDEA may be raised through the system of procedural safeguards established under policy [1730/4022/7231](#), Nondiscrimination on the Basis of Disabilities, (for Section 504 complaints) or in accordance with the procedures described in *Parents Rights & Responsibilities in Special Education*, published by the NC Department of Public Instruction (for IDEA complaints).

The board takes seriously all reports of unlawful discrimination and harassment and directs school officials to take prompt action to investigate and remedy violations of this policy. The superintendent is responsible for providing effective notice of this policy to students, parents, and employees.

The board encourages students, visitors, and other non-employee individuals who believe that they may have been discriminated against or harassed in violation of this policy, (including on the basis of disability, as specified in policy [1730/4022/7231](#), Nondiscrimination on the Basis of Disabilities), to report such conduct as soon as possible through the process provided in Section B of this policy. Employees who believe that they may have been discriminated against or harassed should report through the process provided in policy 7232, Discrimination and Harassment in the Workplace. Individuals who have witnessed or who have reliable information that another person has been subject to unlawful discrimination or harassment may report the conduct to an individual designated in Section B of this policy.

Any report made through the process established in this policy may be made anonymously, except mandatory employee reports.

A. Prohibited Behavior

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

1. Discrimination

Discrimination is any act or failure to act, whether intentional or unintentional, by an employee or agent of the school system that unreasonably and unfavorably differentiates treatment of others based solely on their membership in a legally-protected class so as to interfere with or limit their ability to participate in or benefit from the services, activities, or privileges offered by the school system’s education program. For purposes of this policy, the legally protected classes are race, color, national origin, religion, and disability.

2. Harassment

Prohibited harassment is deliberate unwelcome conduct directed at another person or group of persons based on their membership in a legally protected class that creates a hostile environment. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Harassment creates a hostile environment when the conduct is sufficiently severe, pervasive, or persistent so as to interfere with or limit a person’s ability to participate in or benefit from the services, activities, or opportunities offered by the school system.

Harassment may occur through electronic means, such as through the Internet, email, or text message. Legitimate age-appropriate pedagogical techniques are not considered harassment.

3. Application of the Policy

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

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

B. Reporting Discrimination or Harassment

1. Any person who believes that he or she has been discriminated against or harassed in violation of this policy by any student, employee, or other person under the supervision and control of the school system, or any third person who knows or suspects conduct that may constitute discrimination or harassment should inform a school official designated in Section C below. Reports also may be made anonymously through the anonymous tip line.

2. Mandatory Reporting by School Employees

Any employee who witnessed or who has reliable information or reason to believe that a student or other individual may have been discriminated against or harassed in violation of this policy must report the offense immediately to an appropriate individual designated in Section C below. Any doubt about whether particular conduct is possible discrimination or harassment under this policy or any other policy of the board must be resolved in favor of reporting the conduct.

Employees who observe an incident of harassment are expected to intervene to stop the conduct in situations in which they have supervisory control over the perpetrator and it is safe to do so. If an employee knows of an incident involving discrimination or harassment and the employee fails to report the conduct or take proper action or knowingly provides false information in regard to the incident, the employee will be subject to disciplinary action up to, and including, dismissal.

3. Preliminary Inquiry

School officials may make a preliminary inquiry when a report is received to understand what occurred and to determine whether further action under this policy or otherwise is necessary.

C. Complaints of Discrimination and Harassment

1. A student, visitor, or other non-employee individual who believes he or she is the victim of unlawful discrimination or harassment in violation of this policy, or any person who has witnessed or who has reliable information that another person has been subject to unlawful discrimination or harassment

under this policy, may make a formal written complaint to any of the following persons:

- a. the principal or assistant principal of the school at which either the alleged victim or alleged perpetrator attends or is employed;
- b. the Section 504 coordinator or the ADA coordinator for claims of discrimination on the basis of a disability; or
- c. for claims of other forms of prohibited discrimination, the applicable civil rights coordinator as established in Section I of this policy.

If a written complaint alleges that the perpetrator is an employee, the school official receiving the complaint shall notify the senior human resources official without delay.

2. A written complaint alleging that a student has been discriminated against or harassed will be addressed in accordance with this policy.

A written complaint alleging that an employee has been discriminated against or harassed will be addressed in accordance with policy 7232, Discrimination and Harassment in the Workplace.

A written complaint alleging that person who is not a student or employee has been discriminated against or harassed will be addressed in accordance with the general process for resolving complaints provided in policy [1742/5060](#), Responding to Complaints, not this policy.

3. Time Period for Making a Complaint

Alleged discrimination or harassment should be reported 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.

D. School Officials' Response to Reports and Complaints of Discrimination or Harassment

1. Investigation

School officials shall investigate all formal written complaints received. Reports of discrimination or harassment that are not followed by a formal written complaint may be investigated at the discretion of school officials and may be investigated even if the alleged victim does not seek action by school officials.

- a. The principal or designee or site supervisor will be the investigator when the alleged perpetrator is a student or third party. The senior human resources official or designee will be the investigator when the alleged perpetrator is an employee. The superintendent may determine that individual circumstances warrant the assignment of a different investigator.

Notwithstanding the above designations, (1) if the alleged perpetrator is the senior human resources official, the superintendent will be the investigator, and (2) if the alleged perpetrator is the superintendent or a member of the board, the board chair shall direct the board attorney

to investigate, unless the board chair determines that outside counsel should be engaged to investigate.

b. As applicable, the investigator shall immediately notify the Section 504, ADA, or other relevant coordinator of the complaint, and, as appropriate, may request assistance from the coordinator in conducting the investigation.

c. If the investigator, after interviewing the complaining party and/or the alleged victim and, if appropriate, consulting with the board attorney, determines that the allegations submitted, even if factual, do not constitute discrimination or harassment as defined in this policy or policy [1730/4022/7231](#), Nondiscrimination on the Basis of Disabilities, school officials shall address the matter outside the scope of this policy. Information regarding the investigator's determination and the process for addressing the complaint will be provided to the complaining party.

d. Any investigation conducted must be impartial, prompt, and thorough. The investigator shall investigate the facts and circumstances related to the allegation(s) of discrimination or harassment and give the alleged perpetrator an opportunity to respond to the allegations.

The investigator shall consider all the evidence collected, the context in which the alleged incidents occurred, the age and maturity of the parties, and any other relevant circumstances, and in consultation with the board attorney as appropriate, shall determine whether the alleged act(s) constitutes a violation of this policy, policy [1730/4022/7231](#), Nondiscrimination on the Basis of Disabilities, and/or any other board policy or expected standard of student or employee behavior.

e. The complaint and investigation will be kept confidential to the extent possible and consistent with law. Information may be shared only with individuals who need the information in order to investigate and address the complaint appropriately and those with a legal right to access the information.

2. Investigator's Findings

a. If the investigator finds that discrimination occurred, the investigator shall take or recommend steps to address the discrimination.

b. If the investigator finds that harassment occurred and created a hostile environment, the investigator shall assign or recommend appropriate disciplinary consequences for the perpetrator and/or take or recommend other reasonable measures to eliminate the hostile environment and prevent its recurrence.

c. If the investigator finds that the conduct did not violate this policy but violated policy [4329/7311](#), Bullying and Harassing Behavior Prohibited, or another board policy or expected standard of conduct, the investigator shall assign or recommend discipline or other action appropriate to the violation.

d. The investigator shall make a record of the evidence and findings of the investigation and the assigned or recommended discipline and/or other remedial action and provide a copy to the appropriate civil rights

coordinator. If the investigator recommends a disciplinary consequence or remedial action that is beyond his or her authority, the investigator shall provide a copy of the record to the superintendent for further action.

e. The investigator shall inform the alleged victim and alleged perpetrator of the outcome of the investigation.

3. Steps to Reasonably End Discrimination or Harassment

a. The superintendent is responsible for taking or causing appropriate action to be taken in response to discrimination and harassment in violation of this policy. Appropriate action must include:

- i. reasonable, timely, age-appropriate corrective action intended to end the discrimination or harassment and prevent it from recurring;
- ii. as needed, reasonable steps to address the effects of the discrimination or harassment on the victim; and
- iii. as needed, reasonable steps to protect the victim from retaliation as a result of the complaint.

b. Appropriate steps to end discrimination and harassment may include, but are not limited to, separating the parties, providing counseling for the parties, and/or taking disciplinary action against a perpetrator determined to have violated this policy. The superintendent may take non-punitive measures to end or prevent instances of discrimination or harassment regardless of whether any individual has been found responsible for the discrimination or harassment. The superintendent also may implement or direct the implementation of classroom-wide, school-wide, or school system-wide responses such as additional staff training, harassment prevention programs, and other measures reasonably calculated to end the behavior, eliminate a hostile environment and its effects if one has been created, and prevent recurrence of the behavior.

c. The applicable civil rights coordinator shall encourage victims of discrimination and harassment to report any subsequent problems and may conduct follow-up inquiries as warranted to determine if there have been any new incidents of discrimination or harassment or any instances of retaliation.

E. Appeals

1. If the alleged victim is dissatisfied with the outcome of the investigation, he or she may appeal the decision to the superintendent (unless the alleged perpetrator is the superintendent, in which case the alleged victim may appeal directly to the board in accordance with the next paragraph). The appeal must be submitted in writing within three school business days of receiving the notice of the outcome of the investigation. 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.

2. Student victims may appeal the superintendent's decision to the board in accordance with subsection E.5.a of policy [1740/4010](#), Student and Parent

Grievance Procedure. Employees may appeal the superintendent's decision to the board in accordance with subsection E.4.a of policy [1750/7220](#), Grievance Procedure for Employees.

3. Any student or employee subject to discipline for violating this policy will be accorded all rights provided by law.

F. Retaliation Prohibited

The board prohibits retaliation against any person for making a report or complaint of a violation of this policy, supporting someone for reporting or intending to report a violation of this policy, or participating in the investigation of a reported violation of this policy. No reprisals will be taken by the board against a complaining party or other individual who makes a good faith report of discrimination or harassment. Any person who is found to have engaged in retaliation will be subject to discipline, up to and including dismissal. Acts of retaliation may also be subject to policy [1760/7280](#), Prohibition Against Retaliation.

G. Training and Programs

The board directs the superintendent to establish training and other programs that are designed to prevent discrimination and harassment and to foster an environment of understanding and respect for all members of the school community. Information about the prohibited conduct and complaint procedure in this policy and those in policies [1725/4035/7236](#), Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, and [1726/4036/7237](#), Title IX Sexual Harassment Grievance Process, must be included in the training plan.

As funds are available, the board will provide students, employees, and volunteers who have significant contact with students with additional training regarding the board's efforts to address discrimination and harassment and will create programs to address these issues. The training or programs should (1) provide examples of behavior that constitutes discrimination or harassment; (2) teach employees to identify groups that may be the target of discrimination or harassment; 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.

H. Records

The superintendent or designee shall maintain confidential records of complaints or reports of discrimination or harassment. 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 and harassment.

I. Contacts for Inquiries

The superintendent has appointed individuals to coordinate the school system's efforts to comply with and carry out its responsibilities under federal nondiscrimination laws, including investigating any complaints communicated to school officials alleging noncompliance with those laws. Inquiries about the application of the nondiscrimination laws addressed in this policy may be referred to the designated civil rights coordinator and/or the Assistant Secretary for Civil Rights in the Office for Civil Rights at the U.S. Department of Education.

The contact information for the designated civil rights coordinators is as follows.

- a) The Section 504 Coordinator is: **Misty Williams**
Office Address: **P.O. Box 99, Jacksonville, NC 28541**
Phone Number: **(910) 455-2211**
- b) The ADA Coordinator is: **Dr. Tara Patterson**
Office Address: **200 Broadhurst Road, Jacksonville, NC 28540**
Phone Number: **(910) 455-2211**
- c) The Age Discrimination Coordinator is: **Dr. Tara Patterson**
Office Address: **200 Broadhurst Road, Jacksonville, NC 28540**
Phone Number: **(910) 455-2211**

1720/4030/7235 Title IX Nondiscrimination on the Basis of Sex

The school system does not discriminate on the basis of sex (including pregnancy, childbirth, sexual orientation, and gender identity) in its education programs or activities and is required by Title IX of the Education Amendments Act of 1972 and federal regulations to not discriminate in such a manner. This requirement extends to admission and employment. The board will not tolerate discrimination on the basis of sex, including any form of sexual harassment as that term is defined under Title IX, in any program or activity of the school system.

A. Inquiries About Title IX

The board has designated a Title IX coordinator to coordinate its efforts to comply with its responsibilities under Title IX and its implementing regulations. Inquiries about the application of Title IX and its implementing federal regulations may be referred to the Title IX coordinator and/or the Assistant Secretary for Civil Rights in the Office for Civil Rights at the U.S. Department of Education.

The contact information for the Title IX coordinator is as follows.

The Title IX Coordinator is: **Cameron Custy**

Office Address: 200 Broadhurst Road, Jacksonville, NC 28540

Email Address: human.resources@onslow.k12.nc.us

Phone Number: 910-455-2211

B. Resolution of Grievances

The board has established grievance procedures that provide for the prompt and equitable resolution of complaints alleging discrimination on the basis of sex (other than sexual harassment) in a program or activity of the school system occurring against a person in the United States. Students and parents or guardians may report such alleged discrimination through the process provided in policy [1740/4010](#), Student and Parent Grievance Procedure. Employees and applicants may use the process provided in policy [1750/7220](#), Grievance Procedure for Employees.

The board has adopted additional means for reporting sexual harassment specifically. Any person may report alleged sexual harassment in the education program or activities of the school system occurring against a person in the United States in accordance with policy [1725/4035/7236](#), Title IX Sexual Harassment – Prohibited Conduct and Reporting Process. Those who believe they have been sexually harassed may also file a formal complaint of sexual harassment in accordance with policy [1726/4036/7237](#), Title IX Sexual Harassment Grievance Process, to initiate a prompt and equitable resolution through a formal investigation and adjudication or through an informal resolution process. The board encourages students, employees,

and applicants to first make a report of sexual harassment in accordance with policy [1725/4035/7236](#) before filing a formal complaint.

C. Retaliation Prohibited

Retaliation against any person for the exercise of rights under Title IX or to interfere with those rights in any way is strictly prohibited and will subject the perpetrator to disciplinary action. The identity of any person who has made a report or complaint of sex discrimination or sexual harassment or who is the alleged perpetrator of sex discrimination or sexual harassment will be confidential unless otherwise required or permitted by law. Complaints alleging retaliation may be filed according to the grievance processes established in policies [1740/4010](#) and [1750/7220](#). Acts of retaliation may also be subject to policy [1760/7280](#), Prohibition Against Retaliation.

D. Notice of the Board's Policy of Nondiscrimination Based on Sex

The superintendent is responsible for providing notice of the board's nondiscrimination policy to students and their parents or legal guardians, employees, and applicants for admission or employment. The superintendent shall also ensure that each principal or site supervisor makes a copy of this policy available to those persons. In addition, the following must be posted on the school system website and included in all student and employee handbooks: (1) a statement of the board's policy of nondiscrimination on the basis of sex; (2) contact information for the Title IX coordinator; and (3) a statement that Title IX inquiries may be referred to the Title IX coordinator or to the Assistant Secretary for Civil Rights.

1725/4035/7236 Title IX Sexual Harassment-Prohibited Conduct & Reporting Process

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. As provided in policy [1720/4030/7235](#), Title IX Nondiscrimination on the Basis of Sex, the board will not tolerate sexual harassment in the education program and activities of the school system. The board takes seriously all reports and formal complaints of sexual harassment.

This Title IX sexual harassment policy specifically prohibits sexual harassment as that term is defined under Title IX. It provides a process for students, employees, and others to report such sexual harassment for response by school officials. All incidents of conduct that could constitute sexual harassment under this policy are to be reported and treated in accordance with this policy, whether or not the incidents may also constitute violations of other board policies or standards of conduct.

Individuals who believe they have been subjected to sexual harassment prohibited by this policy or who have witnessed or have reliable information that another person has been subjected to sexual harassment prohibited by this policy should use the process provided in Section C of this policy to report such violations.

The board also provides a grievance process for those who believe they have been victims of sexual harassment that is designed to achieve prompt and equitable resolution of formal complaints of sexual harassment through a formal investigation and adjudication of the allegations in the complaint or through informal resolution processes. The grievance process is provided in policy [1726/4036/7237](#), Title IX Sexual Harassment Grievance Process. Affected individuals are encouraged to report sexual harassment in accordance with the process provided in Section C of this policy before filing a formal complaint to initiate the grievance process.

A. Prohibited Behavior

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

Sexual harassment prohibited under Title IX and by this policy is conduct *on the basis of sex* occurring in a school system education program or activity that satisfies one or more of the following:

1. an employee of the school system conditioning the provision of an aid, benefit, or service of the school system on an individual's participation in unwelcome sexual conduct;
2. unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school system's education program or activities. This determination requires consideration of all the facts and circumstances, including, but not limited to, the ages and disability statuses of the harasser and the victim and the number of individuals involved and their authority;
3. sexual assault including rape, statutory rape, fondling, and incest;
4. dating violence;
5. domestic violence; or
6. stalking.

Sexual assault, dating violence, domestic violence, and stalking will be defined in accordance with applicable law and the definitions will be incorporated into an administrative regulation developed by the superintendent.

Conduct that satisfies this standard is not sexual harassment for purposes of this policy if the conduct occurred (1) outside the United States or (2) under circumstances in which the school system did not have substantial control over both the harasser and the context in which the harassment occurred.

All references to "sexual harassment" in this policy mean sexual harassment that meets this definition.

Examples of conduct on the basis of sex that would be considered sexual harassment if the conduct satisfies the criteria above include, but are not limited to: unwelcome sexual advances; requests for sexual favors; and other verbal or physical conduct of a sexual nature, such as deliberate, unwelcome touching that has sexual connotations or is of a sexual nature; suggestions or demands for sexual involvement accompanied by implied or overt promises of preferential treatment or threats; pressure for sexual activity; continued or repeated offensive sexual flirtations, advances, or propositions; continued or repeated verbal remarks about an individual's body; sexually degrading words used toward an individual or to describe an individual; sexual assault; sexual violence; the display of sexually suggestive drawings, objects, pictures, or written materials; posting sexually suggestive pictures of a person without the person's consent; and forwarding pornographic material depicting a classmate or other member of the school community. Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping but not involving conduct of a sexual nature may also constitute sexual harassment.

Conduct that is determined not to meet the definition above may violate other board policies or established standards of conduct and will be treated accordingly. For example, conduct that does not meet the definition of Title IX sexual harassment above may nevertheless violate other board policies, including:

- policy [4329/7311](#), Bullying and Harassing Behavior Prohibited, prohibiting all forms of bullying and harassing conduct, including when it consists of unwelcome conduct of a sexual nature;
- policy 7232, Discrimination and Harassment in the Workplace, prohibiting harassment in the workplace; or
- policy [4040/7310](#), Staff-Student Relations, prohibiting romantic or sexual relationships between employees and students.

Nothing in this policy is intended to limit discipline for violation of other board policies when appropriate and consistent with law.

B. Definitions

The following additional definitions apply in this policy.

1. Report

A report is an oral or written notification that an individual is an alleged or suspected perpetrator or victim of sexual harassment.

Making a report initiates the interactive process with the complainant described in Section D.1, below. No disciplinary action will be taken against a respondent for sexual harassment based on a report alone.

2. Formal Complaint

A formal complaint is a document signed and filed with the Title IX coordinator by a complainant or signed by the Title IX coordinator alleging sexual harassment against a respondent and requesting that school officials investigate the allegation(s). Filing a formal complaint initiates the grievance process set forth in policy [1726/4036/7237](#), Title IX Sexual Harassment Grievance Process.

At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activities of the school system.

3. Complainant

The complainant is the individual(s) who is alleged to be the victim of conduct that could constitute sexual harassment.

4. Respondent

The respondent is the individual(s) who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

5. Grievance Process

Grievance process means the process for investigating and reaching a final determination of responsibility for a formal complaint of sexual harassment. The sexual harassment grievance process is set out in policy [1726/4036/7237](#).

6. Title IX Coordinator

The Title IX coordinator is a school official who is designated to coordinate the school system's response to sexual harassment and allegations of sexual

harassment. Contact information for the Title IX coordinator is posted on the school system's website and listed in policy [1720/4030/7235](#), Title IX Nondiscrimination on the Basis of Sex.

7. Supportive Measures

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the school system's education program and activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the school system's educational environment, or deter sexual harassment.

Supportive measures available to the parties include, but are not limited to, counseling, mental health services referral, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring, and other similar measures determined by school officials to be necessary to protect the safety or educational or employment activities of a party.

8. Days

Days are calendar days unless specified otherwise.

9. Student(s)

"Student(s)" means the student and/or the student's parent or legal guardian unless the context clearly indicates otherwise. When the complainant or respondent is a student, references to those terms also include the student's parent or legal guardian unless the context clearly indicates otherwise.

10. Actual Knowledge

"Actual knowledge" means a school employee has notice of sexual harassment or allegations of sexual harassment.

C. Reporting Sexual Harassment

1. Student Reports

Any student who believes he or she is a victim of sexual harassment occurring in the school system's education programs or activities is encouraged to report the matter to the student's principal or to the Title IX coordinator. Reports may also be made to a teacher, counselor, assistant principal, teacher assistant, or any other school employee. Middle and high school students may also report sexual harassment through the anonymous tip line, but school officials may be limited in their ability to respond if the report does not identify the complainant.

2. Mandatory Reporting by School Employees and Board Members

Any employee or member of the board of education who has actual knowledge of sexual harassment or allegations of sexual harassment occurring in the education program or any activity of the school system must report that information immediately to the Title IX coordinator.

Any of the following confers "actual knowledge" and must be reported immediately:

- a. a report of sexual harassment from a student or other person;
- b. the employee or board member witnesses conduct that is or reasonably could be sexual harassment; or
- c. the employee or board member discovers evidence of sexual harassment, such as sexualized graffiti on school property, or otherwise has reliable information or reason to believe that a student, employee, or other individual may have been sexually harassed in violation of this policy, even if no one has reported the sexual harassment.

Employees who observe an incident of harassment are expected to intervene to stop the conduct in situations in which they have supervisory control over the perpetrator, and it is safe to do so. An employee with actual knowledge of possible sexual harassment in violation of this policy who does not promptly report the conduct and/or take proper action as required by this subsection, or who knowingly provides false information about the incident, will be subject to disciplinary action, up to and including dismissal.

Any doubt about whether particular conduct is possible sexual harassment must be resolved in favor of reporting the conduct.

The mandatory reporting required by this section is in addition to required reporting under policies [4040/7310](#), Student-Staff Relations, and [4240/7312](#), Child Abuse and Related Threats to Child Safety, where the conduct at issue requires a report under either of those policies.

3. Reporting by Others

All other members of the school community are strongly encouraged to report any act that may constitute an incident of sexual harassment in violation of this policy to the school principal, the Title IX coordinator, or the superintendent.

4. Content of the Report

To the extent possible, reports should be sufficient to put school officials on notice of conduct that could constitute sexual harassment. Employees making mandatory reports should provide as much detail about the alleged sexual harassment as is known, unless such disclosure would violate law or standards of professional ethics. Reports, other than mandatory reports by employees, may be made anonymously, but anonymous reports may limit the school system's ability to respond fully if the alleged victim is not identified.

5. Time Period for Making a Report

Reports by students and third parties can be made at any time. During non-business hours, reports can be made by using the contact information for the Title IX coordinator provided on the school system's website and in policy [1720/4030/7235](#), Title IX Nondiscrimination on the Basis of Sex. A report should be made as soon as possible after disclosure or discovery of the facts giving rise to the report. Delays in reporting may impair the ability of school officials to investigate and respond to any subsequent formal complaint.

School employees and board members with actual knowledge of sexual harassment must report that information immediately, as provided in subsection C.2 above.

D. School Officials' Response to Actual Knowledge of Sexual Harassment

As required to meet the school system's obligations under Title IX, school officials shall respond promptly and impartially to actual knowledge of alleged sexual harassment in a manner that is not deliberately indifferent. A response that is not deliberately indifferent is one that is not clearly unreasonable in light of the known circumstances and includes, at a minimum, the provision of supportive measures to the complainant, as described in this section.

Consistent with this duty, school officials shall respond to all reports of conduct that could constitute sexual harassment in accordance with this section. However, a report alleging conduct that is not sexual harassment as defined in this policy is not subject to this policy but may be referred to appropriate school officials as a possible violation of other board policies.

1. Title IX Coordinator Initiates Interactive Process with Complainant

Upon receiving a report of alleged sexual harassment, the Title IX coordinator shall promptly contact the complainant and the complainant's parent or guardian confidentially. This contact must occur within three days, excluding weekends, absent extenuating circumstances. The Title IX coordinator shall also notify the principal of the report and, if an employee is the complainant or respondent, the senior human resources official or designee.

When contacting the complainant and parent or guardian, the Title IX coordinator shall do all of the following during the contact and shall document the same:

- a. offer supportive measures;
- b. consider the complainant's wishes with respect to supportive measures;
- c. explain that supportive measures are available with or without the filing of a formal complaint; and
- d. explain the process for filing a formal complaint with the Title IX coordinator and the response required of the school system when a complaint is filed, including all the following:
 - i. that a formal complaint will initiate the grievance process described in policy [1726/4036/7237](#), Title IX Sexual Harassment Grievance Process;
 - ii. that a formal complaint may be filed with the Title IX coordinator in person, by mail, or by electronic mail;
 - iii. the major steps in the grievance process, including (1) a notice of the allegations that will be provided to the respondent that includes identification of the complainant and the allegations made; (2) an investigation of the allegations of sexual harassment in which both parties will have opportunity to have an advisor, present witnesses, review evidence, pose written questions of the other party, and receive a copy of the investigative report; (3) a decision on responsibility in which a decision-maker objectively evaluates all relevant evidence and determines whether the respondent engaged in the alleged sexual harassment in violation of this policy; and (4) the opportunity for either party to appeal the decision;

- iv. the approximate time frame for concluding the grievance process;
- v. that school officials will treat both parties equitably by (1) providing remedies to the complainant if the respondent is found responsible, and (2) by not imposing disciplinary sanctions on the respondent without first following the grievance process set forth in policy [1726/4036/7237](#);
- vi. the circumstances under which a formal complaint might be consolidated with other formal complaints or dismissed; and
- vii. that the Title IX coordinator may have an obligation to initiate the grievance process in the absence of a formal complaint filed by the complainant and the time frame in which that decision will be made.

2. Title IX Coordinator Arranges Implementation of Supportive Measures

After considering the complainant's wishes, the Title IX coordinator shall arrange the effective implementation of appropriate supportive measures unless, in the exercise of good judgment, the Title IX coordinator determines that supportive measures should not be provided. If supportive measures are not provided to the complainant, the Title IX coordinator shall document why supportive measures were not provided and why not providing supportive measures is not deliberately indifferent to known sexual harassment.

If the complainant is a student with a disability, the Title IX coordinator may need to consult with appropriate school personnel to determine whether adjustments to the student's IEP or Section 504 plan are needed to implement any supportive measures to be provided and/or whether the student's plan necessitates any adjustment to the proposed supportive measures.

3. Title IX Coordinator Determines Whether to Sign a Formal Complaint

If the complainant declined to file a formal complaint within the designated time period following the interactive process described above, the Title IX coordinator shall determine on a case-by-case basis whether to sign, i.e., file, a formal complaint to initiate the grievance process.

The Title IX coordinator should file a formal complaint (1) if the respondent is a school employee and the complainant is a student; and (2) in other cases where, in the exercise of good judgment and in consultation with the school attorney as appropriate, the coordinator determines that a grievance process is necessary to comply with the obligation not to be deliberately indifferent to known allegations of sexual harassment. Credibility or merit of the complaint shall not be considered in making the determination.

A decision by the Title IX coordinator to sign a formal complaint is not to be construed as supportive of the complainant or in opposition to the respondent or as an indication of whether the allegations are credible or have merit, or whether there is evidence sufficient to determine responsibility. Signing a formal complaint does not make the Title IX coordinator a complainant or party to the complaint nor relieve the Title IX coordinator from any responsibilities under this policy.

The Title IX coordinator shall document the decision of whether to sign a complaint and the reasons for that decision.

4. Presumption of Non-responsibility of Respondent and Bar on Disciplinary Sanctions without Due Process

The respondent identified in any report alleging sexual harassment under this policy will be presumed not responsible for the alleged conduct until the respondent's responsibility is conclusively established through the grievance process outlined in policy [1726/4036/7237](#), Title IX Sexual Harassment Grievance Process.

No disciplinary sanction or other action that is not a supportive measure, including but not limited to (1) short or long-term suspension, expulsion, or transfer to an alternative school or program for student-respondents and (2) suspension, demotion, or dismissal for employee-respondents, may be imposed for a violation of this policy unless the respondent agrees to a specific disciplinary sanction or action in an informal resolution or has been determined to be responsible for the sexual harassment at the conclusion of a grievance process that complies with the process in policy [1726/4036/7237](#). An employee-respondent, however, may be placed on administrative leave during the pendency of the grievance process if consistent with applicable state and federal laws.

Notwithstanding the limitation just described, respondents are subject to emergency removal as described in the next paragraph.

5. Emergency Removal of Respondent from School or Employment

Any respondent is subject to removal from the school system's education program and activities, or any part of the program or activities, on an emergency basis if a school-based threat assessment team conducts an individualized safety and risk analysis and determines that removal is justified because the person poses an immediate health or safety threat to any person arising from the allegations of sexual harassment. A removal under this subsection includes a transfer of a student to an alternative education program consistent with policy [3470/4305](#), Alternative Learning Programs/Schools. A schedule change, and/or removing a student from an extracurricular activity is also considered a removal under this subsection where such action would not otherwise constitute a supportive measure.

The emergency removal may take place regardless of whether a formal complaint has been filed. However, any such removal must be consistent with federal and state law, including any applicable law protecting the rights of individuals with disabilities. The respondent shall receive notice of the removal and an opportunity to challenge the decision in an informal hearing with the superintendent or designee immediately following the removal.

An employee may be placed on administrative leave with or without pay during the pendency of the grievance process set out in policy [1726/4036/7237](#), Title IX Sexual Harassment Grievance Process, if consistent with state law and in accordance with any applicable requirements of state law.

The superintendent or designee shall document all emergency removal decisions under this subsection, including the immediate threat to health or safety that justified the removal.

6. Supportive Measures

Supportive measures will be available to both the complainant and respondent before or after the filing of a formal complaint or where no formal complaint

has been filed. Supportive measures will remain confidential to the extent that maintaining such confidentiality does not impair the ability to provide the supportive measures. The Title IX coordinator is responsible for coordinating the effective implementation of supportive measures.

E. Grievance Process for Formal Complaints

The grievance process for formal complaints of sexual harassment under this policy is set out in policy [1726/4036/7237](#), Title IX Sexual Harassment Grievance Process. The policy also provides an informal resolution process for complainants who seek an alternate means of resolution to their complaint.

As described in subsection D.3 above, the Title IX coordinator may also initiate the grievance process, as needed.

F. Records

The Title IX coordinator shall create and maintain for a period of seven years records of all reports and formal complaints of sexual harassment. For each report or formal complaint, the coordinator shall document the following:

1. any actions, including any supportive measures, taken in response to the report or formal complaint;
2. that school officials have taken measures that are designed to restore or preserve equal access to the school system's education program and activities;
3. why school officials believe their response to the report or complaint was not deliberately indifferent; and
4. if supportive measures were not provided to the complainant, why that was not clearly unreasonable in light of the known circumstances.

In conjunction with the superintendent, the Title IX coordinator shall also maintain for seven years all materials used to train the Title IX coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process. These materials will be made publicly available on the school system's website.

1726/4036/7237 Title IX Sexual Harassment Grievance Process

The process provided in this policy is designed for those who believe that they have been sexually harassed in violation of policy [1725/4035/7236](#), Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, and wish to file a formal complaint. School officials shall follow the grievance process established in this policy when responding to all formal complaints of sexual harassment.

The superintendent is responsible for notifying students and their parents or legal guardians, employees, and applicants for employment of this policy and ensuring that each principal or site supervisor provides a copy of this policy to these persons.

A. Definitions

All definitions in policy [1725/4035/7236](#), Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, are incorporated by reference and have the same meaning when used in this policy, including all references to “sexual harassment” in this policy.

The following additional definitions apply in this policy.

1. Investigator

The investigator is the school official responsible for investigating and responding to a formal complaint.

2. Decision-Maker

The decision-maker is the school official responsible for making a determination regarding responsibility in response to an investigation of sexual harassment triggered by a formal complaint.

3. Investigative Report

The investigative report is a written account of the findings of the investigation conducted in response to a formal complaint.

4. Remedies

Remedies are individualized measures provided to a complainant designed to restore or preserve the complainant's equal access to the education program and activities of the school system when a respondent is found responsible for sexual harassment.

Remedial measures available to a complainant following a determination of responsibility include counseling, mental health services referral, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, escort services, mutual or one-way restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring, and other measures determined by school officials to be necessary to restore or preserve the complainant's equal access to the education program and activities, regardless of whether such measures impose a burden on the respondent or are punitive or disciplinary in nature.

5. Disciplinary Sanctions

Disciplinary sanctions are consequences imposed on a respondent when the respondent is found responsible for sexual harassment.

B. Filing a Formal Complaint to Initiate the Grievance Process

A formal complaint initiates the grievance process.

1. Individuals Who May File a Formal Complaint

a. Eligible Complainants

Eligible individuals who believe that they have been sexually harassed in violation of policy [1725/4035/7236](#), Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, may initiate the grievance process for alleged sexual harassment by filing a formal written complaint with the Title IX coordinator. To be eligible to file a formal written complaint, the complainant must be participating in or attempting to participate in the education program or activities of the school system at the time of filing.

b. The Title IX Coordinator

If the complainant does not wish to file a formal complaint and the matter has not been adequately resolved through the provision of supportive measures, the Title IX coordinator may initiate the grievance process by signing a formal complaint. In accordance with law, only the complainant and the Title IX coordinator may initiate the grievance process; no other individuals or school officials shall have authority to do so.

2. Time Period for Filing a Formal Complaint

There is no deadline for filing a complaint. A complaint should be filed as soon as possible after the conduct occurs, preferably within 30 days after the complainant becomes aware of the alleged sexual harassment, unless the conduct forming the basis for the complaint is ongoing. School officials will initiate the grievance process regardless of when the formal complaint is submitted, but delays in reporting may significantly impair the ability of school officials to investigate and respond to the allegations.

In addition, in some circumstances it may be necessary for the Title IX coordinator to sign a formal complaint to initiate the grievance process in order to meet the school system's legal obligations when the coordinator is aware of sexual harassment or alleged sexual harassment and the complainant has not yet filed a formal complaint. The Title IX coordinator can do so at any time.

3. Contents of the Formal Complaint

The complaint should (1) contain the name and address of the complainant and the student's parent or guardian if the complainant is a minor student, (2) describe the alleged sexual harassment, (3) request an investigation of the matter, and (4) be signed by the complainant or otherwise indicate that the complainant is the person filing the complaint.

4. How to File the Formal Complaint

The complaint may be filed with the Title IX coordinator in person, by mail, or by email. Complaint forms may be obtained from the Title IX coordinator or on the school system website.

5. School System's Response to Receipt of the Formal Complaint

- a. Upon receipt of a formal complaint of sexual harassment, the Title IX coordinator shall engage in an interactive process with the complainant, consider the provision of supportive measures in light of the complainant's wishes, provide supportive measures as appropriate, and otherwise fulfill the requirements of Section D of policy [1725/4035/7236](#), Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, unless the Title IX coordinator has already done so in response to an initial report of the same allegation of sexual harassment.
- b. School officials reserve the right to consolidate formal complaints against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. The Title IX coordinator shall advise the complainant if the formal complaint will be consolidated with others.
- c. The formal complaint initiates the grievance process as described below.

C. General Principles of the Grievance Process for Formal Complaints

To ensure a complete, thorough, and fair grievance process for formal complaints of sexual harassment, school officials responsible for the investigation, adjudication, or appeal of a formal complaint of sexual harassment shall comply with the following requirements. Failure by any school official to comply with these requirements or other standards or procedures established in this policy is cause for disciplinary action.

1. Equitable Treatment

Complainants and respondents must be treated equitably throughout the grievance process. Relevant evidence collected in the investigation of a formal complaint must be evaluated objectively. No individual designated as a Title IX coordinator, investigator, decision-maker, or appeal decision-maker will have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The complainant and respondent shall be provided an equal opportunity to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be an attorney. If a party elects to be represented by an attorney, the party should notify school officials in advance so that an attorney for the school system may also be present. Any restrictions on advisor participation in any proceeding must be applied equally to both parties.

The complainant and respondent will both be provided a description of the range of supportive measures available to them.

2. Adequate Training

The Title IX coordinator, and all persons serving as Title IX investigators, decision-makers, or appeal decision-makers shall receive training on what constitutes sexual harassment, the scope of the school system's education program and activities, how to conduct an investigation and grievance process, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Decision-makers will be trained on any technology to be used at a live hearing and on issues of relevance of questions and evidence.

Materials used to train coordinators, investigators, decision-makers, and appeal decision-makers will not rely on sex stereotypes and shall promote impartial investigations and adjudications of sexual harassment. Copyright restrictions will be taken into consideration in selecting training materials in order to comply with the school system's legal obligation to make all training materials available on the school system's website.

3. Presumption of Non-Responsibility/Innocence

At all times prior to a determination regarding responsibility by the decision-maker, there will be a presumption that the respondent is not responsible for the alleged conduct.

4. Burden of Proof and Production of Evidence

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility will at all times rest on the school system and not on the complainant or respondent. Formal rules of evidence shall not apply in the grievance process.

5. Written Notice of Meetings and Other Proceedings

Parties whose participation is invited or expected at any hearing, investigative interview, or other meeting will be provided written notice of the event's date, time, location, participants, and purpose with sufficient time for the party to prepare to participate.

6. Confidentiality and Privacy

The school system will keep confidential the identity of any individual who has made a report or formal complaint of sexual harassment, any complainant, any respondent, and any witness, except as may be permitted by FERPA, as required by law, or as necessary to carry out a Title IX proceeding. A violation of this provision may constitute retaliation.

All meetings, hearings, or other proceeding conducted pursuant to this policy will be private except to the extent that the parties are permitted to be accompanied by others as provided in subsection C.1 above.

School officials shall not access, consider, disclose, or otherwise use a party's medical, mental health, or other records that are made or maintained by a professional or paraprofessional in connection with the provision of treatment to the party without the party's voluntary written consent.

7. No Disclosure of Privileged Information

No person acting on behalf of the school system shall require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

8. Timeliness of Process

School officials shall make a good faith effort to conduct a fair, impartial grievance process in a timely manner designed to provide all parties with a prompt and equitable resolution. It is expected that in most cases, the grievance process will be concluded through the adjudication phase within 90 days after filing the formal complaint. The board reserves the right to extend this time frame or any deadline contained in this policy for good cause with written notice to the parties of the delay and the reason for the delay. Good cause may include but is not limited to the absence of the parties or witnesses, concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities.

The Title IX coordinator or other responsible school official shall make reasonable efforts to keep the complainant and respondent apprised of progress being made during any period of delay.

D. The Grievance Process for Formal Complaints: Part I – Investigation

1. Step 1 – Notice of Allegations

a. Upon the filing of a formal complaint, the Title IX coordinator shall, within five school business days, provide the known parties written notice of the allegations that includes:

i. notice of the allegations of sexual harassment in sufficient detail to permit the parties to prepare a response before any initial interview, including:

- a) the identities of the parties involved, if known;
- b) the conduct allegedly constituting sexual harassment; and
- c) the date and location of the alleged incident, if known;

- ii. a copy of this policy to give notice of the school system’s grievance process, including the investigative and adjudication procedures, and any informal resolution process available;
- iii. notice that the parties may have an advisor of their choice and that either party may inspect and review any evidence;
- iv. notice of the provision in board policy [4340](#), School-Level Investigations, that prohibits students and employees from knowingly making false statements or knowingly submitting false information during the grievance process; and
- v. a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process.

b. If during the investigation, the investigator decides to investigate allegations of sexual harassment not included in the initial notice provided above, notice of the additional allegations will be provided to the parties.

2. Step 2 – Review Grounds for Dismissal of the Formal Complaint

The Title IX coordinator shall review the allegations and determine whether the formal complaint must be dismissed without further investigation because the conduct alleged in the formal complaint, even if assumed true, would not constitute sexual harassment as defined in this policy, did not occur in the school system’s education program or activities, or did not occur against a person in the United States. Such a dismissal does not preclude action under another provision of the Code of Student Conduct, board policy, or expected standards of employee behavior. The complaint will not be dismissed at this stage on the basis that the allegations are frivolous, without merit, or otherwise unfounded.

Upon a dismissal, the Title IX coordinator must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties. The parties have the right to appeal the decision as provided in Section F.

The Title IX coordinator shall refer the matter that was the subject of the dismissed complaint to the principal for further action as warranted.

3. Step 3 – Initiating the Investigation

If the complaint may proceed, the Title IX coordinator shall notify the appropriate investigator, who shall investigate the formal complaint.

a. In order to provide a neutral and objective investigation, the investigator shall not be a party to the complaint under investigation. The investigator of a formal complaint is ordinarily determined as described below; however, the Title IX coordinator, in consultation with the superintendent, may determine that conflict of interest, bias, or other individual circumstances warrant the assignment of a different investigator.

- i. If the respondent is a student, the investigator is the principal or designee of the school with jurisdiction over the incident.

ii. If the respondent is an employee or applicant for employment, the investigator is the senior human resources official or designee.

iii. If the respondent is neither a student nor an employee/applicant for employment, the principal of the school/site supervisor at which the complainant is enrolled or employed shall be the investigator.

iv. Notwithstanding the above designations, (1) if the respondent is the senior human resources official, the superintendent shall investigate the complaint; (2) if the respondent is the superintendent or a member of the board, the Title IX coordinator shall immediately notify the board chair who shall direct the board attorney to investigate, unless the board chair determines that outside counsel should be engaged to investigate.

b. The investigator may request assistance from the Title IX coordinator to conduct the investigation.

c. The Title IX coordinator and the investigator shall jointly assess the need for supportive measures for either party, including assessing the effectiveness of any supportive measures currently being provided to the complainant, and, as necessary, will implement appropriate measures in a timely manner and monitor the effectiveness of the measures during the pendency of the investigation and prior to a final determination regarding responsibility. Supportive measures provided to the complainant or respondent will be maintained as confidential to the extent that maintaining such confidentiality does not impair the ability to provide the supportive measures.

d. The investigator shall explain the process of the investigation to the complainant and respondent.

4. Step 4 – Conducting the Investigation

The investigator is responsible for gathering evidence sufficient to reach a determination of whether the allegations in the formal complaint are true and whether the facts as determined by the investigator establish that sexual harassment as defined in this policy occurred. In so doing, the investigator shall impartially, promptly, and thoroughly investigate the complaint.

a. The investigator shall interview all individuals who may have relevant information, including (1) the complainant; (2) the respondent; (3) individuals identified as witnesses by the complainant or respondent; and (4) any other individuals who are thought possibly to have relevant information. Prior written notice shall be provided to a party whose participation is invited or expected for any investigative interview or meeting in accordance with subsection C.5 above. The investigator shall provide the complainant and respondent an equal opportunity to present fact and expert witnesses and other evidence tending to prove or disprove the allegations.

b. The investigator shall ensure that the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the school system and not on the complainant or respondent.

- c. The investigator shall not restrict the ability of either party to gather and present relevant evidence or to discuss the allegations under investigation.
- d. The formal complaint and the investigation will be kept confidential to the extent possible. Information may be shared only with individuals who need the information in order to investigate and address the complaint appropriately and those with a legal right to access the information. Any requests by the complainant or respondent for further confidentiality will be evaluated within the context of the legal responsibilities of the school system.

The investigator may, with approval of the Title IX coordinator, dismiss the formal complaint or any allegations therein if at any time during the investigation or decision-making process: (1) the complainant notifies the Title IX coordinator in writing that he or she would like to withdraw the formal complaint or any allegations therein; (2) the respondent is no longer enrolled or employed by the school system; or (3) specific circumstances prevent school officials from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein. Upon dismissal, the Title IX coordinator shall promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties. The parties have the right to appeal the decision as provided in Section F.

The investigator may consider the matter that was the subject of the dismissed complaint for action in accordance with board policy for violation of other expected standards of student or employee behavior.

5. Step 5 – Investigative Report and Opportunity to Review Evidence

- a. The investigator shall prepare an investigative report that fairly summarizes the relevant evidence.
- b. Before completing the final report, the investigator shall send to each party and the party’s advisor, if any, in hard copy or electronically, all the evidence collected which is directly related to the allegations raised in the formal complaint. The parties shall have 10 days to submit a written response for the investigator’s consideration before the investigator finalizes the investigative report.
- c. Following the parties’ opportunity to respond to the written evidence, the investigator shall finalize the written investigative report, including a recommendation on the question of responsibility and any recommended discipline sanction.
- d. The investigator shall provide a copy of the report to each party and the party’s advisor, if any, for their review and written response. The investigator shall also notify the parties of the opportunity to submit written questions to the other party and witnesses as provided in subsection E.2 below. The parties shall have 10 days to provide a written response to the investigative report, along with the party’s initial set of written questions.
- e. The investigator shall provide to the decision-maker a copy of the investigative report, the relevant evidence, and the parties’ written responses to the report and initial sets of written questions.

The investigator shall also provide a description of the procedural steps taken, starting with the receipt of the formal complaint and

continuing through the preparation of the investigative report, and including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence.

E. The Grievance Process for Formal Complaints: Part II – Adjudication

The superintendent or designee (hereinafter “superintendent”) shall serve as the decision-maker. In his or her role as decision-maker, the superintendent shall provide for the exchange of questions between the parties and a decision on responsibility in a manner consistent with state law and as provided below.

1. Step 1 – Student’s Opportunity to Request a Hearing

In cases where the respondent is a student, after the investigative report has been sent to the parties, both parties shall have three school business days to request a hearing. If either party requests a hearing, the long-term suspension hearing procedures described in policy 4370, Student Discipline Hearing Procedures, shall be followed, except that (1) both parties shall have the right to participate in the hearing to the extent required by Title IX; (2) all the evidence sent to the parties pursuant to subsection D.5.b above will be made available at the hearing to give each party equal opportunity to refer to such evidence during the hearing; and (3) prior to the hearing, both parties shall have a limited opportunity to submit and respond to written questions and follow-up questions as provided below.

2. Step 2 – Exchange of Questions and Answers

Whether or not there will be a hearing and regardless of whether the respondent is a student, after the parties are sent the investigative report, the superintendent shall provide the parties an opportunity to submit written, relevant questions that the party wants asked of any other party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party in accordance with a reasonably prompt time frame established by the superintendent. The parties shall submit their initial set of written questions at the time they submit their response to the investigative report as described in subsection D.5.d above.

a. Questions and evidence about the complainant’s sexual predisposition or prior sexual behavior will be considered not relevant, unless such questions and evidence about the complainant’s prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant’s sexual behavior with respect to the respondent and is offered to prove consent.

b. The superintendent must explain to the party proposing the questions any decision to exclude questions as not relevant.

3. Step 3 – Decision on the Question Regarding Responsibility

Following the exchange of questions and/or hearing as described above, the superintendent shall decide the question regarding responsibility, any disciplinary action, and any other measures the superintendent deems appropriate. The superintendent shall consider all the relevant evidence objectively, including evidence in the investigative report, any testimony of witnesses at the hearing, if one was held, and any additional information provided by the parties through the exchange of questions and responses as provided in subsection E.2 above.

Based on an objective evaluation of the evidence, the superintendent shall determine whether there is clear and convincing evidence which supports a finding that the respondent is responsible for sexual harassment in violation of board policy, and if so, what disciplinary sanction will be imposed. Remedies will be provided to the complainant if the respondent is found responsible.

4. Step 4 – Written Determination Regarding Responsibility

The superintendent shall issue a written determination regarding responsibility simultaneously to both parties that includes:

- a. identification of the allegations potentially constituting sexual harassment under board policy;
- b. a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- c. findings of fact supporting the determination;
- d. conclusions regarding the application of board policy and/or the Code of Student Conduct or expected standards of employee behavior to the facts, including whether the respondent engaged in prohibited sexual harassment or other proscribed conduct;
- e. a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the respondent (which may be a recommendation to the board for discipline that is beyond the authority of the superintendent or other decision-maker), and whether remedies designed to restore or preserve equal access to the school system's education program and activities will be provided to the complainant;
- f. the procedures and permissible bases for the complainant and respondent to appeal; and
- g. any other notices that are required to accompany the decision under state law, such as when the superintendent imposes a long-term suspension or recommends dismissal of an employee.

F. Grievance Process for Formal Complaints: Part III – Appeal

The parties shall have the right to appeal to the board of education the determination regarding responsibility, the outcome of any disciplinary proceeding, and any dismissal of a formal complaint or any allegations therein. If a party appeals both the determination regarding responsibility and the outcome of a disciplinary proceeding, both matters will be heard by the board at the same time. If both parties appeal, the appeals will be heard at the same time.

1. Deadline and Grounds for Appeal

Either party may appeal by submitting a request in writing to the superintendent within three school business days of receiving the determination regarding responsibility, unless the party is entitled to a longer appeal period under state law or board policy. Any longer appeal period applicable to one party shall apply equally to the other party. The grounds for appeal may be any of the following:

- a. procedural irregularity that affected the outcome of the matter;

- b. new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- c. the Title IX coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter;
- d. the disciplinary sanction is inappropriate or unreasonable; or
- e. any other basis provided by law or board policy governing appeals to the board.

2. Notice of the Appeal

In all appeals, the other party will be notified in writing when an appeal is filed and be provided a copy of the appeal.

3. Appeal Procedures

- a. The board will hear the appeal. Unless otherwise required by law, the board may designate a panel of two or more board members to hear and act on behalf of the board.
- b. Appeal procedures will be implemented equally for both parties and will follow the procedures in policy [2500](#), Hearings Before the Board, modified as necessary to allow equal participation of the parties.
If the appeal includes an appeal of a disciplinary sanction, the procedures in policy 4370, Student Discipline Hearing Procedures; policy 7940, Classified Personnel: Suspension and Dismissal; or policy [7930](#), Professional Employees: Demotion and Dismissal, shall also apply as applicable.
- c. After the notice of appeal is provided, both parties will be given 10 days to submit a written statement in support of, or challenging, the outcome. If the basis of the appeal is newly available evidence affecting the outcome, the party shall submit such evidence or a summary of such evidence along with the party's written statement.
- d. The board will review the record and the written argument of the parties submitted on appeal, determine whether additional information is needed from any party, and take any other steps that the board determines to be appropriate in order to respond to the appeal.

4. Decision on Appeal

- a. After considering the record and written statements of the parties, the board will determine whether the grounds for the appeal have been substantiated.
- b. If substantiated, the board will determine the appropriate response, which may include a remand for a new investigation, a new decision, or both, or such other action as the board determines is needed to correct the error in the original proceedings.
- c. The board will provide a written decision describing the results of the appeal and rationale for the result within thirty days after receiving the appeal unless the decision is delayed for good cause. The written decision will be provided simultaneously to both parties.

5. When the Decision Becomes Final

If an appeal is timely filed, the determination regarding responsibility becomes final at the conclusion of the appeal process. However, if the decision on appeal is remand, the determination regarding responsibility does not become final until that process, including any appeal of the proceedings on remand, is concluded. If an appeal is not filed, the determination regarding responsibility becomes final after the three-day appeal period.

The superintendent shall ensure that a copy of the final decision is provided to the Title IX coordinator and shall confer with the Title IX coordinator regarding any remedies to be provided to the complainant, as described in subsection G.4 below.

G. Disciplinary Consequences, Remedies, and Other Responses for Substantiated Sexual Harassment

1. Disciplinary Consequences for Students

Disciplinary consequences for substantiated sexual harassment will be assigned in accordance with the Code of Student Conduct. Based on the nature and severity of the offense and the circumstances surrounding the incident, the student will be subject to appropriate consequences and remedial actions ranging from positive behavioral interventions up to, and including, expulsion. In addition, the conduct also may be reported to law enforcement, as appropriate.

A student recommended for a long-term suspension or expulsion will have all applicable rights accorded by board policy and state law. A student with disabilities will have all rights accorded by law, including the right to a manifestation hearing before the imposition of a suspension exceeding 10 cumulative days in a school year.

This policy will not be construed to allow school officials to punish student expression or speech based on undifferentiated fear or apprehension of a disturbance or out of a desire to avoid the discomfort and unpleasantness that may accompany an unpopular viewpoint. However, false or malicious complaints of sexual harassment and false statements made in bad faith in the course of any grievance proceeding conducted pursuant to this policy are subject to disciplinary action.

Nothing in this policy will preclude the school system from taking disciplinary action against a student when the evidence does not establish sexual harassment as defined in this policy but the conduct violates other board policy and/or the Code of Student Conduct.

2. Disciplinary Consequences for Employees

Substantiated sexual harassment by employees is subject to discipline up to and including dismissal. In addition, the conduct may also be reported to law enforcement, as appropriate.

An employee recommended for suspension, demotion, or dismissal shall have all applicable rights accorded by board policy and state law.

Nothing in this policy will preclude the school system from taking disciplinary action against an employee when the evidence does not establish sexual harassment as defined in this policy, but the conduct violates other board policy or expected standards of employee behavior.

3. Consequences for Other Perpetrators

Volunteers and visitors who engage in sexual harassment will be directed to leave school property and/or be reported to law enforcement, as appropriate, in accordance with policy [5020](#), Visitors to the Schools. A third party under the supervision and control of the school system will be subject to termination of contracts/agreements, restricted from access to school property, and/or subject to other consequences, as appropriate. Nothing in this policy will be construed to confer on any third party a right to due process or other proceedings to which student and employee respondents are entitled under this policy unless such right exists under law.

4. Remedies

At the conclusion of the grievance process, the superintendent or other decision-maker shall confer with the Title IX coordinator to determine the remedies to be provided to the complainant when the respondent is found responsible for sexual harassment. The Title IX coordinator shall consult with the complainant in determining appropriate remedies.

The Title IX coordinator shall be responsible for the effective implementation of the remedies to be provided to the complainant.

5. Consideration of Need for More Extensive Response

If the superintendent determines that a school-wide or system-wide response is needed in order to respond to the sexual harassment in a way that is not clearly unreasonable under the circumstances, the superintendent shall provide additional staff training, harassment prevention programs, or such other measures as determined appropriate to protect the safety of the educational environment and/or to deter sexual harassment.

H. Informal Resolution

The board provides informal resolution processes to resolve some formal complaints of sexual harassment without a full investigation and adjudication. Informal resolution is not available unless a formal complaint is filed and will not be used to resolve formal complaints alleging that an employee sexually harassed a student. Further, school officials shall never condition an individual's enrollment, employment, or other rights on an agreement to waive the individual's right to a formal investigation and adjudication of a formal complaint.

The Title IX coordinator, or other school official in consultation with the Title IX coordinator, may offer the parties an informal process to resolve a formal complaint at any time prior to reaching a final determination regarding responsibility. Before using an informal resolution process, school officials must ensure that both parties have given voluntary, informed, written consent to attempt informal resolution. Accordingly, the Title IX coordinator, investigator, or decision-maker shall:

1. provide the parties (including the parent of a minor) a written notice disclosing:
 - a. the allegations;
 - b. the nature and requirements of the informal resolution process, including that if the parties agree to a resolution of the matter, the agreement precludes either party from resuming a formal complaint process arising from the same allegations; and
 - c. any consequences that could result from participating in the informal resolution process, including whether records will be maintained and could be shared; and

2. obtain the parties' voluntary, written consent to the informal resolution process.

Any agreement reached by the parties through informal resolution may include measures that are designed to restore or preserve the parties' equal access to the education program and activities, including measures that may be punitive or disciplinary in nature.

Any informal process should be completed within a reasonable period of time, not to exceed 60 days from filing the complaint unless special circumstances necessitate more time. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

I. Retaliation Prohibited

Any act of retaliation or discrimination against any person for the purpose of interfering with any right or privilege secured by Title IX or because the person has made a report or filed a formal complaint or testified, assisted, or participated or refused to participate in any investigation, proceeding, or hearing involving sexual harassment is prohibited. Any person who is found to have engaged in retaliation will be subject to discipline, up to and including dismissal. Acts of retaliation may also be subject to policy [1760/7280](#), Prohibition Against Retaliation.

Complaints alleging retaliation are to be treated as claims of sex discrimination and may be filed in accordance with policy [1720/4030/7235](#), Title IX Nondiscrimination on the Basis of Sex.

J. Records

The superintendent or designee shall maintain for a period of seven years records of the following:

1. each sexual harassment investigation including:
 - a. any determination regarding responsibility;
 - b. any audio or audiovisual recording or transcript from any live hearing;
 - c. any disciplinary sanctions imposed on the respondent; and
 - d. any remedies provided to the complainant designed to restore or preserve equal access to the school system's education program and activities;
2. any appeal and the result therefrom;
3. any informal resolution and the result therefrom; and
4. in conjunction with the Title IX coordinator, all materials used to train Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. These materials will be made publicly available on the school system's website.

1730/4022/7231 Nondiscrimination on the Basis of Disabilities

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 [1710/4020/7230](#), Discrimination and Harassment Prohibited by Federal Law, 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.

1740/4010 Student and Parent Grievance Procedure

It is the policy of the Onslow County Board of Education that all students shall have the right to present for solution any problem arising within their status as students and shall be encouraged to exercise this right without fear of recrimination. It is for this purpose that a grievance procedure is established. Separate policy has been established for complaints concerning discrimination on the basis of sex in educational programs, activities or employment.

The grievance procedure may be used to address any situation occurring within the operation or normal procedures of the school which causes a student and/or parent to believe he/she has been wronged, except in the case of long-term suspension. Students and their parents are encouraged to discuss their concerns informally with the person(s) involved before invoking formal grievance procedures.

A. Initiation

A student may initiate a grievance proceeding when either the student or his/her parent or guardian has a formal complaint regarding specific decisions made by school personnel that alleges that such decisions have adversely affected the person making the complaint.

B. Procedure

The procedure for initiation and conduct of a grievance shall be:

Step I - Principal Conference

A student, his/her parent, or guardian wishing to invoke the grievance procedure shall request a conference with the principal to discuss the grievance and seek resolution. The following guidelines shall be observed in Step I:

1. A grievance shall be filed as soon as possible but in no event longer than thirty (30) days after disclosure of the facts giving rise to the grievance.
2. The principal shall grant the conference within five (5) school days or as soon as possible following receipt of the request.
3. 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 decisions(s) or actions(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, the procedure established in policy [1742/5060](#), Responding to Complaints, is appropriate, and the principal shall address the concern following that policy.
4. The principal will state his/her position concerning the question in writing to the complainant within ten (10) school days or as soon as possible following the conference. In responding, the principal may not disclose information about other students or employees that is considered confidential by law.
5. Only the parent or guardian or someone acting in loco parentis shall be permitted to join or represent the student in the conference with the principal.

Step II Administrative Review

If the grievance is not resolved at Step I, the student may request an administrative review to determine if the principal has acted within authority granted him/her by statute or policy. The request for review must be made in writing using the Initiation of Grievance Form within five (5) school days following receipt of the principal's position statement on Step I.

The superintendent or designee shall review the grievance and respond promptly or within ten (10) school days to the student, parent, or guardian and the principal.

Step III - Appeal to the Board of Education

If the grievance is not resolved at Step II, and is an alleged 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 shall have a right to appeal a final administrative decision to the board of education. The request for appeal should be submitted to the board in writing within ten (10) school days following the response from the superintendent or designee at Step II. Appeals shall be

considered by a hearing panel of the board. The board shall offer a final written decision within thirty (30) days after the hearing.

After each step of the grievance procedure has been completed, the employee whose decision is being contested shall be notified of the result.

C. Timeliness of 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.

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.

District Contacts for Non-Discrimination Policies

Onslow County Schools does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities. The following personnel have been designated to handle inquiries regarding the non-discrimination policies:

Title IX Coordinator

Cameron Custy

P.O. Box 99, Jacksonville, NC 28541

(910) 455-2211

Title II/ADA Coordinator

Dr. Tara Patterson

P.O. Box 99, Jacksonville, NC 28541

(910) 455-2211

Sexual Harassment Investigator

Dr. Tara Patterson

P.O. Box 99, Jacksonville, NC 28541

(910) 455-2211

Section 504 Coordinator

Misty Williams

P.O. Box 99, Jacksonville, NC 28541

(910) 455-2211

For further information on the notice of non-discrimination, you may call:

The U.S. Department of Education

Office of Civil Rights

(800) 424-3481

1742/5060 Responding to Complaints

A. Opportunities to Address Concerns and Complaints

The board is committed to providing an effective means for parents and the community to voice concerns and complaints. The board also strives to resolve concerns and complaints whenever possible. To this end, the board has established the following processes:

1. informal resolutions of specific concerns (see Section B, General Process, below);
2. public hearings and public comments at board meetings on subjects of concern to parents and the community (policy [2310](#), Public Participation at Board Meetings);
3. a procedure for parental concerns regarding the curriculum (policy [3210](#), Parental Inspection of and Objection to Instructional Materials);
4. specific processes for addressing disciplinary consequences (policies in the [4300](#) series);
5. processes as provided by law for students with disabilities (policies [1730/4022/7231](#), Nondiscrimination on the Basis of Disabilities, [3520](#), Special Education Programs/Rights of Students with Disabilities, and [4307](#), Disciplinary Action for Exceptional Children/Students with Disabilities);
6. a grievance procedure for addressing concerns regarding specific decisions, especially when there are concerns that board policy or law has been misapplied, misinterpreted, or violated (policy [1740/4010](#), Student and Parent Grievance Procedure); and
7. procedures for reporting and resolving complaints of discrimination, harassment, or bullying on the basis of sex, disability, or other personal characteristic (policies [1710/4020/7230](#), Discrimination and Harassment Prohibited by Federal Law; [1720/4030/7235](#), Title IX Nondiscrimination on the Basis of Sex; [1725/4035/7236](#), Title IX Sexual Harassment – Prohibited Conduct and Reporting Process; [1726/4036/7237](#), Title IX Sexual Harassment Grievance Process; and [4329/7311](#), Bullying and Harassing Behavior Prohibited).

Numerous other policies provide opportunities for parental input, including policy [1310/4002](#), Parental Involvement.

B. General Process

Complaints that are not specifically designated to be addressed in other policies should be addressed in the following manner.

1. The complaint should be received and addressed at the level closest to which the complaint originated. For example, a complaint regarding a classroom issue should be heard first by the teacher. A complaint regarding the school in general should be addressed first by the principal.
2. Any board member or employee receiving a complaint should verify that the complaint has been appropriately referred to him or her and if not, assist the complainant by identifying the appropriate personnel to receive the complaint.
3. Once appropriately referred, if the complainant is not satisfied with the response to the complaint, the complainant should be informed of the options for further review of the complaint.
4. A complaint or series of complaints that raise significant issues about the educational program or the operation of the schools is an opportunity to further examine the success of the school system in meeting its goals and objectives. When feasible, a group representing various perspectives and interests, such as teachers, administrators,

students, and parents, should discuss the issue and make recommendations to appropriate personnel or to the board.

3225/4312-7320 Technology Responsible Use

The board provides its students and staff access to a variety of technological resources. These resources provide opportunities to enhance learning, appeal to different learning styles, improve communication within the school community and with the larger global community, and achieve the educational goals established by 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.

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

A. Expectations for Use of School Technological Resources

The use of school system technological resources, including access to the Internet, is expected to be exercised in an appropriate and responsible manner. Individual users of the school system's technological resources are responsible for their behavior and communications when using those resources. Responsible use of school system technological resources is use that is ethical, respectful, academically honest, and supportive of student learning. Each user has the responsibility to respect others in the school community and on the Internet. Users are expected to abide by the generally accepted rules of network etiquette.

General student and employee behavior standards, including those prescribed in applicable board policies, the Code of Student Conduct, and other regulations and school rules, apply to use of school technological resources, including access to the Internet.

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

All students must be trained about appropriate online behavior as provided in policy [3226/4205](#), Internet Safety.

Failure to adhere to the requirements of this policy will result in disciplinary action, including revocation of user privileges. Willful misuse may result in criminal prosecution under applicable state and federal law, disciplinary action for students, and/or adverse personnel action for employees.

B. Rules for Use of School Technological Resources

1. School system technological resources are provided for school-related purposes only. Acceptable uses of such technological resources are limited to responsible, efficient, and legal activities that support learning and teaching. Use of school system technological resources for commercial gain or profit is prohibited. Student personal use of school system technological resources for amusement or entertainment is also prohibited unless approved

for special situations by the teacher or school administrator. Because some incidental and occasional personal use by employees is inevitable, the board permits infrequent and brief personal use by employees so long as it occurs on personal time, does not interfere with school system business, and is not otherwise prohibited by board policy or procedure.

2. Unless authorized by law to do so, users may not make copies of software purchased by the school system. Under no circumstance may software purchased by the school system be copied for personal use.
3. Users must comply with all applicable laws, board policies, administrative regulations, and school standards and rules, including those relating to copyrights and trademarks, confidential information, and public records. Plagiarism of Internet resources will be treated in the same manner as any other incidents of plagiarism, as stated in the Code of Student Conduct.
4. Users must follow any software, application, or subscription services terms and conditions of use.
5. No user of technological resources, including a person sending or receiving electronic communications, may engage in creating, intentionally viewing, accessing, downloading, storing, printing, or transmitting images, graphics (including still or moving pictures), sound files, text files, documents, messages, or other material that is obscene, defamatory, profane, pornographic, harassing, abusive, or considered to be harmful to minors.
6. Users must not circumvent fire walls. The use of anonymous proxies to circumvent content filtering is prohibited.
7. Users may not install or use any Internet-based file sharing program designed to facilitate sharing of copyrighted material.
8. Users of technological resources may not send electronic communications fraudulently (i.e., by misrepresenting the identity of the sender).
9. Users must respect the privacy of others.
 - a. Students must not reveal any personally identifying, private, or confidential information about themselves or fellow students when using email, chat rooms, blogs, or other forms of electronic communication. Such information includes, for example, a person's home address or telephone number, credit or checking account information, or social security number. For further information regarding what constitutes personal identifying information, see policy [4705/7825](#), Confidentiality of Personal Identifying Information.
 - b. School employees must not disclose on school system websites or web pages or elsewhere on the Internet any personally identifiable, private, or confidential information concerning students (including names, addresses, or pictures) without the written permission of a parent or guardian or an eligible student, except as otherwise permitted by the Family Educational Rights and Privacy Act (FERPA) or policy [4700](#), Student Records.
 - c. Users may not forward or post personal communications without the author's prior consent.
 - d. Students may not use school system technological resources to capture audio, video, or still pictures of other students and/or employees in which such individuals can be personally identified, nor

share such media in any way, without consent of the students and/or employees and the principal or designee. An exception will be made for settings where students and staff cannot be identified beyond the context of a sports performance or other public event or when otherwise approved by the principal.

10. Users may not intentionally or negligently damage computers, computer systems, electronic devices, software, computer networks, or data of any user connected to school system technological resources. Users may not knowingly or negligently transmit computer viruses or self-replicating messages or deliberately try to degrade or disrupt system performance, including by streaming audio or video for non-instructional purposes. Users may not disable antivirus programs installed on school system-owned or issued devices.

11. 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 chief technology officer or designee.

12. 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.

13. Users are prohibited from using another individual’s ID or password for any technological resource or account without permission from the individual. Sharing of an individual’s ID or password is strongly discouraged. If an ID or password must be shared for a unique classroom situation, students must have permission from the teacher or other school official.

14. Users may not read, alter, change, block, execute, or delete files or communications belonging to another user without the owner’s express prior permission.

15. Users may not change settings on technological resources without the express permission of the chief technology officer or designee.

16. Employees shall not use passwords or user IDs for any data system (e.g., the state student information and instructional improvement system applications, time-keeping software, etc.) for an unauthorized or improper purpose.

17. If a user identifies or encounters an instance of unauthorized access or another security concern, he or she must immediately notify a teacher, school system administrator, or the chief technology officer or designee. Users must not share the problem with other users. Any user identified as a security risk will be denied access.

18. It is the user’s responsibility to back up data and other important files.

19. Employees shall make reasonable efforts to supervise students’ use of the Internet during instructional time.

20. Views may be expressed on the Internet or other technological resources as representing the view of the school system or part of the school system only with prior approval by the superintendent or designee.

21. Users who are issued school system-owned and -maintained devices for home use (such as laptops, Chromebooks, etc.) must adhere to any other

reasonable rules or guidelines issued by the superintendent or chief technology officer for the use of such devices.

C. Restricted Material on the Internet

The Internet and electronic communications offer fluid environments in which students may access or be exposed to materials and information from diverse and rapidly changing sources, including some that may be harmful to students. The board recognizes that it is impossible to predict with certainty what information on the Internet students may access or obtain. Nevertheless, school system personnel shall take reasonable precautions to prevent students from accessing material and information that is obscene, pornographic, or otherwise harmful to minors, including violence, nudity, or graphic language that does not serve a legitimate pedagogical purpose. The superintendent shall ensure that technology protection measures are used as provided in policy [3226/4205](#), Internet Safety, and are disabled or minimized only when permitted by law and board policy. The board is not responsible for the content accessed by using a cellular network to connect a personal device to the Internet or for content accessed by any means which circumvents the district's filtering policies and practices.

D. Privacy

Students, employees, visitors, and other users have no expectation of privacy in anything they create, store, send, delete, receive, or display when using the school system's network, devices, Internet access, email system, or other technological resources owned or issued by the school system, whether the resources are used at school or elsewhere, and even if the use is for personal purposes. Users should not assume that files or communications created, transmitted, or displayed using school system technological resources or stored on servers, the storage mediums of individual devices, or on school managed cloud services will be private. Under certain circumstances, school officials may be required to disclose such electronic information to law enforcement or other third parties, for example, as a response to a document production request in a lawsuit against the board, in response to a public records request, or as evidence of illegal activity in a criminal investigation.

The school system may, without notice, (1) monitor, track, and/or log network access, communications, and use; (2) monitor and allocate fileserver space; and (3) access, review, copy, store, delete, or disclose the content of all user files, regardless of medium, the content of electronic mailboxes issued by the school system, and system outputs, such as printouts, at any time for any lawful purpose. Such purposes may include, but are not limited to, maintaining system integrity, security, or functionality, ensuring compliance with board policy and applicable laws and regulations, protecting the school system from liability, and complying with public records requests.

By using the school system's network, Internet access, electronic devices, email system, devices, or other technological resources, individuals consent to have that use monitored by authorized school system personnel as described in this policy.

E. Use of Personal Technology on School System Property

Users may not use private WiFi hotspots or other personal technology on campus to access the Internet outside the school system's wireless network. The school system assumes no responsibility for personal technology devices brought to school.

F. Personal Websites

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

1. Students

Though school personnel generally do not monitor students' Internet activity conducted on non-school system devices during non-school hours, when the student's online behavior has a direct and immediate effect on school safety or maintaining order and discipline in the schools, the student may be disciplined in accordance with board policy to the extent consistent with law (see the student behavior policies in the [4300](#) series).

2. Employees

Employees' personal websites are subject to policy 7335, Employee Use of Social Media. Employees may not use their personal websites to communicate with students, as prohibited by policy 7335 and policy [4040/7310](#), Staff-Student Relations.

3. Volunteers

Volunteers are to maintain appropriate relationships with students at all times. Volunteers are encouraged to block students from viewing personal information on volunteer personal websites or online networking profiles in order to prevent the possibility that students could view materials that are not age appropriate. An individual volunteer's relationship with the school system may be terminated if the volunteer engages in inappropriate online interaction with students.

G. Use Agreements

All students, parents, and employees will be informed annually of the information in this policy. Students and employees must agree to comply with the requirements of this policy and consent to the school system's use of monitoring systems to monitor and detect inappropriate use of technological resources. In addition, the student's parent must consent to the student accessing the Internet and to the school system monitoring the student's Internet activity and electronic mailbox issued by the school system.

3420 Student Promotion and Accountability

A. Purpose

The board believes that students should progress to the next level of study only after they are proficient in their knowledge and application of the current curriculum level. To the extent reasonably possible, students should be given as much time or as little time as they need to be proficient at a particular level of study. Students will be promoted to the next level of study as described in this policy.

B. Student Promotion Standards

The superintendent shall develop (1) proposed promotion standards and (2) a process to be used in determining a student's readiness to progress to the next level of study and shall submit the standards and process to the board for approval. The standards will be based, in part, upon proficiency in reading. The standards and process must provide multiple criteria for assessing a student's readiness to progress to the next level of study, such as standardized test scores, formative and diagnostic assessments, grades, a portfolio, or anthology of the student's work, and, when appropriate, accepted standards for assessing developmental growth. The standards and process will incorporate all state law and State Board of Education policy requirements, including those for the assessment and promotion of third grade students as described in [G.S. 115C-83.6 et seq.](#) and State Board of Education Policies [KNEC-002](#) and [-003](#).

Principals shall ensure that the promotion standards are used by teachers and school administrators in assessing each student's readiness to progress to the next level of study. Principals have the authority to promote or retain students based upon the standards approved by the board and any applicable standards set by the State Board of Education.

To reduce the number of students who do not meet promotion standards, the board directs school administrators and teachers to address the needs of students who are not making adequate academic progress as required by policy [3405](#), Students at Risk of Academic Failure.

C. Diploma Standards

To receive a North Carolina high school diploma, a student must complete the requirements set forth in policy [3460](#), Graduation Requirements.

D. Appeals of Promotion Decisions

1. Appeal to the Superintendent

Within five workdays of receiving the principal's written decision to promote or retain a student, the student's parents may appeal the decision to the superintendent. The superintendent may overturn the principal's decision only upon a finding that the principal's decision was arbitrary and capricious (i.e., without a rational basis) or was otherwise an abuse of discretion.

The superintendent must render a decision within 10 workdays of receiving the appeal. The superintendent may support the principal's decision, remand it back to the principal for consideration of additional issues, or reverse the decision.

The superintendent's findings must be in writing and must be provided to the parents.

2. Appeal to the Board of Education

The superintendent's decision to promote or retain a student may be appealed to the board in accordance with the procedures set forth in subsection E.5 of policy [1740/4010](#), Student and Parent Grievance Procedure.

E. Literacy Interventions

1. Reading Camps

The board will provide reading camp opportunities as required by law at no fee for students who are entitled to this intervention under state law. The superintendent or designee shall encourage parents of eligible students to enroll their students in a reading camp. To the extent resources permit, the board will offer fee-based reading camp opportunities for students in eligible grades who are not entitled to attend at no cost. Annually, the board will establish criteria for priority enrollment in its fee-based reading camps and will set the attendance fee at an amount not to exceed the statutory limit. The superintendent or designee shall notify interested parents of the application procedure for the fee-based reading camps.

2. Individual Reading Plans

Beginning in the 2022-2023 school year, an Individual Reading Plan (IRP) will be developed in accordance with state law for any student in kindergarten through third grade demonstrating difficulty with reading development based on the results of either (1) the first diagnostic or formative assessment of the school year or (2) the first diagnostic or formative assessment of the second semester of the school year. The student's teacher shall notify the parent or guardian that the student has demonstrated difficulty with reading development and that an IRP has been developed for the student. The notice provided must include all other information required under [G.S. 115C-83.6B](#)(b) and should be in the parents' native language when appropriate foreign language resources are readily available.

3. Digital Children’s Reading Initiative

The school system will provide access through the school system website to available resources from the Department of Public Instruction’s Digital Children’s Reading Initiative as required by law. Printable activities from those resources will be provided in hard copy to students who do not have digital access at home.

4. Approval of Literacy Intervention Plan

By the established deadline each year, the superintendent or designee shall submit to the Department of Public Instruction for approval a plan for the literacy interventions the school system will offer in the following school year, as required by [G.S. 115C-83.6A](#).

F. Promotion Standards for Students with Disabilities

To the extent possible, students with disabilities must be held to the same promotion standards as all other students. However, for students who take alternative assessments in lieu of the end-of-grade (EOG) or end-of-course (EOC) tests, promotion decisions must be based on criteria recommended by the IEP team.

All intervention strategies and other opportunities, benefits, and resources that are made available to students without disabilities must be made available to those students with disabilities who are subject to the student promotion standards. Such opportunities must be in addition to the special education services provided to the student.

G. Credit by Demonstrated Mastery

The superintendent shall provide opportunities for students in grades 9 through 12 to earn course credit by demonstrating mastery of course material without first completing the regular period of classroom instruction in the course. Students in grades 6 through 8 may earn credit by demonstrated mastery for high school courses offered in middle school. To earn credit by demonstrated mastery, students must demonstrate a deep understanding of the content standards and application of knowledge through a multi-phase assessment, in accordance with standards established by the State Board of Education and any additional standards established by the superintendent.

H. Credit Recovery

Students who fail a high school course may retake parts of the course through credit recovery to earn credit for the course. Credit recovery delivers a subset of the blueprint of the original course in order to specifically address deficiencies in a student’s mastery of the course and target specific components of a course necessary for completion. A pre-assessment of the student’s understanding of the course material will be administered at the beginning of the course and the credit recovery will be tailored to meet the needs of the individual student. The length of a credit recovery course is dictated by the skills and knowledge the student needs to recover and not a fixed length of seat time.

Any EOC exam associated with the credit recovery course will be administered no later than 30 days upon completion of the credit recovery course. The credit recovery will be graded as pass or fail and will not impact the student’s grade point average. The original grade for the course will remain on the student’s transcript.

The superintendent shall develop procedures addressing the implementation of credit recovery opportunities across the school system.

I. Repeating a Previously Failed Course for Credit

As provided in State Board of Education policy [CCRE-001](#), high school students who fail a course for credit may repeat that course. To take advantage of this option, the student must repeat the entire course. When a student initially fails a high school course and successfully

repeats the course for credit, the new course grade will replace the original failing grade for the course on the student's transcript and in calculations of the student's GPA, class rank, and honor roll eligibility. The superintendent may develop procedures for students to indicate their intent to repeat a course for credit under this paragraph and may establish any other rules as necessary and consistent with State Board policy. The superintendent shall require notice to students and parents of these preconditions and of any other relevant information deemed advisable by the superintendent.

Students are permitted to repeat a course for credit when they have failed a course. Students repeating a course for credit who have already scored at Level 3, 4, or 5 on the associated EOC test may elect to either retake the EOC or use the previous passing EOC score as at least twenty-five percent of their final grade. If the student retakes the EOC, the higher of the two scores will be used in the calculation of the final grade. Students who initially fail a high school course and repeat the course for credit, upon completion of the repeated course, must take the associated EOC, and the new course grade shall replace the previous grade for the course. When a student repeats a course for credit and passes the course, the student only earns credit towards graduation once.

J. Acceleration

Some students may need less time to learn the curriculum. Teachers are encouraged to challenge these students by expanding the curriculum, providing opportunities to explore subjects in greater detail or providing different types of educational experiences. To challenge a student sufficiently, the principal may reassign the student to a different class or level of study and/or may identify concurrent enrollment or other curriculum expansion options (see policy [3101](#), Dual Enrollment).

The principal, after consulting with the professional staff and the student's parents, may determine that skipping a grade level is appropriate.

K. Reporting Requirements

1. Superintendent's Report to the Board

At least on an annual basis, the superintendent shall provide the board with the following information for each school:

- a. aggregate student performance scores on state-mandated tests and any other standardized tests used by a school or the school system;
- b. the number and percentage of students retained and/or not meeting the standards for their grade level;
- c. the number and percentage of third grade students exempt from mandatory third grade retention by category of exemption as listed in state law; and
- d. remedial or additional educational opportunities provided by the school system and the success of these efforts in helping students meet promotion standards.

2. Report to the North Carolina State Board of Education and Department of Public Instruction

Pursuant to statutory requirements and standards established by the Department of Public Instruction, all required information regarding student performance will be provided annually to the State Board of Education and the Department of Public Instruction.

3. Publication on the School System Website

Information about the reading performance of first, second, and third grade students will be posted on the school system website in accordance with state law.

L. Resources

Consistent with the objective of improving student performance, the board will provide schools with maximum flexibility in the allocation of state funds. School personnel are expected to budget financial resources in a manner that will meet the standards established in this policy. The board will consider requests to transfer funds from other funding allotment categories to intervention strategies as part of the school improvement plan submitted by school officials. All funds will be used in a fiscally sound manner in accordance with policy [8300](#), Fiscal Management Standards.

M. Notification to Parents

The superintendent or designee shall provide information regarding promotion standards to all students and parents at the beginning of each school year. A signed receipt from the parent(s)/legal guardian(s) shall be kept on file at the school. In addition, if a kindergarten, first grade, second grade, or third grade student (1) is demonstrating difficulty with reading development or (2) is not reading at grade level, the student's teacher shall provide the student's parents timely written notice advising that if the student is not demonstrating reading proficiency by the end of third grade, the student will be retained, unless exempt from mandatory retention for good cause. Parents are encouraged to help their children meet the promotion standards and will have opportunities to discuss the promotion standards and procedures with teachers and the principal. Information provided to parents should be in the parents' native language when appropriate foreign language resources are readily available.

The teacher of a student who does not meet promotion standards must notify the student's parents that the student has failed to meet the standards for progression to the next level of study and must provide the parents with information concerning retesting, intervention, review, and appeal opportunities. When a student is to be retained, the principal shall provide the student's parents written notice of the retention and, if the student will be retained in accordance with [G.S. 115C-83.7](#)(a) for failure to demonstrate reading proficiency, (1) written notice of the reason the student is not eligible for a good cause exemption as provided in [G.S. 115C-83.7](#)(b) and (2) a description of proposed literacy interventions that will be provided to the student to remediate areas where the student has not demonstrated reading proficiency. Teachers shall provide parents of students retained under [G.S. 115C-83.7](#)(a) at least monthly written reports on student progress toward reading proficiency. The evaluation of a student's progress will be based upon the student's classroom work, observations, tests, assessments, and other relevant information.

N. Children of Military Families

As required by the Interstate Compact on Educational Opportunity for Military Children ([G.S. 115C-407.5](#)) and policy [4155](#), Assignment to Classes, school administrators have the authority to exercise flexibility in waiving course or program prerequisites or other preconditions for the placement of children of military families in courses or programs offered by the school system.

3465 Graduation Exercises

Any senior who violates school rules, damages school property, or engages in any conduct which interferes with, or disrupts school operations, may be prohibited by the principal from participating in graduation exercises.

3610 Counseling Program

Guidance and counseling programs are provided by the school system with the ultimate aim of improving student performance by implementing strategies and activities that support and maximize student learning; helping students to grow in their personal and social development; and providing a foundation for acquiring the skills that enable students to graduate career and

college ready and prepared to be lifelong learners. The principal of each school shall develop a counseling program that meets the objectives of the State Board of Education’s comprehensive school counseling program.

In addition, the counseling program will incorporate the following specific elements.

A. Involvement of Parents and Others

The counseling program is the shared responsibility of teachers, counselors, parents, and community members, and should operate with the collaboration of all individuals involved in educating students, including those who assist children with special needs or students who are at risk of dropping out of school or not meeting performance expectations. Input from parents and students should be sought in accordance with the school’s parental involvement plan. (See policy [1310/4002](#), Parental Involvement.)

Each year, the principal or designee shall inform parents of the guidance and counseling services available to students. Parents will be notified of the right to opt their students out of participation in certain group academic or career guidance or personal or social counseling services of a generic nature (see policy [1310/4002](#)).

B. Provision of Counseling Services

Counseling services may be provided on an individual basis or in small or large groups. Students may seek counseling or be referred by staff or parents. School officials and teachers may recommend a counseling program to help a student meet standards of conduct and academic performance established by the board and school system administrators. If students have extensive needs or needs that go beyond the purpose of the counseling program, school counselors may refer them to community resources.

Counseling programs are most effective when voluntarily entered into by a student. Students will not be required to attend individual or small group counseling sessions to address identified significant personal issues unless agreement has been reached with the student and written consent provided by the parent.

C. Academic Advising

School counselors and other guiding adults in middle and high schools shall support equitable access to opportunities and rigorous and relevant curricula for all students. Prior to the ninth grade, students will be informed about the course requirements for regular and accelerated college entry. School counselors shall encourage ninth grade students to complete the requirements for college entry in less than four years, if feasible and appropriate.

D. Notification of Safe Surrender Law

School personnel shall annually provide all students in grades 9 through 12 with information on the manner in which a parent may lawfully abandon a newborn baby with a responsible person, in accordance with [G.S. 7B-500](#).

E. Employee Mandatory Reporting

Any staff member who is aware that a student is contemplating suicide or is otherwise suffering from an emotional or psychological crisis must immediately notify the counseling program, school social worker, or school administrator in accordance with any rules established by the superintendent or principal.

Any counselor or other staff member who knows or has cause to suspect maltreatment of a child must report the information as provided in policy [4240/7312](#), Child Abuse and Related Threats to Child Safety, and as required by law.

F. Confidentiality

Information obtained in a session with a counselor may be privileged and protected from disclosure as provided by law. A counselor cannot be required to testify concerning privileged information unless, as provided by [G.S. 8-53.4](#), the student waives the privilege or the court compels testimony as necessary to the proper administration of justice. The school counselor privilege does not, however, exempt the counselor from reporting child abuse as required by law and policy [4240/7312](#).

Any notation made by a counselor for his or her own use is a confidential document and is neither a public record nor a part of the student's record. Such confidential documents do not have to be shared with parents or others except as required by law. Any document prepared by a counselor that is shared or intended to be shared with other staff is considered an educational record of the student and is available to the parent or eligible student in accordance with policy [4700](#), Student Records.

4001 Equal Educational Opportunities

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 educational opportunity for educational development. Further, 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 district. The school district will treat students without discrimination in regard to course offerings, athletics, counseling, employment assistance and extracurricular activities.

Students have rights which should be recognized and respected. Every right carries with it certain responsibilities, among which are:

1. The right to a quality education; the responsibility to put forth their best efforts during the educational process.
2. The right to equal educational opportunity and freedom from discrimination; the responsibility not to discriminate against others.
3. The right to attend free public schools; the responsibility to attend school regularly and to observe school rules essential for permitting others to learn at school.
4. The right to expect school personnel to be qualified; the responsibility to respect the rights of others and all persons involved in the education process.
5. The right to due process of law with respect to suspension, expulsion, and decisions which the student believes injure his rights.
6. The right to free inquiry and expression; responsibility to observe reasonable rules regarding these rights.

Students should be made aware of their legal rights and of the legal authority of the board to make, and delegate authority to its staff to make rules regarding the orderly operation of the schools. Students shall be informed of the standards of behavior that are expected of them and the consequences of misbehavior.

Any student, parent or guardian who feels that this policy has been misinterpreted, misapplied or violated may file a grievance in accordance with board policy [1740/4010](#), Student and Parent Grievance Procedure.

4150 School Assignment

A. Assignment Areas

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

B. Assignment of Students

The superintendent or designee will assign students to particular schools based upon the established assignment areas.

C. Magnet Schools: Grades K-8

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

1. efficient use of school facilities;
2. any program criteria that must be met by the student for admission to the particular school; and
3. enabling siblings to attend the same school.

D. Controlled Enrollment: Grades 9-12

If a student desires to participate in an academic specialized program not available at the high school to which he/she is assigned, he/she may request an application for controlled enrollment in another high school. The student will then be expected to complete a school-level application and interview. Additionally, students must meet the requirements unique to each specialized program. The following conditions apply in regards to any reassignments made in accordance with Controlled Enrollment:

1. Transportation will not be provided for students accepted into a specialized program at another school and Onslow County Schools will not assume responsibility for student drivers commuting to specialized programs.
2. Students who are accepted into a specialized program at another school must complete the entire school year before applying to return to their home school.
3. Students who are accepted into a specialized program at another school and fail to meet the expectations of the program will return to their home school at the end of the school year.

E. Requests for Reassignment

Parents or guardians may apply for assignment to a school outside of their regular attendance area. The superintendent or designee will 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.

If the parent is dissatisfied with the superintendent or designee's response, the parent may request an appeal as provided in policy [4151](#), Appeal of School Assignment Decisions.

An out-of-district transfer is a privilege that can be withdrawn at any time. The principal may rescind the out-of-district approval of any student who does not maintain satisfactory grades, conduct and school attendance.

F. Transfer of Students During the School Year

Students whose legal residence changes from one school assignment area to another within the school district during the second semester of the 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 desire to remain in the first school in order to complete that year, an out-of-district application must be submitted.

The students will be assigned to a 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 and from school.

The superintendent or designee will 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 or designee.

Students who are assigned to foster care between academic years or during an academic year will remain in their school of origin unless remaining in the school of origin is not in the best interest of the student. The best interest of the student will be decided based on all relevant factors, including consideration of the appropriateness of the educational setting and proximity to the school in which the child is enrolled at the time of placement in foster care.

G. Conditions for Reassignment or Transfer

The following conditions apply in regard to any reassignments or transfers made in accordance with subsections D, E and F of this policy.

1. The parent is responsible for transportation.
2. The transfer or reassignment is valid for no more than one school year;
3. Student must demonstrate that he or she was in good standing in the previous school in terms of academics, discipline, and other measures of standing and progress.
4. Any transfer request that is approved based upon false or misleading information will be declared void and the transfer will be rescinded.

H. Assignment to Alternative School

Students will be assigned to the alternative school in accordance with administrative guidelines and board policy [3470/4305](#), Alternative Programs.

I. Criteria for Out-of-District Assignment

1. The superintendent or designee may grant in-county student transfer requests to attend a school outside the parent or guardian's residential attendance area for an extraordinary hardship. Documentation will be required to support an extraordinary hardship.
2. Full time school system employees may enroll their children in the school district where they work.
3. Parents who request out-of-district placement based on parental work status shall provide documentation of employment status and child care arrangements as requested.
4. Approval shall not be given to transfer to a school outside a student's residential district based on parental employment status and location of child care facility beyond grade five (5).
5. Students who are given permission to attend a school outside the parent or guardian's residential district based on parental employment status and location of the child care

facility shall attend a school within the district in which the child care facility is located or a school to which the child care facility provides transportation.

6. A student may not enroll in more than one school outside a parent or guardian's residential attendance district per school year.

7. Approval by the board of education to attend a school outside a parent's residential district will expire at the end of the school year during which it was given. Parents must reapply for continued out-of-district placement each year.

8. Students who are not eligible to return to their former school may not enroll in an out-of-district school until they would have become eligible to return to their former school.

9. Students in grade 11 who move outside their school district may continue to attend that high school for the remainder of their junior year and for their senior year only if they move outside the district after the end of the first semester of their junior year. An out-of-district application form must be submitted to the superintendent or designee.

4151 Appeal of School Assignment Decisions

An applicant for out-of-district placement within the school district will be notified in writing of the decision of the superintendent or designee. If the request is disapproved by the superintendent or designee, the parent may request a hearing on the reassignment request. The request must be received by the superintendent's office in writing no later than five working days following receipt of the decision. 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 or panel 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 registered or certified mail.

4155 Assignment of Classes

A. General Authority

The principal has the authority to assign students to classes, subject to applicable legal requirements. 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 law or 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. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses are to be primary concerns 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.

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.

4230.5 Short Term Communicable Diseases – Students

A communicable disease is defined as an illness due to an infectious agent, or its toxic products, which is transmitted directly or indirectly to a person from an infected person or animal. Short-term communicable diseases are those which generally last no more than ten days.

The parent/guardian of a student with a communicable disease or infestation shall be encouraged to notify the school as soon as they have knowledge of their child's diagnosis. School guidelines for exclusion due to a communicable disease will follow recommendations from local, state, and federal agencies that address communicable disease standards.

The principal and his/her designee and/or the school nurse will make the initial decision to exclude a child from school attendance. Persons involved in the care and education of communicable disease-infected children shall respect the child's right to privacy, including the maintenance of confidential records.

If a parent/guardian notices any discharges, such as yellowish-green drainage from the eyes, ears and/or nose, the parent is to/should have the child checked by the family physician before returning the child to school. The parent is to/should have the physician send a note advising the school of the child's condition.

All children with fevers of 100 degrees Fahrenheit or greater will be excluded from school until fever-free for 24 hours without the use of fever-reducing medications (Tylenol, Ibuprofen, Motrin, Aspirin, etc.) Please see Medication Administration Policy [# 6125](#).

A sick child will be cared for until the parent/guardian arrives, however, the comfort of the child will be increased if the parent/guardian arrives at the school as quickly as possible. If an ill or injured child warrants immediate action, 911 will be called.

Disease	Incubation (before symptoms)	Contagious	Return to school
Chicken pox	10-21 days	From 1 day before the rash, to 5-6 days after the rash began. Transmission by respiratory and scab drainage	When free of symptoms and all pox have crusted (usually 6 days). Face and hands must be free of scabs. Student must be checked by school personnel before return to school.

Fifth Disease	Less than 1 month	1-7 days before the rash appears (not contagious after rash appears)	When free of fever. Rash may persist for several weeks
Impetigo	2-5 days	From onset of sores until they are dry	Must have a doctor's note to return. Will be excluded from school for 24 hours after treatment begins. Area will be covered during school hours.
Diarrhea and Vomiting (occurs more than 1 time during school day)	Varies	As long as diarrhea and vomiting are present	No diarrhea or vomiting for 24 hours.
MRSA (Methicillin-Resistant Staphylococcus Aureus)		During course of infection	When cleared by physician. Open wounds must be covered at all times. Sports will be allowed when cleared by a physician. (Doctor's note must be presented on reentry to school)
Pink Eye (Conjunctivitis)	Varies 1 to 12 days	During course of infection	When cleared by physician. (Doctor's note must be presented on reentry to school)
Ring Worm (other than scalp area)	Varies	Until treatment is started	With lesion covered and treatment started. The parent will bring in medication for verification of treatment
Ring Worm of the scalp	Varies	Until treatment is started.	Must have a doctor's note to certify student is under adequate and continuing treatment
Scabies	4-6 weeks from new infestation	While mite is alive. (All family members must be treated)	Must be excluded from school for 24 hours after treatment is completed. Must have a doctor's note to return
Streptococcal Infections (Scarlet fever, Scarletina, Strep throat)	2-7 days	Until 24 hours after treatment is started.	Must have a doctor's note to return. Will be excluded from school for 24 hours after medication is begun

** Information for table taken from Manual of School Health, 2nd edition, 2002.*

Infestations: Head Lice

Onslow County Schools maintains a "No-Nit" policy that requires that a student be treated with a pediculocide and be free of nits (lice eggs) and live lice before re-admission to school. Students who have been excluded must be checked and be found nit-free by the nurse or designated school personnel before riding the bus or entering the classroom.

Up to three days of excused absences is permitted for head lice infestation. Exclusion from school due to repeated infestation does not exempt a child from mandatory school attendance (see Attendance Policy [4400](#)). Truancy procedures will be followed.

4240/7312 Child Abuse and Related Threats to Child Safety

The board is concerned with the health, safety, and welfare of all children and recognizes the legal and ethical obligations that school employees, contractors, and volunteers have to report known or suspected maltreatment of children. North Carolina has two separate systems that mandate reports to state authorities of suspected child abuse, neglect, dependency, or maltreatment and a third system for mandated reporting of certain crimes against juveniles to local law enforcement.

When a parent or other caretaker is suspected to have caused a child to be abused, neglected, or dependent, this information must be reported to the county child welfare agency. Suspected human trafficking, involuntary servitude, and sexual servitude of a child and death of a child as a result of maltreatment are special forms of child abuse under law and must be reported to the county child welfare agency, regardless of the relationship between the victim and the perpetrator. By contrast, suspected child maltreatment by a caregiver in a child care facility, including in a licensed preschool classroom or other licensed classroom or program operated by the school system, must be reported to the Department of Health and Human Services, Division of Child Development and Early Education. When the source of the harm or threat of harm to the child is uncertain, a report should be made to both the county child welfare agency and the Department of Health and Human Services, Division of Child Development and Early Education.

In addition, state law mandates reports to local law enforcement when a child is a victim of certain violent offenses, sexual offenses, or misdemeanor child abuse. An adult who knows or reasonably should have known of any of these offenses inflicted upon a child must report that information immediately.

The board of education supports all employees who in good faith make a report under North Carolina's mandated reporting laws.

A. Duty to Report Certain Crimes Against Children to Local Law Enforcement

A school employee, contractor, or volunteer is legally required to report to local law enforcement when the employee or volunteer knows or reasonably should know that a child has been a victim of any of the following crimes:

1. a sexual offense (which for purposes of this policy, the board interprets to mean any offense that relates to inappropriate sexual contact with a child);
2. an offense that inflicts serious bodily injury or serious physical injury upon the child by nonaccidental means;
3. an attempt, solicitation, or conspiracy to commit either offense described above, or aiding and abetting either offense; or
4. misdemeanor child abuse, which occurs when a parent or any other person providing care or supervision to a child who is under the age of sixteen (1) inflicts or allows to be inflicted physical injury to the child by nonaccidental

means or (2) creates or allows a substantial risk of physical injury to the child by nonaccidental means.

Compliance with this reporting requirement does not relieve the employee or volunteer from his or her duty to report pursuant to Sections B and C of this policy. The employee, contractor, or volunteer also shall immediately report the case to the principal.

A school employee, contractor, or volunteer is immune by statute from any state civil and/or criminal liability when making a report in good faith under this Section. An employee who fails to report or who prevents another person from making a report is subject to disciplinary action by the school system and civil and criminal action under the law. A volunteer or contractor who fails to report or prevents another person from making a report may be restricted from school property or lose the privilege of volunteering for or contracting with the school system and is subject to civil and criminal action under the law.

B. Duty to Report Child Abuse, Neglect, Dependency, or Death as a Result of Maltreatment to the County Child Welfare Agency

A school employee, contractor, or volunteer who knows or has cause to suspect that (1) a parent, guardian, custodian, or caretaker of a child has caused the child to be abused, neglected, or dependent, or (2) that a child has died as a result of maltreatment or been a victim of human trafficking, involuntary servitude, or sexual servitude by any person is legally required to report the case to the director of social services. The employee, contractor, or volunteer 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, contractor, or volunteer is immune by statute from any civil and/or criminal liability when making a report in good faith under this Section. An employee who fails to report or who prevents another person from making a report is subject to disciplinary action by the school system and civil and criminal action under the law. A volunteer or contractor who fails to report or prevents another person from making a report may be restricted from school property or lose the privilege of volunteering for or contracting with the school system and is subject to civil and criminal action under the law.

C. Duty to Report Child Maltreatment in a Child Care Facility to the Division of Child Development and Early Education

A school employee, contractor, or volunteer who has cause to suspect that a child in a child care facility has been maltreated by a caregiver or has died as a result of maltreatment occurring in a child care facility is legally required to report the case to the Department of Health and Human Services (DHHS), Division of Child Development and Early Education (DCDEE).

A “child care facility” includes any DHHS-licensed classroom or program operated by the school system, including for example, licensed pre-school or Title I classrooms, licensed afterschool programs, and licensed developmental day programs.

Any doubt about reporting a suspected situation or uncertainty whether the child’s care is being provided in a child care facility must be resolved in favor of reporting, and the report should be made immediately.

An employee making a report to DCDEE also shall immediately report the case to the principal. If the suspected maltreatment occurred in a licensed preschool classroom or other licensed classroom or program operated by board, the principal shall immediately notify the superintendent of the suspected maltreatment. No reprisals of any kind may

be taken against an employee who makes a good faith report of child maltreatment occurring in any licensed preschool classroom or other licensed classroom or program operated by the board.

An employee who fails to make a report as required by law and this policy may be subject to disciplinary action by the school system. In addition, if the employee works in a licensed preschool classroom or other licensed classroom or program operated by the board, failure to report maltreatment of a child in the program or classroom may itself constitute child maltreatment and result in the employee being placed on the state child maltreatment registry. A volunteer or contractor who fails to report or prevents another person from making a report may be restricted from school property or lose the privilege of volunteering for or contracting with the school system.

D. Cooperation with State and Local Agencies

1. The principal may establish a contact person in the school to act as a liaison with state and local agencies charged with investigating reports made pursuant to this policy.
2. Employees shall cooperate fully with agency personnel conducting an investigation.
3. In a case under the jurisdiction of local law enforcement in which the child's parent, guardian, or custodian is suspected of wrongdoing, employees shall permit the child to be interviewed by local law enforcement on school campuses during school hours. Otherwise, permission from the parent, guardian, or custodian must be obtained before the child may be interviewed by local law enforcement on school campus during school hours.
4. In a case under the jurisdiction of social services, the principal shall permit the child to be interviewed by a social worker on school campus during school hours in the absence of the parent or guardian and without prior notice to the parent or guardian of the reported victim. No student may be interviewed on school property by a social worker without the knowledge of the principal or designee. The social worker must present adequate identification. A member of a law enforcement agency may accompany the social worker. The social worker may exclude the principal and any school staff from the interview.
5. In a case under the jurisdiction of DCDEE concerning suspected child maltreatment by a caregiver in a child care facility, permission from the parent must be obtained before the child may be interviewed on school campus during school hours.
6. Employees shall provide confidential information to agency personnel, so long as the disclosure does not violate state or federal law.
7. Any confidential information disclosed by the investigating agency to employees must remain confidential and may be redisclosed only for purposes directly connected with carrying out the responsibilities of the school system or the employee.
8. School officials will make reasonable efforts to have the student available for interviews. Unnecessary interruptions of the child's schoolwork will be avoided if possible. Interviews will be conducted in an appropriate private setting determined by the principal to minimize embarrassment or disruption for the child.

E. Sharing Information with Other Agencies

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 by the department of social services of a report of child abuse, neglect, dependency, or death as a result of maltreatment; (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.

F. Child Sexual Abuse and Sex Trafficking Training Program

In even numbered years, the school system will provide a child sexual abuse and sex trafficking education and awareness training program for teachers, instructional support personnel, principals, and assistant principals. The program will include at least two hours of training related to best practices from the field of prevention, the grooming process of sexual predators, the warning signs of sexual abuse and sex trafficking, how to intervene when sexual abuse or sex trafficking is suspected or disclosed, legal responsibilities for reporting sexual abuse or sex trafficking, and available resources for assistance. Designated school personnel shall participate in such training as required by law and board policy.

G. Child Abuse and Neglect Information and Resources for Students

In accordance with [G.S. 115C-47\(65\)](#) and State Board of Education Policy [SHLT-003](#), the school system will provide information on child abuse and neglect, including age-appropriate information on sexual abuse, to students in grades 6 through 12. Such information will be provided in the form of (1) a document given to all students in grades 6 through 12 at the beginning of each school year and (2) a display posted in visible, high-traffic areas throughout each secondary school.

The superintendent shall develop any necessary procedures for making a report pursuant to this policy, for sharing information with designated agencies, and for cooperating with agency investigations.

In addition to the requirements of this policy, any administrator who knows or has reason to believe that a licensed employee has engaged in conduct that would justify automatic revocation of the employee's license pursuant to [G.S. 115C-270.35\(b\)](#) or involves physical or sexual abuse of a child shall report that information to the State Superintendent of Public Instruction in accordance with subsection C.4 of policy [4040/7310](#), Staff-Student Relations.

4300 Student Behavior Policies

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; and (4) required procedures for addressing misbehavior.

Acceptable behavior is essential to the development of responsible and self-disciplined citizens and to provision of an effective school program. The board and staff of the school system shall help students to achieve maximum development of individual knowledge, skills, and

competence and to learn behavior patterns which will enable them to be responsible contributing members of society.

All professional staff members have responsibility for consistency in establishing and maintaining an appropriate behavioral atmosphere. Students are expected and required to act with due regard for the supervisory authority vested by the board in its employees, to respect the rights of other students, and to protect school property.

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. To elaborate further on processes for addressing student misbehavior and the use of intervention strategies and consequences, each school will create a student behavior management plan that is consistent with the law, board policies, and the Code of Student Conduct (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 student behavior management plans developed by individual schools. 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, the principal is responsible for providing each student and parents with a copy of the Student Code of Conduct Handbook and any other rules and procedures. Students enrolling during the year, and their parents, will receive a copy of the information upon enrollment.

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 other 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.

Notwithstanding the foregoing, students will not be disciplined for constitutionally protected behavior. School officials are encouraged to consult with senior administrators before regulating student expression that may be protected by the [First Amendment to the U.S. Constitution](#).

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 student's parent is responsible for transportation that may be required to carry out a consequence. With the exception of suspension from bus privileges, if a parent 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 and consistent with students' constitutional rights.

4301 Authority of School Personnel

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.

4302 School Plan for Management of Student Behavior

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. Seclusion and Restraint

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 (1) under a contract or written agreement with the school system to provide educational or related

services to students or (2) for another agency providing educational or related services to students.

Seclusion and restraint will not be used on students with disabilities (1) for behavior(s) that would not result in seclusion or restraint for students without identified disabilities, unless the use is authorized by the student's IEP or Section 504 Plan for an educational or safety-related purpose, or (2) based on assumptions or stereotypes about disabilities or students with disabilities generally.

1. 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:

- a. as reasonably needed to obtain possession of weapons or other dangerous objects on the person or within the control of a student;
- b. as reasonably needed to maintain order or to prevent or break up a fight;
- c. as reasonably needed for self-defense;
- d. as reasonably needed to ensure the safety of any student, employee, volunteer, or other person present;
- e. as reasonably needed to teach a skill, to calm or comfort a student, or to prevent self-injurious behavior;
- f. as reasonably needed to escort a student safely from one area to another;
- g. if used as provided for in an IEP, Section 504 plan, or behavior intervention plan; or
- h. 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.

2. 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:

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

- e. 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, taping, or strapping down of a student, will not be considered to be a reasonable use of force, and its use is prohibited.

3. Seclusion

Seclusion means the confinement of a student alone in an enclosed space from which the student is (a) physically prevented from leaving by locking hardware or other means 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:

- a. as reasonably needed to respond to a person in control of a weapon or other dangerous object;
- b. as reasonably needed to maintain order or prevent or break up a fight;
- c. as reasonably needed for self-defense;
- d. 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
- e. when used as specified in the student's IEP, Section 504 plan, or behavior intervention plan; and
 - i. the student is monitored by an adult in close proximity who is able to see and hear the student at all times while the student is in seclusion;
 - ii. 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 plan, or behavior intervention plan;
 - iii. the confining space has been approved for such use by the school system;
 - iv. the space is appropriately lighted, ventilated, and heated or cooled; and
 - v. 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.

4. 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:

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

- b. the duration of the isolation is reasonable in light of the purpose for the isolation;
- c. the student is reasonably monitored while in isolation; and
- d. the isolation space is free from objects that unreasonably expose the student or others to harm.

5. 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.

6. 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:

- a. significant physical harm, such as tissue damage, physical illness, or death;
- b. serious and foreseeable long-term psychological impairment;
- c. obvious repulsion on the part of observers who cannot reconcile such extreme procedures with acceptable standard practice.

The use of aversive procedures is prohibited.

7. Notice, Reporting, and Documentation

- a. School personnel shall promptly notify the principal or designee of any of the following:
 - 1) any use of aversive procedures;
 - 2) any prohibited use of mechanical restraint;
 - 3) any use of physical restraint resulting in observable physical injury to a student;
 - 4) any prohibited use of seclusion; or
 - 5) any seclusion exceeding 10 minutes or the amount of time specified in a student's behavior intervention plan.

b. Notice to Parents

When a principal or designee has personal or actual knowledge of any of the incidents listed in subsection G.1, 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. Such notice shall be provided by the end of the workday during which the incident occurred when reasonably possible, but no later than the end of the following workday. Such notice also shall be provided in addition to the written incident report required in subsection G.3, below.

c. Written Report to Parents

Within a reasonable period of time not to exceed 30 days after any incident listed in subsection G.1 of this regulation occurs, the principal or designee shall provide the parent or guardian with a written incident report. This report must include the following:

- 1) the date, time of day, location, duration, and description of the incident and interventions;
- 2) the events or events that led up to the incident;
- 3) the nature and extent of any injury to the student; and
- 4) the name of a school employee the parent or guardian can contact regarding the incident.

d. Reporting to State Board

The board will maintain a record of incidents reported under the procedure described in subsection G.3, above, and will provide this information annually to the State Board of Education.

e. Non-Retaliation for Reporting

Any 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 privileges of employment unless the employee knew or should have known that the report was false.

C. 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. Principals shall include an evaluation of the plan and its effect on academic performance within the overall school improvement plan.

The superintendent also is encouraged to consider, develop, and propose new and alternative discipline programs to the board.

4316 Student Dress Code

The board believes that the dress and personal appearance of students greatly affect their academic performance and their interaction with other students. The board requests that parents outfit their children in clothing that is conducive to learning. The responsibility for determining standards of dress and grooming shall rest with the principal whose duty it is to enforce this policy.

Additionally, the board prohibits any appearance or clothing that does the following:

1. violates a reasonable, nondiscriminatory dress code adopted and publicized by the school;
2. is substantially disruptive (for information on gang-related attire, see policy [4328](#), Gang-Related Activity);
3. is provocative or obscene; or
4. endangers the health or safety of the student or others.

Before receiving disciplinary consequences, a student who is not in compliance with this policy or a school dress code will be given a reasonable period of time to make adjustments so that he or she will be in compliance. Disciplinary consequences for a student who fails to comply after being offered this opportunity 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 violation of the dress code.

4310 Integrity and Civility

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;
5. playing abusive or dangerous tricks or otherwise subjecting a student or an employee to personal indignity; and
6. falsification, which includes the verbal or written statement of any untruth.

B. Consequences

The disciplinary consequences for violations of this policy will 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.

4315 Disruptive Behavior

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 will 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.

4317 Conduct on a School Vehicle

School transportation service is a privilege, not a right. Students at all times while riding a school bus or other school vehicle shall observe the directives of the school bus driver. The following conduct is specifically prohibited and may result in temporary or permanent suspension from school transportation services and/or from school:

1. Delaying the bus schedule
2. Fighting, smoking, using profanity or refusing to obey the driver's instructions
3. Tampering with or willfully damaging the school vehicle
4. Possession or use of unauthorized drugs or intoxicating beverages on a school vehicle as outlined in Board policy
5. Getting off at an unauthorized stop
6. Distracting the driver's attention by participating in disruptive behavior while the vehicle is in operation
7. Failing to observe established safety rules and regulations
8. Willfully trespassing upon a school bus
9. Boarding a school bus, coming on school premises, or attending a school function away from the school under the influence of narcotic drugs or intoxicants

With the approval of the superintendent, the director of school transportation may impose further rules regarding behavior on the school bus, including limiting what items may be transported on a school bus.

4318 Use of Wireless Communication Devices

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, smart watches, 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.

B. Consequences for Unauthorized Use

School employees have the authority to 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 in accordance with the school's code of conduct.

The disciplinary consequences for violations of this policy will 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.

4320 Tobacco Products – Students

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 all lighted and smokeless tobacco products, as well as electronic cigarettes, vaporizers, and other electronic smoking devices even if they do not contain tobacco or nicotine.

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.

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.

4325 Drugs and Alcohol

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.

This policy applies to students while on school property or at a school-sponsored event or activity (whether on or off school property) and at any other time or place where the conduct 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.

A. Prohibited Behavior

1. Students are prohibited from possessing, using, selling, delivering, manufacturing, or being under the influence of any of the following substances:

a. narcotic drugs;

- b. hallucinogenic drugs;
 - c. amphetamines;
 - d. barbiturates;
 - e. marijuana;
 - f. synthetic stimulants, such as MDPV and mephedrone (e.g., “bath salts”), and synthetic cannabinoids (e.g., “Spice,” “K2”);
 - g. any other controlled substance;
 - h. any alcoholic beverage, malt beverage, fortified or unfortified wine, or other intoxicating liquor;
 - i. 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; or
 - j. any substance containing cannabidiol (CBD) or tetrahydrocannabinol (THC), regardless of whether it constitutes a controlled substance under state or federal law.
2. Students also are prohibited from possessing, using, selling, delivering, or manufacturing counterfeit (fake) drugs.
 3. Students are prohibited from possessing, using, selling, delivering, or manufacturing drug paraphernalia, including but not limited to rolling papers, roach clips, lighters, matches, vaping devices, vape liquid containers, pipes, syringes, and other delivery devices for prohibited substances.
 4. Students are prohibited from possessing, using, selling, delivering, or sharing prescription or over-the-counter drugs, except in accordance with policy [6125](#), Administering Medicines to Students. A student who possesses or uses a prescription or over-the-counter drug in accordance with policy [6125](#) does not violate this policy.
 5. A student is not in violation of this policy for being under the influence of a prohibited substance following its proper use as a medication lawfully prescribed for the student by a licensed health care practitioner.
 6. Students may not participate in any way in the selling or delivering of prohibited substances, regardless of whether the sale or delivery ultimately occurs on school property.
 7. The principal may authorize lawful uses of substances that are otherwise prohibited by this policy for legitimate curriculum-related purposes, such as the use of matches or lighters in approved chemistry or other 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 a controlled substance in violation of law while on school property.

The disciplinary consequences for violations of this policy will 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.

4328 Gang-Related Activity

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 or insurance or otherwise intimidating or threatening any person related to gang activity (see policy [4331](#), Assaults and Threats);
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.

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.

B. Consequences

Before receiving disciplinary consequences 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 disciplined 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.

4329/7311 Bullying and Harassing Behavior Prohibited

The board is committed to providing a safe, inviting, and civil educational environment for all students, employees, and other members of the school community. The board expects all students, employees, volunteers, and visitors to behave in a manner consistent with that goal. The board recognizes that bullying and harassing behavior creates an atmosphere of intimidation and fear, detracts from the safe environment necessary for student learning, and may lead to more serious misconduct or to violence. Accordingly, the board prohibits all forms of bullying and harassing behavior, including encouragement of such behavior, by students, employees, volunteers, and visitors. "Visitors" includes parents and other family members and individuals from the community, as well as vendors, contractors, and other persons doing business with or performing services for the school system.

This policy prohibits bullying and harassing behavior, or the encouragement of bullying or harassing 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 student, employee, or other person is subject to the authority of school personnel; or (6) at any time or place when the bullying has a direct and immediate effect on maintaining order and discipline in the schools.

This policy is not intended to prohibit expression of religious, philosophical, social, or political views, provided that the expression does not substantially disrupt the educational environment.

A. Relationship to Other Policies

This policy applies to bullying and harassing behavior that is not otherwise prohibited by the following board policies that address discriminatory harassment in violation of federal law:

- Discrimination and Harassment Prohibited by Federal Law, policy [1710/4020/7230](#) (prohibiting harassment based on race, color, national origin, disability, or religion)
- Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, policy [1725/4035/7236](#) (prohibiting sexual harassment)

- Discrimination and Harassment in the Workplace, policy 7232 (prohibiting harassment of employees and applicants based on race, color, national origin, sex, age, disability, military affiliation, or genetic information)

Individuals who wish to report bullying or harassing behavior that is based on sex, race, color, national origin, disability, religion, or other personal characteristic addressed by the policies above should refer to and follow the reporting processes provided in those policies.

Conduct that may constitute discriminatory harassment under federal law must be addressed first in accordance with the requirements of the applicable policy(ies) listed above. If subsequently, the conduct is determined not to rise to the level of discriminatory harassment prohibited by those policies, the conduct may be addressed under this policy. Conduct that does not rise to the level of bullying or harassing behavior as defined and prohibited in this policy may nevertheless violate other board policies or school rules.

B. Conduct that is Considered Bullying or Harassing Behavior

1. Bullying is deliberate conduct intended to harm another person or group of persons. It is characterized by repeated unwanted aggressive behavior that typically involves a real or perceived imbalance of power, such as a difference in physical size, strength, social standing, intellectual ability, or authority. It may consist of either physical, verbal, or nonverbal behavior. Cyberbullying is a form of bullying that is carried out using electronic communication media, such as words, action, or conduct conveyed through email, instant messages, text messages, tweets, blogs, photo or video sharing, chat rooms, or websites, and may exist in the absence of a power imbalance typical of other forms of bullying.
2. Harassing behavior is conduct that is intimidating, hostile, or abusive, or is unwelcome conduct of a sexual nature. Harassing behavior may violate this policy even if no harm is intended to the target and no power imbalance is evident.
3. Bullying or harassing behavior includes conduct that is, or reasonably appears to be, motivated by actual or perceived differentiating personal characteristics, or by a person's association with someone who has or is perceived to have a differentiating personal characteristic. Differentiating personal characteristics include, but are not limited to race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability. Bullying and harassing behavior can violate this policy regardless of a student's motivation.
4. Examples of behavior that may constitute bullying or harassing behavior are repeated acts of disrespect, intimidation, or threats, such as verbal taunts, name-calling and put-downs, epithets, derogatory or lewd comments, spreading rumors, extortion of money or possessions, implied or stated threats, assault, offensive touching, physical interference with normal work or movement, visual insults, such as derogatory posters or cartoons, and sharing intimate photos or video of a person or sharing photos or videos that may subject a person to ridicule or insult.
5. Other behaviors that may constitute bullying or harassing behavior under this policy are deliberate, unwelcome touching that has sexual connotations or is of a sexual nature, pressure for sexual activity, offensive sexual flirtations,

advances or propositions, 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.

6. These examples are not exhaustive but are intended to illustrate the wide range of behavior that may constitute bullying and harassing behavior.

7. Conduct such as the following is not considered bullying or harassing behavior: legitimate pedagogical techniques, the exercise of legitimate authority, and academic or work performance monitoring and evaluation.

C. When Bullying or Harassing Behavior Violates This Policy

Not all conduct that may be described as bullying or harassing behavior violates this policy. Bullying or harassing behavior violates this policy when any pattern of repeated gestures or written, electronic, or verbal communications, or any physical act or threatening communication:

1. places a student, an employee, or other person in actual and reasonable fear of harm to their person or 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 bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior.

The definition of bullying and harassing behavior in this section is intended to be no less inclusive than the definition of bullying and harassing behavior in [G.S. 115C-407.15](#).

Bullying or harassing behavior based on sex, race, color, national origin, disability, or religion may also constitute discriminatory harassment in violation of federal law and other board policies as described in Section A, above.

D. Reporting Bullying and Harassing Behavior

1. Reports by Students and/or Parents and Guardians

- a. The board encourages students or parents/guardians of students who have been the victim of or who have witnessed bullying or harassing behavior in violation of this policy to immediately report such incidents to a teacher, counselor, coach, assistant principal, or the principal.
- b. Reports may be made orally or in writing and may be made anonymously.
- c. All reports of serious violations and complaints made under this policy will be investigated expeditiously. Anonymous reports will be investigated to the extent reasonably possible under the circumstances.
- d. If, at any time, school officials determine that the alleged bullying or harassing behavior appears to be based on sex, race, color, national origin, disability, or religion, the matter will be investigated in accordance with the applicable policy listed in Section A above.

2. Mandatory Reporting by School Employees

An employee who witnesses or who has reliable information that a student or other individual has been bullied or harassed in violation of this policy must report the incident to his or her supervisor or to the building principal

immediately. If sexual harassment is suspected, the employee also must report the incident to the Title IX coordinator. An employee who does not promptly report possible bullying or harassing behavior will be subject to disciplinary action.

3. Reporting by Other Third Parties

Other members of the school community may report incidents of bullying or harassment to the school principal or the superintendent or designee.

4. Reporting False Allegations

It is a violation of board policy to knowingly report false allegations of bullying or harassing behavior. A student or employee found to knowingly report or corroborate false allegations will be subject to disciplinary action.

E. Reports of Bullying or Harassing Behavior Based on Sex, Race, Color, National Origin, Disability, or Religion

Bullying or harassing behavior that is based on sex, race, color, national origin, disability, or religion may constitute discriminatory harassment that is a violation of the individual's civil rights. A school employee who receives a report of bullying or harassing behavior that may constitute sexual harassment must immediately contact the Title IX coordinator. If the reported behavior appears to be based on any other such personal characteristic, the employee must immediately notify the appropriate civil rights coordinator designated in policy [1710/4020/7230](#), Discrimination and Harassment Prohibited by Federal Law. Uncertainty as to whether alleged bullying or harassing behavior is based on sex, race, color, national origin, disability, or religion should be resolved by notifying the Title IX Coordinator.

F. Response to Reports of Bullying or Harassing Behavior

1. Reports of bullying and harassing behavior or the encouragement of such behavior under this policy will be investigated promptly by the principal or the principal's designee and addressed in accordance with this policy and policy [4340](#), School-Level Investigations. If the principal is the alleged perpetrator, the superintendent will designate an appropriate investigator.
2. If at any time before, during, or after the investigation under this policy, the principal or designee determines or suspects that the alleged bullying or harassing behavior is based on sex, race, color, national origin, disability, or religion, the principal or designee shall notify the appropriate civil rights coordinator and proceed in accordance with the applicable board policy as described in Section A, above. However, referral to the civil rights coordinator will not preclude appropriate disciplinary consequences for a violation of this policy if, following the designated investigation and resolution process under the appropriate board policy, the behavior is determined not to constitute discriminatory harassment in violation of federal law.
3. No reprisals or retaliation of any kind are permitted as a result of good faith reports of bullying or harassing behavior. An employee who engages in reprisal or retaliation will be subject to disciplinary action, up to and including dismissal. A student who does so is subject to disciplinary consequences as provided in Section G, below.

G. Consequences

1. Students

The disciplinary consequences for violations of this policy should take into consideration the frequency of incidents, the developmental age of the student

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

2. Employees

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

3. Others

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

H. Other Interventions

Interventions designed to remediate the impact of a violation of this policy and to restore a positive school climate will be provided as determined necessary by school officials.

I. Notice

This policy must be provided to employees, students, and parents, guardians, and caregivers at the beginning of each school year. Notice of this policy must be included in the Code of Student Conduct and in all student and employee handbooks. Principals are encouraged to post a copy or summary of this policy in each classroom and in a prominent location within the school building and to make an age-appropriate summary of the policy available to elementary students. Information about this policy must also be incorporated into employee training programs.

J. Records

The superintendent or designee shall maintain confidential records of complaints or reports of bullying or harassing behavior under this policy. 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 any remedial interventions or other steps taken by the school system to provide an environment free of bullying.

4330 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.

4331 Assaults and Threats

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

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.

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.

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

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. nuclear, biological, or chemical weapons of mass destruction as defined in [G.S. 14-288.21\(c\)](#);
- d. knives, including pocket knives, bowie knives, switchblades, dirks, and daggers;
- e. slingshots and slungshots;
- f. leaded canes;
- g. blackjacks;
- h. metal knuckles;
- i. BB guns;
- j. air rifles and air pistols;
- k. stun guns and other electric shock weapons, such as tasers;
- l. icepicks;
- m. razors and razor blades (except those designed and used solely for personal shaving);
- n. fireworks;
- o. gun powder, ammunition, or bullets;
- p. any sharp pointed or edged instruments except unaltered nail files and clips and tools used solely for preparation of food, instruction, and maintenance; and
- q. mace, pepper spray, and other personal defense sprays.

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. Middle and high school students may also utilize the anonymous safety tip line for reporting risks to the school population.

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:

- a. making a bomb threat, regardless of whether the student intends to or has the means to carry out the threat;
- b. perpetrating a bomb hoax against school system property by making a report, knowing or having reason to know the report is false, that a bomb or other device designed to cause damage or destruction by explosion, blasting, or burning is located on school system property or at a school system event;
- c. perpetrating a bomb hoax by concealing, placing, or displaying any device on school system property or at a school system event, so as to cause any person reasonably to believe the same to be a bomb or similar device intended to cause injury to persons or property; and
- d. knowingly or willfully causing, encouraging, or aiding 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 a terrorist threat or perpetrating a terrorist hoax by:

- a. threatening to commit an act of mass violence on school property or at a school system event, regardless of whether the student intends to or has the means to carry out the threat;
- b. making a report, knowing or having reason to know the report is false, that an act of mass violence is going to occur on school property or at a school system event;
- c. making a report, knowing or having reason to know the report is false, that a device, substance, or material designed to cause harmful or life-threatening injury to another person is located on school system property or at a school system event; or
- d. concealing, placing, disseminating, or displaying on school system property or at a school system event any device, substance, or material, so as to cause a reasonable person to believe the same to be a weapon of mass destruction or to be intended to cause harmful or life-threatening illness or injury to another person.

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.

4335 Criminal Behavior

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

The superintendent and principal may take reasonable or legally required measures to preserve a safe, orderly environment when a student has been charged with or convicted of a serious crime, regardless of whether the alleged offense was committed on school grounds or was related to school activities. Depending upon the circumstances, including the nature of the crime or alleged crime, the child's age, and the publicity within the school community, reasonable or legally required efforts may include changing a student's classroom assignment or transferring the student to another school. Transfer to an alternative 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

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

Principals must immediately report to law enforcement the following acts when they have personal knowledge or actual notice from school personnel that such acts have occurred on school property, regardless of the age or grade of the perpetrator or victim: (1) assault resulting in serious personal injury; (2) sexual assault; (3) sexual offense; (4) rape; (5) kidnapping; (6) indecent liberties with a minor; (7) assault involving the use of a weapon; (8) possession of a firearm in violation of the law; (9) possession of a weapon in violation of the law; and (10) possession of a controlled substance in violation of the law. A principal who willfully fails to make a required report to law enforcement will be subject to disciplinary action, up to and including dismissal.

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

Certain crimes must be reported to the Department of Public Instruction in accordance with [16 N.C.A.C. 6E .0107](#).

4340 School-Level Investigations

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, unless that authority and duty is conferred on another school administrator under a particular board policy.

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 an investigation and any related proceedings. Employees and students may be subject to disciplinary action for knowingly making false statements or knowingly submitting false information during an investigation or 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 except when a particular board policy provides for a more specific response:

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).

Students Suspected of Criminal Offense

It is the policy of the board to cooperate with law enforcement agencies; however, the principal has responsibility for the welfare of students while they are under his or her jurisdiction. The principal shall determine the intent of interviews of students, and in furtherance thereof, observe the following procedures:

A. A student may not be interviewed on school property by any authority without the knowledge and written consent of the principal or designee. This does not apply to employees of the Department of Social Services (see policy [4240](#)).

B. Any interview must be done in private with the principal or designee present and under the following terms:

1. A student under fourteen (14) years of age may be questioned at school only with consent of the parent or guardian.

2. Students fourteen (14) years of age or older may be interviewed at the discretion of the principal or designee. Before law enforcement officials may question a student, the principal or designee shall make a reasonable attempt to notify the parent and give the parent an opportunity to come to the school for the questioning, except when the parent is a suspect in the investigation or safety, or other compelling circumstances require an immediate interview.

C. A student may not be released to the custody of persons other than the parent or guardian without the consent of the student's parent or guardian. This policy shall not supersede the authority of law enforcement officers to take into custody any individual.

4341 Parental Involvement in Student Behavior Issues

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.

Policy 4342 Student Searches

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

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

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

A. Searches Based on Individualized Reasonable Suspicion

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

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

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

1. Searches of Personal Effects

School officials may search a student’s desk, locker, and/or personal effects, including but not limited to purses, book bags, and outer clothing. Policy [4318](#), Use of Wireless Communication Devices, addresses the circumstances under which searches of student cell phones and other electronic devices may be conducted.

2. Searches of Motor Vehicles

School officials may search the interior of a student’s motor vehicle.

3. “Pat-down” Searches

A school official may conduct a frisk or “pat-down” search of a student’s person. The search must be conducted in private by a school official of the same gender with an adult witness present.

4. More Intrusive Personal Searches

More intrusive personal searches are discouraged and are to be used only in very limited circumstances. A personal search is more intrusive when it extends beyond a student’s personal effects and outer clothing and potentially exposes intimate body parts and/or undergarments. Such intrusive personal searches will be permissible only if: (1) the school official has reasonable suspicion that a search of a particular student will yield dangerous contraband (e.g., drugs or weapons); and (2) the school official has reasonable suspicion that the student has hidden the contraband in his or her undergarments. This search must be conducted in private by a school official of the same gender, with an adult witness of the same gender present, and only with the prior approval of the superintendent or designee, unless the health or safety of students will be endangered by the delay that might be caused by following these procedures. Body cavity searches and searches that require a student to completely disrobe are strictly prohibited.

5. Metal Detector Searches

Except as provided in Section B.2, below, a metal detector may be used to search a student’s person and/or personal effects. The search must be conducted by a school official and will be done in private, when feasible.

B. Suspicionless General Searches

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

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

1. Searches of Desks and Lockers

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

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

2. Point-of-Entry Metal Detector Searches

Due to the increasing problem of weapons in schools, school officials may use metal detectors to conduct general point-of-entry searches of students and other persons for weapons.

3. Use of Trained Dogs

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

C. Seized Items

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

D. Failure to Cooperate

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

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

E. Notice

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

4350 Summary Suspension

A student may be removed immediately from school grounds for up to three days if the principal reasonably believes that the student engaged in serious misconduct or antisocial behavior and that the immediate removal of the student is necessary to provide a safe, orderly school environment. In such cases the principal is not required to conduct an investigation before the suspension. Procedures for notification of parents and removing a student during the school day will be followed.

After full investigation, other consequences may be administered including short-term suspension (up to ten days, including the period of summary suspension), or other suspensions or expulsion in accordance with applicable board policy

Any student suspended in accordance with this policy will be given the opportunity to take any exams missed and make up work missed during the period of suspension and receive credit for the work. Should the results of the principal's investigation convince the principal that the student suspended is not guilty of the misconduct in question, any discipline records will be removed.

4351 Short-Term Suspension

A short-term suspension is the disciplinary exclusion of a student from attending his or her assigned school for up to 10 school days. A short-term suspension does not include (1) the removal of a student from class by the classroom teacher, the principal, or other authorized school personnel for the remainder of the subject period or for less than one-half of the school day, (2) the changing of a student's location to another room or place on the school premises, or (3) a student's absence under [G.S. 130A-440](#) (for failure to submit a school health assessment form within 30 days of entering school). A student who is placed on a short-term suspension will not be permitted to be on school property or to take part in any school function during the period of suspension without prior approval from the principal.

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

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

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 appropriate instructional materials 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 any 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.

4352 Removal of Student During the Day

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.

4353 Long-Term Suspension, 365-Day Suspension, Expulsion

A. Definitions

1. Superintendent

For purposes of this policy, superintendent includes the superintendent and the superintendent's designee.

2. Principal

For purposes of this policy, principal includes the principal and the principal's designee.

3. Long-Term Suspension

A long-term suspension is the disciplinary exclusion of a student from attending his or her assigned school for more than 10 school days. Disciplinary reassignment of a student to a full-time educational program that meets the academic requirements of the standard course of study established by the State Board of Education and that provides the student with the opportunity to make timely progress toward graduation and grade

promotion is not a long-term suspension requiring the due process procedures set out in this policy, nor is an absence under [G.S. 130A-440](#) (for failure to submit a school health assessment form within 30 days of entering school).

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

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

4. 365-Day Suspension

A 365-day suspension is the disciplinary exclusion of a student from attending his or her assigned school for 365 calendar days. The superintendent may impose a 365-day suspension only for certain firearm and destructive device violations, as identified in policy [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 and Threats, 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 10 elements:

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

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

3. Superintendent’s Decision

The student or student’s parent may request a hearing before the superintendent or the superintendent’s designee 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 or the superintendent’s designee 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 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 written notice of the decision 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 before the board will be arranged in a timely manner following 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. 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.

4354 Due Process Guarantee

Any student facing possible suspension or expulsion is guaranteed procedural due process. The following are the basic elements of this procedural due process:

1. The student must have prior knowledge of the conduct which is required of or prohibited of him/her.
2. The student must be informed of the specific matters giving rise to any of the proposed penalties or disciplines.
3. The student must have some opportunity to express or convey to the decision-making authority his/her views or rebuttals regarding the incident.
4. The decision-making authority must base its decision on the incidents or matters about which the student has been appraised as indicated above.

A student shall be given an opportunity to seek clarification of information which may lead to disciplinary action, or contest the appropriateness of the sanction imposed by a disciplinary authority, or to allege prejudice or unfairness on the part of the school system's official responsible for the disciplinary action or acts thought to be unfair.

Any student, parent, or guardian who is aggrieved by simple disciplinary action shall have the right to an informal conference with the principal or designee for such matters, and after exhausting this remedy, shall have the right to make appeal.

Suspension and Exclusion from Attendance

Suspension and/or exclusion from the public schools is an extreme action involving each individual's right to a free, public education. Such actions should be taken only for the protection of the pupil or peers or to help the student in dealing with problems. Careful attention should be given to procedures and methods whereby fairness in discipline shall be assured each student. All principals should be sure that due process procedures have been afforded the suspended or expelled student. All personnel will take care to guard the right of the pupil and to advise the student of these rights.

4356 Detention

If the school principal deems it appropriate to require a student to stay after school for a stated period of time for a stated purpose, the principal may authorize such detention provided:

1. The parent or guardian has been given prior notice of at least twenty-four hours; and
2. The parent or guardian has agreed to assume responsibility for the student's transportation.

4361 Student Discipline Hearing Procedures for Long-Term or 365-Day Suspensions

Administrative Hearing

A student, parent or guardian may challenge a long-term or 365 day suspension submitted by the principal to the superintendent or designee for approval. The student must request an administrative hearing in writing within three days of receiving notice of the principal's decision to recommend long-term or 365 day suspension. Upon receiving such a request, the superintendent or designee will arrange in a timely manner an administrative hearing.

If applicable, the following rules set out below will govern administrative hearings held by the superintendent or designee in assessing misbehavior and appropriate consequences.

1. The hearing will be informal and conducted in private.
2. Prior to the hearing, the student and his or parent or guardian 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 may be withheld if identification of a witness could threaten the witness's safety.

3. The student has the right to be present at the hearing, to be accompanied by his or her parents or guardian and to be represented by an attorney or non-attorney advocate. Witnesses should be present only when providing information.
4. School representatives will present evidence relating to the alleged disciplinary infraction, the student's intent at the time of the incident, any mitigating or aggravating factors involved and the disciplinary and academic history of the student. Such evidence may include oral testimony by the student or witnesses, written statements and other documents.
5. The superintendent or designee has the authority to limit questioning by any person if the questioning is unproductive, unnecessarily lengthy, repetitive or irrelevant.
6. If the superintendent or designee determines that a violation occurred, the superintendent or designee also shall determine the appropriateness of the recommended consequences for the violation and render a written decision to the student and parent in accordance with the requirements of policy [4353](#): Long-Term Suspension, 365-Day Suspension, Expulsion.

Board Appeal

A student, parent or guardian may challenge a long-term or 365 day suspension approved by the superintendent. The student must request an appeal to the board in writing after receiving notice of the superintendent's decision. The superintendent will arrange in a timely manner a hearing before a hearing panel of the board. The suspension need not be postponed pending the outcome of the appeal. The hearing will be conducted pursuant to board policy [1740/4010](#), Student and Parent Grievance Procedure. The student, parent or guardian will be notified by certified mail of the panel's decision.

4400 Attendance

School attendance and class participation 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. School administrators shall communicate attendance expectations to parents and guardians and work with students and their families to overcome barriers to attendance.

A. Attendance Records

School officials shall keep accurate records of attendance, including accurate attendance records in each class. Students will be considered in attendance if present at least half of the instructional day on-site in the school or at a place other than the school attending an authorized school-related activity.

To be in attendance during remote instruction days (with the exception of the initial enrollment day), students must: (1) complete their daily assignments, either online or offline; and/or (2) have a daily check-in through two-way communication with (a) the homeroom teacher for grades K-5 or (b) for all other grade levels, each course teacher as scheduled. School officials shall communicate the attendance procedures to students and their families before the first day remote instruction begins.

B. Late Arrivals and Early Departures

Students are expected to be at school on time and to remain at school until dismissed. During the school day, students are expected to be present at the scheduled starting time for each class and to remain until the class ends.

When a student must be late to school or leave school early, a written excuse signed by a parent or guardian should be presented upon the student's arrival at school. Tardies or early departures may be excused for any of the reasons listed below in Section C.

Any disciplinary consequences for unexcused tardiness or unexcused early departures from school or class will 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 such offenses. Consequences may not exceed a short-term suspension of two days.

C. 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. Absences due to extended illnesses may also require a statement from a health care practitioner. 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 local health officer or the State Board of Health or isolation or quarantine that is a required state or local control measure;
3. death in the immediate family;
4. medical or dental appointment;
5. attendance at the proceedings of a court or administrative tribunal if the student is party to the action or under subpoena as a witness;
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 or legal guardian;
7. participation in a valid educational opportunity, such as travel or service as a legislative or Governor's page, if the parent or guardian submits a written request to the principal for the absence to be excused at least five days prior to the absence and the principal gives approval;
8. pregnancy and related conditions or parenting, when medically necessary;
9. a minimum of two days each academic year for visitation with the student's parent or legal guardian if the student is not identified as at risk of academic failure because of unexcused absences and the student's 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; or
10. any other reason as approved by the board in a board resolution.

D. School-Related Activities

While recognizing the importance of classroom learning, the board also acknowledges that out-of-classroom, school-related activities can provide students with valuable experiences not available in the classroom setting. 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; and
5. Career and Technical Education student organization activities approved in advance by the principal.

In addition, students participating in disciplinary techniques categorized as in-school suspension will not be counted as absent.

E. Makeup Work

In the case of excused absences, short-term out-of-school suspensions, and absences under [G.S. 130A-440](#) (for failure to submit a school health assessment form within 30 days of entering school), the student will be permitted to make up his or her missed work. (See also policies [4110](#), Immunization and Health Requirements for School Admission, and [4351](#), Short-Term Suspension.) Assignments missed due to participation in school-related activities also are eligible for makeup by the student. The teacher shall 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.

For all other absences, the student will be permitted to make up his or her missed work at the teacher's discretion.

F. Unexcused Absences

The principal shall notify parents and take all other steps required by [G.S. 115C-378](#) for excessive, unexcused absences.

When a student has accumulated ten (10) unexcused absences, the principal will conduct an investigation to determine if the parent or guardian has made a good faith effort to comply with the law. Dependent upon the outcome of the investigation, the principal may notify the District Attorney and the Director of Social Services.

Any school disciplinary consequences for unexcused absences will 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 such offenses. Consequences may not exceed a short-term suspension of two days.

G. Chronic Absenteeism

Because class attendance and participation are critical elements of the educational process, any absences, whether excused or unexcused, can have a negative impact on a student's academic achievement. Regular attendance must be prioritized within each school and encouraged throughout the community. School administrators shall monitor and analyze attendance data to develop and implement strategies for reducing chronic absenteeism. Such strategies should involve engaging students and parents, recognizing good and improved attendance, providing early outreach to families of students missing school, and identifying and addressing barriers to attendance.

1. Grades K-8

Students with at least 10 absences in both the first and last 90 days of the school year and at least 21 absences total in the school year shall not be promoted to the next grade except by determination of the principal/designee upon careful review of the student's records. When total absences (excused and unexcused) exceed 10 days per semester, or 20 total absences, further documentation will be required (doctor's statement, court documentation, etc.).

2. Grades 9-12

Parents will be notified after a student's third, sixth, and tenth absence. A student who misses more than 10 days in a semester shall not be awarded course credit except by determination of the principal/designee upon careful review of the student's records. When total absences (excused and unexcused) exceed 10 days per semester, further documentation will be required (doctor's statement, court documentation, etc.).

H. Special Circumstances

1. Students with Chronic Health Problems

No penalties will be imposed for absences due to documented chronic health problems.

2. Students Experiencing Homelessness

For students experiencing homelessness (see board policy [4125](#), Homeless Students), school officials must consider issues related to the student's homelessness, such as a change of caregivers or nighttime residence, before taking disciplinary action or imposing other barriers to school attendance based on excessive absences or tardies.

3. Attendance Requirements for Extracurricular Activities

Absences may impact eligibility for participation in extracurricular activities. Principals shall inform students and parents of the applicable attendance standards for the various types of extracurricular activities, including interscholastic athletics. See also policy [3620](#), Extracurricular Activities and Student Organizations.

5027/7275 Weapons and Explosives Prohibited

The board of education is committed to providing a safe school environment that is free from violence, to the maximum extent possible. Except as otherwise specified in this policy, employees, visitors, and other persons are prohibited from possessing, carrying, using, or threatening to use, or encouraging another person to possess, carry, use, or threaten to use, weapons or explosives on school property or while attending curricular or extracurricular activities sponsored by the school system. This policy applies to weapons or explosives carried openly or concealed. This policy does not apply to students. Student conduct related to weapons and explosives is governed by policy [4333](#), Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety.

Any employee who violates this policy will be subject to immediate termination. Any visitor or other person who violates this policy will be escorted from the premises and/or school activity immediately. The superintendent or principal shall immediately report any violation of this policy to law enforcement officials. Any employee who is aware that a weapon or explosive is present on school property or at a school event in violation of this policy must immediately report this information to the principal or designee or the school resource officer, as appropriate.

A. Weapons and Explosives Defined

For purposes of this policy, a weapon includes, but is not limited to, any gun, rifle, pistol, or other firearm of any kind; any BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slingshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors, and razor blades (except solely for personal shaving), or fireworks; any sharp-pointed or -edged instrument, except instructional supplies, unaltered nail files, and clips and tools used solely for the preparation of food, instruction, and/or maintenance on educational property; and mace, pepper spray, and other personal

defense sprays. For purposes of this policy, an explosive includes, but is not limited to, any dynamite cartridge, bomb, grenade, mine, or powerful explosive as defined in [G.S. 14-284.1](#).

B. School Property

For purposes of this policy, school property is any school building or bus, school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by the board of education.

C. Exclusions

This policy does not apply to:

1. a weapon or explosive used solely for educational or school-sanctioned ceremonial purposes, or used in a school-approved program conducted under the supervision of an adult whose supervision has been approved by the school authority;
2. a person who has a concealed handgun permit that is valid under state law or who is exempted by state law from needing a permit to carry a concealed handgun, if any of the following conditions are met:
 - a. the person has a handgun in a closed compartment or container within the person's locked vehicle or in a locked container securely affixed to the person's vehicle (the person may unlock the vehicle to enter or exit the vehicle provided the handgun remains in the closed compartment at all times and the vehicle is locked immediately following the entrance or exit);
 - b. the person has a handgun concealed on the person and the person remains in a locked vehicle (the person may unlock the vehicle to allow another person to enter or exit); or
 - c. the person is within a locked vehicle and removes the handgun from concealment only for the amount of time reasonably necessary to move it to a closed compartment or container within the vehicle or to move it from the closed compartment or container to concealment on the person.
3. firefighters, emergency service personnel, North Carolina Forest Service personnel, and any private police employed by the board of education, when acting in the discharge of their official duties;
4. law enforcement officers or other persons as provided in [G.S. 14-269.2\(g\)\(1a\)](#); or
5. a school resource officer providing security at a school pursuant to an agreement as provided in [G.S. 115C-47\(61\)](#), provided that the school resource officer is acting in the discharge of his or her official duties and is on the educational property of the school that the officer was assigned to by the head of the local law enforcement agency.

6125 Administering Medicines to Students

The board recognizes that students may need to take medication during school hours. In accordance with [NCGS 115C-307](#), [115C-375.1](#), and [115C-375.2](#), the public school employees of this school district will administer medicines or medication prescribed by a doctor upon the written request of the parents.

This policy is intended for students in need of medication to sustain their attendance in school. These students may have a chronic health problem, special health care need, or a health problem which indicates that emergency measures may be required.

All school plans must conform to the following requirements:

1. The health and welfare of the student must be of paramount concern in all decisions regarding the administration of medicine. Medications can be given at home before and after school hours. It is the parent or guardian's responsibility to make arrangements with the school for medication that is to be given during school hours.
2. Students with special needs will be afforded all rights provided by federal and state law as enumerated in the *Policies Governing Services for Children with Disabilities*. Students with disabilities also will be afforded all rights provided by anti-discrimination laws, including Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.
3. When students are subject to health problems such as asthma or allergy to bee stings during school hours, it is the parent's or guardian's responsibility to inform the school administration of the student's condition and the emergency measures that may need to be implemented. Emergency plans developed between the parent or guardian, student's healthcare provider, and the school should include administration of emergency medication and first aid measures. Students are allowed to possess and self-administer certain medications under the following conditions:
 - a. The parent/guardian and physician provide authorization on the Onslow County Schools medication form.
 - b. The parent/guardian and physician authorization will be in effect for the present school year only.
 - c. The student demonstrates to the school nurse his/her knowledge of how and when to take the medication.
 - d. The parent/guardian authorizes and releases Onslow County Schools from liability for any injuries occurring as a result of student self-medication.
 - e. The parent/guardian has provided back-up medications to the school.
 - f. The parent and student understand that misuse will result in a penalty under policy [4325](#), Narcotics, Alcoholic Beverages and Stimulant Medicines.
4. No student can possess, use or transmit any drug or counterfeit drug prohibited by board policy [4325](#), Narcotics, Alcoholic Beverages and Stimulant Medicines.

A written emergency plan should be developed for the student and approved by the parent or guardian. The parent or guardian is responsible for assuring that an emergency care plan is developed for the student and that written permission is given by them to institute emergency measures.

The school retains the right to reject requests for the administration of medication and may refuse to administer medication from any container that has the appearance of being altered from that dispensed by the original pharmacy.

School Bus Safety Student Conduct Rules

The Onslow County Board of Education has expressed great concern for the safety and well-being of students using our school bus transportation system. These rules of conduct are therefore both published and taught. North Carolina students are granted the privilege of bus transportation. Each student has the responsibility of preserving this service through safe conduct.

Students are reminded that the privilege of riding a school bus will be taken away if they cannot conduct themselves in accordance with these safety rules.

The school has authority over students on the school bus **and at designated bus stops**. The school bus driver has responsibility for the safe operation of the bus and has standing orders to report all violators of this safe conduct code. **Students are to obey all directions given by the school bus driver.**

Each student will be asked to complete a Stop Locator Form. Failure to return this form to the bus driver within 48 hours of receipt may result in the denial of bus privileges. Once a student is assigned to a bus, the student may not ride any other bus unless a note is provided, for each occurrence, by the parent/guardian and approved by a school official. The school official will consult with the transportation coordinator for stop and seat availability before approving. If a student does not ride their assigned bus for 10 consecutive days they will be removed from the bus roster. Once the student chooses to reestablish their seat on their assigned bus they will need to complete another Stop Locator Form.

Students will be assigned permanent seats by their bus driver on their designated bus. Students are to go directly to their assigned seat, remain seated at all times and are to keep the aisle clear. Students should not stand or move around until the bus comes to a complete stop. Students shall not move from their assigned seat unless authorized by their bus driver.

Large objects can obscure the driver's view of the road and the students. Also, such objects may shift during bus travel, causing distractions and possible injury. Therefore, no large objects such as school projects, sporting equipment (including skate boards), large musical instruments, bags, or posters may be carried on the bus if they cannot be held in the student's lap without extending above the seat, or if they cannot be put on the floor between the student's feet. The following may not be carried on the bus: animals, live or dead; glass containers; plants in pots, large or small (small starter plants **may** be authorized if transported in a sealed container); **flowers or balloons**. It is as important for students to be safe passengers as it is for bus drivers to be safe drivers. When safety rules are not followed by passengers, the possibility of a dangerous situation increases. To insure the safety of all students on the bus, it is imperative that each passenger follow these conduct and safety rules.

Although the following procedures were developed to serve as a guide for dealing with conduct violations, other actions may be taken by the appropriate school administrator(s) in order to guarantee a safer school bus transportation system.

1. Due process will be offered to each student whenever a bus violation is committed.
2. Bus offenses will be kept on file at the school and a copy will be sent home to parents or guardians.
3. Warnings, work details, bus suspensions, school suspensions and other disciplinary procedures shall be exercised at the discretion of the principal or bus supervisor.
4. Certain offenses are considered serious enough to warrant automatic suspension from Onslow County buses including:
 - a. fighting on the bus
 - b. possessing or using intoxicants or narcotics
 - c. throwing objects inside or outside the bus

- d. carrying or using weapons.

MEETING AND ENTERING THE BUS BEFORE SCHOOL

1. Select the safest route when walking to the bus stop. If there are no sidewalks, walk on the left side of the road facing traffic.
2. Be at the designated bus stop ten (10) minutes before the bus is due to arrive.
3. Stay off the road while waiting at the bus stop.
4. Wait until the bus comes to a complete stop before approaching.
5. Walk quickly to the bus but do not run.
6. Look both ways and make sure the way is clear and **only** cross the street when the driver has displayed the NC crossing procedure.
7. Look in all directions and make sure traffic is stopped before crossing the road.
8. Make sure the bus signals are working before crossing.
9. Cross the road approximately ten feet in front of the bus so as to be in full view of the bus driver.
10. Use the handrail and watch your step when entering the bus.
11. Do not leave any large objects in the front of the bus. Keep all large objects in your lap or on the floor between your feet.
12. Take your assigned seat quickly.
13. Do not sit on your books or any other objects.

ON THE BUS

1. Obey the bus driver at all times.
2. Remain seated and facing forward at all times.
3. Do not move around when the bus is moving.
4. Ask the bus driver for permission when a window needs to be opened.
5. Keep head, arms and feet inside the bus at all times.
6. Do not shout or wave to others from the bus windows.
7. Do not make loud or rude noises.
8. Do not throw objects on the bus or out the windows.
9. There is to be no chewing, eating or drinking on the bus.
10. Keep personal belongings out of the aisle. Such items should be placed on the lap or under the seat.
11. Keep arms and legs out of the aisle. Keep your hands to yourself. Respect your neighbors and their belongings.
12. Do not use profane or indecent language, tobacco, alcoholic beverages, narcotic substances or weapons.
13. Do not talk to the driver while the bus is in operation except in the case of an emergency.
14. Do not play or scuffle on the bus.
15. Be very quiet at all railroad crossings.
16. Do not tamper with the emergency door or any other part of the bus.

17. Do not mar or deface any part of the bus. Do not cut or damage seat covers. Any damage done to the bus will be charged to the student.
18. Do not tamper with fire extinguishers or first aid supplies.
19. Ride only the bus to which you are assigned. It is unlawful for a person to ride on a bus without proper assignment.
20. No electronic devices (games, radios, cell phones, Ipods, etc.) are to be used on the bus without prior approval given by the Transportation Department along with an authorized school official.

AT SCHOOL

1. Remain seated until the bus comes to a complete stop at the unloading area and the driver has opened the front door.
2. Walk quickly and orderly to the front of the bus.
3. Hold the handrail when leaving the bus.
4. Do not leave the bus through the emergency door or any window except in an emergency.
5. Stay away from the bus parking area during the school day.
6. Do not re-enter a bus during the school day without permission from the transportation coordinator or a school official.
7. Do not eat lunch or play on the bus.

LEAVING THE BUS ENROUTE HOME

1. Leave the bus only at your designated stop. Only with written permission from the principal will the bus driver allow a student to leave the bus at any but the designated stop.
2. Remain seated until the bus comes to a complete stop at your assigned stop.
3. Walk quickly to the front of the bus.
4. Wait for the driver to open the door. Do not open it yourself.
5. Hold the handrail, watch your step and leave the bus cautiously.
6. Make sure the stop signal is extended and all traffic is stopped before crossing the road.
7. Look both ways and make sure the way is clear and **only** cross the street when the driver has displayed the NC crossing procedure.
8. Walk quickly, crossing the road approximately ten feet in front of the bus so as to be in full view of the bus driver.
9. Never stoop to pick up an object in front of a stopped school bus without notifying the bus driver first.
10. Move quickly away from the bus in view of the driver.

Family Education Rights and Privacy Act (FERPA)

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

- (1) The right to inspect and review the student's education records within 45 days of the day the School receives a request for access. Parents or eligible students should submit

to the School principal a written request that identifies the record(s) they wish to inspect. The School official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

- (2) The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate. Parents or eligible students may ask the School to amend a record that they believe is inaccurate. They should write the School principal, clearly identify the part of the record they want changed, and specify why it is inaccurate. If the School decides not to amend the record as requested by the parent or eligible student, the School will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
- (3) The right to consent to disclosures of personally identifiable information contained in the student's educational records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the School as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the School has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Upon request, the School discloses educational records without consent to officials of another school district in which the student seeks or intends to enroll.
- (4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the Onslow County Schools to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is as follows: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-5901.

The Onslow County Board of Education has adopted a written policy governing all the rights of parents and students under FERPA. Copies of this policy may be found in the Superintendent's office and in the principal's and counselor's office of each school within the unit.

The Onslow County Board of Education classifies the following as directory information: student's name, school, grade level, participation in officially recognized activities and sports, weight and height of members of athletic teams, and degrees and awards received. School officials *may* release this information to any person without the consent of the parents or the student. Any parent or eligible student who objects to the release of any or all of this information without his consent must notify in writing the principal of the school where the records are kept within the first thirty (30) days of each school year. The objection must state what information the parent or student does not want classified as directory information. If no objection is received within the first thirty (30) days of the school year, the information will be classified as directory information until the beginning of the next school year.

In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) to provide military

recruiters, upon request, with three directory information categories, names, addresses and telephone listings, unless parents have advised the LEA that they do not want their student's information disclosed without prior consent as set forth in the paragraph above.

Protection of Pupil Rights Amendment (PPRA)

PPRA affords parents and students who are 18 or emancipated minors (eligible students) certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

--*Consent* before students are required to submit to a survey that concerns one or more of the following protected areas ("protected information survey") if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED)

1. Political affiliations or beliefs of the student or student's parent;
2. Mental or psychological problems of the student or student's family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or parents; or
8. Income, other than as required by law to determine program eligibility.

--*Receive notice and an opportunity to opt a student out of-*

1. Any other protected information survey, regardless of funding;
2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

--*Inspect*, upon request and before administration or use-

1. Protected information surveys of students;
2. Instruments used to collect personal information from students for any of the above marketing, sales or other distribution purposes, and
3. Instructional material used as part of the educational curriculum.

Onslow County Schools will develop policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected surveys and the collection, disclosure or use of personal information for marketing, sales or other distribution purposes. Onslow County Schools will notify parents and eligible students of these policies at least annually at the start of each school year and after any substantive changes. Onslow County Schools will also directly notify parents and eligible students, such as through U.S. Mail or e-mail, at least annually at the start of each school year of the specific or approximate dates of the following activities and provide an opportunity to opt a student out of participating in:

- Collection, disclosure, or use of personal information for marketing, sales or other distribution.

- Administration of any protected information survey not funded in whole or part by ED.
- Any non-emergency, invasive physical examination or screening as described above.

Parents/eligible students who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office
 U.S. Department of Education
 400 Maryland Avenue, SW
 Washington, D.C. 20202-5901

Student Related Health Information

Medical Information and New Vaccines

Per North Carolina General Statute 115C-47, schools are required to provide information concerning cervical cancer, cervical dysplasia and human papillomavirus. Furthermore, North Carolina General Statute 115C-375.4 requires Local Boards to provide parents and guardians information on Meningococcal disease and vaccines.

The information on these diseases can be found on the Onslow County Schools website www.onslow.k12.nc.us (Student Services) and the Center for Disease Control website www.cdc.gov/vaccines/vpd-vac/. If you do not have access to a computer, you may request the information be mailed to you by contacting your child's school nurse.

If you have further questions, please contact your private physician or the Onslow County Health Department at 910-347-2154.

North Carolina's Safe Surrender Law

In 2001, the North Carolina General Assembly passed a law, G.S. 7B-500(b) or G.S. 7B-500(d), making it legal for females to surrender their newborn baby to a responsible adult without fear of criminal prosecution. While any responsible adult may receive a newborn, School Social Workers, School Nurses, counselors and law enforcement are examples of responsible adults who are familiar with the Safe Surrender law. More information on Safe Surrender can be found on the Onslow County School Website www.onslow.k12.nc.us (t the Safe Surrender Website www.safesurrender.net. If you do not have access to a computer, you may request the information be mailed to you by contacting a School Nurse or a School Social Worker.

If you have further questions regarding the Safe Surrender Law, You may contact 1-800-FOR-BABY.

School Nutrition Guidelines

Onslow County Schools provides nutritious breakfast and lunch meals designed around USDA Dietary Guidelines and MyPlate, which restrict the amount of fat, sodium and sugar in our meal selections and encourage increased consumption of fresh fruits, vegetables, whole grain products, and calcium rich foods. Well-balanced breakfasts and lunches are one of the cornerstones to success in the classroom and improving student's academic performance. Menus are posted on

the Onslow County Schools website at www.onslow.k12.nc.us and at the school cafeteria. Children from families whose income falls within USDA income-eligibility guidelines may be eligible for either free or reduced priced meals. Applications for meal benefits are available online at www.lunchapplication.com and at the child’s school.

Meal prices are \$1.25 for breakfast and \$2.50 for lunch. Supplemental items selected from a variety of healthy snacks and additional menu items may be purchased. Parent/Guardians may request that a message be placed on the child’s account to limit the types and amounts of items the student is permitted to purchase. If a student in grades K-8 has no money for meals, that student will be fed and the student’s cafeteria account will be charged for that meal. There will be no charging of individual food items at any time. A copy of the meal charge collection program is available for viewing online at www.onslow.k12.nc.us. A parent/guardian may request a printout of their student’s cafeteria account. Contact the cafeteria manager for any account information or with questions/concerns.

Public Notice

School Fee Waiver

The Onslow County Board of Education has a policy whereby school fees for indigent students can be waived. Students or parents interested in applying for a waiver of school fees based upon indigency must make a written request to the school principal, or his or designee, on or before the 20th day of school enrollment using a form supplied by the school. Applications are available at each school office. All requests for school fee waivers will be handled in a confidential manner.

Volunteer in the Schools

Parents, guardians and persons standing in loco parentis of a school-aged child are entitled to 4 hours of unpaid leave from their employer in North Carolina to volunteer in the schools subject to certain conditions as set forth in NCGS 95-28.3

Asbestos Management Plan

Onslow County Schools announces that a Management Plan pertaining to asbestos containing materials is in the office of the principal of each school for public review. This management plan describes the preventative measures and response actions taken to protect human health and the environment. Any questions concerning the management plan should be directed to Facility Management Specialist for Onslow County Schools at (910) 455-2211.

IPM Pest Management Plan

Onslow County Schools uses an Integrated Pest Management (IPM) approach for controlling insects, rodents, and weeds for all school facilities. The IPM approach focuses on making the school buildings and grounds an unfavorable place for pests to live and breed. Through maintenance and cleaning, we will reduce or eliminate available food and water sources, and hiding places for pests. We also routinely monitor the school area to detect pest problems and prevent the pests from becoming established. Some IPM techniques employed by the school system include monitoring, increased sanitation, sealing entry points, physically removing the pest, and modifying storage practices.

From time to time, it may be necessary to use chemicals to control a pest problem. Chemicals will only be used when necessary, and will not be routinely applied. When chemicals must be used, the school system will use the least toxic products possible. Access to treated areas will be secured against unauthorized access for the period specified on the pesticide label. Notices will be posted at application sites and will remain there until the posted safe re-entry time is met.

A list of pesticides and safety data sheets are available online at www.onslow.k12.nc.us under Auxiliary Services/Safety and Security/documents. You may request prior notification of specific pesticide applications made at the school by emailing wayne.williams@onslow.k12.nc.us with the subject line IPM Parent Notification. If a chemical application must be made to control an emergency pest problem, notice will be provided as soon as possible after the application. Exemptions to this notification include cleaners (disinfectants), pesticides formulated as baits or gels, and any EPA exempt pesticide.

Parental Role During Emergencies

The Safety of our students, faculty and staff is our utmost priority. While we always hope these incidents never occur, we still must be prepared. Our schools practice for these events throughout the year. We also meet regularly with law enforcement to update and collaborate on emergency plans. If an incident occurs, school officials are in constant communication with emergency personnel at the scene. From that point, emergency personnel and school officials determine the appropriate course of action. The following is a review of what happens in the event of a lockdown and what the parent's role is during these emergencies.

For parents: what happens during a lockdown?

What is a lockdown? A lockdown is a precautionary measure in response to a threat directly to the school or in the surrounding community.

There are two lockdown codes in Onslow County Schools:

- **Community Lockdown** – is used when there's a danger in the surrounding community, i.e. police searching for a criminal suspect in the area (outside doors locked, activities continue inside)
- **Lockdown** – is used when there's a direct threat to the school or in the immediate area of the school (ALL doors locked, no movement)

In a lockdown:

All school activities are moved indoors. Depending on the type of lockdown, interior and exterior doors on campus are locked. No one is allowed to enter or exit the building. For safety reasons, parents will not be allowed to come on campus and pick up their child during a lockdown. Parents are also discouraged from calling the school directly. Additional calls hinder the ability of staff to respond to the primary task: keeping everyone safe. The school system will provide updates via the web and calls to emergency contacts numbers registered with the school.

How will I know if my child's school is on lockdown? Once a lockdown is put into place, police and school administrators work together to first ensure the safety of everyone on the school campus. Once the situation has been stabilized, a phone message, will be sent to parents to inform them that the school was placed on a lockdown, the nature of the incident, and about how long the lockdown was in place. In larger emergencies, such as an Emergency Lockdown or

lockdowns that affect numerous schools, OCS will take the following steps to notify you:

- Dispatch an emergency phone message (phone numbers provided by parents to the school)
- Notify and update the local media as the situation develops

In a more severe Emergency Lockdown, parents could receive multiple forms of communication. This could include multiple phone messages. During an Emergency Lockdown, parents are also encouraged to watch or listen to local media and the OCS website for updates. **Parents, please ensure your school has your most up-to-date emergency contact information on hand.** In the event of a lockdown or other emergency, school staff will use that contact information to contact you. If you have not received a recorded phone message from your school during a lockdown, please check your contact information with the school.

Can I come to the school and take my child home? During a lockdown, your child's school is a secure area. School officials and law enforcement are working together to keep everyone safe, and no one is allowed to enter or exit the school. To ensure everyone's safety, we ask that parents refrain from coming to school campuses during a lockdown. Once the all-clear is given, students and staff will be permitted to enter or exit the school again or you will receive instructions on where and how to pick up your child for an off-site reunification.

Emergency Drills

Onslow County Schools works with local law enforcement, emergency services and community agencies to conduct regular drills and exercises to ensure our students and staff know what to do in case of emergency. Staff and students receive annual training and practice through professional development and drills to help ensure a safe school setting. Emergency management and law enforcement actively participate and assist in this training.

Listed below are opportunities the district utilizes on a regular basis:

- Emergency Response Plan - A series of codes and procedures are in place in order to address emergency issues such as blood and bodily fluid spills, serious injury, fire, weather emergencies, and threats to student safety. Copies of this plan are kept in every classroom throughout the district.
- Drills - Every school conducts an annual tornado drill, monthly fire drills, and regular lockdown drills in order to remain prepared for emergency situations.
- The schools partner with local law enforcement agencies in safety trainings, including those for potentially extremely dangerous situations. Canine units are utilized to protect student safety as well.
- Each school in the district has video surveillance.
- Every school has an automatic external defibrillator on campus, with staff trained in its use.
- There are Epi-Pens in each school to respond to instances of anaphylactic shock.
- Six schools in the district are emergency shelters for community use during times of severe weather or as deemed necessary by emergency management.

INITIATION OF GRIEVANCE

Policy 1740/4010

It is the goal of the Onslow County School System to provide an effective means for parents and the community to seek resolution to concerns that may arise in the operation of the School System. In general, Board of Education Policy 1742/5060: *Responding to Complaints*, governs the process for resolution. The form below is required in order to initiate a formal grievance as identified in Board of Education Policy 1740/4010: *Student and Parent Grievance Procedure*.

Parent/Legal Guardian Name: _____
Address: _____
Phone: _____ Email: _____

I have received a copy of Board of Education Policy 1740/4010: Student and Parent Grievance Procedure or have access to this policy on the Onslow County Schools website at: www.onslow.k12.nc.us

Signature of Parent/Legal Guardian: _____
Date of Signature: _____

Student Name: _____ School: _____

Name of school system employee or other individual whose decision is at issue: _____

Have you conferenced with the school principal? (Circle One) Yes No

If yes, date of conference held: _____

Specific Nature of Grievance:

Resolution Sought: _____

