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PITT COUNTY SCHOOLS

**BOARD  
AGENDA**

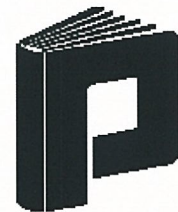
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PITT COUNTY BOARD OF EDUCATION  
1717 WEST FIFTH STREET · GREENVILLE, NC 27834

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**August 1, 2016**

Pitt County Board of Education  
Pitt County Office Building  
Third Floor Board Room  
August 1, 2016

**AGENDA**

The Pitt County Board of Education will meet in Regular Session on Monday, August 1, 2016, at 6:30 p.m. in the Third Floor Board Room, Pitt County Office Building. The following items have been placed on the Agenda:

		Page
1. <u>Start of Meeting</u>		
A. Call to Order	Chairman Forrest	
B. Pledge of Allegiance	Walter Gaskins	
C. Moment of Silence	Worth Forbes	
2. <u>Routine Business</u>		
A. Adjustments to the Agenda	Chairman Forrest	
B. Public Expression	Chairman Forrest	
3. <u>Special Recognition</u>	Chairman Forrest	1
4. <u>Consent Items for Approval</u>		
A. Minutes from the Special Called Board Meeting and Board Work Session Held on June 27, 2016	Carol Rankin	2
B. Personnel Report for August 2016	Ve-Lecia Council	6
C. Second Reading of New Policy Section 4000B	Cynthia Grady	7
D. Items to be Declared Surplus	Matt Johnson	96
5. <u>New Business</u>		
A. Consideration of Federal Programs Plan	Sandra Morris	98



B. HR Update	Ve-Lecia Council	101
C. Finance Update	Debra Baggett	102
D. Operations Update	Matt Johnson	103
5. <u>Closing Comments</u>		
A. Comments by Superintendent	Ethan Lenker	
B. Comments by Board Members		
C. Comments by Chairman	Chairman Forrest	
6. <u>Closed Session</u>	Mary Blount Williams	104
7. <u>Additional Action Items or Announcements, if necessary</u>		
8. <u>Adjourn</u>	Chairman Forrest	

## **PITT COUNTY BOARD OF EDUCATION**

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**DATE:** August 1, 2016

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**TOPIC:** Special Recognition

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**BACKGROUND:**

Chairman Forrest will share two Special Recognitions with the Board Members.

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**SUPERINTENDENT'S RECOMMENDATION:**

No Board action is required

## **PITT COUNTY BOARD OF EDUCATION**

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**DATE:** August 1, 2016

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**TOPIC:** Consideration of Minutes

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### **BACKGROUND:**

Please find attached for your review and consideration, the minutes from the Board of Education Special Called Meeting and the Board Work Session held on June 27, 2016.

Should you have any questions or comments that would require an adjustment please ask the Chair to remove this item from the Consent Agenda.

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### **SUPERINTENDENT'S RECOMMENDATION:**

Board action is required

## **Special Called Board Meeting Minutes**

**Date:** June 27, 2016

**Present:** Chairman Benjie Forrest, Vice Chair Mary Blount Williams, Mildred Council, Caroline Doherty, Sean Kenny, Billy Peaden, and Worth Forbes

**Absent:** Marc Whichard and Walter Gaskins

**Attorney:** Cynthia Grady

**Time:** 6:32 P.M.

**Place:** Pitt County Office Building, 3<sup>rd</sup> Floor Boardroom

### 1) Start of Meeting:

A) Chairman Forrest called the Board of Education Special Called meeting to order on June 27, 2016 at 6:32 P.M. in the Pitt County Third Floor Board Room.

B) Sean Kenny led the Board members in the Pledge of Allegiance.

C) Worth Forbes followed with a Moment of Silence and concluded with prayer.

### 2) Consent Items:

Mildred Council made a motion to approve the consent items as listed; with a second from Sean Kenny. The consent items included: the June 6, 2016 Board meeting minutes, the Personnel Report for June 27, 2016, the new 3000B Policy Section and the June 27<sup>th</sup> items to be Declared Surplus list. The motion to approve consent items passed 6-1 with Chairman Forrest, Billy Peaden, Caroline Doherty, Vice Chair Mary Blount Williams, Mildred Council, and Sean Kenny voting in favor and Worth Forbes voting against.

### 3) New Business:

#### A) Consideration of the 2015-2016 Budget Amendment #3:

Chief Financial Officer, Debra Baggett, shared information and requested approval from the Board members for the 2015-2016 Budget Amendment #3. Sean Kenny made a motion to approve the 2015-2016 Budget Amendment #3 as stated by the Finance Officer, with a second from Vice Chair Williams. The motion to approve the 2015-2016 Budget Amendment #3 passed unanimously.

#### B) Consideration of the Resolution Approving the Bus Garage Exchange Transaction:

Matt Johnson, Executive Director of Operations, shared details and requested approval from the Board members for the Bus Garage Exchange Transaction. Vice Chair Williams made a motion to approve the Bus Garage Exchange Transaction, with a second from Sean Kenny. The motion to approve the Bus Garage Exchange Transaction passed unanimously.



C) Policy Development Committee:

Cynthia Grady, In-House Council, shared the first reading of the new 4000B Policy Section. The policies included were: 4300, 4301, 4302, 4302-R, 4303, 3470/4305, 4307, 4310, 3225/4312/7320, 4315, 4316, 4318, 4320, 4325, 4328, 4330, 4331, 4333, 4335, 4340, 4341, 4342, 4345, 4351, 4352, 4353, 4362, 4370, and 4400. Ms. Grady asked the Board members to contact her with any questions concerning any of the policies included in this 1<sup>st</sup> reading before the next board meeting.

4) Adjourn:

Sean Kenny made a motion to adjourn with a second by Worth Forbes. The motion to adjourn was unanimous. Time adjourned was 6:43 P.M.

Respectfully Submitted,

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Benjie Forrest, Chairman

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Dr. Ethan Lenker, Secretary



## **Board Work Session Minutes**

**DATE:** June 27, 2016

**PRESENT:** Chairman Benjie Forrest, Vice-Chair, Mary Blount Williams, Mildred A. Council, and Caroline Doherty, Worth Forbes, and Billy Peaden

**ABSENT:** Walter Gaskins, Sean Kenny, and Marc Whichard

**ATTORNEY:** Cynthia Grady

**TIME:** 5:20 P.M.

**PLACE:** Pitt County Office Building, 3<sup>rd</sup> Floor Board Room

Chairman Forrest called the Board of Education Work Session to order on June 27, 2016 at 5:20 P.M. in the Pitt County Third Floor Board Room. The purpose of the Work Session was for Vice Chair Mary Blount Williams, Mildred Council and Caroline Doherty to share information they received from the National School Boards Association Annual Conference held April 9-11, 2016 in Boston Massachusetts. The report given by Vice Chair Williams, Ms. Council and Ms. Doherty included a slide show, oral presentation and handouts from the event.

### **Topics included:**

- Conference Highlights from Mary Blount Williams
- Outline of event from Mildred Council
- Session Notes from Caroline Doherty
- Standing up for Nutrition
- Schoolwide Discipline and Student Support
- Moving Toward High Reliability
- Turning High Poverty Schools into High Performing Schools
- Parent University
- College and Career Counseling Pathways
- What Works Clearinghouse

Time adjourned was 6:27 P.M.

Respectfully Submitted,

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Benjie Forrest, Chairman

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Dr. Ethan Lenker, Secretary

## **PITT COUNTY BOARD OF EDUCATION**

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**DATE:** August 1, 2016

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**TOPIC:** Consideration of Personnel Report

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**BACKGROUND:**

The Personnel Report for August was sent via the Board Packet for your review and consideration.

Should you have questions or comments requiring an adjustment, please ask the Chair to remove this item from the Consent Agenda.

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**SUPERINTENDENT'S RECOMMENDATION:**

Board action is required

## **PITT COUNTY BOARD OF EDUCATION**

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**DATE:** August 1, 2016

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**TOPIC:** Consideration of Policy Section 4000B

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**BACKGROUND:**

Cynthia Grady, In-House Counsel for Pitt County Schools, will be present to respond to any questions concerning Policy Section 4000B. This will be the Second Reading of this Policy Section and has been placed on the agenda for consideration of approval.

Should you have questions or comments requiring an adjustment, please ask the Chair to remove this item from the Consent Agenda.

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**SUPERINTENDENT'S RECOMMENDATION:**

Board action is required

All decisions related to student behavior are guided by the board's educational objective to teach responsibility and respect for cultural and ideological differences and by the board's commitment to creating safe, orderly, and inviting schools. Student behavior policies are provided in order to establish (1) expected standards of student behavior; (2) principles to be followed in managing student behavior; (3) consequences for prohibited behavior or drug/alcohol policy violations; and (4) required procedures for addressing misbehavior.

**A. PRINCIPLES**

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

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

**B. COMMUNICATION OF POLICIES**

Board policies related to student behavior are codified mainly in the 4300 series. The superintendent shall incorporate information from such policies into a Code of Student Conduct that notifies students of the behavior expected of them, conduct that may subject them to discipline, and the range of disciplinary measures that may be used by school officials. The Code of Student Conduct is updated for each school year and in addition to distribution to students and parents at the beginning of each school year, can be found as Administrative Procedure 4300-P in the Board Policy Manual. At the discretion of the superintendent, the Code of Student Conduct may include additional rules needed to



implement the board's student behavior policies. Each school shall create a student behavior management plan that will elaborate further on processes for addressing student misbehavior and the use of intervention strategies and consequences (see policy 4302, School Plan for Management of Student Behavior). The Code of Student Conduct must incorporate by reference any additional student behavior standards, prohibited conduct, or disciplinary measures identified in individual school behavior plans developed in accordance with policy 4302, provided such measures are consistent with law and board policy. The Code of Student Conduct must not impose mandatory long-term suspension or expulsion for specific violations unless otherwise provided in state or federal law.

At the beginning of each school year, principals shall make available to each student and parent all of the following: (1) the Code of Student Conduct; (2) any board policies related to behavior that are not part of the Code of Conduct; (3) any related administrative procedures; (4) any additional discipline-related information from the school's student behavior management plan, including behavior standards, prohibited conduct, or disciplinary measures; and (5) any other school rules. This information must be available at other times upon request and must be made available to students enrolling during the school year and their parents.

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

#### **C. APPLICABILITY**

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

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

#### **D. CONSEQUENCES FOR VIOLATIONS**

Violations of the Code of Student Conduct must be dealt with in accordance with the guidelines established in the school's behavior management plan (see policy 4302,



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School Plan for Management of Student Behavior) and in accordance with Administrative Procedure 4300-P, Code of Student Conduct.

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 appropriate alternative program.

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

2. Serious Violations

Serious violations of the Code of Student Conduct may result in any of the consequences that may be imposed for minor violations. In addition, serious violations that threaten to substantially disrupt the educational environment may result in disciplinary reassignment to an appropriate alternative program or long-term suspension, and serious violations that threaten the safety of students, school employees, or school visitors may result in disciplinary reassignment to an appropriate alternative program, long-term suspension or expulsion. Certain violations involving firearms or destructive 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 destructive devices.)

**E. ENFORCEMENT**

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

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

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

Adopted:

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

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

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

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

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

Students must comply with all directions of principals, teachers, substitute teachers, student teachers, teacher assistants, bus drivers, and all other school personnel who are authorized to give such directions during any period of time when they are subject to the authority of such personnel.

Legal References: G.S. 115C-47, -288, -307, -390.3, -391.1

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

Adopted:



## **SCHOOL PLAN FOR MANAGEMENT OF STUDENT BEHAVIOR**

*Policy Code:*

**4302**

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

### **A. COMPONENTS OF THE PLAN**

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

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

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

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

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



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

Legal References: G.S. 115C-47, -288, -307, -390.1, -390.2, -390.3, -391.1, -397.1

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

Adopted:

## **RULES FOR USE OF SECLUSION AND RESTRAINT IN SCHOOLS**

*Regulation Code:* **4302-R**

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

### **A. PHYSICAL RESTRAINT**

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

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

1. as reasonably needed to obtain possession of weapons or other dangerous objects on the person or within the control of a student;
2. as reasonably needed to maintain order or to prevent or break up a fight;
3. as reasonably needed for self-defense;
4. as reasonably needed to ensure the safety of any student, employee, volunteer, or other person present;
5. as reasonably needed to teach a skill, to calm or comfort a student, or to prevent self-injurious behavior;
6. as reasonably needed to escort a student safely from one area to another;
7. if used as provided for in an IEP, Section 504, or behavior intervention plan; or
8. as reasonably needed to prevent imminent destruction to school or another person’s property.

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

### **B. MECHANICAL RESTRAINT**

Mechanical restraint means the use of any device or material attached or adjacent to a student’s body that restricts freedom of movement or normal access to any portion of the student’s body and that the student cannot easily remove.

Mechanical restraint of a student by school personnel is permissible only in the following circumstances:

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

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

#### **C. SECLUSION**

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

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

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



able to see and hear the student at all times;

- b. the student is released from seclusion upon cessation of the behaviors that led to the seclusion or as otherwise specified in the student's IEP, Section 504, or behavior intervention plan;
- c. the confining space has been approved for such use by the local education agency;
- d. the space is appropriately lighted, ventilated, and heated or cooled; and
- e. the space is free from objects that unreasonably expose the student or others to harm.

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

#### **D. ISOLATION**

Isolation means a behavior management technique in which a student is placed alone in an enclosed space from which the student is not prevented from leaving.

Isolation is permitted as a behavior management technique provided that:

- 1. the isolation space is appropriately lighted, ventilated and heated or cooled;
- 2. the duration of the isolation is reasonable in light of the purpose for the isolation;
- 3. the student is reasonably monitored; and
- 4. the isolation space is free from objects that unreasonably expose the student or others to harm.

#### **E. TIME-OUT**

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

#### **F. AVERSIVE PROCEDURES**

Aversive procedure means a systematic physical or sensory intervention program for modifying the behavior of a student with a disability that causes or reasonably may be expected to cause one or more of the following:

1. significant physical harm, such as tissue damage, physical illness, or death;
2. serious and foreseeable long-term psychological impairment;
3. obvious repulsion on the part of observers who cannot reconcile such extreme procedures with acceptable standard practice, for example:
  - a. electric shock applied to the body;
  - b. extremely loud auditory stimuli;
  - c. forcible introduction of foul substances to the mouth, eyes, ears, nose, or skin;
  - d. placement in a tub of cold water or shower;
  - e. slapping, pinching, hitting, or pulling hair;
  - f. blindfolding or other forms of visual blocking;
  - g. unreasonable withholding of meals;
  - h. eating one's own vomit; or
  - i. denial of reasonable access to toileting facilities.

The use of aversive procedures in public schools is prohibited.

**G. NOTICE, REPORTING, AND DOCUMENTATION**

1. School staff will promptly notify the principal or designee of any of the following:
  - a. any use of aversive procedures;
  - b. any prohibited use of mechanical restraint;
  - c. any use of physical restraint resulting in observable physical injury to a student;
  - d. any prohibited use of seclusion; or
  - e. any seclusion exceeding 10 minutes or beyond the amount of time specified on a student's behavior intervention plan.
2. Notice to Parents



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

3. Written Report to Parents

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

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

4. Reporting to State Board

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

5. Non-Retaliation for Reporting

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

Adopted:

## **FAIR AND CONSISTENT DISCIPLINE ADMINISTRATION**

*Policy Code:* **4303**

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The board intends that student discipline policies, procedures, and practices be applied fairly, impartially, and consistently in accordance with law, without regard to a student's race, color, national origin, disability, gender, status as an English Language Learner, or other characteristic protected by federal law. As provided in policy 4300, Student Behavior Policies, 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.

The board recognizes the negative effects of exclusionary discipline on a range of student outcomes and therefore has reserved the sanctions of suspension and expulsion for only the most serious violations of the Code of Student Conduct, as provided in policy 4300. The board further recognizes that disproportionality (overrepresentation of a particular group of students in relation to their population in a school or across the school system) in exclusionary discipline may sometimes be the result of inconsistent application of discipline to similar offenses and may be a barrier to the board's overall objective of promoting successful educational outcomes for all students. Therefore, the board will monitor the administration of its discipline policies to determine whether disciplinary and other behavior management practices are affecting groups of students disproportionately and, if so, whether the disproportionality results from inconsistencies in the application of discipline to similar offenses.

### **A. SUPERINTENDENT'S REVIEW OF STUDENT DISCIPLINE ADMINISTRATION**

1. The board directs the superintendent to regularly review the administration of student discipline and behavior management policies across the school system to evaluate whether: (1) disciplinary practices and approaches are consistent with board policies; (2) disciplinary sanctions are consistent with the Code of Student Conduct; (3) routine misbehavior is handled consistently within each school as well as across the school system; (4) more extraordinary behavior situations are handled fairly and quickly to protect the welfare of students and employees in a manner that promotes learning and respect for others; (5) discipline policies are applied fairly and consistently to all students regardless of their race, color, national origin, disability, gender, status as an English Language Learner, or other protected personal characteristic.
2. The superintendent's review shall include consideration of the school system discipline data submitted to the North Carolina Department of Public Instruction for inclusion in the State Board of Education's Consolidated Data Report to the General Assembly and in the Civil Rights Data Collection conducted by the U.S. Department of Education, Office for Civil Rights.

### **B. SUPERINTENDENT'S REPORT TO THE BOARD**



1. Annually, the superintendent shall provide to the board a report of the discipline data submitted to the North Carolina Department of Public Instruction as described in paragraph A.2, above. The data must be reported both system-wide and separately for each school and must be disaggregated on the basis of race/ethnicity, gender, disability, English Language Learner status, and/or such other basis as the board may specify.
2. At its discretion, the board may request additional data or analysis of data to assess whether disciplinary and other behavior management practices in the schools are affecting groups of students disproportionately and, if so, whether the disproportionality is the result of the inconsistent application of discipline or other behavior management practices to similar offenses.
3. If the data provided to the board reveals a pattern of discipline or disciplinary practices within or across schools that affects students disproportionately due to inconsistent discipline or disciplinary practices based on race, gender, ethnicity, disability, English Language Learner status, or other personal characteristic, the superintendent shall present to the board any recommendations for changes to discipline policies or practices to reduce the potential for unjustifiable disproportionate outcomes.

#### **C. PROFESSIONAL DEVELOPMENT TO SUPPORT EQUITABLE DISCIPLINARY PRACTICES**

The superintendent shall provide a program of professional development that prepares employees to apply school discipline policies and practices in a fair and equitable manner so as not to disproportionately impact students of color, students with disabilities, English Language Learners, or other groups of students on the basis of their personal characteristics.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431 *et seq.*; Title IV of the Civil Rights Act of 1964, 42 U.S.C. 2000c *et seq.*; Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.*, 34 C.F.R. pt. 100; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104

Cross References: Student Behavior Policies (policy 4300), School Plan for Management of Student Behavior (policy 4302), Disciplinary Action for Exceptional Children/Students with Disabilities (policy 4307)

Other References: Civil Rights Data Collection, available at <http://ocrdata.ed.gov/>

Adopted:



## **ALTERNATIVE LEARNING PROGRAMS/SCHOOLS**

*Policy Code:* **3470/4305**

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### **A. PURPOSES**

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

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

### **B. ALTERNATIVE LEARNING PROGRAMS/SCHOOLS**

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

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

The superintendent or designee shall direct school officials at each alternative learning program or school to develop a behavior management plan, and a parental involvement plan if appropriate. A conflict resolution plan, as provided in policy 3431, Conflict Resolution, may be included in the behavior management plan. The board encourages the principal or administrator and other school personnel, in developing these plans, to review successful alternative education programs and make effective use of the resources provided by the superintendent.

The superintendent will review these plans in accordance with board policy. While providing flexibility at the school level to develop the plans, the superintendent will not approve any plan that is not reasonably likely to meet the purposes of an alternative learning program or school.

Prior to implementing a new alternative learning program or school, the board will develop a program proposal that is consistent with the State Board of Education standards for alternative learning programs. The board then will submit the proposal to the State Board for its review. After the proposal has been reviewed by the State Board, the board will consider any recommendations from the State Board to modify the proposal before implementing the alternative learning program or school.

The board will review on a regular basis whether the school system's alternative learning programs and schools comply with State Board standards.

#### **C. TRANSFER TO ALTERNATIVE LEARNING PROGRAMS OR SCHOOLS**

Students generally are assigned to a school based on attendance area. However, as provided by law, the board may assign any student to a school outside of his or her attendance area in order for the student to attend a specialized school or for any other reason the board, in its sole discretion, deems sufficient. The assignment or transfer of a student with a disability will comply with applicable federal and/or state requirements for students with disabilities. Students may be transferred to an alternative learning program or school on a voluntary or involuntary basis, or pursuant to a disciplinary reassignment or suspension. The transfer process is provided below.

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

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

- a. document the procedures that were used to identify the student as being at risk of academic failure or as being disruptive or disorderly;
- b. provide the reasons for referring the student to an alternative learning program or school; and
- c. provide to the alternative learning program or school all relevant student records, including anecdotal information.

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

In addition to any other procedures required by this policy, once a student is placed in an alternative learning program or school, the appropriate school personnel of the program or school must meet to review the student's records and any other documentation forwarded by the referring school. Based on these records and any input provided by the parent concerning the student's needs, the personnel at the alternative program or school shall determine the support services



and intervention strategies that are recommended for the student.

If a student who is subject to G.S. 14-208.18 is assigned to an alternative school or program, the student must be supervised by school personnel at all times.

3. Voluntary Referral

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

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

4. Involuntary Referral

- a. A student may be required to be transferred from the regular educational setting to an alternative learning program or school under any of the following circumstances:
- b. the student presents a clear threat to the safety of other students or personnel;
- c. the student presents a significant disruption to the educational environment in the regular educational setting;
- d. the student is at risk of dropping out or not meeting standards for promotion, and resources in addition to or different from those available in the regular educational setting are needed to address the issue;
- e. the student has been charged with a felony or a crime that allegedly endangered the safety of others, and it is reasonably foreseeable that the educational environment in the regular educational setting will be significantly disrupted if the student remains;
- f. if the Code of Student Conduct provides for a transfer as a consequence of the student's behavior;
- g. any set of circumstances under which the board determines that transfer is appropriate.



Prior to an involuntary transfer in circumstances where a student is experiencing academic or developmental difficulties or chronic social/behavioral problems, the principal or disciplinary committee of the referring school shall document the student's behavior and academic performance and efforts to assist the student in the regular educational environment as provided in Section C.1. School administrators are encouraged to meet with the student's parents to try to reach a consensus on how to address the student's difficulties at school.

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

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

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

If the superintendent or designee approves the placement, the principal of the regular educational setting and the administrator of the alternative program shall make all necessary arrangements.

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

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

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

115C-105.47A.

6. Assignment of Student Sex Offenders

The board may decide, pursuant to G.S. 115C-390.11(a)(2), to assign a student who is subject to G.S. 14-208.18 to an alternative learning program or school.

**D. TRANSITION FROM ALTERNATIVE LEARNING PROGRAMS OR SCHOOLS**

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

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

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

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

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

1. State Accountability

The board will determine annually how each alternative school will participate in the State Alternative Schools' Accountability Model. The superintendent shall provide for this information to be reported to the North Carolina Department of Public Instruction by August 1 of each year.

2. Information to be Reported to the Board of Education

Each year, the board will evaluate each alternative learning program or school based upon reports provided by the superintendent or designee and any other information the board wishes to consider. Each alternative learning program or school should report the following information annually to the board:



- a. referral patterns from the regular educational setting, including age, race, gender, and reason for placement;
- b. drop-out rates;
- c. how long students stay at the alternative learning program or school and where they go (including the regular educational setting, community college/technical schools or dropping out) when they leave the alternative program or school;
- d. the training and development of professional employees assigned to the alternative learning program or school;
- e. a list of services or programs that the alternative learning program or school coordinates with other governmental agencies;
- f. the school's results under the state's alternative school's accountability model, as applicable; and
- g. any other information the superintendent requires.

3. Items to be Considered

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

- a. a diverse group of students is referred to the alternative learning program or school;
- b. the alternative learning program or school complies with State Board standards;
- c. the alternative learning program or school incorporates best practices for improving student academic performance and reducing disruptive behavior;
- d. school personnel at the alternative learning program or school are well-trained and provided with appropriate professional development;
- e. the alternative learning program or school is organized to provide coordinated services;
- f. students at the alternative learning program or school receive high quality and rigorous academic instruction; and
- g. the alternative learning program or school assists students in transitioning



back to the regular educational setting or to other educational settings.

Legal References: G.S. 14-208.18; 115C-47(32a), -105.27, -105.47A, -105.48, -276(r), -288, -367, -369, -390.7, -390.9, -390.10, -390.11; State Board of Education Policy GCS-Q-001, GCS-Q-002; *Policies and Procedures for Alternative Learning Programs and Schools* (NC Dept. of Public Instruction, October 2014), available at <https://eboard.eboardsolutions.com/Meetings/Attachment.aspx?S=10399&AID=31595&MID=1590>

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

Adopted:

## DISCIPLINARY ACTION FOR EXCEPTIONAL CHILDREN/ STUDENTS WITH DISABILITIES

Policy Code:

4307

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

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

Legal References: Americans with Disabilities Act, 42 U.S.C. 12131 *et seq.*, 28 C.F.R. pt. 35; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; G.S. 115C art. 9; 115C-390.1; *Policies Governing Services for Children with Disabilities*, State Board of Education Policy GCS-D-000; *Policies and Procedures for Alternative Learning Programs and Schools, Grades K-12*, State Board of Education Policy GCS-Q-002

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

Adopted:

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. forging signatures of a teacher or parent or lying to a school official;
5. cursing or using vulgar, abusive, or demeaning language toward another person; and
6. playing abusive or dangerous tricks or otherwise subjecting a student or an employee to personal indignity.

**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.

Legal References: 17 U.S.C. 101, 102, 106, 107, 110, 117; G.S. 115C-47, -288, -307, -390.2

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

Adopted:



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

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

**A. EXPECTATIONS FOR USE OF SCHOOL TECHNOLOGICAL RESOURCES**

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

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

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

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

law.

**B. RULES FOR USE OF SCHOOL TECHNOLOGICAL RESOURCES**

1. School system technological resources are provided for school-related purposes only. Acceptable uses of such technological resources are limited to responsible, efficient, and legal activities that support learning and teaching. Use of school system technological resources for commercial gain or profit is prohibited. Student personal use of school system technological resources for amusement or entertainment is also prohibited. Because some incidental and occasional personal use by employees is inevitable, the board permits infrequent and brief personal use by employees so long as it occurs on personal time, does not interfere with school system business, and is not otherwise prohibited by board policy or procedure.
2. Under no circumstance may software purchased by the school system be copied for personal use.
3. Students and employees must comply with all applicable laws, including those relating to copyrights and trademarks, confidential information, and public records. Any use that violates state or federal law is strictly prohibited. Plagiarism of Internet resources will be treated in the same manner as any other incidents of plagiarism, as stated in the Code of Student Conduct.
4. No user of technological resources, including a person sending or receiving electronic communications, may engage in creating, intentionally viewing, accessing, downloading, storing, printing, or transmitting images, graphics (including still or moving pictures), sound files, text files, documents, messages, or other material that is obscene, defamatory, profane, pornographic, harassing, abusive, or considered to be harmful to minors. Students must immediately notify a teacher or other staff member if they see or receive a message or materials that is inappropriate or makes them feel uncomfortable.
5. The use of anonymous proxies to circumvent content filtering is prohibited.
6. Users may not install or use any Internet-based file sharing program designed to facilitate sharing of copyrighted material.
7. Users of technological resources may not send electronic communications fraudulently (i.e., by misrepresenting the identity of the sender).
8. Users must respect the privacy of others. When using e-mail, chat rooms, blogs, or other forms of electronic communication, students must not reveal personal identifying information or information that is private or confidential, such as the last name, age, home address or telephone number, credit or checking account information, or social security number of themselves or fellow students. For



further information regarding what constitutes personal identifying information, see policy 4705/7825, Confidentiality of Personal Identifying Information. In addition, school employees must not disclose on school system websites or web pages or elsewhere on the Internet any personally identifiable, private, or confidential information concerning students (including names, addresses, or pictures) without the written permission of a parent or guardian or an eligible student, except as otherwise permitted by the Family Educational Rights and Privacy Act (FERPA) or policy 4700, Student Records. Users also may not forward or post personal communications without the author's prior consent.

9. Students may not agree or arrange online to meet someone in person who is a stranger unless the person is school system personnel setting up a meeting for educational purposes.
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. Users must scan any downloaded files for viruses.
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 technology director or designee.
12. Students may not change the settings on computers or other devices or unnecessarily download files without permission from the teacher or a school administrator.
13. Employees must keep their network folders emptied of non-crucial material, as any folders that become too large will impede network performance and be subject to deletion.
14. 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.
15. Users are prohibited from using another individual's ID or password for any technological resource. Users may not share their passwords with another person for use by that person.
16. Users may not read, alter, change, block, execute, or delete files or communications belonging to another user without the owner's express prior permission.



17. 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.
18. If a user identifies a security problem on a technological resource, he or she must immediately notify a system administrator. Users must not demonstrate the problem to other users. Any user identified as a security risk will be denied access.
19. Teachers 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.

**C. RESTRICTED MATERIAL ON THE INTERNET**

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

**D. PARENTAL CONSENT**

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

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

**E. PRIVACY**

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

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

**F. USE OF PERSONAL TECHNOLOGY ON SCHOOL SYSTEM PROPERTY**

Each principal may establish rules for his or her school site as to whether and how personal technology devices (including, but not limited to smart phones, tablets, laptops, etc.) may be used on campus. If the principal allows students to bring personal devices to school, the decision to bring a device remains with the parent and student. Students will not be required to bring their own personal technology devices to school to do school work. Student use of personal devices to access the Internet while on school system property must be limited to the public wireless network. Use of any other network connection is prohibited. Students' devices are governed also by policy 4318, Use of Wireless Communication Devices. The school system assumes no responsibility for personal technology devices brought to school.

**G. PERSONAL WEBSITES**

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

**1. Students**

Though school personnel generally do not monitor students' Internet activity



conducted on non-school system devices during non-school hours, when the student's online behavior has a direct and immediate effect on school safety or maintaining order and discipline in the schools, the student may be disciplined in accordance with board policy (see the student behavior policies in the 4300 series).

## 2. Employees

Employees' personal websites are subject to policy 7335, Employee Use of Social Media.

## 3. Volunteers

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

# H. NO WARRANTIES

The school system makes no warranties of any kind, whether express or implied, for the technological resources it is providing. The school system is not responsible for any damages suffered by users, including loss of data resulting from delays, non-delivery, service interruptions, or any other cause. Use of any information obtained via the Internet is at the user's risk. The board specifically denies any responsibility for the accuracy or quality of information obtained through its service.

Legal References: U.S. Const. amend. I; Children's Internet Protection Act, 47 U.S.C. 254(h)(5); Electronic Communications Privacy Act, 18 U.S.C. 2510-2522; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; 17 U.S.C. 101 *et seq.*; 20 U.S.C. 6777; G.S. 115C-325(e) (applicable to career status teachers), -325.4 (applicable to non-career status teachers)

Cross References: Curriculum and Instructional Guides (policy 3115), Technology in the Educational Program (policy 3220), Internet Safety (policy 3226/4205), Copyright Compliance (policy 3230/7330), Web Page Development (policy 3227/7322), Student Behavior Policies (all policies in the 4300 series), Student Records (policy 4700), Confidentiality of Personal Identifying Information (policy 4705/7825), Public Records – Retention, Release, and Disposition (policy 5070/7350), Use of Equipment, Materials, and Supplies (policy 6520), Network Security (policy 6524), Staff Responsibilities (policy 7300), Employee Use of Social Media (policy 7335)

Adopted:



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, School Uniforms and Appearance);
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;
6. damaging a fire alarm, fire detection system, or fire extinguishing system or activating any fire or other alarm system unless authorized to do so by school employees or unless there are reasonable grounds to believe that an actual emergency situation exists; and
7. 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.

Legal References: U.S. Const. amend. I; N.C. Const. art. I, § 14; G.S. 14-132, -132.2, -288.2, -288.4; 115C-47, -288, -307, -390.2

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

Adopted:

The board believes a safe and disciplined learning environment is the first requirement of a high performing school. The implementation of school uniforms helps minimize disruptive behavior, promote respect for oneself and others, build school/community spirit, and, more significantly, helps to maintain high academic standards. The board also feels that students wearing uniforms helps lessen the impact of socioeconomic differences and encourages students to concentrate on learning rather than on what they are wearing. In addition, school uniforms facilitate identification of intruders on campus and identification of students off campus when participating in school-related functions.

**A. SCHOOL UNIFORM REQUIREMENTS**

Students are expected to be dressed in accordance with this policy at all times school is in session. The principal or designee shall implement this policy in a manner that is age and developmentally appropriate.

Good judgment in considering issues such as age, developmental stages, and body type are expected of all students and parents in the selection of school attire and appearance. Each student's school uniform must be neat, clean, properly fitted, age-appropriate, and suitable for the learning environment.

**1. Shirts**

- a. Shirts must be solid white, black, navy, or other color designated by the individual school (see PCS School Color Chart). Students who take a class at another school must wear the uniform shirt of their home school.
- b. Shirts must be long-sleeved or short-sleeved and have a collar. Shirts may have one or two chest pockets.
- c. With the exception of school-approved logos, shirts may not display any insignias, logos, labels, words, or pictures.
- d. Shirts must be appropriately sized and tucked in unless the shirt is designed not to be tucked in and is no longer than three inches below the natural waist.
- e. Shirts must be long enough to cover the midriff when sitting or standing. Shirts must also cover the chest and back so the chest and the back of the body are not inappropriately exposed.
- f. Undergarments may not be visible at any time. Underneath the collared shirts, students may wear t-shirts or camisoles which are plain white,



black, navy, or other designated school color (see PCS School Color Chart).

- g. No see-through or mesh shirts that will reveal the body or will reveal undergarments are allowed.
- h. Shirts must be appropriately sized and worn as intended (not inside-out or backwards, etc.).

2. Pants, Capris, Shorts, Skorts, Skirts, Jumpers

- a. Bottoms must be solid khaki color, black, or navy.
- b. No denim of any color is allowed. No jeggings are allowed.
- c. Bottoms must be free of graphics and embroidery. With the exception of small labels, bottoms may not display any insignias, logos, words, or pictures.
- d. Shorts, skorts, skirts, and jumpers must be modest and of sufficient length. The length of these articles of clothing may be no shorter than three inches above the top of the knee when standing.
- e. Pants and shorts may not have pockets halfway down the legs.
- f. Bottoms must be appropriately sized. No baggy or sagging pants or shorts are allowed. No “low rise” clothing is allowed. Pants and shorts must be worn with the waistband at or above the hipbone.
- g. Bottoms must be worn as intended (not inside-out or backwards, no rolled up pants legs, etc.).
- h. No see-through or mesh bottoms that will reveal the body or will reveal undergarments are allowed.
- i. Leggings and footed tights that are solid white, black, or navy may be worn under pants, capris, shorts, skorts, skirts, or jumpers.
- j. If belts are worn, they must be solid black or brown with a plain belt buckle that is not oversized. All belts must be buckled.

3. Dresses

- a. Dresses must be solid white, khaki colored, black, navy, or other designated school color (see PCS School Color Chart).

- b. Dresses must be long-sleeved or short-sleeved and have a collar. Dresses may have one or two chest pockets.
  - c. Dresses may not display any insignias, logos, labels, words, or pictures other than school approved logos.
  - d. Dresses must cover the chest and back so the chest and the back of the body are not inappropriately exposed.
  - e. Dresses must be modest and of sufficient length. The length of the dress may be no shorter than three inches above the top of the knee when standing.
  - f. Undergarments may not be visible at any time. Underneath their dresses, students may wear t-shirts or camisoles which are plain white, black, navy, or other designated school color (see PCS School Color Chart). Leggings and footed tights that are solid white, black, or navy may be worn under dresses.
  - g. No see-through or mesh dresses that will reveal the body or will reveal undergarments are allowed.
4. Shoes
- a. Shoes must be worn at all times, and, as needed, shoes must conform to requirements for specific classes or activities, such as P.E. classes, ROTC, science labs, etc.
  - b. If the shoes have laces, the shoes must be laced and tied.
  - c. No bedroom shoes are allowed.
5. Outerwear
- a. Students may wear plain sweatshirts, sweaters, and vests, including lightweight fleece jackets, over school uniforms. Such items must (1) not have a hood; (2) be solid white, black, navy, or other designated school color (see PCS School Color Chart); and (3) not display any insignias, logos, labels, words, or pictures other than school approved logos. Down vests and denim vests or jackets are not permitted to be worn inside the school building during the school day.
  - b. Principal approved school spirit wear, such as club or organizational jackets, letter jackets, etc., may be worn in the high schools during the school day.



- b. Coats may be worn to school and placed in the student's locker. If a locker is not available, the coat may be hung in the classroom or another location designated by the principal or designee.
  - c. Coats may not be worn inside the school building during the school day. The principal or designee may make an exception if the building or classroom is unusually cold. Coats may be worn, however, during a class change if the student is exiting the building.
- 6. Other Clothing Items or Accessories
  - a. Students may not wear large pendants or medallions.
  - b. No adornment is allowed that reasonably could be perceived or used as a weapon (such as chains, spikes, etc.).
  - c. No gang-related clothing, accessories, symbols, or intimidating manner of dress are allowed (see policy 4328, Gang-Related Activity).
  - d. No headwear and no sunglasses may be worn inside school buildings.
  - e. No bandanas are allowed.
  - f. Solid color, patterned, or striped ties may be worn. They may not have any insignias, logos, labels, words, or pictures.
  - g. Only school activity buttons, approved by the principal are permitted to be worn on a student's school uniform.

## **B. APPEARANCE REQUIREMENTS**

In addition to being required to wear school uniforms, all students are to be groomed and dressed appropriately for school and school activities. Student appearance should reflect practices of good hygiene and cleanliness. The board prohibits any dress or appearance that does the following:

- 1. is substantially disruptive;
- 2. is provocative or obscene; or
- 3. endangers the health or safety of the student or others.

## **C. EXCEPTIONS TO UNIFORM AND APPEARANCE REQUIREMENTS**

- 1. Religious or Medical Waivers



Reasonable consideration will be made for those students who, because of sincerely held religious beliefs or medical reasons, request a waiver of a particular requirement for dress or appearance. Written waiver requests must be submitted on an annual basis. In considering a waiver request, the principal or designee has the right to request additional documentation from medical officials and/or religious leaders.

2. Special Activity Accommodations

The principal shall make reasonable accommodations for students involved in special duties, activities, or projects approved by the school. Such special duties, activities, and projects include, but are not be limited to, athletics, P.E. classes, and other activities that require non-conforming dress on a school campus during the school day. Students who are taking classes that require a special dress code (such as JROTC or career and technical education internships) may wear that uniform to other classes.

3. Special Event Exceptions

Principals may make exceptions to the uniform requirements for special events such as Jeans Day. However, Jeans Day is limited to once a month and no more than nine times a year. Jeans Day must be a reward for positive behavior or fundraising for a cause that benefits all the students at the school.

**D. PROCESS TO AMEND SCHOOL COLORS**

Each school may designate up to two colors as school colors. Once every three years, starting with 2010, schools may recommend school color changes to the board in December to be implemented the following school year. All students and parents of the school must have been given the opportunity to vote on the proposed changes. For a school color change to be proposed to the board, 70 percent of the voting students and parents of that school must support the proposed change. Prior colors will be grandfathered for one year.

**E. FINANCIAL CONSIDERATIONS**

Parents are responsible for providing uniforms for their children. Parents who have concerns about the affordability of school uniforms should contact the school social worker. The social worker shall assist the family with identifying community resources.

**F. INFORMATION DISSEMINATION**

Every year school officials shall communicate information about uniform requirements to parents by using one or more of the following: newsletters, parent forums, PTA meetings, Parent Advisory Council meetings, TV and radio announcements, flyers, and posters. Copies of this policy will be made available to all parents and students.

## **G. ENFORCEMENT**

The principal or designee shall ensure that this policy is enforced in a consistent manner and shall require the student to take appropriate action to remedy situations determined to be in conflict with this policy. Before being punished, a student who is not in compliance with this policy will be given the opportunity to change into acceptable clothing by using available clothes at school or by calling a parent to bring acceptable clothes. Disciplinary consequences for a student who fails to comply after being offered this opportunity 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 violation of the dress code.

Students new to the school system will be given a two week grace period from enrollment to obtain and wear the proper school uniforms.

Legal References: G.S. 115C-47, -390.2

Cross References: Student Behavior Policies (policy 4300), School Plan for Management of Student Behavior (policy 4302), Disruptive Behavior (policy 4315), Gang-Related Activity (policy 4328)

Adopted:

## **USE OF WIRELESS COMMUNICATION OR OTHER ELECTRONIC DEVICES**

*Policy Code:*

**4318**

The board recognizes that cellular phones and other wireless communication devices have become an important tool through which parents communicate with their children. Therefore, students are permitted to possess wireless communication devices, including cellular phones, as well as other electronic devices, on school property. However, the devices may not be activated, used, displayed, or visible on school property during the instructional day or on school buses transporting student to and from home unless otherwise directed by school rules or school personnel. Wireless communication and other electronic devices include, but are not limited to, cellular phones, devices with internet capability, paging devices, two-way radios, scanners, laser pointers, televisions, radios, compact disc players, cassette players, other portable personal music devices, cameras, handheld video games, video recording devices, and similar devices.

### **A. AUTHORIZED USE**

Administrators may authorize individual students to use wireless communication or other electronic devices for personal purposes when there is a reasonable need for such use. 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, elementary and middle school students who participate in after-school programs are prohibited from using wireless communication and other electronic devices during such programs, unless otherwise permitted.

### **B. CONSEQUENCES FOR UNAUTHORIZED USE**

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

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 or other electronic 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 DEVICES**

In accordance with policy 4342, Student Searches, a student's wireless communication or other electronic 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 and other electronic devices. The school system is not responsible for the theft, loss, or damage of any device.

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

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

Adopted:

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.

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

**B. CONSEQUENCES**

The disciplinary consequences for violations of this policy 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.

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.

Legal References: Pro-Children Act of 1994, 20 U.S.C. 6081 *et seq.*; 21 U.S.C. 321 (rr); G.S. 14-313; 115C-47, -288, -307, -390.2, -407

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

Adopted:



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

**A. PROHIBITED BEHAVIOR**

Students are prohibited from possessing, using, distributing, transmitting, selling, attempting to sell or distribute, or being under the influence of any of the following substances:

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

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

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

**B. CONSEQUENCES**

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

The disciplinary consequences for violations of this policy 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.

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

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

Adopted:

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

**A. PROHIBITED BEHAVIOR**

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

Conduct prohibited by this policy includes:

1. wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, emblems, badges, symbols, signs, or other items with the intent to convey membership or affiliation in a gang;
2. communicating either verbally or non-verbally (gestures, handshakes, slogans, drawings, etc.) with the intent to convey membership or affiliation in a gang;
3. tagging, or otherwise defacing school or personal property with symbols or slogans intended to convey membership or affiliation in a gang (see policy 4330, Theft, Trespass, and Damage to Property);
4. requiring payment of protection, insurance, or otherwise intimidating or threatening any person related to gang activity (see policy 4331, Assaults, Threats, and Harassment);
5. inciting others to intimidate or to act with physical violence upon any other person related to gang activity (see policy 4331);
6. soliciting others for gang membership; and
7. committing any other illegal act or other violation of school system policies in connection with gang-related activity.



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**B. NOTICE**

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

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

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

**C. CONSEQUENCES**

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

Disciplinary consequences for violations of subsections A.1, A.2, and A.6, above, 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 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 will 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 will 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 will be applied in a non-discriminatory manner based on the objective characteristics of the student's conduct in light of the surrounding circumstances.

Legal References: G.S. 115C-390.2

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

Adopted:

## **THEFT, TRESPASS, AND DAMAGE TO PROPERTY**

*Policy Code:*

**4330**

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. Unauthorized Entry of Personal Property**

Students are prohibited from entering without authorization any other person's locker, book bag, pocketbook, or other receptacle containing items of personal property of any other student, school employee, or person.

#### **4. 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 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.

Legal References: G.S. 14-60, -87, -87.1, -132, -132.2; 115C-47, -276(r), -288, -307, -390.2

Cross References: Student Behavior Policies (policy 4300), Integrity and Civility (policy 4310), Criminal Behavior (policy 4335)

Adopted:

## **ASSAULTS, THREATS, AND HARASSMENT**

*Policy Code:*

**4331**

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

### **A. PROHIBITED BEHAVIOR**

#### **1. Assault**

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

#### **2. Threatening Acts**

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

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

#### **3. Harassment**

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

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

### **B. CONSEQUENCES**

The disciplinary consequences for violations of this policy 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.

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

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.

Legal References: G.S. 14-33, -34 through -34.2, -458.2; 115C-47, -276(r), -288, -307, -366.4, -390.2, -390.7

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

Adopted:



## **WEAPONS, BOMB THREATS, TERRORIST THREATS, AND CLEAR THREATS TO SAFETY**

*Policy Code:*

**4333**

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

### **A. PROHIBITED BEHAVIOR**

#### **1. Weapons and Weapon-Like Items**

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

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

- m. fireworks;
- n. gun powder, ammunition, or bullets;
- o. any sharp pointed or edged instruments except unaltered nail files and clips and tools used solely for preparation of food, instruction, and maintenance and
- p. 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.

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

## 2. Bomb Threats

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

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

## 3. Terrorist Threats

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

No student may knowingly or willfully cause, encourage, or aid another student to make a terrorist threat or perpetrate a terrorist hoax. Any student who becomes aware that another student or other person intends to use a device, substance, or

material designed to cause harmful or life-threatening illness or injury to another person, make a terrorist threat, or perpetrate a terrorist hoax must notify a teacher or the principal immediately.

4. Clear Threats to Student and Employee Safety

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

- a. theft or attempted theft by a student from another person by using or threatening to use a weapon;
- b. the intentional and malicious burning of any structure or personal property, including any vehicle;
- c. an attack or threatened attack by a student against another person wherein the student uses a weapon or displays a weapon in a manner found threatening to that person;
- d. an attack by a student on any employee, adult volunteer, or other student that does not result in serious injury but that is intended to cause or reasonably could cause serious injury;
- e. an attack by a student on another person whereby the victim suffers obvious severe or aggravated bodily injury, such as broken bones, loss of teeth, possible internal injuries, laceration requiring stitches, loss of consciousness, or significant bruising or pain; or whereby the victim requires hospitalization or treatment in a hospital emergency room as a result of the attack;
- f. any intentional, highly reckless, or negligent act that results in the death of another person;
- g. confining, restraining, or removing another person from one place to another, without the victim's consent or the consent of the victim's parent, for the purpose of committing a felony or for the purpose of holding the victim as a hostage, for ransom, or for use as a shield;
- h. the possession of a weapon on any school property, including in a vehicle, with the intent to use or transmit for another's use or possession in a reckless manner so that harm is reasonably foreseeable;
- i. taking or attempting to take anything of value from the care, custody, or control of another person or persons, by force, threat of force, or violence, or by putting the victim in fear;



- j. any unauthorized and unwanted intentional touching, or attempt to touch, by one person of the sex organ of another, including the breasts of the female and the genital areas of the male and female;
- k. the possession, manufacture, sale, or delivery, or any attempted sale or delivery, of a controlled substance in violation of Chapter 90 of the North Carolina General Statutes;
- l. any behavior resulting in a felony conviction on a weapons, drug, assault, or other charge that implicates the safety of other persons; and
- m. any other behavior that demonstrates a clear threat to the safety of others in the school environment.

## **B. CONSEQUENCES**

### **1. General Consequences**

The disciplinary consequences for violations of this policy 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.

### **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.

Legal References: Gun-Free Schools Act, 20 U.S.C. 7151; G.S. 14-17, -18, -27.2 through -27.5A, -32, -33, -34 through -34.2, -41, -60, -69.1, -69.2, -87, -87.1, -132, -132.2, -202.2, -208.18, -269.2, -277.5; ch. 90 art. 5; 115C-47, -276(r), -288, -307, -390.1, -390.2, -390.10

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

Adopted:



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. The principal or designee shall notify the superintendent or designee in writing or by e-mail of any such 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 listed above.



Legal References: Gun-Free Schools Act, 20 U.S.C. 7151; G.S. 14-17, -18, 27.21, -27.22, -27.24 through -27.27, -27.29, -27.30, -27.33, -32 through -34.10, -39, -87, -202, -202.1, -202.2, -269.2; ch. 90 art. 5; 115C-47(56); -288(g); State Board of Education Policy HRS-A-000

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

Adopted:

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

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

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

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

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

If a violation has occurred, the school administrator shall implement an appropriate consequence in accordance with the school's plan for managing student behavior, the Code of Student Conduct, or applicable board policy. Parents are to be notified and involved in accordance with policy 4341, Parental Involvement in Student Behavior Issues.

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

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

Legal References: Americans with Disabilities Act, 42 U.S.C. 12131 *et seq.*, 28 C.F.R. pt. 35; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; G.S. 115C art. 9; 115C-47, -288, -390.4, -390.5, -390.6, -390.7, -390.8, -390.10, -390.11; *Policies Governing Services for Children with Disabilities*, State Board of Education Policy GCS-D-000

Cross References: Student Behavior Policies (policy 4300), School Plan for Management of

Student Behavior (policy 4302), Disciplinary Action for Exceptional Children/Students with Disabilities (policy 4307), Parental Involvement in Student Behavior Issues (policy 4341), Student Searches (policy 4342), Short-Term Suspension (policy 4351), Long-Term Suspension, 365-Day Suspension, Expulsion (policy 4353)

Adopted:



## **PARENTAL INVOLVEMENT IN STUDENT BEHAVIOR ISSUES**

*Policy Code:*

**4341**

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

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

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

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

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

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

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

Legal References: G.S. 115C-47, -390.5, -390.6, -390.7, -390.8, -390.10, -390.11

Cross References: Parental Involvement (policy 1310/4002), Short-Term Suspension (policy 4351), Long-Term Suspension, 365-Day Suspension, Expulsion (policy 4353), Student Records (policy 4700)

Adopted:

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 or Other Electronic 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. The parent of any student searched in this manner should be notified of the search as soon as reasonably possible.

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 Certified Narcotics Detection Dogs

With the prior approval of the superintendent, and in conjunction with local law enforcement, certified narcotics detection dogs may be used each school year to locate illegal materials in the high schools, middle schools, and K-8 schools. In addition, K-5 schools may request the use of certified narcotics detection dogs.

Certified narcotics detection dogs may be used during the school day and/or evening. During the school day, dogs will not be used until after the class period has begun and students are in their classrooms. The dogs will be confined to unoccupied areas of school buildings and grounds including, but not limited to, the following areas: student locker areas; school parking lots; unoccupied school buses; hallways or other common areas of the building; restrooms; the cafeteria; and the perimeter of school building. In an effort to provide for tight security, only the principal of the school, the superintendent or designee, and the law enforcement officers involved will be apprised in advance of when and where the dogs are to be used.

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. The principal or designee shall accompany the law enforcement officer(s) and dog. The law enforcement officer is responsible for ensuring that the certified narcotics detection dog does not come into contact with any students during the event. Dogs may not be used to sniff students or other persons under any circumstances. The area(s) where the certified narcotics detection dog alerts will be searched and any drugs found will be confiscated.

The principal of the school, the school system public information director, and the superintendent are the only individuals authorized to speak to the media or the community relative to the search.

#### **C. SEIZED ITEMS**

Any school employee who confiscates a weapon, drugs, or alcohol from a student shall immediately deliver the item to the principal. Any illegal contraband confiscated must be promptly turned over to the proper law enforcement authorities. If the principal is not able to immediately transfer confiscated items to the proper law enforcement authorities, the principal shall keep the items in a secure location not accessible to students or other employee.

Law enforcement authorities should be advised that the objects need to be maintained for at least 30 days in the event disciplinary hearings are to be held.

#### **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.

Legal References: U.S. Const. amend. IV; *New Jersey v. T.L.O.*, 469 U.S. 325 (1985), *Safford United School District #1 v. Redding*, 557 U.S. 364 (2009); G.S. 115C-47, -288, -307, -390.2

Cross References: Technology Responsible Use (policy 3225/4312/7320), School Plan for Management of Student Behavior (policy 4302), Use of Wireless Communication or Other Electronic Devices (policy 4318), School-Level Investigations (policy 4340)

Adopted:



**A. RETENTION OF RECORDS AND REPORT OF DATA**

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

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

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

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

**B. DISCLOSURE OF RECORDS**

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

**C. REMOVAL OF RECORDS****1. End of Year Removal**

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

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

appropriately or to protect the safety of others.

## 2. Expunging Records

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

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

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

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

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g(h), 34 C.F.R. 99.31, 99.36; G.S. 115C-47, -276(r), -390.4, -390.7, -390.8, -390.10, -390.11, -390.12, -402

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

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

Adopted:



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 and procedures are followed.

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

**A. PRE-SUSPENSION RIGHTS OF THE STUDENT**

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

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

**B. STUDENT RIGHTS DURING THE SUSPENSION**

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

1. the opportunity to take textbooks home for the duration of the suspension;
2. upon request, the right to receive all missed assignments and, to the extent practicable, the materials distributed to students in connection with such



assignments; and

3. the opportunity to take any quarterly, semester, or grading period examinations missed during the suspension period.

#### C. NOTICE TO PARENT OR GUARDIAN

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

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

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

Legal References: Americans with Disabilities Act, 42 U.S.C. 12131 *et seq.*, 28 C.F.R. pt. 35; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; G.S. 115C art. 9; 115C-45 (c), -47, -276(r), -288, -307, -390.1, -390.2, -390.5, -390.6; 130A-440; *Policies Governing Services for Children with Disabilities*, State Board of Education Policy GCS-D-000

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

Adopted:

The principal is authorized to impose out-of-school short-term suspensions in accordance with board policy.

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

1. the parent has been notified and is able to make arrangements for the student to leave the school or agrees to the student's using public transportation or driving himself or herself home;
2. the parent has been notified and is available to receive the student, and the principal is able to arrange for transportation from the school to the home; or
3. the principal involves law enforcement in the removal of the student from school grounds because such action is necessary to provide a safe, orderly school environment.

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

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

Cross References: Short-Term Suspension (policy 4351)

Adopted:

## **LONG-TERM SUSPENSION, 365-DAY SUSPENSION, EXPULSION**

*Policy Code:*

**4353**

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### **A. DEFINITIONS**

1. Superintendent

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

2. Principal

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

3. Long-Term Suspension

A long-term suspension is the disciplinary exclusion of a student from attending his or her assigned school for more than 10 school days. Neither (1) a 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 nor (2) an absence under G.S. 130A-440 (for failure to submit a school health assessment form within 30 days of entering school) is a long-term suspension requiring the due process procedures set out in this policy.

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

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

4. 365-Day Suspension

A 365-day suspension is the disciplinary exclusion of a student from attending his



or her assigned school for 365 calendar days. The superintendent may impose a 365-day suspension only for certain firearm and destructive device violations, as identified in policy 4333, Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety.

5. Expulsion

An expulsion is the indefinite exclusion of a student from school enrollment for disciplinary purposes. Upon the recommendation of the superintendent, the board may expel a student who is 14 years of age or older for certain types of misbehavior as provided in policy 4325, Drugs and Alcohol, policy 4330, Theft, Trespass, and Damage to Property, policy 4331, Assaults, Threats, and Harassment, and policy 4333, Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety, if the student's continued presence in school constitutes a clear threat to the safety of other students or employees. Additionally, a student who is subject to policy 4260, Student Sex Offenders, may be expelled if the student's continued presence in school constitutes a clear threat to the safety of other students or employees. During the expulsion, the student is not entitled to be present on educational property and is not considered a student of the school system.

**B. DETERMINATION OF APPROPRIATE CONSEQUENCE**

1. Principal's Recommendation

The principal may impose a short-term suspension or any other consequence that is consistent with policy 4351, Short-Term Suspension, policy 4302, School Plan for Management of Student Behavior, and the Code of Student Conduct. If the principal determines that a suspension of more than 10 days (either long-term or 365-day) or an expulsion is an appropriate consequence, the principal shall propose the disciplinary penalty based upon a review of the student's culpability and dangerousness and the harm caused by the student, plus any other mitigating or aggravating factors the principal finds relevant.

- a. Culpability of Student – In assessing the culpability of the student for his or her behavior, the principal may consider criteria such as:
  - 1) the student's age;
  - 2) the student's ability to form the intent to cause the harm that occurred or could have occurred; and
  - 3) evidence of the student's intent when engaging in the conduct.
- b. Dangerousness of the Student – In assessing the dangerousness of the student, the principal may consider criteria such as:

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

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

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

If the principal recommends an expulsion, he or she shall identify the basis for



determining that there is clear and convincing evidence that the student's continued presence in school constitutes a clear threat to the safety of other students or employees.

2. Notice to the Student's Parent

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

- a. the notice type, i.e., notice of long-term suspension, 365-day suspension, or expulsion;\*
- b. a description of the incident and the student's conduct that led to the recommendation;
- c. the specific provision(s) of the Code of Student Conduct that the student allegedly violated;
- d. the specific process by which the parent may request a hearing to contest the decision and the deadline for making the request;\*
- e. the process by which the hearing will be held, including all due process rights to be accorded the student during the hearing;
- f. notice of the right to retain an attorney to represent the student in the hearing process and of the requirement that the principal be advised in advance of the decision to have an attorney present so that the school attorney may be in attendance as well;
- 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.\*



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

3. Superintendent's Decision

Within three days of receiving notice from the principal of the recommendation for long-term suspension, 365-day suspension, or expulsion, the student or student's parent may request an administrative hearing. A decision will be rendered before the long-term suspension is imposed.

If the student or parent makes a timely request for a hearing, the superintendent shall confirm that the charges against the student, if substantiated, could warrant the recommended disciplinary action and immediately refer the matter to the hearing officer who shall give the student and parent and the principal reasonable notice of the time and place of the hearing. It is suggested that a hearing be held within five school days of the principal making the recommendation and in no event later than 10 school days.

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.

Any hearing held will follow the hearing procedures outlined in Section A of policy 4370, Student Discipline Hearing Procedures. The hearing officer shall determine the relevant facts and credibility of witnesses based on substantial evidence presented at the hearing. The superintendent shall adopt the hearing officer's factual determinations unless they are not supported by substantial evidence in the record and decide whether to uphold, modify, or reject the principal's recommendation. The superintendent shall immediately inform the principal of the decision regarding the recommended disciplinary penalty of a long-term or 365-day suspension and, when applicable, of any modifications to the penalty recommended by the principal.

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

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

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

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

The student may appeal to the board the superintendent's decision not to provide alternative education services, as permitted by G.S. 115C-45(c)(2). Any appeal to the board must be made in writing within five days of receiving the superintendent's decision. The superintendent shall inform the board chairperson of the request for an appeal and arrange in a timely manner a hearing before the board. In advance of the hearing, the superintendent shall provide to the student and parent and to the board a written explanation for the denial of services along with any documents or other information supporting the decision. The hearing



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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 a hearing before the board within 10 days of the request. The suspension need not be postponed pending the outcome of the appeal. The hearing will be conducted pursuant to Section B of policy 4370, Student Discipline Hearing Procedures. The board will provide to the student and parent and to the superintendent written notice of its decision not more than 30 calendar days after receiving the appeal.

b. Expulsions

The student or parent may request a hearing within five days of receiving notice of the superintendent's recommendation that the student be expelled. The hearing will be scheduled with the board within 10 days of the superintendent's receipt of the hearing request. The superintendent shall notify the student and parent of the date, time, and place of the hearing. Any appeal of a long-term or 365-day suspension will be addressed in the same hearing. The hearing will be conducted pursuant to Section B of policy 4370.

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

When the board decides to expel a student, the board will document the basis for its determination that there is clear and convincing evidence that the student's behavior indicates that the student's continued presence in school constitutes a clear threat to the safety of other students or employees. The board also will consider and make a written determination of whether alternative education services are to be provided to the expelled student. Regardless of whether the school system provides



alternative education services, the board expects school system administrators to work with other agencies to help the student and parent identify other types of services that may be of assistance to the student. The board will send via certified mail to the student's parent a copy of the decision, notification of what information will be included in the student's official record, the procedure for expungement of this information under G.S. 115C-402, and notice of the right to petition for readmission pursuant to G.S. 115C-390.12.

**C. EDUCATIONAL SERVICES FOR STUDENTS WITH DISABILITIES DURING LONG-TERM SUSPENSION, 365-DAY SUSPENSION, OR EXPULSION**

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

**D. REDUCING SUSPENSION AND EXPULSION RATES**

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

Legal References: U.S. Const. amend. XIV, § 1; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; N.C. Const. art. I, § 19; G.S. 14-208.18; 115C art. 9; 115C-45(c)(2), -47(55), -276(r), -288, -390.1, -390.2, -390.7, -390.8, -390.9, -390.10, -390.11, -390.12, -402; 130A-440; State Board of Education Policy GCS-D-000; *Policies Governing Services for Children with Disabilities*

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

Adopted:

## **REQUESTS FOR READMISSION OF STUDENTS SUSPENDED FOR 365 DAYS OR EXPELLED**

*Policy Code:*

**4362**

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

### **A. REQUESTS BY STUDENTS SUSPENDED FOR 365 DAYS**

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

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

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

### **B. REQUESTS BY EXPELLED STUDENTS**

A student who has been expelled may submit a request to the board for readmission any time after 180 calendar days from the start date of the student's expulsion. The board chairperson immediately will forward the request to the superintendent, who shall arrange in a timely manner a hearing before the board. The hearing will be conducted in accordance with policy 2500. After considering the student's request and the superintendent's or designee's recommendation regarding readmission, if the board determines that the student has satisfactorily demonstrated that his or her presence in



school no longer constitutes a clear threat to the safety of other students or employees, the board will readmit the student. The board will notify the student, the student's parents, and the superintendent in writing of its decision within 30 days of the submission of the request for readmission.

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

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

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

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

Adopted:



**A. ADMINISTRATIVE HEARINGS**

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

1. The hearing will be informal and conducted in private.
2. Prior to the hearing, the student and his or her parents and representative will have an opportunity to review any audio or video recordings of the incident and, consistent with federal and state student records laws and regulations, the information that may be presented as evidence against the student, including statements made by witnesses whose names are withheld in accordance with number 5, below.
3. The hearing may be attended by the hearing officer, the superintendent, the principal and/or assistant administrators, and any persons the hearing officer deems necessary. The student has the right to be present at the hearing, to be accompanied by his or her parents, and to be represented by an attorney or non-attorney advocate. Witnesses should be present only when providing information.
4. The school representatives have the burden of proving the misbehavior; the violation of board policy, the Code of Student Conduct, school standards, or school rules; and the appropriateness of the recommended consequence for the violation.
5. The school representatives will present the witnesses and documentary evidence against the student first. School officials may withhold witness names or other identifying information if identification of a witness could threaten the witness's safety.
6. After the school representatives have presented their evidence, the student or his or her representative may present evidence relating to the alleged disciplinary infraction, the student's intent at the time of the incident, any mitigating or aggravating factors involved, the disciplinary and academic history of the student, and the potential benefits to the student of alternatives to suspension. Such evidence may include oral testimony by witnesses, written statements, and other documents. The student may testify or may remain silent without penalty.
7. Both the school representatives and the student or his or her parent or representative may examine the witnesses presented by the other side. The hearing officer has the authority to limit questioning by any person if the

questioning is unproductive, unnecessarily lengthy, repetitive, or irrelevant.

8. In reaching a determination in the matter, the hearing officer shall consider the documents produced in the hearing, the testimony of the witnesses, and other evidence presented at the hearing. The hearing officer shall determine the relevant facts and credibility of witnesses based on the evidence presented at the hearing. If the hearing officer determines that a violation occurred, the hearing officer also shall determine the appropriateness of the recommended consequences for the violation. Formal rules of evidence do not apply, and the hearing officer may rely on evidence that a reasonably prudent person would consider in the conduct of serious affairs.
9. Following the hearing, the superintendent shall render a written decision. The superintendent shall adopt the hearing officer's factual determinations unless they are not supported by substantial evidence in the record.
10. The superintendent shall notify the student and parent of the decision in accordance with the requirements of policy 4353, Long-Term Suspension, 365-Day Suspension, Expulsion.
11. The hearing officer shall provide for making a record of the hearing, including any findings or conclusions. The student will have the right to make his or her own audio recording of the hearing.

## **B. BOARD HEARINGS**

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

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

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

2. Board Decision on Expulsion

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

Legal References: G.S. 115C-45, -47, -276, -288, -390.1, -390.2, -390.7, -390.8

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

Adopted:



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

**A. ATTENDANCE RECORDS**

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

**B. TARDIES AND EARLY RELEASES**

Attendance in school for the full time allotted for classes is important for student success. Tardies and early releases cost students valuable educational instruction and also interrupt the learning process for other students. Students who accumulate excessive unexcused tardies to school or class or who leave school or class early without permission may be suspended for up to two days for such offenses.

All requests to leave school property during the school day must be approved by the principal or designee. A student may be dismissed from school for medical or dental appointments but generally will not be excused for outside activities such as music lessons, dancing lessons, etc.

**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 a college visit also require a signed statement by college admissions personnel on official stationery. Absences due to extended illnesses may also require a statement from a physician. If the parent or guardian knows in advance that the student will be absent for any reason, the excuse with the dates of the absences should be provided prior to the absence. An absence may be excused for any of the following reasons:

1. personal illness or injury that makes the student physically unable to attend school;
2. isolation ordered by the State Board of Health;
3. death in the immediate family;

4. medical or dental appointment;
5. attendance at the proceedings of a court or administrative tribunal if the student is a 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(s);
7. participation in a valid educational opportunity, such as travel or service as a legislative or Governor's page, with prior approval from the principal;
8. pregnancy and related conditions or parenting, when medically necessary;
9. visitation with the student's parent or legal guardian, at the discretion of the superintendent or designee, if the parent or legal guardian (a) is an active duty member of the uniformed services as defined by policy 4050, Children of Military Families, and (b) has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat support posting; or
10. with prior approval of the principal, up to two days each academic year for a high school junior or senior to visit college campuses in order to qualify for scholarships, attend orientation sessions, or determine whether to apply for admission.

**D. MAKE-UP OPPORTUNITIES**

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 work. (See also policies 4110, Immunization and Health Requirements for School Admission, and 4351, Short-Term Suspension.) Make-up work for unlawful absences will be at the discretion of the principal.

The teacher shall determine when work is to be made up. Students in grades six through 12 are responsible for finding out what assignments are due and completing them within the specified time period. The teachers of students in kindergarten through grade five should contact the students.

**E. SCHOOL-RELATED ACTIVITIES**

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



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

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

#### **F. EXCESSIVE ABSENCES**

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

Class attendance and participation are critical elements of the educational process and may be taken into account in assessing academic achievement. Students in kindergarten through grade eight are required to be in attendance 160 school days to receive credit. An exception to this policy may be made by the principal.

A high school student who is absent from a course for a total of eight or more periods (after all make-ups and waivers are applied) will fail that course. At the discretion of the principal, a high school student who is passing a course and has been absent from the course at least eight but no more than 15 periods may be provided an opportunity to make up time missed. Each high school will provide sufficient make-up opportunities to allow a student to make up three days (12 class periods) per semester. A high school student who is passing a course and has missed eight or more periods of the course may appeal to the principal for a waiver of his or her lawful absences.

A principal's decision concerning course credit and excessive absences may be appealed to the board at the conclusion of the semester in which the absences occurred. Requests for a board hearing must be received in the superintendent's office no later than the fifth business day after grades are reported.

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



Students with excused absences due to documented chronic health problems are exempt from this policy.

Legal References: G.S. 115C-47, -84.2, -288(a), -375.5, -378 to -383, -390.2(d), -390.2(l), -390.5, -407.5; 130A-440; 16 N.C.A.C. 6E .0102, .0103; State Board of Education Policies TCS-L-000, -002, -003

Cross References: Extracurricular Activities and Student Organizations (policy 3620), Education for Pregnant and Parenting Students (policy 4023), Children of Military Families (policy 4050), Immunization and Health Requirements for School Admission (policy 4110), Short-Term Suspension (policy 4351)

Adopted:

## **PITT COUNTY BOARD OF EDUCATION**

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**DATE:** August 1, 2016

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**TOPIC:** Consideration of Items to be Declared Surplus Property

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**BACKGROUND:**

Please find attached for your review and consideration a list of items to be Declared Surplus Property.

Matt Johnson, Executive Director of Operations, will be present to respond to any questions you may have regarding this list.

Should you have questions or comments requiring an adjustment, please ask the Chair to remove this item from the Consent Agenda.

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**SUPERINTENDENT'S RECOMMENDATION:**

Board action is required

## **ITEMS TO BE DECLARED SURPLUS**

**August 1, 2016**

\* Lot of (16) computer workstations, (12) flat panel monitors, (44) Asus laptops, (7) Samsung Chromebooks, (5) Dell D620 laptops, (3) Dell D6400 laptops, (1) Dell D610 laptops, (1) Dell D5530 laptops, (4) Dell Vostro 1700 laptops, (1) Dell Vostro 1710 laptop, (2) boxes of miscellaneous computer related items.

\* (2) Murdock water fountains

\* (1) Cannon M38052 Microprinter

\* (4) cell phones



## **PITT COUNTY BOARD OF EDUCATION**

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**DATE:** August 1, 2016

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**TOPIC:** Consideration of Federal Programs Plan

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**BACKGROUND:**

Director of Federal Programs, Sandra Morris, will discuss and request approval from the Board members for the 2016-2017 Federal Programs Plan.

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**SUPERINTENDENT'S RECOMMENDATION:**

Board action is required

**Title I Funding Budget  
Pitt County Schools  
2016-17**

Set-Asides	Description	Amount
<b>Title I Planning Allotment</b>	Enter Title I Planning Allotment.	\$7,767,923.00
<b>1. District Administration 000</b>	Up to 12% for administrative cost. These totals do not include indirect cost. (*6%)	\$250,738.73
<b>2. Parental Involvement 003</b>	1% for parental involvement activities. Parent Involvement Allocation for schools Parent Involvement Coordinator Parent Involvement Supplies Parenting Workshops District Title I Parent Forum	\$184,925.61
<b>3. Prekindergarten 002</b>	Reserve funds reasonable and necessary for Pre-K Funding 25 Blended Classrooms	\$750,000.00
<b>4. Incentive Pilot 012</b>	Wellcome Middle School – Teacher Retention & Rewards	\$3,859.61
<b>5. District-wide Instructional Initiative 008</b>	CARE Teachers – Reading Intervention Teachers for Title I Schools and Staff Development	\$578,456.25
<b>6. District wide - Professional Development 004</b>	<b>Professional Development</b>  District Wide Staff Development Master Teachers 005  Interventionist, K-5 ELA Curriculum Specialist, and K-5 Spanish Teacher 007  District focus: Instructional Strategies, Learning Focused, Adaptive Schools and MTSS.	\$50,000.00  \$1,140,278.18  \$193,594.80
<b>7. *Focus Schools 011</b>	Intervention/Professional Development	\$280,000.00
<b>8. Homeless 006</b>	Services comparable to children in participating schools (Funds are for Non-Title I schools )	\$8,000.00
<b>9. Neglected/Delinquent</b>	Enter the amount for Neglected and/or Delinquent. This will be received as a separate allocation amount.	\$0.00
<b>10. SES/Choice Transportation</b>	Remainder of SES expenditures	\$0.00
<b>11. District Initiatives 010</b>	PCS District	\$600,000.00
<b>TOTAL</b>	Enter the <b>TOTAL set-aside</b>	\$4,039,853.18
		\$7,767,923.00
		\$4,039,853.18
Amount of funding provided to schools		\$3,728,069.82



# 2016-17 TITLE I ALLOCATIONS

School	F&L	Total Students	% FRL	Parent Involvement	School Allocation	Total Allocations and Parent Inv. Funds
Belvoir	487	487	1.0000	\$ 4,156.65	\$ 201,278.23	\$ 205,434.88
Falkland	392	392	1.0000	\$ 3,345.80	\$ 162,014.51	\$ 165,360.31
Lakeforest	791	791	1.0000	\$ 6,751.36	\$ 326,922.13	\$ 333,673.49
Northwest	387	387	1.0000	\$ 3,303.13	\$ 159,948.00	\$ 163,251.13
Pactolus	566	566	1.0000	\$ 4,830.93	\$ 233,929.11	\$ 238,760.04
South Greenville	495	495	1.0000	\$ 4,224.93	\$ 204,584.65	\$ 208,809.58
Wellcome Middle	399	399	1.0000	\$ 3,405.55	\$ 164,907.62	\$ 168,313.18
Early College	74	74	1.0000	\$ 631.61	\$ 30,584.37	\$ 31,215.98
Wahl-Coates	293	357	0.8207	\$ 2,500.82	\$ 121,097.58	\$ 123,598.40
CM Eppes	434	552	0.7862	\$ 3,704.28	\$ 179,373.21	\$ 183,077.49
Grifton	388	499	0.7776	\$ 3,311.66	\$ 160,361.30	\$ 163,672.96
Elmhurst	303	392	0.7730	\$ 2,586.17	\$ 125,230.60	\$ 127,816.77
HB Sugg	296	398	0.7437	\$ 2,526.42	\$ 122,337.49	\$ 124,863.91
Sam D. Bundy	281	394	0.7132	\$ 2,398.40	\$ 116,137.95	\$ 118,536.35
<b>Poverty Band 70%</b>						
Bethel	199	289	0.6886	\$ 1,698.51	\$ 80,356.55	\$ 82,055.06
Ayden Elementary	463	688	0.6730	\$ 3,951.80	\$ 186,960.22	\$ 190,912.03
Eastern	479	717	0.6681	\$ 4,088.37	\$ 193,421.05	\$ 197,509.42
GR Whitfield	301	490	0.6143	\$ 2,569.10	\$ 121,544.34	\$ 124,113.44
Stokes	153	252	0.6071	\$ 1,305.89	\$ 61,781.67	\$ 63,087.56
Creekside	376	635	0.5921	\$ 3,209.24	\$ 151,829.47	\$ 155,038.71
WH Robinson	267	514	0.5195	\$ 2,278.90	\$ 107,815.08	\$ 110,093.98
Ridgewood	337	728	0.4629	\$ 2,876.37	\$ 136,081.20	\$ 138,957.57
Wintergreen Primary	334	795	0.4201	\$ 2,850.76	\$ 134,869.79	\$ 137,720.56
Chicod	338	909	0.3718	\$ 2,884.90	\$ 136,485.00	\$ 139,369.90
Wintergreen Intermediate	268	738	0.3631	\$ 2,287.44	\$ 108,218.88	\$ 110,506.31

70 - 100% = Up to \$413.30 per student  
35 - 69% = Up to \$403.80 per student

**Parent Involvement per student \$8.54**



## **PITT COUNTY BOARD OF EDUCATION**

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**DATE:** August 1, 2016

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**TOPIC:** HR Update

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**BACKGROUND:**

Dr. Ve-Lecia Council, Assistant Superintendent of Human Resources, will be present to give the Board a Human Resources Update.

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**SUPERINTENDENT'S RECOMMENDATION:**

No Board action is required.

## PITT COUNTY BOARD OF EDUCATION

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**DATE:** August 1, 2016

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**TOPIC:** Finance Update

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**BACKGROUND:**

Chief Finance Officer, Debra Baggett, will be present to give the Board a Finance Update.

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**SUPERINTENDENT'S RECOMMENDATION:**

No Board action is required

## PITT COUNTY BOARD OF EDUCATION

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**DATE:** August 1, 2016

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**TOPIC:** Operations Update

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**BACKGROUND:**

Matt Johnson, Executive Director of Operations, will be present to give the Board an Operations Update.

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**SUPERINTENDENT'S RECOMMENDATION:**

No Board action is required



## PITT COUNTY BOARD OF EDUCATION

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**DATE:** August 1, 2016

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**TOPIC:** Motion to go into Closed Session

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I move that we go into Closed Session pursuant to General Statute 143.318.11 for the following purposes:

- ☒ under subsection (a)(1) to prevent the disclosure of privileged or confidential student information. (*G.S. 115C-402; 20 U.S.C. §1232g (FERPA)*)
- ☐ under subsection (a)(1) to prevent the disclosure of privileged or confidential personnel information. (*G.S. 115C-319 et.seq.*)
- ☒ under subsection (a)(3) to consult with our attorney:
  - ☒ to preserve the attorney-client privilege.
  - ☒ to consider and give instructions concerning a potential or actual claim, administrative procedure, or judicial action.
  - ☐ to consider and give instructions concerning a judicial action titled \_\_\_\_\_ v. Pitt County Board of Education.
- ☐ under subsection (a)(5) to establish or instruct the staff or agent concerning the negotiation of the price and material terms of a contract concerning the acquisition of real property.
- ☐ under subsection (a)(5) to establish or instruct the staff or agent concerning the negotiation of the amount of compensation and other material terms of an employment contract or proposed employment contract.
- ☐ under subsection (a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment or initial employment of a public officer or employee or a prospective public officer or employee.
- ☐ under subsection (a)(6) to hear or investigate a complaint, charge, or grievance by or against a public officer or employee.
- ☐ under subsection (a)(8) to formulate plans relating to emergency response to incidents of school violence or to formulate and adopt the school safety components of school improvement plans.