



## Parent & Student Information Guidebook for School Year 15-16

### Welcome to the New School Year at WCS

We hope this *Parent & Student Information Guidebook* will assist families, old and new, to the Whiteville City Schools and answer questions, which may arise during the year. This guidebook includes procedures that are important for the daily operation of all of our schools. Please file this

guidebook for reference throughout the school year.

Your child will also receive a copy of our *Student Code of Conduct* handbook. That document will provide a copy of the policies dealing with student behavior and consequences. Both documents should be used in conjunction with each other.

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### **Mission:**

*Empowering ALL students to reach their maximum potential for lifelong learning and productive citizenship.*

### **Vision:**

*Everyone committed to success for ALL students!*

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The *EXPLORE* Assessment will be given to every 8th grader in October. The *EXPLORE* assessment provides information for eighth graders to explore career/training options, to measure their academic success and to make plans for high school.

The *PLAN* Assessment will be given to every 10th grader in October. The *PLAN* assessment provides information for sophomores to explore career/training options, to measure their current academic development and to make plans for the remaining years of high school.

The *ACT* college admissions assessment will be given to every 11th grader in March. Students may submit their scores to colleges and universities for admissions consideration. The *ACT* provides information for juniors to understand what to learn to build a more rigorous high school course plan and identify career areas that align with their interests.

The *WorkKeys* assessment will be administered to seniors who complete the four course Career and Technical Education sequence in February. The *WorkKeys* measures skills and abilities such as reading, math, listening, locating information and teamwork – skills that are critical to job success. Students will receive a National Career Readiness Certificate which they can submit to a potential employer as evidence of their skills.

## **DISTRICT-WIDE QUARTERLY DATES**

<b>Grading Periods</b>	<b>Beginning of 9-Week Period</b>	<b>Mid Term Reports Due</b>	<b>End of 9-Week Period</b>	<b>Report Card Issue Date</b>
1 <sup>st</sup>	Monday, August 24, 2015	Thursday, September 24, 2015	Monday, October 26, 2015	Monday, November 2, 2015
2 <sup>nd</sup>	Tuesday, October 27, 2015	Wednesday, December 2, 2015	Friday, January 15, 2016	Wednesday, January 27, 2016 (*WHS - Pending release of test scores by NC DPI)
3 <sup>rd</sup>	Thursday, January 21, 2016	Tuesday, February 23, 2016	Thursday, March 24, 2016	Thursday, April 7, 2016
4 <sup>th</sup>	Monday, April 4, 2016	Thursday, May 5, 2016	Tuesday, June 7, 2016	High School Thursday, June 9, 2016  All other schools handed out on Tuesday, June 7, 2016

*Report Card Issue Dates Subject to Change*

## **DISTRICT CALENDAR**

A district-wide calendar for the current School Year will be provided by each school. Please note this calendar includes holidays, teacher workdays, etc. The calendar is also posted on the Central Services web site where it may be downloaded.

## **SCHOOL TIMES**

<b>School</b>	<b>Arrival Time</b>	<b>Tardy Bell</b>	<b>Dismissal Time</b>
Whiteville Primary School	7:50 a.m.	8:10 a.m.	2:45 p.m.
Edgewood Elementary School	7:45 a.m.	7:55 a.m.	3:00 p.m.
Central Middle School	7:40 a.m.	8:00 a.m.	3:00 p.m.
Whiteville High School	7:35 a.m.	7:50 a.m.	2:39 p.m.
North Whiteville Academy	9:00 a.m.	9:10 a.m.	4:00 p.m.

Please note that school arrival and dismissal times may change. In the event of a change, parents and students will be notified. Specific times for schools (drop-off times, tardy bell, lunch schedules, etc) may be obtained by contacting that individual school.

## **STUDENT DRESS CODE POLICY #4316**

The Whiteville City Board of Education believes a safe and disciplined learning environment is the first requirement of a high performing school. The implementation of school uniforms will help minimize disruptive behavior, promote respect for oneself and others, build school/community spirit, and, more significantly, help to maintain high academic standards by enhancing the instructional program. The wearing of uniforms will promote the quick identification of intruders on campus. Uniforms will also allow students to focus more acutely on learning by eliminating the distractions of fashion and style. School administration will enforce the policy to ensure the safety of the students and compliance with the dress code policy set forth by the Whiteville City Schools Board of Education.

### **A. IMPLEMENTATION PROCESS**

Students will be required to start wearing uniforms at the beginning of the 2009-10 school year.

### **B. INFORMATION DISSEMINATION**

School officials will communicate information concerning the uniform policy to students, parents, teachers, and the community. This information will include general guidelines for implementation and will be achieved by using one or more of the following: newsletters, parent forums, PTA meetings, School Improvement Team meetings, TV and radio announcements, newspaper, internet, phone, flyers, and posters.

### **C. GENERAL STUDENT APPEARANCE**

In addition to being required to wear school uniforms, all students are to be groomed and dressed appropriately for school and school activities. A student's dress and/or appearance shall:

1. Support, not disrupt, the learning environment;
2. Constitute no threat to health or safety;
3. Be tasteful and unable to be construed as provocative or obscene;
4. Reflect practices of good hygiene and cleanliness.

### **D. RELIGIOUS BELIEFS – MEDICAL REASONS**

Reasonable consideration shall be made for those students who, because of a sincerely held religious belief or medical reason, request a waiver of a particular guideline for dress or appearance. The waiver request shall be made in writing from the parent or guardian and approved by the principal. In considering a waiver request, the principal may request additional documentation from medical officials and/or religious leaders.

### **E. SPECIAL ACTIVITY ACCOMMODATIONS**

Reasonable accommodation shall be made by the principal for students involved in special duties, activities, or projects approved by the school. This may include, but is not limited to athletics, career and technical education, physical education classes, special events, or any other activities that require non-conforming dress on a school campus during a school-sponsored event. In the case of athletics, this includes "spirit-wear" (e.g., Wolfpack t-shirts or athletic team shirts) which shall be worn over regulation uniform shirts/blouses.

### **F. FINANCIAL CONSIDERATIONS**

- i. Pants must have zippers, buttons or snaps with the exception of Pre-K through Grade 2 students.
- j. Skirts are limited to no more than four pockets.
- k. Garments may not have more than two slits and the slits cannot exceed four inches above the knee.
- l. Capri pants are allowed but cannot be hip huggers, cannot be skin tight, and the manufactured slit at the bottom of the Capri pant cannot be above the knee.
- m. Pants may not have a slit that exceeds four inches from the bottom of the pant leg.
- n. Pants may not be rolled up in a cuff to simulate Capri pants or shorts.
- o. One-piece jump suits are not allowed.

#### **4. BELTS**

- a. Students in grades 3 through 12 must wear belts if the garment was manufactured with belt loops. Belts must be with a plain belt buckle that is not over two inches. All belts must be appropriately buckled.
- b. Pre-K through Grade 2 students are not required to wear a belt.
- c. Belts or waistbands must be visible with shirts tucked in except when approved sweatshirts are worn.
- d. Graphics, metal decorations (spikes and studs), or labels are unacceptable on all belts and belt buckles.
- e. Belts must be an appropriate length and not hang below the straddle.

#### **5. SHOES**

- a. Shoes shall be worn at all times. As needed, shoes shall conform to special class requirements such as P.E. classes, JROTC, science labs, and any other classes as deemed necessary by the teacher and the principal.
- b. Shoes that have laces shall be laced and tied.
- c. No bedroom shoes shall be allowed.
- d. "Flip-flop" style shoes are not allowed. Sandals are at administrative discretion.
- e. Shoes may not be altered in any way from the manufactured design, style, or functionality.
- f. Shoelaces must match, and any straps must be secured.
- g. Boots that lace up over the pant leg are prohibited.
- h. Shoes with spiked heels are prohibited.
- i. Shoes and boots must be laced up.

#### **6. SOCKS**

- a. Both socks must match.
- b. Socks must be worn in a manner that does not undermine the integrity of the uniform.
- c. Socks must be one solid color.
- d. Socks may not be worn over pant legs.
- e. Female students may wear flesh-colored pantyhose and knee-high stockings.

#### **7. JEWELRY**

- a. Students may not wear large pendants or medallions. Jewelry designed to be worn around the neck must be worn beneath the shirt/blouse of the uniform at all times.
- b. No adornment is allowed that reasonably could be perceived as, or used as, a weapon. This includes, but is not limited to chains, spikes, and certain belt buckles.
- c. Only school activity buttons, approved by the principal are permitted to be worn on a student's school uniform, purse, book bag, or any other article of clothing or personal article.

The Principal shall ensure that the policy is enforced in a consistent manner and require the student and the student's parent or guardian to take appropriate action to remedy situations determined to be in conflict with this policy. Disciplinary action shall be taken for violation of the School Uniform Policy in accordance with the Violations & Consequence section of the Whiteville City Schools *Parent/Student Information Guide*. Appropriate disciplinary actions for violations shall include the following:

*First Offense:*

A first offense shall be considered a Level I violation of the *Parent/Student Information Guide*. Students shall be informed that they have violated the policy. They shall be given the opportunity to change into acceptable clothing by using available clothes at school or by calling a parent/guardian to bring clothes. Parents must be informed in writing of the violation.

*Second Offense:*

A second infraction of the policy shall be considered a Level II violation of the *Parent/Student Information Guide* and consequences shall be within the scope of that document. These may include up to assignment to the Re-Direct Center. Parents must be informed in writing of the violation.

*Third (and additional) Offenses:*

A third infraction of the uniform policy shall be considered a Level III violation of the *Parent/Student Information Guide* and consequences shall be within the scope of that document. These may include up to referral to the Alternative Learning Program. Parents must be informed in writing of the violation.

Disciplinary action may vary when a student has a record of other student conduct violations during the current school year. Students who do not comply with the School Uniform Policy also may be excluded from participating in certain school programs, including graduation ceremonies. Copies of the School Uniform Policy shall be made available to students and parents.

Students new to Whiteville City Schools shall be given a two-week grace period from the date of enrollment to obtain and wear the proper school uniforms.

## **I. ANNUAL REVIEW**

This policy may be reviewed annually and revised as necessary by the Board of Education.

Legal References: G.S. 115C-47, -390, -391

Cross References: School Plan for Management of Student Behavior (policy 4302), Disruptive Behavior (policy 4315)

Adopted: July 12, 2010

Last Edit: April 2, 2012

Last Edit: November 10, 2014

Approved: August 10, 2015

## **ANNUAL NOTIFICATION OF ASBESTOS INSPECTIONS**

In compliance with the US Environmental Protection Agency (EPA) Asbestos Hazard Emergency Response Act (AHERA), we perform inspections of each of our school buildings for asbestos-contained building materials. The inspection findings and Asbestos Management Plans are on file in each school Administrative Office. The EPA requires us to perform re-inspections of the asbestos materials every three years. Asbestos Inspectors perform these inspections and an accredited Management Planner reviews the results of the inspections and recommends actions we should take to safely manage each asbestos material in our buildings. The school also performs surveillances of the asbestos materials every six months. No significant changes in asbestos materials condition were noted during the last surveillance of the school buildings. All asbestos materials in our schools are in satisfactory condition and we plan to continue to manage them in place, as recommended by the accredited Management Planner. The results of the re-inspections and surveillance's are on file in the Management Plan in the school's Administrative Office and are available for review during normal school hours.

## **ANNUAL NOTIFICATION OF RIGHTS UNDER FERPA FOR ELEMENTARY AND SECONDARY SCHOOLS**

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

1. The right to inspect and review the student's education records within 45 days of the day the School receives a request for access. Parents or eligible students should submit to the school principal (or appropriate school official) a written request that identifies the record(s) that wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate. Parents or eligible students may ask the school to amend a record that they believe is inaccurate. They should write the school principal (or appropriate official), clearly identifying the part of the record they want changed, and specify why it is inaccurate. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is to disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisor, instructor, or a support staff member (including health and medical staff and law enforcement unit personnel); a person serving on the School Board, a person or company with whom the school has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the school discloses education records without consent to officials of another school district in which a student seeks or intends to enroll. (NOTE: FERPA requires a school district to make a reasonable attempt to notify the parent or student of the records request unless it states in its annual notification that it intends to forward records on request.)



## **MEDICATION ADMINISTRATION**

It is within the scope of duty of teachers, teacher assistants, student teachers or any other public school employee to administer any drugs or medication prescribed by a doctor upon written request of the parents.

Implementation of the Individuals with Disabilities Act (Public Law 94-142 and Public Law 94-437) has led to an increased number of children whose health problems require prescribed medication to be given while at school. Students with chronic illness, such as asthma, are dependent on routine medications which enable them to participate more fully in all aspects of school activities and to minimize their absences. Students who have conditions such as attention deficit disorder may require the administration of controlled substances during the school day in order to maximize their classroom performance. Some students with infections and communicable diseases are able to resume school attendance based on continuation of their medication regimen.

Medications dispensed during school hours by school personnel should be kept to a minimum. The student in need of medication to sustain his/her attendance in school may have a chronic health problem, a special health care need, or an unusual health problem, where emergency measures are indicated. This policy is intended for this type of child. The board assumes no responsibility for students who self-medicate without authorization. This is the responsibility of the student's parents or guardians.

Parents should be highly encouraged to give medication at home before or after school hours. If this is not possible, it is the parent or guardian's responsibility to make arrangements with the school administration for medication to be given during school hours. It is also the responsibility of the parent to collect any unused medication at the end of the school term or when the medicine is discontinued.

When children who are subject to unusual health hazards such as allergy to bee stings attend school, it is the parent's or guardian's responsibility to assure that the school administration is aware of the situation and prepared to implement emergency measures.

Medications will be kept in a secure storage space yet readily accessible to staff and students involved. Records of medication dispensing will be maintained on file for as long as the child is enrolled in the school system plus three years past the time the student reaches eighteen years of age.

Parents/guardians will be notified regarding medication administration policy and procedure through letters and student handbooks.

At least three staff members at each school will be trained to receive and administer medication safely. Training will be conducted annually. Evaluations will be conducted each semester. Training and evaluations will be the responsibility of the school nurse.

# WHITEVILLE CITY SCHOOLS

## Notification of Possible Media Visits & Publicity Releases (for all students)

Throughout the year, members of the media may contact the school district for permission to photograph classes and publicize special events and activities that take place in the district. The district office, along with the individual schools, makes arrangements for such visits, which typically cover classroom or extra-curricular activities. Members of the media may not photograph students without the prior approval from the school. Additionally, the school district may photograph students and/or groups for local publicity.

### IMPORTANT

This form must be completed each school year and returned to the school office.

Check one of the following boxes:

Yes...I give permission to Whiteville City Schools and/or the news media to photograph or video my child.

No...I do not give permission for my child to be included in any photographs or videos.

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Student's Name—PRINTED, please.

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School

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Grade

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Parent's/Guardian's Signature

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Date

# Introduction

Dear Students and Parents/Legal Guardians,

You can see from reading the cover page that the vision of the Whiteville City Schools is to “*Empower ALL students to reach their maximum potential for lifelong learning and productive citizenship.*” Students have a much greater chance of reaching this vision when they attend schools that are safe, orderly and free of distractions from learning.

Just as we ask teachers to set clear classroom expectations for student learning, the district has set clear standards for student behavior. The Board of Education for the Whiteville City Schools has adopted a series of policies dealing with student behavior. Additionally, individual schools have developed school-wide behavior teams to set expectations for behavior so students are aware of permissible and impermissible behavior.

The purpose of the *SY 15-16 Student Code of Conduct Handbook* is to compile all of the district policies related to student behavior into a single document for students and parents/legal guardians. Our aim is to make explicit the behavior and discipline policies by which our schools are governed.

We ask that students and their parents/legal guardians review the information that is included in this handbook and acknowledge receipt of this information in writing. A written form is included at the end of this handbook and must be returned to the school office.

Student success can only be assured through the maintenance of a safe and secure learning environment in each of our schools. Please join with the Whiteville City Schools staff in this critically important effort.

## **Non-Discrimination Statement**

The Whiteville City Schools Board of Education prohibits any policy or procedure that results in discrimination on the basis of age, color, disability, gender, national origin, marital status, race, religion or sexual orientation. Individuals who wish to file a discrimination and/or harassment complaint or who wish to request accommodations under the Americans with Disabilities Act (ADA) may call the Director of Human Resources, Title IX compliance officer, at 910-642-4116.

## Class II Violations

VIOLATION	DEFINITION
<b>Assault on Another Student</b>	Assault is the actual causing or threatening or attempting to cause physical injury to another student or intentionally behaving in such a manner as could cause or reasonably cause physical injury to another student.
<b>Breaking of State Law</b>	The breaking of state law, while under the supervision of the school, that is not specifically covered in other areas of the Code of Conduct.
<b>Disruptive Behavior/ Disruption of School</b>	Disruptive behavior constitutes any physical or verbal action which could or does substantially disrupt, disturb, or interfere with the peace, order, and/or discipline within the learning environment or during any school related activity. Disruptive behavior resulting from a matter that originated outside of school (home, community, etc.) will be handled in the same manner as all other incidents. Also, behaviors, actions, clothing, or accessories commonly recognized as being related to a group or gang which provokes others to act violently or be intimidated by fear of violence are prohibited at school or at any school activity.  <u>NOTE:</u> Based upon the nature and severity of the infraction, these behaviors may be considered Class III violations.
<b>Noncompliance</b>	Students shall comply with all appropriate or reasonable directions or rules 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 school personnel.
<b>Drug Paraphernalia</b>	Possession or transfer of items used for the consumption of any narcotic drug, hallucinogenic drug, marijuana or any other controlled substance.
<b>False Accusations and/or Instigating Disruption</b>	False accusations and instigating disruption include but are not limited to the following: fabricating and telling untruths about students or adults, embellishing or adding to stories or situations, intentionally mis-communicating information, "carrying news" between and among students that results in disruptive situations, etc.
<b>Fighting</b>	Fighting is the act of hitting or kicking another student or other person. Any action, comments, or written messages intended to cause others to fight or which might reasonably be expected to result in a fight will be considered the same as fighting. A student who is attacked may use reasonable force in self-defense but only to the extent to free himself/herself from the attack and notify proper school authorities. A student who exceeds this reasonable force may be disciplined even though he/she may not have provoked the fight.
<b>Gambling</b>	Students shall not participate in any unauthorized event, action, or statement that relies on chance for the monetary advantage of one participant at the expense of others.
<b>Misconduct on School- Owned Vehicles/Buses</b>	Inappropriate and/or unsafe actions that jeopardize passenger and/or vehicular safety.
<b>Pyrotechnics/Incendiary Devices</b>	Pyrotechnics and incendiary devices are materials intended or originally likely to result in a fire on school property. Pyrotechnics and incendiary devices include but are not limited to: fireworks, explosives, lighters, explosive caps for toy pistols, snake and glow works, smoke devices, trick noisemakers, wire sparklers, and other sparkling devices.
<b>Sexual Harassment</b>	Unwelcome sexual advances, sexually motivated physical contact, and other verbal or physical initiated conduct or a visual form of harassment of a sexual nature constitutes harassment.
<b>Theft or Damaging Property</b>	Theft is stealing, attempting to steal, or possessing stolen property. Damage is intentionally damaging, or attempting to damage, any school property or private property while under school jurisdiction.
<b>Threatening Actions, Extortion, Discrimination, Harassment, &amp; Bullying</b>	Threatening actions or extortion include language (verbal, written, electronic), which threatens force of violence and any sign or action that constitutes a threat of force or violence toward any school employee, other student, or any other person. Actions include, but are not limited to, spitting, name-calling, putdowns, etc.). Based on the severity of the incident, these offenses may become a Class III violation.
<b>Tobacco and E-Cigarettes</b>	Use of any tobacco product or possession of tobacco, paraphernalia, and e-cigarettes in any school building or school vehicle at any time or on the school premises.
<b>Possession of a Weapon (Knife and Ammunition)</b>	

<b>Possession of Controlled Substances in Violation of Law</b>	Possession of narcotic drugs on or in the immediate control of the person. Narcotic drugs include any form of cocaine, marijuana, heroin, LSD, methamphetamine, and all drugs listed in the North Carolina Controlled Substances Act. Unauthorized possession of a prescription drug (e.g. Ritalin) is included in this category.
<b>Possession of Firearm or Powerful Explosive *</b>	Any unauthorized person possessing on their person or within their custody or control, or storing, or carrying, whether openly or concealed, locked or unlocked, any firearm or powerful explosive, whether operable or inoperable, on school property; or bringing such a device onto school property. *State law G.S. 115C-391 requires that local boards of education suspend for 365 days any student who brings a "weapon" onto school property. Weapons are defined as any gun, rifle, pistol, or other firearm of any kind, or any dynamite cartridge, bomb, grenade, mine or other powerful explosive, as defined in G.S. 14-269.2.
<b>Rape *</b>	As defined by North Carolina law.
<b>Robbery with a Dangerous Weapon *</b>	Theft or attempted theft of anything of value from the person of another or from the area under the immediate bodily control of the other, by using a dangerous weapon or by an act threatening use of a dangerous weapon. A dangerous weapon is any article, instrument or substance that is likely to produce death or great bodily harm.
<b>Robbery without a Dangerous Weapon *</b>	The taking or attempting to take anything of value from another's person, by force, or by an act threatening force or violence, which puts a victim in fear, without the use of a weapon.
<b>Sexual Assault (Not Involving Rape or Sexual Offense) *</b>	As defined by North Carolina law.
<b>Sexual Assault *</b>	As defined by North Carolina law.
<b>Starting a Fire</b>	Intentionally starting a fire or attempting to start a fire.
<b>Taking Indecent Liberties with a Minor *</b>	Committing a sexual act with or in the presence of a child under the age of 16 years, by a person at least age 16 and at least five years older than the other child, for sexual gratification, regardless of whether force was used or whether the victim consented. Examples of acts to be reported under this category are intentional exposure of genitals in front of a child; showing a child pornography, secretly or in the child's presence; or photographing children changing clothes or using toilets if these acts are done for sexual gratification.
<b>NOTE:</b> The State Department of Public Instruction specifies the violations listed above, and school personnel are required to report such incidents to the local law enforcement. Because all Class III violations are more severe, the consequences of these actions are also more severe.	
* Indicates those violations that must be reported to the State Department of Public Instruction and local law enforcement.	

### Additional Clarification to Class III Violations

TERMS	CLARIFICATION
<b>Narcotics, Alcoholic Beverages, Controlled Substances, Chemical &amp; Counterfeit Drugs</b>	Possession, use, or transfer of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance, to include alcoholic beverages, malt beverages or fortified wine or other intoxicating liquor. Possession, use, or transfer of counterfeit drugs or inhaling or ingesting any chemicals or products with the intention of bringing about a state of exhilaration or euphoria or of otherwise altering the student's mood or behavior.

# PROVISIONS FOR ENFORCEMENT

Short-Term Suspension — suspension from school, school activities, and school grounds for a period up to and including ten (10) days.

Long-Term Suspension — suspension from school, school activities, and school grounds in excess of ten (10) days. This long-term suspension must have the approval of the Superintendent.

Long-Term Suspension — 365 days — suspension from school, school activities, and school grounds for a period of 365 days. This long-term suspension can only be authorized by the Board of Education upon recommendation of the Superintendent.

Expulsion — permanent exclusion from the Whiteville City Schools of a student (1) who is fourteen years of age or older and (2) whose behavior indicates that the student's continued presence in school constitutes a clear threat to the safety of employees or other students. Expulsion can only be authorized by the Board of Education, upon the recommendation of the Principal and Superintendent.

Calculation of Days — number of days refers to days when schools are in session for students except for reference to a 365-day suspension, which refers to calendar days.

## CHRONIC OFFENDERS

No student shall continuously fail to comply with the rules of the school or system nor engage in behavior which impedes the ability of others to learn. The information listed on the two following pages begins a formalized process for chronic offenders. It should be understood that the actions listed follow teacher-initiated, classroom-based conversations and interventions that have already been implemented that were intended to resolve behavioral issues. Following classroom-based interventions, it is the expectation that school-based interventions will be exhausted by the school's administration—expecting that students' behaviors will become positive and conducive to their learning as well as for the learning environment of others. When such is not the case, the actions listed below shall occur.

**NOTE:** Any student suspended from school or attending North Whiteville Academy as the result of suspension may not enter the grounds of any school within the WCS district. This includes any sports events or extra-curricular activities.

## Chronic Offenders (Grades 6-12)

Definition:	Level 1:	Level 2:	Level 3:
<p>“Chronic Offenders” may be defined as those students whose repeated behaviors display a pattern of disregard for school rules/ expectations, an unwillingness to engage and/or participate in behavior and/or academic interventions, or no evidence of behavioral improvement over a sustained period of time.</p>	<p><u>Based upon repeated unsuccessful classroom and administrative interventions and five accumulated days of OSS</u></p> <p>Prior to returning to school...</p> <ul style="list-style-type: none"> <li>✓ Parents and student shall participate in a face-to-face conference with the principal.</li> <li>✓ The school-based “Behavior Support Team” (BST) shall meet to review the student’s record (academic, social, behavioral, attendance, health, family history, etc.). In addition to the regular BST members, the student, his/her parents, and his/her teachers must attend this meeting. The goal is to develop an academic/ behavioral improvement plan with appropriate interventions.</li> </ul>	<p><u>Based upon repeated unsuccessful classroom and administrative interventions and Level 1 and 9-10 days of OSS</u></p> <p>Prior to returning to school...</p> <ul style="list-style-type: none"> <li>✓ Parents and student shall participate in a school-based counseling session with the school counselor.</li> <li>✓ The school-based “Behavior Support Team” (BST) shall meet to review the student’s intervention plan. Parents and the student are required to attend.</li> </ul>	<p><u>Based upon repeated unsuccessful classroom and administrative interventions and Level 2 and 14-15 days of OSS</u></p> <p>Prior to returning to school...</p> <ul style="list-style-type: none"> <li>✓ Parents and student shall meet with the school social worker to arrange required community-based, agency-based visits for parents and student.</li> <li>✓ Parents and student shall attend or be enrolled in a two-hour family session (approximately five hours) to include parents and the student.</li> <li>✓ Parents will be given written notice that on the finding by the principal that if the student has additional out-of-school suspensions, the principal shall recommend to the Superintendent that the student be long-term suspended with consideration for enrollment at the alternative school.</li> <li>✓ Parents and student shall have a required conference with the Superintendent or designee.</li> </ul>

## FELONY CHARGES/CONVICTIONS

Based on the nature and circumstances of specific situations, students who are charged with a felony may be placed in the alternative school upon the recommendation of the principal and approval by the superintendent. Students who are convicted of a felony and remain eligible for enrollment in school shall be assigned to the alternative school.

## SAFE AND DRUG-FREE SCHOOLS

In an effort to create in each of our schools an environment highly conducive to learning and in compliance with Safe and Drug-Free Schools Act of 1994-Title IV, Whiteville City Schools provide comprehensive, age-appropriate, developmentally based drug abuse and violence prevention education for all students from preschool level through grade 12. School-based Student Services teams provide case management, intervention, and referral services and will ensure re-entry into school after treatment for those students who are otherwise entitled to services provided by the Whiteville City Schools Board of Education.

When employees with responsibility for supervising students have personal knowledge or actual notice of a student altercation or other situation that poses an immediate threat to safety, they shall use their professional judgement to determine how best to address the situation to protect the safety of everyone in the vicinity. Emergency procedures identified in a student's Behavior Intervention Plan shall be followed to the maximum extent possible under the circumstances. For minor threats or altercations or altercations involving young children, the employee shall intervene directly to end the fight or address the safety threat if the employee can do so safely. An employee who encounters a situation that cannot be managed safely and effectively by that employee immediately shall request assistance from other employees or administrative staff and shall take steps to remove bystanders from the area. Only the degree of force or physical control reasonably necessary shall be used to re-establish a safe environment.

Employees should take further action as appropriate in accordance with any response protocols established by the principal or superintendent. All employees are responsible for knowing and following such protocols to the fullest extent reasonable under the circumstances at the time.

2. School Rules

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

3. Training for Staff and Students

Staff training must include detailed instruction on how to respond to a variety of emergency situations. In addition, staff should be able to recognize and respond to behavior, information, and related indicators that warn of impending problems. School personnel must teach and review with students (1) safety procedures, including fire safety procedures; (2) precautions for handling chemicals or potentially dangerous equipment; and (3) appropriate responses to threats to school safety.

4. Safety Equipment

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

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

The superintendent shall develop system-wide plans and procedures to address emergency situations. The superintendent must provide the Department of Public Safety's Division of Emergency Management (Division) with emergency response information it requests for the School Risk Management Plan and the School Emergency Response Plan. The superintendent must also provide the Division and local law enforcement with schematic diagrams, including digital schematic diagrams, of all school facilities and updates of the schematic diagrams when the school system makes substantial facility modifications, such as the addition of new facilities or modifications to doors or windows. Schematic diagrams must meet any standards established by the Department of Public Instruction for the preparation and content of the diagrams. In addition, the superintendent shall provide local law enforcement with emergency access to key storage devices for all school buildings and with updated access to school building key storage devices when changes are made to the devices.

As appropriate, the superintendent shall consult with local law enforcement agencies and emergency responders to plan for and conduct emergency drills. Principals, with the assistance of both law enforcement and emergency responders as appropriate, shall conduct fire drills as



# PROHIBITION AGAINST DISCRIMINATION, HARASSMENT, AND BULLYING

*Policy Code: 1710/4021/7230*

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

## **A. PROHIBITED BEHAVIORS AND CONSEQUENCES**

### **1. Discrimination, Harassment, and Bullying**

Students, school system employees, volunteers, and visitors are expected to behave in a civil and respectful manner. The board expressly prohibits unlawful discrimination, harassment, and bullying.

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

Any violation of this policy is serious and school officials shall promptly take appropriate action. Students will be disciplined in accordance with the school's student behavior management plan (see policy 4302, School Plan for Management of Student Behavior). Based on the nature and severity of the offense and the circumstances surrounding the incident, the student will be subject to appropriate consequences and remedial actions ranging from positive behavioral interventions up to, and including, expulsion.

Employees who violate this policy will be subject to disciplinary action, up to, and including, dismissal. Volunteers and visitors who violate this policy will be directed to leave school property and/or reported to law enforcement, as appropriate, in accordance with policy 5020, Visitors to the Schools.

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

### **2. Retaliation**

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

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

## **B. APPLICATION OF POLICY**

This policy prohibits unlawful discrimination, harassment, and bullying by students, employees, volunteers, and visitors. "Visitors" includes persons, agencies, vendors, contractors, and organizations doing business

any physical interference with normal work or movement, and visual insults, such as derogatory posters or cartoons. Legitimate age-appropriate pedagogical techniques are not considered harassment or bullying.

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

- b. Sexual harassment is one type of harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
  - 1) submission to the conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, academic progress, or completion of a school-related activity;
  - 2) submission to or rejection of such conduct is used as the basis for employment decisions affecting the individual, or in the case of a student, submission to or rejection of such conduct is used in evaluating the student's performance within a course of study or other school-related activity; or
  - 3) such conduct is sufficiently severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with an employee's work or performance or a student's educational performance, limiting a student's ability to participate in or benefit from an educational program or environment, or creating an abusive, intimidating, hostile, or offensive work or educational environment.

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

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

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

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

5. Coordinator for Other Non-discrimination Laws  
Name: Dr. Phyllis Dunham  
Office Address: 107 West Walter Street, Whiteville, NC 28472  
Phone Number: 910-642-4116

#### H. RECORDS AND REPORTING

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

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

#### I. EVALUATION

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

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 *et seq.*, 34 C.F.R. pt. 110; Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.*, 34 C.F.R. pt. 100; Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.*, 29 C.F.R. pt. 1604; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; Boy Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 C.F.R. pt. 108; *Racial Incidents and Harassment Against Students at Educational Institutions; Investigative Guidance*, U.S. Department of Education, Office for Civil Rights (1994); *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties*, U.S. Department of Education, Office for Civil Rights (2001); *Notice of Non-Discrimination*, U.S. Department of Education, Office for Civil Rights (2010); *Dear Colleague Letter*, U.S. Department of Education, Office for Civil Rights, (October 26, 2010), available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>; *Dear Colleague Letter*, U.S. Department of Education, Office for Civil Rights, (April 4, 2011) available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf>; *Oncala v. Sundowner Offshore Services*, 523 U.S. 75 (1998); G.S. 115C-335.5, -407.15 through -407.18; 126-16; State Board of Education Policy HRS-A-000

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

Adopted: February 9, 2015

1. Mandatory Reporting by School Employees

Any employee who witnessed or who has reliable information or reason to believe that an individual may have been discriminated against, harassed, or bullied in violation of policy 1710/4021/7230 or policy 1730/4022/7231 must report the offense immediately to an appropriate individual designated in subsection C.1., below. An employee who does not promptly report possible discrimination, harassment, or bullying shall be subject to disciplinary action.

2. Reporting by Other Third Parties

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

3. Anonymous Reporting

Reports of discrimination, harassment, or bullying may be made anonymously but formal disciplinary action may not be taken solely on the basis of an anonymous report.

4. Investigation of Reports

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

**C. COMPLAINTS BROUGHT BY ALLEGED VICTIMS OF DISCRIMINATION, HARASSMENT, OR BULLYING**

1. Filing a Complaint

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

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

Office for Civil Rights

- 4) If the alleged perpetrator is the assistant superintendent of human resources, the superintendent or designee is the investigator.
  - 5) If the alleged perpetrator is the superintendent, the board attorney is the investigator. (In such cases, whoever receives a complaint of discrimination, harassment, or bullying shall immediately notify the assistant superintendent of human resources who shall immediately notify the board chair. The board chair shall direct the board attorney to respond to the complaint and investigate.)
  - 6) If the alleged perpetrator is a member of the board, the board attorney is the investigator. (In such cases, whoever receives a complaint of discrimination, harassment, or bullying shall immediately notify the superintendent who shall direct the board attorney to respond to the complaint and investigate. Unless the board chair is the alleged perpetrator, the superintendent shall also notify the board chair of the complaint.)
- b. As applicable, the investigator shall immediately notify the Title IX, Section 504, ADA, or other relevant coordinator of the complaint, and, as appropriate, may designate the coordinator to conduct the investigation.
  - c. The investigator shall explain the process of the investigation to the complainant and inquire as to whether the complainant would like to suggest a course of corrective action.
  - d. Written documentation of all reports and complaints, as well as the school system's response, must be maintained in accordance with policy 1710/4021/7230.
  - e. Failure to investigate and/or address claims of discrimination, harassment, or bullying shall result in disciplinary action.

## 2. Conducting the Investigation

- a. The investigator is responsible for determining whether the alleged act(s) constitutes a violation of policy 1710/4021/7230 or policy 1730/4022/7231. In so doing, the investigator shall impartially, promptly, and thoroughly investigate the complaint. The investigator shall interview (1) the complainant; (2) the alleged perpetrator(s); (3) individuals identified as witnesses by the complainant or alleged perpetrator(s); and (4) any other individuals, including other possible victims, who may have relevant information. The investigation will include a review of all evidence presented by the complainant or alleged perpetrator.
- b. The complaint and investigation will be kept confidential to the extent possible. Information may be shared only with individuals who need the information in order to investigate and address the complaint appropriately. Any requests by the complainant for further confidentiality will be evaluated within the context of the legal responsibilities of the school system. Any complaints withdrawn to protect confidentiality must be recorded in accordance with policy 1710/4021/7230.
- c. The investigator shall review the factual information gathered through the investigation to determine whether, based on a preponderance of the evidence, the alleged conduct constitutes discrimination, harassment, or bullying, giving consideration to all factual information, the context in which the alleged incidents occurred, the age, and maturity of the complainant and alleged perpetrator(s), and any other relevant circumstances.

## 3. Investigative Report

will provide a written response within 30 days after receiving the appeal, unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

#### **E. TIMELINESS OF PROCESS**

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

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

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

#### **F. GENERAL REQUIREMENTS**

1. No reprisals or retaliation of any kind will be taken by the board or by an employee of the school system against the complainant or other individual on account of his or her filing a complaint or report or participating in an investigation of a complaint or report filed and decided pursuant to this policy, unless the person knew or had reason to believe that the complaint or report was false or knowingly provided false information.
2. All meetings and hearings conducted pursuant to this policy will be private.
3. The board and school system officials will consider requests to hear complaints from a group, but the board and officials have the discretion to hear and respond to complainants individually.
4. The complainant may be represented by an advocate, such as an attorney, at any meeting with school system officials.
5. Should, in the judgment of the superintendent or designee, the investigation or processing of a complaint require that an employee be absent from regular work assignments, such absences shall be excused without loss of pay or benefits. This shall not prevent the superintendent or designee from suspending the alleged perpetrator without pay during the course of the investigation.

#### **G. RECORDS**

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

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 *et seq.*, 34 C.F.R. pt. 110; Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.*, 34 C.F.R. pt. 100; Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.*, 29 C.F.R. pt. 1604; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; Boy Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 C.F.R. pt. 108; *Racial Incidents and Harassment Against Students at Educational Institutions; Investigative Guidance*, U.S. Department of Education, Office for Civil Rights (1994); *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties*, U.S. Department of Education, Office for Civil Rights (2001); *Notice of Non-Discrimination*, U.S. Department of Education, Office for Civil Rights (2010); *Gebser v. Lago Vista*

**A. OPTIONS FOR RESOLVING COMPLAINTS**

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

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

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

**B. DEFINITIONS**

1. Days

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

2. Final Administrative Decision

A final administrative decision is a decision of a school employee from which no further appeal to a school administrator is available.

3. Grievance

A grievance is a formal complaint regarding specific decisions made by school personnel that alleges that such decisions have adversely affected the person making the complaint. A grievance includes, but is not limited to, circumstances such as when a student or parent believes that board policy or law has been misapplied, misinterpreted or violated. The term “grievance” does not include any matter for which the method of review is prescribed by law, for which there is a more specific board policy providing a process for addressing the concern, or upon which the board is without authority to act. Claims of discrimination, harassment or bullying must be processed under policy 1720/4015/7225, Discrimination, Harassment and Bullying Complaint Procedure.

4. Grievant

The grievant is the parent, student or group of parents or students submitting the grievance.

5. Official

The official is the school system employee hearing and responding to the grievant.

**C. TIMELINESS OF PROCESS**

federal law has been misapplied, misinterpreted or violated, then the procedure established in policy 1742/5060 is appropriate, and the principal shall address the concern following that policy.

- d. Even if the principal is the employee whose decision or action is at issue, the student must submit the grievance first to the principal in order for the principal to address the issue within the formal process. If, however, the grievance claims that a state or federal law has been misapplied, misinterpreted or violated, the student may submit the grievance directly to the superintendent or designee.
- e. If a student wants to initiate a formal grievance regarding a decision by the superintendent that directly and specifically affects the student, the general process described in this policy will be used, except that the grievance will be submitted to the assistant superintendent of human resources, who shall forward the grievance to the board chairperson.

## 2. Investigation

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

## 3. Response by Principal

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

## 4. Response by Superintendent

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

## 5. Appeal to the Board

If the grievant has alleged a violation of a specified federal or state law, federal or state regulation,



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

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

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

Revised: March 28, 2013

basis.

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

Cross References: Parental Involvement (policy 1310/4002), Student and Parent Grievance Procedure (policy 1740/4010), Harassment and Discrimination Complaint Procedure for Students (1745/4027), Public Participation at Board Meetings (policy 2310), Parental Inspection of and Objection to Instructional Materials (policy 3210), Special Education Programs/Rights of Students with Disabilities (policy 3520), Student Behavior Policies (4300 series), Disciplinary Action for Exceptional Children/Students with Disabilities (policy 4307)

Adopted: November 9, 2009

3. Students and employees must comply with all applicable laws, including those relating to copyrights and trademarks, confidential information, and public records. Any use that violates state or federal law is strictly prohibited. Plagiarism of Internet resources will be treated in the same manner as any other incidents of plagiarism, as stated in the Code of Student Conduct.
4. No user of technological resources, including a person sending or receiving electronic communications, may engage in creating, intentionally viewing, accessing, downloading, storing, printing, or transmitting images, graphics (including still or moving pictures), sound files, text files, documents, messages, or other material that is obscene, defamatory, profane, pornographic, harassing, abusive, or considered to be harmful to minors.
5. The use of anonymous proxies to circumvent content filtering is prohibited.
6. Users may not install or use any Internet-based file sharing program designed to facilitate sharing of copyrighted material.
7. Users of technological resources may not send electronic communications fraudulently (i.e., by misrepresenting the identity of the sender).
8. Users must respect the privacy of others. When using e-mail, chat rooms, blogs, or other forms of electronic communication, students must not reveal personal identifying information or information that is private or confidential, such as the home address or telephone number, credit or checking account information, or social security number of themselves or fellow students. For further information regarding what constitutes personal identifying information, see policy 4705/7825, Confidentiality of Personal Identifying Information. In addition, school employees must not disclose on school system websites or web pages or elsewhere on the Internet any personally identifiable, private, or confidential information concerning students (including names, addresses, or pictures) without the written permission of a parent or guardian or an eligible student, except as otherwise permitted by the Family Educational Rights and Privacy Act (FERPA) or policy 4700, Student Records. Users also may not forward or post personal communications without the author's prior consent.
9. Users may not intentionally or negligently damage computers, computer systems, electronic devices, software, computer networks, or data of any user connected to school system technological resources. Users may not knowingly or negligently transmit computer viruses or self-replicating messages or deliberately try to degrade or disrupt system performance. Users must scan any downloaded files for viruses.
10. Users may not create or introduce games, network communications programs, or any foreign program or software onto any school system computer, electronic device, or network without the express permission of the technology director or designee.
11. Users are prohibited from engaging in unauthorized or unlawful activities, such as "hacking" or using the computer network to gain or attempt to gain unauthorized or unlawful access to other computers, computer systems, or accounts.
12. Users are prohibited from using another individual's ID or password for any technological resource without permission from the individual. Students must also have permission from the teacher or other school official.
13. Users may not read, alter, change, block, execute, or delete files or communications belonging to another user without the owner's express prior permission.
14. Employees shall not use passwords or user IDs for any data system (e.g., the state student information and instructional improvement system applications, time-keeping software, etc.) for an unauthorized or improper purpose.

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. 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.

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: February 9, 2015

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

### **C. APPLICABILITY**

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

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

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

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

#### **1. Minor Violations**

Minor violations of the Code of Student Conduct are those less severe infractions involving a lower degree of dangerousness and harm. Examples of minor violations include the use of inappropriate or disrespectful language, noncompliance with a staff directive, dress code violations and minor physical altercations that do not involve a weapon or an injury. Aggravating circumstances, however, may justify treating an otherwise minor violation as a serious violation.

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

- a. parental involvement, such as conferences;
- b. isolation or time-out for short periods of time;
- c. behavior improvement agreements;
- d. instruction in conflict resolution and anger management;
- e. peer mediation;
- f. individual or small group sessions with the school counselor;
- g. academic intervention;

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: 11 July 2011

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

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

**A. PROHIBITED BEHAVIOR**

Students are prohibited from disrupting teaching, the orderly conduct of school activities, or any other lawful function of the school or school system. The following conduct is illustrative of disruptive behavior and is prohibited:

1. intentional verbal or physical acts that result or have the potential to result in blocking access to school functions or facilities or preventing the convening or continuation of school-related functions;
2. appearance or clothing that (1) violates a reasonable dress code adopted and publicized by the school; (2) is substantially disruptive; (3) is provocative or obscene; or (4) endangers the health or safety of the student or others (see policy 4316, Student Dress Code);
3. possessing or distributing literature or illustrations that significantly disrupt the educational process or that are obscene or unlawful;
4. engaging in behavior that is immoral, indecent, lewd, disreputable or of an overly sexual nature in the school setting;
5. failing to observe established safety rules, standards and regulations, including on buses and in hallways; and
6. interfering with the operation of school buses, including delaying the bus schedule, getting off at an unauthorized stop, and willfully trespassing upon a school bus.

**B. CONSEQUENCES**

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

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: 11 July 2011

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

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

Adopted: 11 July 2011



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

**A. PROHIBITED BEHAVIOR**

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

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

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

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

**B. CONSEQUENCES**

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

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

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

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

Adopted: 11 July 2011

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

**A. PROHIBITED BEHAVIOR**

1. Assault

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

2. Threatening Acts

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

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

3. Harassment

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

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

**B. CONSEQUENCES**

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

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

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

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

Adopted: 11 July 2011

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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.

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;

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; State Board of Education Policy HRS-A-002

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: 11 July 2011

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: 11 July 2011

**A. AUTHORITY TO CONDUCT SEARCHES AND SEIZURES**

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

A search of a student is lawful if there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating a law or a school rule. A search of a student is permissible in scope when measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction. Reasonable suspicion is not required if a student freely, voluntarily and knowingly consents and agrees to the search of his or her person or personal effects.

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

**B. PERSONAL SEARCHES**

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

If a frisk or "pat down" search of a student's person is conducted, it must be conducted in private by a school official of the same gender and with an adult witness present. If the school official has reasonable grounds for suspecting that the student has on his or her person an item imminently dangerous to the student or to others, a more intrusive search of the student's person may be conducted. Such a search may be conducted only in private by a school official of the same gender, with an adult witness of the same gender present, and only upon the prior approval of the superintendent or designee, unless the health or safety of students will be endangered by the delay that might be caused by following these procedures.

**C. USE OF METAL DETECTORS**

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

A school official is authorized to conduct general searches of students and other persons and their personal effects with a metal detector before the person may gain entry to the school campus or any school-sponsored extracurricular activity. The search must be conducted in accordance with procedures established by the superintendent or designee. Prior to conducting general searches, school administrators must: (1) demonstrate to the superintendent the need for general searches based upon a pattern or expectation of violence or disruption; and (2) provide written notice, if feasible, to students and parents of the school policy governing general searches, but not of specific times when or places where searches will be conducted. Any search conducted pursuant to this policy must be conducted by a school official.

**D. DESK AND LOCKER SEARCHES**

Student desks and lockers are school property and remain at all times under the control of the school. However, students are expected to assume full responsibility for the security of their desks and lockers.

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

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

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

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

Except in the circumstances described below, a student must be provided with an opportunity for an informal hearing with the principal before a short-term suspension is imposed. The principal 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 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 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

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: 11 July 2011



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.

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

If the student or parent makes a timely request for a hearing, the superintendent shall confirm that the charges against the student, if substantiated, could warrant the recommended disciplinary action and shall give the student and parent reasonable notice of the time and place of the hearing.

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

If the student and parent fail to make a timely request for a hearing or if they waive the right to a hearing by failing to appear for a duly scheduled hearing, the superintendent shall review the circumstances of the recommended long-term suspension. Following this review, the superintendent (1) may impose the long-term or 365-day suspension if it is consistent with board policies and appropriate under the circumstances, (2) may impose another appropriate penalty authorized by board policy or (3) may decline to impose any penalty.

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

Based on substantial evidence presented at the hearing, the superintendent shall decide whether to uphold, modify or reject the principal's recommendation. The superintendent shall immediately inform the principal of the decision regarding the recommended disciplinary penalty of a long-term or 365-day suspension and, when applicable, of any modifications to the penalty recommended by the principal.

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

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

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

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; 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: 11 July 2011

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

*Policy Code:* **4362**

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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

**A. ADMINISTRATIVE HEARINGS**

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

1. The hearing will be conducted in private.
2. Prior to the hearing, the student and his or her parents and representative will have an opportunity to review any audio or video recordings of the incident and, consistent with federal and state student records laws and regulations, the information that may be presented as evidence against the student, including statements made by witnesses whose names are withheld in accordance with number 5, below.
3. The hearing must be attended by the superintendent, the principal and/or assistant administrators and any persons the superintendent deems necessary. The student has the right to be present at the hearing, to be accompanied by his or her parents and to be represented by an attorney or non-attorney advocate. Witnesses should be present only when providing information.
4. The school representatives have the burden of proving the misbehavior; the violation of board policy, the Code of Student Conduct, school standards or school rules; and the appropriateness of the recommended consequence for the violation.
5. The school representatives will present the witnesses and documentary evidence against the student first. School officials may withhold witness names or other identifying information if identification of a witness could threaten the witness's safety.
6. After the school representatives have presented their evidence, the student or his or her representative may present evidence relating to the alleged disciplinary infraction, the student's intent at the time of the incident, any mitigating or aggravating factors involved, the disciplinary and academic history of the student and the potential benefits to the student of alternatives to suspension. Such evidence may include oral testimony by the student or witnesses, written statements and other documents.
7. Both the school representatives and the student or his or her parent or representative may examine the witnesses presented by the other side. The superintendent has the authority to limit questioning by any person if the questioning is unproductive, unnecessarily lengthy, repetitive or irrelevant.
8. In reaching a determination in the matter, the superintendent shall consider the documents produced in the hearing, the testimony of the witnesses and other evidence presented at the hearing. If the superintendent determines that a violation occurred, the superintendent also shall determine the appropriateness of the recommended consequences for the violation. Formal rules of evidence do not apply, and the superintendent may rely on evidence that a reasonably prudent person would consider in the conduct of serious affairs.
9. Following the hearing, the superintendent shall render a written decision based on substantial evidence presented at the hearing and shall notify the student and parent of that decision in accordance with the requirements of policy 4353, Long-Term Suspension, 365-Day Suspension, Expulsion.
10. The superintendent or designee shall provide for making a record of the hearing, including any

# Student and Parent/Legal Guardian Receipt of the Student Code of Conduct Handbook

We have read and discussed the Whiteville City Schools Student Code of Conduct Handbook.

We will observe the Board of Education policies to actively support the educational process and work with teachers and school administrators to create and maintain the best learning environment possible.

Copies of this form will be kept on file at each school. If you have students at multiple schools, a separate form must be submitted for each school. Please complete the form and submit one for each school your children attend. You may list multiple students for any one school.

Name of Student/s	Current Grade	School

Name of Parent/Legal Guardian (print):

Parent/Legal Guardian Signature:

Date: