

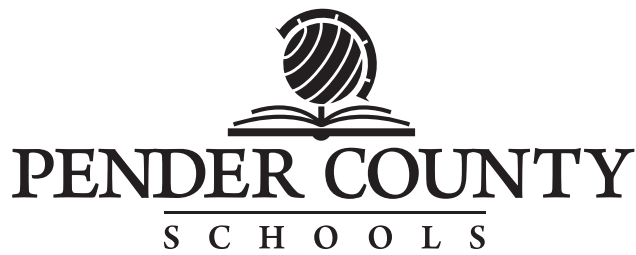
# PENDER COUNTY SCHOOLS

2011-2012

## Code of Student Conduct

Student Accountability  
Promotion Standards  
Regulations and Notifications

Your Rights and  
Responsibilities



925 Penderlea Highway  
Burgaw, NC 28425  
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**2011-2012 Code of Student Conduct  
Student Accountability,  
Promotion Standards, Regulations and Notifications**

The Code of Student Conduct publication lists the Pender County School district's rules for student behavior. The rules apply to all activities occurring on school grounds, on other sites used for school activities, and on any vehicle authorized to transport students.

**TABLE OF CONTENTS**

|  | <i>Page</i> |   | <i>Page</i> |
|--|-------------|---|-------------|
| Superintendent's Welcome   |             | Use of Wireless Communication Devices                       | 28          |
| Parent Information/Agreement Forms                                     |             | Tobacco Products  | 29          |
| - Access to the Internet   | 1           | Drugs and Alcohol   | 30          |
| - Family Education Rights/Privacy Act                                  | 2           | Gang Related Activity                                       | 30          |
| - Opt-Out Notification Form  | 3           | Theft, Trespass, & Damage                                   | 32          |
| Concurrent Enrollment Course Credit                                    | 4           | Assaults, Threats, Harassment                               | 33          |
| Student Promotion and Accountability                                   | 7           | Prohibition against Discrimination, Harassment and Bullying | 34          |
| High School Graduation Requirements                                    | 9           | Discrimination, Harassment and Bullying Complaint Procedure | 37          |
| Eligibility for Extracurricular Activities                             | 13          | Weapons, Bomb Threats, Terrorism                            | 41          |
| Student Behavior Policies  | 15          | Criminal Behavior   | 44          |
| Short Term Suspension  | 16          | Student Searches  | 44          |
| Short-Term Suspension, 365 Day Suspension, Expulsion                   | 17          | Attendance  | 46          |
| Request for Readmission of Students Suspended for 365 Days or Expelled | 21          | Educational Leave Form                                      | 48          |
| Student Discipline Hearing Procedures                                  | 22          | Safety Belt Use   | 49          |
| Potential Punishments  | 24          | Misconduct on a School Bus                                  | 49          |
| Integrity and Civility   | 25          | Notifications   | 50-54       |
| Disruptive Behavior  | 26          | School Directory  | 55          |
| Student Dress Code   | 27          |   |             |



**Board of Education**  
Katherine Herring, Chairman  
Karen Rouse, Vice-Chairman  
Karen Gonzales  
Kenneth I. Lanier, Jr.  
Tom Roper

**Rachel Manning**  
Superintendent

August 25, 2011

Dear Students and Parents,

Welcome to the 2011-2012 school year!

The Pender County Board of Education and district staff are committed to a safe and orderly learning environment for all students. The Code of Student Conduct handbook includes regulations, policies, and procedures which explain expectations for student behavior.

These rules and regulations apply uniformly to all students enrolled in our school system during the entire school day, on School Board property at any time, during field trips and extracurricular activities regardless of the location, and on any vehicle authorized to transport students.

Parents are a key partner in keeping Pender County Schools safe, orderly, and secure. Please review the handbook and discuss with your children expectations for self-discipline and respect for others. We appreciate your support of the district's efforts to create safe and secure learning environment. If you have a question, please contact your child's teacher or the school principal.

Sincerely,  
*Rachel Manning*  
Superintendent

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***Pender County Schools . . . the future in progress***

## **Pender County Schools Internet and Email Access**

Schools frequently use educational tools found only on the Internet. Filtered email is also used for instructional purposes in some classes. Your child shall be given access to the Internet, filtered through Pender County Schools, and access to email if needed by the class. The full details are contained, as a minimum, in the Board of Education's policy "3225/4312/7320, Technology Acceptable Use/Internet Safety", available online ([www.pendercountyschools.net](http://www.pendercountyschools.net)) or from your school's principal. If you do not want your child to have access to the Internet or email, then you may obtain and sign an Internet/Email Opt Out form from the school's office/principal.

It is important that you and your child read the District policies (3220, 3225, 3227, 3230, 5071, 6524) and administrative regulations (all available on the Pender County Schools Web site – [www.pendercountyschools.net](http://www.pendercountyschools.net) - or you may request a paper copy through the school's office) and discuss these requirements together. Inappropriate use of technology resources may result in loss of privilege to use this educational tool. Teachers will make reasonable efforts to supervise a student's use of the Internet during the instructional time/day.

Below are some of the issues that may arise; more are listed in the Board of Education Policies/Administrative Guidelines.

- Users shall not attempt to access inappropriate sites or release inappropriate (personal) information in emails, etc.
- Users are prohibited from using the computer network to gain or attempt to gain unauthorized or unlawful access to other computers or computer systems, or any form of "hacking".
- Any user identified as a security risk may be denied access.
- Users are prohibited from using or sharing another individual's computer account or files, including use of an ID and/or password not assigned to the user.
- Users shall not deliberately or negligently attempt to destroy technology hardware, software, or data of another user.
- Users shall not intentionally waste or abuse limited resources, such as unauthorized storage of files (games, music, etc.) on the computers/servers.

## Family Educational Rights and Privacy Act (FERPA)

The *Family Educational Rights and Privacy Act* (FERPA), a Federal law, requires that Pender County Schools with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, Pender County Schools may disclose appropriately designated "directory information" without written consent, unless you have advised the District to the contrary in accordance with District procedures.

The primary purpose of directory information is to allow the Pender County School district to include this type of information from your child's education records in certain school publications. Examples include:

- A playbill, showing your student's role in a drama production;
- The annual yearbook;
- Honor roll or other recognition lists;
- Graduation programs; and
- Sports activity sheets, such as for wrestling, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks.

Information about your child may be released in various ways such as newspaper articles, on television/radio broadcasts, on displays, or in District and/or school brochures, newsletters, and websites. In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the *Elementary and Secondary Education Act of 1965* (ESEA) to provide military recruiters, upon request, with three directory information categories – names, addresses and telephone listings unless parents have advised the LEA that they do not want their student's information disclosed without their prior written consent.

Pender County Schools designates the following as directory information:

- *Student's name*
- *Grade and dates of attendance*
- *Electronic mail address*
- *Photograph*
- *Diplomas, Honors, Awards, and certification received*
- *Weight and height of members of athletic teams*
- *Participation in officially recognized activities and sports*

**If you do not want Pender County Schools to**

**1. Disclose directory information from your child's education records without your prior written consent or**

**2. Allow your child to be photographed/videotaped by the school district or media**

**You must notify your child's principal, in writing, within 10 days of receipt of this notice.**

2011-2012

**Opt Out Notification Form**

**To Prevent Release of Student Information  
(High School Juniors and Seniors Only)**

Two federal laws require local educational agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) to provide military recruiters, upon request, names, addresses, and telephone listings - unless parents have advised the LEA that they do not want their student's information disclosed without their prior written consent.

If you do not want Pender County Schools to release directory information to armed services/military recruiters and post secondary educational institutions without your written consent, complete and return this form to your child's school within 10 days of receipt of this notice.

Student Legal Name \_\_\_\_\_

High School \_\_\_\_\_

Parent/Guardian Name \_\_\_\_\_

Parent/Guardian Signature \_\_\_\_\_ Date \_\_\_\_\_

Note:

**“Opt Out” notification must be a written request provided annually and must be submitted to the principal within 10 days from the date of student enrollment or receipt of this notice.**



In support of policy 3100, Curriculum Development, and the board's encouragement of expanded curriculum development, the board adopts the following requirements are adopted for students enrolled in the school system who also wish to enroll in classes taught by a college, university, community college or other approved entity, or to take distance learning, on-line, correspondence or independent study courses.

**A. GENERAL REQUIREMENTS**

1. The superintendent shall develop procedures and requirements for awarding high school credit toward graduation for such courses. Credit towards graduation will be granted only for courses that are consistent with policies and standards of the school system and State Board requirements, including the requirements of State Board of Education Policy GCS-M-001, which defines "Course for Credit."
2. The principal must approve the course in advance. Prior to granting approval, the principal shall determine whether the course to be taken will earn credit toward graduation in accordance with the procedures and requirements developed by the superintendent.
3. The parent or guardian of the student must give permission for the student to take the course, and the student must complete any forms required by the school system.
4. A current member of the high school faculty must supervise a student enrolled in an on-line, dual enrollment or correspondence course or in independent study work. The level of supervision will vary depending on the option and may range from coordinating registration to providing instructional support.
5. Each course provider must be accredited by the Southern Association of Colleges and Schools or its regional equivalent. This requirement does not apply to courses approved for credit by the NC Virtual Public School.
6. Enrollment of a student in a course is the responsibility of the student and his or her parent. Except as provided elsewhere in this policy, all special fees and charges and any special transportation needs are the responsibility of the student and parent or guardian.
7. To receive credit towards high school graduation, the school at which the course is offered must provide such essential information as is generally included in official transcripts of school records. This information includes:
  - a. a description of the content and subject matter covered;
  - b. the number of clock hours of instruction in the course; and
  - c. the student's achievement or performance level in the course.In addition, a syllabus that includes course goals, objectives, course activities and grade requirements must be provided.
8. In the case of independent study credit, the designated teacher shall provide the above information.
9. The student also must meet any other requirements established by the superintendent.
10. Credit will not be awarded for school bus driving or for office, teacher or laboratory assistance.

**B. NORTH CAROLINA VIRTUAL PUBLIC SCHOOL; LEARN AND EARN ONLINE COURSES (E-LEARNING)**

The superintendent shall develop additional procedures and requirements consistent with State Board requirements and this policy for students enrolling in the North Carolina Virtual Public School or in Learn and Earn Online Courses available through the UNC system and/or community colleges. The superintendent shall design the processes and procedures for enrollment and management of e-learning to foster an

environment where students can be successful. To the extent that these e-learning courses are made available, they will be provided at no cost to the student or his or her family.

E-learning courses must meet State Board requirements to qualify for course credit. Enrollment in an e-learning “for credit course” will count toward satisfying the local board’s requirements related to minimum instructional days, seat time policies, and student attendance, athletic and/or extracurricular obligations.

**C. LEARN AND EARN EARLY COLLEGE PROGRAM**

The board supports the Learn and Earn Early College High School Initiative, which is intended to create rigorous and relevant high school options that provide students with the opportunity and assistance to earn an associate degree or two years of transferable college credit by the conclusion of their last year in high school. The superintendent shall ensure that the program targets high school students who are at risk of dropping out of school before attaining a high school diploma or who would benefit from accelerated academic instruction, or other student populations targeted by the State Board for such programs.

Students attending the Learn and Earn Early College Program do not pay tuition, fees, transportation or other fees incidental to the program, except as may be required of other students attending public schools in the system.

The superintendent shall develop procedures consistent with this policy and the terms of the agreement governing operation of the program. Such procedures must include eligibility requirements and requirements for earning high school course credits.

**D. OTHER CONCURRENT (OR DUAL) ENROLLMENT IN POST-SECONDARY INSTITUTIONS**

In addition to the general requirements in section A of this policy, students not participating in an early college program may enroll concurrently in appropriate courses in a post-secondary institution of higher education (college, university or community college) and the local high school under these conditions:

**Student Eligibility**

Students must be at least 16 years of age at the time of enrollment.

Student must receive approval from the principal and the superintendent or designee prior to enrollment in the course if the course is taken for high school credit. Students enrolled in a community college must also be approved by the president of the college.

Students must meet the same prerequisite and course admission requirements as adult students.

Students may enroll only in courses that are not available at the student’s school of attendance and not offered at another school within the school system.

The principal must certify that the student will be enrolled in high school courses for one-half of the school day and is making appropriate progress toward graduation. For courses offered in the summer, students must have been enrolled in high school courses for one-half of their school day during the preceding year and must be making appropriate progress towards graduation. For purposes of this policy, adequate progress towards graduation means that the student has passed the minimum number of credits required each year to meet graduation requirements.

**Course Credit**

- a. College credit will be awarded to high school students upon successful completion of each course in accordance with the policies and requirements of the college.
- b. High school credit will be awarded in accordance with the procedures and requirements developed by the superintendent.

**Expenses**

- c. Students are responsible for payment of tuition, fees, transportation and other costs incidental to their enrollment in a post-secondary institution, except that high school students are exempt from paying tuition for courses (except continuing education courses) taken at a community college. Textbooks, materials, fees and supply costs for courses taken at a community college are the responsibility of the student.
- d. Students participating in the Early College Program may participate in other concurrent enrollment programs, subject to the requirements above and the approval of the principal.

**E. COURSES OFFERED THROUGH COOPERATIVE AGREEMENT WITH COMMUNITY COLLEGE (HUSKINS BILL PROGRAM COURSES)**

The superintendent is authorized to enter annually into a cooperative agreement with the local community college to allow high school students to enroll in college-level courses as part of their regular high school course of study. Such agreements must comply with the requirements of the State Board of Education and the North Carolina State Board of Community Colleges.

1. Student Eligibility
  - a. To participate, a student must be in grades 9 through 12 and be recommended for enrollment by the principal of the high school.
  - b. Students must meet the same prerequisite and course admission requirements as adult college students.
2. Course Credit
  - a. The award of college credit to high school students upon successful completion of each course will be in accordance with the policies and requirements of the local community college.
  - b. High school credit will be awarded in accordance with the procedures and requirements developed by the superintendent.
  - c. Credits received for Huskins Program courses will be counted in the grade point average at the high school and will be included in class rank calculations.
3. Expenses  
High school students are exempt from paying tuition for Huskins Program courses taken through the local community college. The school system will provide textbooks, materials, fees and supply costs.
4. Course Eligibility
  - a. The superintendent shall authorize appropriate staff to work with the local community college to determine Huskins Program course offerings.
  - b. Students may enroll only in courses that are not otherwise available in any system high school. Huskins Program courses may not duplicate or substitute for any high school courses currently offered in the system.
  - c. Developmental courses will not be offered.
5. Students with Special Needs  
The school system and the local community college will collaboratively determine the accommodations to be provided by each entity to a student with special needs.

**F. COMMUNITY COLLEGE ENROLLMENT OF INTELLECTUALLY GIFTED AND MATURE STUDENTS UNDER 16 YEARS OF AGE**

Intellectually gifted students under the age of 16 may enroll in a community college under the following conditions:

1. Student Eligibility
  - a. The student must be identified as intellectually gifted and having the maturity to justify admission to the community college;
  - b. The student must receive written recommendation and approval from the assistant superintendent of curriculum and instruction;
  - c. The student must meet course prerequisites and state-designated criteria for aptitude and achievement test scores; and
  - d. The community college president must approve the student's enrollment.
2. Expenses  
Students enrolled under this section must pay required tuition and fees as well as transportation and any other costs incidental to their enrollment.
3. Credit  
Credits awarded will not be counted toward the required credits for high school graduation as defined by the North Carolina State Board of Education.
4. Other
  - a. Students are not eligible to enroll in occupational extension courses.
  - b. When on the community college campus, students under the age of 15 must be accompanied at all times by a parent or another adult whom the parent has designated in writing.

The superintendent shall develop procedures consistent with this policy and policies of the State Board. Such procedures must include any additional eligibility requirements and requirements for earning course credits.

Legal References: G.S. 115C-36, -47, -81; 115D-5, -20(4); 16 N.C.A.C. 6D .0503; 23 N.C.A.C. 2C .0305; State Board of Education Policies GCS-F-016, GCS-L-004, GCS-M-001, GCS-N-004, GCS-T-000

Cross References: Curriculum Development (policy 3100), School Calendar and Time for Learning (policy 3300), Extracurricular Activities and Student Organizations (policy 3620), Attendance (policy 4400). Adopted: June 30, 2010

## **STUDENT PROMOTION AND ACCOUNTABILITY**

*Policy 3420*

### **A. PURPOSE**

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

### **B. STANDARDS FOR PROGRESSION**

The superintendent shall establish standards and a process for determining a student's readiness to progress to the next level of study. The standards must provide multiple criteria for assessing the student's readiness, such as standardized tests, grades, a portfolio or anthology of the student's work and, when appropriate, consideration of accepted standards for assessing developmental growth. Principals shall ensure that the standards are used by teachers and school administrators in assessing each student's readiness to progress to the next level of study. Principals have the authority to promote and to retain students based upon the standards set by the board and the State Board of Education.

### **C. STUDENT ACCOUNTABILITY AND PROMOTION STANDARDS**

Students must meet all promotion and accountability standards set by the board and/or the superintendent and the State Board, including the following specific requirements for promotion.

#### **1. Kindergarten through Grade Two**

Promotion for students in kindergarten, first and second grades will be based upon developmentally appropriate progress as measured by approved assessment instruments and determined by the principal.

#### **2. Grades Three through Eight**

Students in grades three through eight must pass language arts, mathematics, science, and social studies.

Students in grades 3, 5 and 8 must also demonstrate proficiency by scoring at Level III or above on end-of-grade (EOG) tests in both reading and mathematics. Students who do not score at Level III or above on the first administration of EOG tests will be retested in accordance with State Board of Education policy. The superintendent shall develop, in accordance with State Board policy, procedures addressing personalized education plans and promotion requests for students who fail to score at Level III or above.

#### **3. Grades Nine through Twelve**

Typically classification of high school students will be based upon the cumulative number of standard units of high school credits earned toward graduation. To be classified as a ninth grader (freshman), a student must have successfully completed grade eight and been promoted to grade nine. To be classified as a tenth grader (sophomore), a student must have successfully completed six units, including one unit of English. To be classified as an eleventh grader (junior), a student must have successfully completed 13 units, including two units of English. To be classified as a twelfth grader (senior), a student must have successfully completed 20 units, including three units of English.

To receive a North Carolina high school diploma, all students must complete the requirements set forth in policy 3460, Graduation Requirements.

### **D. APPEALS OF PROMOTION DECISIONS**

#### **1. To the Superintendent**

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

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

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

2. To the Board of Education

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

**E. PROMOTION STANDARDS FOR STUDENTS WITH DISABILITIES**

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

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

**F. ACCELERATION**

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

The principal, after consulting with the professional staff and parents, may determine that skipping a grade level is appropriate. If permitted by state law or State Board policy, credit toward high school graduation may be awarded for a student's advancing or placing out of a high school course. The superintendent shall provide any additional criteria necessary to make the determination as to whether credit may be awarded.

**G. REPORTING REQUIREMENTS**

1. Superintendent's Report to Board

At least on an annual basis, the superintendent shall provide the board with the following information for each school: aggregate student performance scores on state-mandated tests and any other standardized tests used by a school or the school system;

- a. the proportion of students not meeting standards for grade level; and
- b. remedial or additional educational opportunities provided by the school system and the success of these efforts in helping students meet promotion standards.

2. Superintendent's Report to the Department of Public Instruction

Pursuant to standards established by the Department of Public Instruction, the superintendent annually shall provide the Department with all required information regarding student performance.

**H. RESOURCES**

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

**I. NOTIFICATION TO PARENTS**

The superintendent shall ensure that a copy of this policy is provided to all students and parents, that parents are encouraged to be involved in helping their children meet the promotion standards, and that all parents or guardians are requested to sign parental expectation agreements. Information provided to parents should be in the parents' native language. In addition, the teacher(s) of a student who does not meet the standards in this policy must notify the student's parents that the student has failed to meet the test standards and must provide the parents with information concerning retesting, intervention, review and appeal opportunities.

**J. CHILDREN OF MILITARY FAMILIES**

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

Legal References: G.S. 115C-36, -45(c), -47, -81, -105.21, -407.5, -174.11, -288(a); State Board of Education Policies GCS-C-031, GCS-N series; Guidelines for Testing Students Identified as Limited English Proficient (Department of Public Instruction)

Cross References: Student and Parent Grievance Procedure (policy 1740/4010), Goals and Objectives of the Educational Program (policy 3000), Concurrent Enrollment and Other Curriculum Expansions (policy 3101), School Improvement Plan (policy 3430), Graduation Requirements (policy 3460), Extracurricular Activities and Student Organizations (policy 3620), Children of Military Families (policy 4050), Assignment to Classes (policy 4155), Fiscal Management Standards (policy 8300) Adopted: June 30, 2010

**GRADUATION REQUIREMENTS**

*Policy 3460*

The board recognizes the importance of setting rigorous graduation requirements in order to help ensure that students are receiving an education that will prepare them to be productive members of society.

In order to graduate from high school, students must meet the following requirements:

1. successful completion of all accountability standards for high school set out by the State Board of Education in policy GCS-N-003, Student Accountability Standards, that are applicable for the year in which the student entered ninth grade for the first time and/or the student's course of study;
2. successful completion of 20 course credits (21 for students entering ninth grade on or after the 2009-10 school year, 22 for students in the Occupational Course of Study) in the chosen course of study and all other course requirements mandated by the State Board of Education; and
3. successful completion of all additional courses and other requirements mandated by the board. Pender County Schools requires 28 credits.

The principal shall ensure that students and parents are aware of all graduation requirements. Guidance program staff shall assist students in selecting their high school courses to ensure that students are taking all of the required units and selecting electives consistent with their post-graduate plans. For students who have transferred to the school system during high school or who, for other reasons, have completed course work outside of the school system, the principal shall determine what course work will be applied as credit for graduation. The principal shall consider the requirements of the Interstate Compact on Educational Opportunities for Military Children (G.S. 115C-407.5) and the requirements of subsection D.3 of this policy in determining the graduation requirements for children of military families.

**A. COURSE UNITS REQUIRED**

All students must meet the following course requirements for the specific course of study chosen by the student. Beginning with students entering the ninth grade in the 2009-10 school year, students must fulfill the requirements of the Future Ready Core Course of Study, unless they are approved for the Occupational Course of Study. Students entering the ninth grade before the 2009-10 school year must fulfill the requirements of the Career Prep, College Tech Prep, College/University Prep or Occupational Course of Study.

1. Future Ready Core Course of Study Credits Required

| <b>Courses Required</b> | <b>State Requirements</b>  | <b>Local Requirement</b> |
|-------------------------|--|--------------------------|
| English                 | 4 sequential (English I, II, III, and IV)  |                          |
| Mathematics             | 4 (either Algebra I, Geometry, Algebra II and a fourth math course aligned with the student's post-high school plans OR Integrated Math I, II, and III and a fourth math course aligned with the student's post-high school plans)<br>(A principal may exempt a student from this math sequence. The student will be required to pass either (1) Algebra I and either Algebra II or Geometry or (2) Integrated Math I and II. The student must also pass either Alternative Math I and II or two other application-based math courses.)* |                          |
| Science                 | 3 (a physical science course, Biology, and earth/environmental science)  |                          |
| Social Studies          | 3 (Civics & Economics, U.S. History and World History)   |                          |
| Health/P.E.             | 1  |                          |
| Electives               | 6 (2 electives must be any combination of Career and Technical Education, Arts Education or Second Language; 4 must be from one of the following: Career and Technical Education, R.O.T.C., Arts Education or any other subject area or cross-disciplinary courses. A four-course concentration is recommended.)**   |                          |
| <b>Total Credits</b>    | <b>21</b>  | <b>28</b>                |

\* Students seeking to complete minimum application requirements for UNC universities must complete four mathematic courses, including a fourth math course with Algebra II as a prerequisite.

\*\* Students seeking to complete minimum application requirements for UNC universities must complete two years of a second language.

2. Career Prep Course of Study Credits Required

| <b>Courses Required</b> | <b>State Requirements</b>  | <b>Local Requirements</b> |
|-------------------------|--|---------------------------|
| English                 | 4 (including English I, II, III, and IV)   |                           |
| Mathematics             | 3 (including Algebra I)  |                           |
| Science                 | 3 (including a physical science course, Biology, and earth/environmental science)  |                           |
| Social Studies          | 3 (including Civics & Economics, U.S. History and World History)   |                           |
| Health/P.E.             | 1  |                           |
| Career/Technical        | 4 (courses appropriate for career pathway, including a second-level (advanced) course, or courses for an arts education pathway or for R.O.T.C. ***) |                           |
| Foreign Language        | 0  |                           |
| Electives               | 2 (arts recommended but not required)  |                           |
| Other Requirements      |  |                           |
| <b>Total Credits</b>    | <b>20</b>  | <b>28</b>                 |

\*\*\*Four R.O.T.C. credits may be used.

3. College Tech Prep Course of Study Credits Required

| <b>Courses Required</b> | <b>State Requirement</b>   | <b>Local Requirements</b> |
|-------------------------|--|---------------------------|
| English                 | 4 (including English I, II, III, and IV)   |                           |
| Mathematics             | 3**** (including either Algebra I, Geometry and Algebra II; Algebra I and Technical Math I & II; or Integrated Mathematics I, II, and III) |                           |
| Science                 | 3 (including a physical science course, Biology, and earth/environmental science)  |                           |
| Social Studies          | 3 (including Civics & Economics, U.S. History and World History)   |                           |
| Health/P.E.             | 1  |                           |
| Career/Technical        | 4 (courses appropriate for career pathway including a second-level (advanced) course)  |                           |
| Foreign Language        | 0****  |                           |
| Electives               | 2 (arts recommended but not required)  |                           |
| Other Requirements      |  |                           |
| <b>Total Credits</b>    | <b>20</b>  | <b>28</b>                 |

\*\*\*\* A student pursuing this course of study may meet the requirements of a College/University Prep Course of Study by completing 2 credits in the same foreign language and one additional unit of math for which Algebra II is a prerequisite.

4. College/University Prep Course of Study Credits Required

| <b>Courses Required</b> | <b>State Requirements</b>  | <b>Local Requirements</b> |
|-------------------------|--|---------------------------|
| English                 | 4 (including English I, II, III, and IV)   |                           |
| Mathematics             | 4 (including either Algebra I, Geometry and Algebra II and a higher course for which Algebra II is a prerequisite; or Integrated Mathematics I, II, and III and one course beyond Integrated Math III) |                           |
| Science                 | 3 (including a physical science, Biology, and earth/environmental science)   |                           |
| Social Studies          | 3 (including Civics & Economics, U.S. History and World History)   |                           |
| Health/P.E.             | 1  |                           |
| Foreign Language        | 2 (in the same language)   |                           |
| Electives               | 3 (arts recommended but not required)  |                           |
| Other Requirements      |  |                           |
| <b>Total</b>            | <b>20</b>  | <b>28</b>                 |

5. Occupational Course of Study Credits Required (only available to certain students with disabilities who have an IEP)

| <b>Courses Required</b> | <b>State Requirements</b>   | <b>Local Requirements</b> |
|-------------------------|---|---------------------------|
| English                 | 4 (including Occupational English I, II, III, and IV)                   |                           |
| Mathematics             | 3 (including Occupational Mathematics I, II, and III)                   |                           |
| Science                 | 2 (including Life Skills Science I, II)                                 |                           |
| Social Studies          | 2 (including Government/U.S. History and self-advocacy/problem solving) |                           |

|                          |   |           |
|--------------------------|---|-----------|
| Health/P.E.              | 1   |           |
| Career/Technical         | 4 (vocational education electives)  |           |
| Foreign Language         | 0   |           |
| Occupational Preparation | 6 (including Occupational Preparation I, II, III and IV, which requires 300 hours of school-based training, 240 hours of community-based training and 360 hours of paid employment) |           |
| Electives                | 0   |           |
| Other Requirements       | <ul style="list-style-type: none"> <li>• Completion of IEP objectives</li> <li>• Career Portfolio required</li> </ul>   |           |
| <b>Total</b>             | <b>22</b>   | <b>28</b> |

**B. HIGH SCHOOL EXIT STANDARDS**

1. Students, who (1) entered the ninth grade in the 2006-07 through 2008-09 school years and follow the Career Prep Course of Study, College Tech Prep Course of Study or College/University Prep Course of Study; or (2) enter ninth grade in the 2009-10 year or beyond and follow the Future Ready Core Course of Study, must score at Level III or above on all of the following end-of-course (EOC) tests: Algebra I; Biology; English I; Civics and Economics; and U.S. History. Students who do not score at Level III or above on the first administration of EOC tests must be retested in accordance with State Board policy. The superintendent shall develop procedures, in accordance with State Board policy, for reviewing promotion requests for students who do not score at Level III or above on the retest.

The EOC test results will count as 25 percent of a student’s final grade in each high school course for which an EOC test is available.

2. A student following the Occupational Course of Study, regardless of the year he or she entered ninth grade, must complete rigorous exit standards as outlined in State Board Policy GCS-N-004.

**C. ADDITIONAL LOCAL REQUIREMENTS**

The board may require that students successfully complete additional graduation requirements, such as a high school graduation project or a community service project like that mentioned in policy 3530, Citizenship and Character Education. Students will be notified of any requirement no later than the beginning of their junior year. Students whose projects do not meet the expected standard must be given additional opportunities to successfully complete the project and additional assistance as needed with the project.

**D. SPECIAL CIRCUMSTANCES**

The board adopts the following policies with regard to graduation.

1. Honor Graduates
 

Honor graduates may be designated by principals on the basis of criteria established by the superintendent. A student who completes the requirements of the North Carolina Academic Scholars Program will receive recognition, including a seal affixed to his or her diploma. Recognition of honor graduates may be included in graduation programs.
2. Students with Disabilities
 

Accountability standards and graduation requirements must be applied to students with disabilities to the extent required by state and federal law and State Board policy.
3. Children of Military Families
 

In order to facilitate the on-time graduation of children of military families, the board adopts the following policy provisions for students covered by the Interstate Compact on Educational Opportunity for Military Children.

  - a. Waiver Requirements
 

Specific course work required for graduation will be waived if similar course work has been satisfactorily completed in another school system. If a waiver is not granted, school administrators shall provide the student with reasonable justification for the denial. If a waiver is not granted to a student who would qualify to graduate from the sending school, the superintendent or designee shall provide the student with an alternative means of acquiring the required coursework so that graduation may occur on time.
  - b. Testing Requirements for Graduation

The superintendent shall accept the following in lieu of tests required for graduation in North Carolina: (1) exit or end-of-course exams required for graduation from the sending state; (2) national norm-referenced achievement tests; or (3) alternative testing. If these alternatives are not feasible for a student transferring in his or her senior year, subsection c below will apply.

c. Transfers During Senior Year

If a child of a military family transferring at the beginning of or during his or her senior year is ineligible to graduate from the school system after all of the alternatives listed above have been considered and the student meets the graduation requirements at his or her sending school, then school officials from the school system and the sending school system shall collaborate to ensure that the student will receive a diploma from the sending board of education.

4. Early Graduation

Graduation prior to that of one's class may be permitted under criteria to be approved by the board upon the recommendation of the superintendent. Graduation ceremonies, however, will be held only at the close of each school year

5. Graduation Certificates

Graduation certificates will be awarded to students in accordance with the standards set forth in State Board policy.

Legal References: G.S. 115C-47, -81, -174.11, -276, -288, -407.5; State Board of Education Policies GCS-C-003, GCS-C-031, GCS-N series  
Cross References: Goals and Objectives of the Educational Program (policy 3000), Student Promotion and Accountability (policy 3420), Citizenship and Character Education (policy 3530), Children of Military Families (policy 4050)  
Adopted: June 30, 2010

**ELIGIBILITY FOR EXTRACURRICULAR ACTIVITIES**

*Policy 3621*

Pender County Schools sponsors a varied activities program for all students enrolled in the secondary schools. Because certain of these activities, including athletics, meet outside of the school day and require a significant amount of time on the part of the students, the following eligibility requirements are mandated.

1. This policy shall apply to secondary students in grades 7-12 who represent the schools by participation in any extracurricular activity, including athletics, cheerleading, and any after-school activity in which participation is not a requirement of any class taken for credit at the school.
2. Student athletes are required to carry school insurance or provide proof of adequate personal health and hospitalization insurance in order to participate in any interscholastic activity.
3. All students participating in an interscholastic activity must receive a medical examination once every 365 days by a duly licensed physician, nurse practitioner or physician's assistant.
4. All students participating in an interscholastic activity must have been in attendance for at least 85% of the previous semester.
5. Student-athletes in grades 9-12 shall be subject to all participation requirements as set forth by the North Carolina High School Athletic Association, the State Board of Education, the North Carolina Department of Public Instruction and the Pender County Board of Education.
6. Student-athletes in grades 7-8 shall be subject to all participation rules as set forth by the State Board of Education, the North Carolina Department of Public Instruction and the Pender County Board of Education.
7. A student must be in attendance on the day of an interscholastic activity, including field trips, in order to participate in the activity, unless the school principal grants prior approval. Such approval may only be granted for educational or emergency purposes.
8. No student transferring to a high school out of his or her district may participate in another high school in the same LEA in any sport, except in the event of a bona fide change of residence by the parent(s) or legal custodian (as defined by the NCHSAA and Pender County Board of Education policy 4150, Student Assignment). In addition, the change of school of attendance must be contemporaneous with the change of residence. In a situation where joint custody applies to a student in the same LEA, it will only be recognized when there has been a legal separation or divorce, and such joint custody has been stated in the appropriate legal documents.

9. Students having more than one bona fide move within a school year will not be allowed to play in any sport for the balance of the school year.
10. A student transferring to a high school (according to Pender County Board of Education policy 4150) out of his or her school district, in the same LEA, will not be eligible to participate in interscholastic athletics at the school to which he or she is transferring for a period of one year from the date of enrollment except in the event of a bona fide change of residence.
11. Children of employees who transfer to another high school within Pender County, according to Pender County Board of Education policy 4150 will be athletically eligible to participate on the date of enrollment at the school.
12. Students in grades 7-8 must meet the following academic requirements in order to be eligible to participate in athletics or any activity as designated by number 1 above.
  - a. A student promoted from grade 6 to grade 7 automatically meets the requirements to start the first semester of 7<sup>th</sup> grade.
  - b. The student must pass at least one less than the total number of courses take the previous semester.
  - c. The student must meet local promotion standards.
  - d. The student must have earned at least a 1.5 grade point average on a 4.0 scale **or** a 73.5 numerical average during the previous semester.

In addition, if at the end of the fifth and ninth week of each grading period during the current semester of participation, a student's academic performance becomes such that the student would become ineligible if the semester was completed, the student shall be removed from participation in athletics or any other activity designated under number 1 above until the student's academic standing returns to an eligible status. A student that is ineligible to participate at the beginning of the semester shall retain that status throughout the semester.

For the purposes of this policy, only as it pertains to extracurricular eligibility and to address NCDPI requirements that credit recovery courses are to be recorded only as pass/fail, courses that are taken through a district-approved credit recovery program and successfully completed will be calculated as a 73.5 numerical average or a 1.5 on a 4.0 scale. This grade will replace the failing grade for the course only for the purposes of eligibility for extracurricular activities and not for student permanent records.

13. Students in grades 9-12 must meet the following academic requirements in order to be eligible to participate in athletics or any activity as designated by number 1 above.
  - a. A student promoted from grade 8 to grade 9 automatically meets the requirements to start the first semester of 9<sup>th</sup> grade.
  - b. The student must pass at least 3 courses (on the block scheduling format) taken the previous semester.
  - c. The student must meet local promotion standards.
  - d. The student must have earned at least a 1.5 weighted grade point average on a 4.0 scale or a 73.5 numerical average during the previous semester.

In addition, if at the end of the fifth and ninth weeks of each grading period during the current semester of participation, a student's academic performance becomes such that the student would become ineligible if the semester was completed, shall be removed from participation in athletics or any other activity designated under number 1 above until the student's academic standing returns to an eligible status. A student that is ineligible to participate at the beginning of a semester shall retain that status throughout the semester.

For purposes of this policy, only as it pertains to extracurricular eligibility and to address NCDPI requirements that credit recovery courses are to be recorded only as pass/fail, courses that are taken through a district-approved credit recovery program and successfully completed will be calculated as a 73.5 numerical average or a 1.5 on a 4.0 scale. This grade will replace the failing grade for the course only for the purposes of eligibility for extracurricular activities and not for student permanent records.

Legal References:

Cross References: School Assignment (policy 4150)

Adopted: May 6, 1985      Revised: July 11, 1994; April 14, 1999; December 3, 2001; May 9, 2005; March 9, 2009; August 8, 2011

**A. PURPOSE**

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

**B. PRINCIPLES**

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

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

**C. APPLICABILITY**

Students must comply with board and school behavior policies 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 bus stop;
4. during any school-sponsored activity or extracurricular activity;
5. when subject to the authority of school personnel; and
6. at any time or place when the student's behavior has a direct and immediate effect on maintaining order and discipline in the schools.

**D. COMMUNICATION OF POLICIES**

Board policies related to student behavior are codified in the 4300 series. At the beginning of each school year, the principal is responsible for providing each student and his or her parent or guardian with a copy of the student behavior policies and any other school rules and procedures. Students enrolling during the school year and their parents or guardians will receive a copy of the information upon enrollment.

**E. ENFORCEMENT**

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

Legal References: G.S. 115C-47, -288, -307, -391

Cross References: Goals and Objectives of the Educational Program (policy 3000), Student Behavior Policies (4300 series)

Adopted: October 11, 2010

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 educational record.

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

Legal References: Americans with Disabilities Act, 42 U.S.C. 12131 *et seq.*, 28 C.F.R. pt. 35; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; Rehabilitation Act of 1973, 29 U.S.C. 705(2), 794, 34 C.F.R. pt. 104; G.S. 115C art. 9; 115C-45, -47, -276(r), -288, -307, -390.1, -390.2, -390.5, -390.6; *Policies Governing Services for Children with Disabilities*, State Board of Education Policy GCS-D-000

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

Adopted: October 11, 2010

Revised: August 8, 2011

**A. DEFINITIONS**

1. **Superintendent**  
For purposes of this policy, superintendent includes the superintendent and the superintendent's designee.
2. **Principal**  
For purposes of this policy, principal includes the principal and the principal's designee.
3. **Long-Term Suspension**  
A long-term suspension is the disciplinary exclusion of a student from attending his or her assigned school for more than 10 school days. Disciplinary reassignment of a student to a full-time educational program that meets the academic requirements of the standard course of study established by the State Board of Education and that provides the student with the opportunity to make timely progress toward graduation and grade promotion is not a long-term suspension requiring the due process procedures set out in this policy.

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

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

4. **365-Day Suspension**  
A 365-day suspension is the disciplinary exclusion of a student from attending his or her assigned school for 365 calendar days. The superintendent may impose a 365-day suspension only for certain firearm and destructive device violations, as identified in policy 4333, Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety
5. **Expulsion**  
An expulsion is the indefinite exclusion of a student from school enrollment for disciplinary purposes. Upon the recommendation of the superintendent, the board may expel a student who is 14 years of age or older for certain types of misbehavior as provided in policies 4325, Drugs and Alcohol; 4330, Theft, Trespass and Damage to Property; 4331, Assaults, Threats and Harassment; and 4333, Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety if the student's continued presence in school constitutes a clear threat to the safety of other students or employees. Additionally, a student who is subject to policy 4260, Student Sex Offenders, may be expelled if the student's continued presence in school constitutes a clear threat to the safety of other students or employees. During the expulsion, the student is not entitled to be present on educational property and is not considered a student of the school system.

**B. DETERMINATION OF APPROPRIATE CONSEQUENCE**

1. **Principal's Recommendation**  
The principal may impose a short-term suspension or any other consequence that is consistent with policy 4351, Short-Term Suspension, policy 4302, School Plan for Management of Student Behavior and the Code of Student Conduct. If the principal determines that a suspension of more than 10 days (either long-term or 365-day) or an expulsion is an appropriate consequence, the principal shall

propose the disciplinary penalty based upon a review of the student's culpability and dangerousness and the harm caused by the student, plus any other mitigating or aggravating factors the principal finds relevant.

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

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

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

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

## 2. Notice to the Student's Parent

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

- a. the notice type, i.e., notice of long-term suspension, 365-day suspension or expulsion;\*
- b. a description of the incident and the student's conduct that led to the recommendation, including reasonable details of the act or acts of misconduct;
- c. the specific provisions of the Code of Student Conduct that the student allegedly violated;
- d. the specific process by which the parent may request a hearing to contest the decision and the

- deadline for making the request;\*
- e. the process by which the hearing will be held, including all due process rights to be accorded the student during the hearing;
- f. notice of the right to retain an attorney to represent the student in the hearing process;
- g. notice that an advocate, instead of an attorney, may accompany the student to assist in the presentation of the appeal;
- h. notice of the right to review and obtain copies of the student's educational records prior to the hearing;
- i. a reference to policy 4345, Student Discipline Records, regarding the expungement of disciplinary records; and
- j. the identity and phone number of a school employee whom the parent may call to obtain assistance in receiving a Spanish translation of the English language information included in the document.\*

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

The principal shall attach to the notice copies of all prior discipline notices the student received during the current school year.

### 3. Superintendent's Decision

The student or student's parent may request a hearing within five days of receipt of notice from the principal regarding 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. The superintendent shall then appoint three impartial individuals to a tribunal to conduct the hearing. No individual who is under the direct supervision of the principal recommending suspension may serve on the tribunal. The superintendent 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 up 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 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; and
- f. if the student is to be suspended, notice of the superintendent'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 decision to deny such services.

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

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

The student may appeal to the board the superintendent's decision not to provide alternative education services, as permitted by G.S. 115C-45(c)(2). Any appeal to the board must be made in writing within five days of receiving the superintendent's decision. The superintendent shall inform the board chairperson of the request for an appeal and arrange in a timely manner a hearing before the board. In advance of the hearing, the superintendent shall provide to the student and parent and to the board a written explanation for the denial of services along with any documents or other information supporting the decision. The hearing will be conducted pursuant to policy 2500, Hearings Before the Board. The board will provide to the student and parent and to the superintendent written notice of its decision within 30 days of receiving the appeal.

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

#### 4. Hearings Before the Board

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

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

##### b. Expulsions

The student or parent may request a hearing within five days of receiving notice of the superintendent's recommendation that the student be expelled. The hearing will be scheduled with the board within five days of the superintendent's receipt of the hearing request. The superintendent shall notify the student and parent of the date, time and place of the hearing.

Any appeal of a long-term or 365-day suspension will be addressed in the same hearing. The hearing will be conducted pursuant to Section B of policy 4370.

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

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

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

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

**D. REDUCING SUSPENSION AND EXPULSION RATES**

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

Legal References: U.S. Const. amend. XIV, § 1; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; N.C. Const. art. I, § 19; G.S. 14-208.18; 115C art. 9; 115C-45(c)(2), 47(55), -276(r), -288, -390.1, -390.2, -390.7, -390.8, -390.9, -390.10, -390.11, -390.12, -402; 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 (4335), School-Level Investigations (policy 4340), Student Discipline Records (policy 4345), Short-Term Suspension (policy 4351), Student Discipline Hearing Procedures (policy 4370)

Adopted: June 13, 2011 Revised: August 8, 2011

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

*Policy 4362*

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

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

A student who is serving a 365-day suspension may submit a request to the superintendent for readmission any time after the 180<sup>th</sup> calendar day of his or her suspension. Upon receipt of the request, the superintendent or designee shall offer the student an opportunity for an in-person meeting to be held within five days. The student may provide documents in support of the request, such as signed statements from individuals knowledgeable about the student or documents verifying that the student is participating in or has completed

counseling or rehabilitation programs. If the student demonstrates to the satisfaction of the superintendent or designee that the student's presence in school no longer constitutes a threat to the safety of other students or employees, the superintendent must readmit the student.

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

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

**B. REQUESTS BY EXPELLED STUDENTS**

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

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

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

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

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

Adopted: October 11, 2010

Revised: August 8, 2011

**STUDENT DISCIPLINE HEARING PROCEDURES**

*Policy 4370*

**A. ADMINISTRATIVE HEARINGS**

The rules set out below will govern hearings held by the tribunal appointed 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. In addition to the tribunal, the hearing may be attended by the superintendent, the principal and/or assistant administrators, and any persons the chair 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 rules; and the appropriateness of the recommended consequence for the violation.
5. The school representatives 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 tribunal has the authority to limit questioning by any person if such questioning is unproductive, unnecessarily lengthy, repetitive or irrelevant.
8. In reaching a determination in the matter, the tribunal shall consider any school records of the student presented at the hearing, but such records should be considered only for impeachment or corroboration or as bearing upon the appropriate punishment and not as evidence of guilt of a charge. No school record may be considered for any purpose unless it has first been made available to the student or his or her representative.
9. The tribunal shall also consider the other documents produced in the hearing and testimony of the witnesses and other evidence presented at the hearing. The panel shall determine the relevant facts and credibility of witnesses based on the evidence presented at the hearing. If the panel determines a violation occurred, the panel shall also determine the appropriateness of the recommended consequences for the violation. Formal rules of evidence do not apply, and the tribunal may rely on evidence that a reasonably prudent person would consider in the conduct of serious affairs.
10. Following the hearing, the superintendent shall render a written decision based. The superintendent shall adopt the panel's factual determinations unless they are not supported by substantial evidence in the record.
11. The superintendent shall notify the student and parent of the final decision in accordance with the requirements of policy 4353, Long-Term Suspension, 365-Day Suspension, Expulsion.
12. All testimony before the tribunal shall be recorded.
13. The tribunal shall provide for making a record of the hearing, including any findings or conclusions made by the tribunal. The student will have the right to make his or her own audio recording of the hearing.

## **B. BOARD HEARINGS**

1. **Appeal of a Long-Term or 365-Day Suspension**  
The board will provide the opportunity for a hearing that follows the procedures established for administrative hearings, except that (1) the superintendent or designee will represent the school system and the board or a panel of the board will be the decision maker and (2) unless the board requests otherwise or doing so would create a substantial threat of unfairness, the board will limit presentations of testimony to the student, the student's parent and representative, and the school system's representative and will limit documentation to the records and evidence produced at the administrative hearing. The board, at its discretion, may request additional information or evidence.

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

2. Board Decision on Expulsion

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

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

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

Adopted: June 13, 2011 Revised: August 8, 2011

## POTENTIAL PUNISHMENTS

The following chart explains the various levels of punishment available for violations of Board policies related to student behavior. Mandatory Long Term Suspensions are not allowed but certain offenses do require the Principal to recommend a 365 day suspension. Long Term Suspensions and Expulsions should be limited to serious violations of the Board’s policies on student behavior that either threaten the safety of students, staff, or school visitors or threaten to substantially disrupt the educational environment. Examples of conduct that would not be deemed to be a serious violation include the use of inappropriate or disrespectful language, noncompliance with a staff directive, dress code violations and minor physical altercations that do not involve weapons or injury. The principal may however, determine in his or her discretion that aggravating circumstances justify treating a minor violation as a serious violation. Whenever more than one punishment is authorized for certain conduct, the most serious punishment may be used, subject to the restrictions stated in this paragraph.

|                |   |
|----------------|---|
| <b>Level 1</b> | <b>Conference / Warning</b>   |
| <b>Level 2</b> | <b>Detention, Parent Attendance in Class, Restitution, Threat Assessment, SST, ISS, School Work Service, Peer Mediation, Counseling, Behavior Contracts, Instruction in Conflict Resolution and Anger Management, Academic Interventions, Community Service, Exclusion from Graduation Ceremonies, Extracurricular Activities or Bus Privileges</b> |
| <b>Level 3</b> | <b>OSS for 1-5 school days</b>  |
| <b>Level 4</b> | <b>OSS for 5-10 school days</b>   |
| <b>Level 5</b> | <b>OSS for 10 school days</b>   |
| <b>Level 6</b> | <b>Possible Long Term Suspension or Disciplinary Reassignment</b>   |
| <b>Level 7</b> | <b>Suspension for 365 calendar days</b>   |
| <b>Level 8</b> | <b>Expulsion</b>  |

**The following definitions apply to this Code of Conduct:**

- 1. Disciplinary Reassignment - The reassignment of a student for disciplinary reasons to a full-time educational program that meets the academic requirements of the standard course of study established by the State Board of Education as provided in N.C.G.S. §115C-12 and provides the student with the opportunity to make timely progress towards graduation and grade promotion. A Disciplinary Reassignment may be for up to the time allowed for a Long-term Suspension.
- 2. ISS – In school suspension.
- 3. OSS – Out of school suspension
- 4. PK – Pre-kindergarten
- 5. SST – Student support team

**INTEGRITY AND CIVILITY**

*Policy 4310*

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

**A. PROHIBITED BEHAVIOR**

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

- 1. cheating, including the actual giving or receiving of any unauthorized assistance or the actual giving or receiving of an unfair advantage on any form of academic work;
- 2. plagiarizing, including copying the language, structure, idea and/or thought of another and representing it as one’s own original work;
- 3. falsifying, whether in writing or verbally, with the intent to defraud or for any other wrongful purpose;
- 4. violating copyright laws, including the unauthorized reproduction, duplication and/or use of printed or electronic work, computer software, or other copyrighted material;
- 5. cursing or using vulgar, abusive or demeaning language towards another person;
- 6. gambling, which is participation in any unauthorized event, action or statement which relies on chance for a monetary advantage (including exchanging items of value as well as currency) of one participant at the expense of others; and
- 7. playing abusive or dangerous tricks or otherwise subjecting a student or employee to personal indignity.

**B. CONSEQUENCES**

The disciplinary consequences for violations of this policy shall be consistent with Section D of policy 4300, Student Behavior Policies.

|               |                             |
|---------------|-----------------------------|
| <b>PK – 2</b> | <b>Level: 1, 2 or 3</b>     |
| <b>3 – 5</b>  | <b>Level: 1, 2, 3, or 4</b> |
| <b>6 – 12</b> | <b>Level: 1, 2, 3, or 4</b> |

Legal References: 17 U.S.C. 101, 102, 106, 107, 110, 117; G.S. 115C-47, -288, -307, -390.2  
 Cross References: Goals and Objectives of the Educational Program (policy 3000), Copyright Compliance (policy 3230/7330), Student Behavior Policies (policy 4300)  
 Adopted: May 9, 2011                      Revised: August 8, 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 rights 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, including protests, marches, pickets, sit-ins or similar activities that have as their purpose the disruption of any lawful function, mission or process of a school in the system;
2. boycotts or walkouts of any lawful school function, mission or process at which attendance is required;
3. 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);
4. possessing or distributing literature or illustrations that significantly disrupt the educational process or that are obscene or unlawful;
5. engaging in behavior that is immoral, indecent, lewd, disreputable or of an overly romantic, affectionate or sexual nature in the school setting, which may include, but is not limited to, hand-holding, hugging, kissing, fondling, exposing private body parts (genitals, buttocks, female breasts and genital pubic hair) and engaging in consensual sexual activities;
6. failing to observe established safety rules, standards and regulations, including on buses and in hallways; and
7. interfering with the operation of school buses, including delaying the bus schedule, throwing objects inside the bus or from the bus, tampering with or willfully damaging the school vehicle, refusing to obey the driver's instructions, 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.

|               |                                     |
|---------------|-------------------------------------|
| <b>PK – 2</b> | <b>Level: 1, or 2</b>               |
| <b>3 – 5</b>  | <b>Level: 1, 2, 3 or 4</b>          |
| <b>6 – 12</b> | <b>Level: 1, 2, 3, 4, 5, 6 or 8</b> |

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: June 13, 2011

Revised: August 8, 2011

The board believes that the dress and personal appearance of students greatly affect their academic performance and their interaction with other students. The board requests that parents outfit their children in clothing that will be conducive to learning. The board prohibits appearance or clothing that does the following: (1) violates the standards established in this policy or reasonable dress code adopted and publicized by the school; (2) is substantially disruptive; (3) is provocative or obscene; (4) endangers the health or safety of the student or others; or (5) violates policy 4328, Gang-Related Activity.

**A. PROHIBITED BEHAVIOR:** All students must adhere to the following standards.

1. Students may not wear sagging pants or pants worn below the hipbone.
2. Shirts and tops must be long enough to meet the waistband of pants, shorts or skirts at all times. No midriffs, cleavage or underwear shall be visible at any time. See-through clothing is prohibited.
3. Students may not wear sleeveless shirts, tops or dresses that do not cover the top of the shoulder (i.e. tank tops, spaghetti straps, halter tops, tube tops, strapless tops, etc.).
4. Excessively short or tight garments are prohibited. Skirts and shorts may not be shorter than mid-thigh length.
5. Head coverings are prohibited inside school buildings.
6. Adornments that could reasonably be perceived as or used as a weapon, such as chains or spikes, are prohibited.
7. Students may not wear attire with messages or illustrations that are lewd, indecent or vulgar or that advertise any product or service not permitted by law to minors.

Before being punished, a student who is not in compliance with this policy or a school dress code will be given a reasonable period of time to make adjustments so that he or she will be in compliance. Disciplinary consequences for a student who fails to comply after being offered this opportunity shall be consistent with Section D of policy 4300, Student Behavior Policies. Principals and designees shall exercise appropriate discretion in implementing this policy, including making reasonable accommodations on the basis of students’ religious beliefs or medical conditions. This policy represents the minimum dress code standards in Pender County Schools. Principals have the authority to mandate more restrictive dress codes in individual schools as deemed necessary and reasonable.

**B. CONSEQUENCES**

The disciplinary consequences for violations of this policy shall be consistent with Section D of policy 4300, Student Behavior Policies

|               |                       |
|---------------|-----------------------|
| <b>PK – 2</b> | <b>Level: 1, 2</b>    |
| <b>3 – 5</b>  | <b>Level: 1, 2</b>    |
| <b>6 – 12</b> | <b>Level: 1, 2, 3</b> |

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

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

Adopted: June 13, 2011      Revised: August 8, 2011

The board recognizes that cellular phones and other wireless communication or portable electronic devices have become an important tool through which parents communicate with their children. Therefore, students are permitted to possess such devices on school property so long as the devices are not activated, used, displayed or visible during the instructional day or as otherwise directed by local school rules or school personnel. Wireless communication and portable electronic devices include, but are not limited to, cellular phones, electronic devices with internet capability, paging devices, two-way radios, hand held computers, PALM devices, MP3 players, iPods, CD players and similar devices.

**A. AUTHORIZED USE**

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

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

**B. CONSEQUENCES FOR UNAUTHORIZED USE**

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

The disciplinary consequences for violations of this policy shall be consistent with Section D of policy 4300, Student Behavior Policies.

|               |                            |
|---------------|----------------------------|
| <b>PK – 2</b> | <b>Level: 1, or 2</b>      |
| <b>3 – 5</b>  | <b>Level: 1 or 2</b>       |
| <b>6 – 12</b> | <b>Level: 1, 2, 3 or 4</b> |

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

**C. SEARCH OF WIRELESS COMMUNICATION DEVICES**

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

**D. LIABILITY**

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

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

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

Adopted: August 8, 2011

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

**A. PROHIBITED BEHAVIOR**

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

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

**B. CONSEQUENCES**

The consequences for violations of the policy shall be consistent with Section D of policy 4300, Student Behavior Policies.

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

|               |                            |
|---------------|----------------------------|
| <b>PK – 2</b> | <b>Level: 1 or 2</b>       |
| <b>3 – 5</b>  | <b>Level: 1, 2 or 3</b>    |
| <b>6 – 12</b> | <b>Level: 2, 3, 4 or 6</b> |

**C. SERVICES FOR STUDENTS**

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

**D. NOTICE**

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

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

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

Adopted: October 11, 2010 Revised: August 8, 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.

Any student who is suspected of being under the influence of the aforementioned substances may be asked to submit to a drug test.

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.

|               |                          |
|---------------|--------------------------|
| <b>PK – 2</b> | <b>Level: 3, 4, or 6</b> |
| <b>3 – 5</b>  | <b>Level: 3, 4, or 6</b> |
| <b>6 – 12</b> | <b>Level: 5, 6 or 8</b>  |

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: June 13, 2011

Revised: August 8, 2011

The board strives to create a safe, orderly, caring and inviting school environment. Gangs and gang-related activities have proven contrary to that mission and are prohibited within the schools. A gang is any ongoing organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of criminal acts and having a common name or common identifying sign, colors or symbols. The

violence and crime that accompany gangs pose a serious threat to the safety of students and employees of the school system. Even absent acts of violence or crime, the existence of gang-related activity within the schools creates an atmosphere of fear and hostility that obstructs student learning and achievement. Thus, the board condemns the existence of gangs and will not tolerate gang-related activity in the school system.

**A. PROHIBITED BEHAVIOR**

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

Conduct prohibited by this policy includes:

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

**B. NOTICE**

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

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

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

**C. CONSEQUENCES**

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

Disciplinary consequences for violations of subsections A.1, A.2 and A.6, above, shall be consistent with Section D of policy 4300, Student Behavior Policies.

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

|               |                              |
|---------------|------------------------------|
| <b>PK – 2</b> | <b>Level: 1, 2</b>           |
| <b>3 – 5</b>  | <b>Level 1, 2 or 3</b>       |
| <b>6 – 12</b> | <b>Level 2, 3, 4, 6 or 8</b> |

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

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

Legal References: G.S. 115C-390.2

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

Adopted: August 8, 2011

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

*Policy 4330*

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

### **A. PROHIBITED BEHAVIOR**

1. **Theft**  
Students are prohibited from stealing or attempting to steal school or private property and/or from knowingly being in possession of stolen property.
2. **Damage to Property**  
Students are prohibited from damaging or attempting to damage school or private property.
3. **Trespass**  
Students are prohibited from trespassing on school property. A student will be considered a trespasser and may be criminally prosecuted in any of the following circumstances:
  - a. the student is on the campus of a school to which he or she is not assigned during the school day without the knowledge and consent of the officials of that school;
  - b. the student is loitering at any school after the close of the school day without any specific need or supervision; or
  - c. the student has been suspended from school but is on the property of any school during the suspension period without the express permission of the principal.

### **B. CONSEQUENCES**

The disciplinary consequences for violations of this policy shall be consistent with Section D of policy 4300, Student Behavior Policies.

|               |                                |
|---------------|--------------------------------|
| <b>PK – 2</b> | <b>Level: 1, 2</b>             |
| <b>3 – 5</b>  | <b>Level: 2, 3, 4, or 6</b>    |
| <b>6 – 12</b> | <b>Level: 2, 3, 4, 6, or 8</b> |

Legal References: G.S. 14-60, -87, -87.1, -132, -132.2; 115C-47, -276I, -288, -307, -390.2, -523

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

Adopted: June 13, 2011 Revised: August 8, 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. No student shall intentionally hit, shove, scratch, bite, block the passage of or throw objects at a student or other person. No student shall take any action or make any comments or written messages intended to cause others to fight or which might reasonably be expected to result in a fight.

A student who is attacked may use reasonable force in self-defense but only to the extent to free himself from the attack and notify proper school authorities. A student who exceeds this reasonable force may be disciplined even if he did not provoke the 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. Students are further prohibited from engaging in any actions intended to extort money, other personal property or personal services from any other person.

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.

|               |                               |
|---------------|-------------------------------|
| <b>PK – 2</b> | <b>Level: 2, or 3</b>         |
| <b>3 – 5</b>  | <b>Level: 2, 3, 4, or 6</b>   |
| <b>6 – 12</b> | <b>Level: 2, 3, 4, 6 or 8</b> |

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, -276I, -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: March 14, 2011 Revised: August 8, 2011

# PROHIBITION AGAINST DISCRIMINATION, HARASSMENT AND BULLYING

Policy 1710/4021/7230

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 will not tolerate any form of unlawful discrimination, harassment or bullying in any of its educational or employment activities.

## 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 student code of conduct. Employees are expected to comply with board policy and school system regulations. Volunteers and visitors on school property also are expected to comply with board policy and established school rules and procedures.

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

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

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

### 2. Retaliation

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

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

## B. APPLICATION OF POLICY

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

This policy applies to behavior that takes place:

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

## C. Definitions

For purposes of this policy, the following definitions apply:

**1. Discrimination**

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

**2. Harassment and Bullying**

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

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

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

Harassment and bullying include, but are not limited to, behavior described above that is reasonably perceived as being motivated by any actual or perceived differentiating characteristic or motivated by an individual's association with a person who has or is perceived to have a differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental or sensory disability. Examples of behavior that may constitute bullying or harassment include, but are not limited to, verbal taunts, name-calling and put-downs, epithets, derogatory comments or slurs, lewd propositions, exclusion from peer groups, extortion of money or possessions, implied or stated threats, assault, impeding or blocking movement, offensive touching or any physical interference with normal work or movement, and visual insults, such as derogatory posters or cartoons. Legitimate age-appropriate pedagogical techniques are not considered harassment or bullying.

It is possible for harassment, including sexual or gender-based harassment, to occur in various situations. For example, harassment may occur between fellow students or co-workers, between supervisors and subordinates, between employees and students, or between non-employees, including visitors, and employees or students. Harassment may occur between members of the opposite sex or the same sex.

b. Sexual harassment is one type of harassment. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

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

Sexually harassing conduct includes, but is not limited to, deliberate, unwelcome touching that has sexual connotations or is of a sexual nature, suggestions or demands for sexual involvement accompanied by implied or overt promises of preferential treatment or threats, pressure for sexual activity, continued or repeated offensive sexual flirtations, advances or propositions, continued or repeated verbal remarks about an individual's body, sexually degrading words used toward an

individual or to describe an individual, or the display of sexually suggestive drawings, objects, pictures or written materials. Acts of verbal, nonverbal or physical aggression, intimidation or hostility based on sex, but not involving sexual activity or language, may be combined with incidents of sexually harassing conduct to determine if the incidents of sexually harassing conduct are sufficiently serious to create a sexually hostile environment.

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

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

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

**E. TRAINING AND PROGRAMS**

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

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

**F. NOTICE**

The superintendent is responsible for providing effective notice to students, parents and employees of the procedures for reporting and investigating complaints of discrimination, harassment and bullying. This policy must be posted on the school system website, and copies of the policy must be readily available in the principal's office, the media center at each school and the superintendent's office. Notice of this policy must appear in all student and employee handbooks and in any school system publication that sets forth the comprehensive rules, procedures and standards of conduct for students and employees.

**G. COORDINATORS**

The superintendent or designee shall publish the names, office addresses and phone numbers of the "Title IX coordinator" (for sex discrimination) and the "Section 504" and "ADA coordinator(s)" (for discrimination on the basis of disability) in a manner intended to ensure that students, employees, applicants, parents and other individuals who participate in the school system's programs are aware of the coordinators. The coordinators shall coordinate the school system's efforts to comply with and carry out its Title IX, Section 504 and ADA responsibilities, which include investigating any complaints communicated to school officials alleging noncompliance with Title IX, Section 504 or the ADA or alleging actions which would be prohibited by those laws.

**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 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.

**J. CONSEQUENCES**

The disciplinary consequences for violations of this policy shall be consistent with Section D of policy 4300, Student Behavior Policies.

|               |                                  |
|---------------|----------------------------------|
| <b>PK – 2</b> | <b>Level: 1, 2</b>               |
| <b>3 – 5</b>  | <b>Level: 2, 3, 4, or 6</b>      |
| <b>6 – 12</b> | <b>Level: 2, 3, 4, 5, 6 or 8</b> |

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 *et seq.*; 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; *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); *Oncale v. Sundowner Offshore Services*, 523 U.S. 75 (1998); G.S. 115C-335.5, -407.9 through -407.12; 126-16; State Board of Education Policy HRS-A-007

Cross References: Discrimination, Harassment and Bullying Complaint Procedure (policy 1720/4015/7225), Nondiscrimination on the Basis of Disabilities (1730/4022/7231), Prohibition Against Retaliation (1760/7280), School Plan for Management of Student Behavior (policy 4302), Professional Employees: Demotion and Dismissal (7930), Classified Personnel: Suspension and Dismissal (7940)

Adopted: December 14, 2009

**DISCRIMINATION, HARASSMENT AND BULLYING COMPLAINT PROCEDURE**  
*Policy 1720/4015/7225*

The board takes seriously all complaints of unlawful discrimination, harassment and bullying. The process provided in this policy is designed for those individuals who believe that they may have been discriminated against, bullied or harassed in violation of policy 1710/4021/7230, Prohibition Against Discrimination, Harassment and Bullying. Individuals who have witnessed or have reliable information that another person has been subject to unlawful discrimination, harassment or bullying also should report such violations to one of the school system officials listed in subsection C.1. of this policy. Reports may be made anonymously.

**A. DEFINITIONS**

1. Alleged Perpetrator – The alleged perpetrator is the individual alleged to have discriminated against, harassed or bullied the complainant.
2. Complaint – A complaint is an oral or written notification made by a person who believes he or she is the victim of unlawful discrimination, harassment or bullying.
3. Complainant - The complainant is the individual complaining of being discriminated against, harassed or bullied.
4. Days – Days are the working days, exclusive of Saturdays, Sundays, vacation days or holidays, as set forth in the school calendar. In counting days, the first day will be the first full working day following receipt of the complaint. When a complaint is submitted on or after May 1, time limits will consist of all weekdays (Monday–Friday) so that the matter may be resolved before the close of the school term or as soon thereafter as possible.
5. Investigative Report: The investigative report is a written account of the findings of the investigation conducted in response to a complaint.
6. Investigator – The investigator is the school official responsible for investigating and responding to the complaint.
7. Report – A report is an oral or written notification that an individual, other than the reporter, is a suspected perpetrator or victim of unlawful discrimination, harassment or bullying.

**B. REPORTING BY EMPLOYEES OR OTHER THIRD PARTIES**

1. Mandatory Reporting by School Employees

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

2. Reporting by Other Third Parties

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

3. Anonymous Reporting

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

4. Investigation of Reports

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

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

1. Filing a Complaint

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

- a. the principal or assistant principal of the school at which either the alleged perpetrator or alleged victim attends or is employed;
- b. an immediate supervisor if the individual making the complaint is an employee;
- c. the director of human resources if the alleged perpetrator or alleged victim is an employee of the school system (or the superintendent if the director of human resources is the alleged perpetrator);
- d. the Title IX coordinator for claims of sex discrimination or sexual harassment; or
- e. the Section 504 coordinator or the ADA coordinator for claims of discrimination on the basis of a disability.

2. Time Period for Filing a Complaint

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

3. Informal Resolution

The board acknowledges that many complaints may be addressed informally through such methods as conferences or mediation, and the board encourages the use of such procedures to the extent possible. If an informal process is used, the principal or other designated personnel must (1) notify the complainant that he or she has the option to request formal procedures at any time and (2) make a copy of this policy and other relevant policies available to the complainant. In those circumstances in which informal procedures fail or are inappropriate or in which the complainant requests formal procedures, the complaints will be investigated promptly, impartially and thoroughly according to the procedures outlined in the remainder of this policy.

**D. PROCESS FOR ADDRESSING COMPLAINTS OF ALLEGED INCIDENTS OF DISCRIMINATION, HARASSMENT OR BULLYING**

1. Initiating the Investigation

- a. Whoever receives a complaint of discrimination, harassment or bullying pursuant to subsection C.1. shall immediately notify the appropriate investigator who shall respond to the complaint and investigate. The investigator of a complaint is determined as follows:
  - i. If the alleged incident occurred under the jurisdiction of the principal, the investigator is the principal or designee, unless the alleged perpetrator is the principal, the director of human resources, the superintendent or a member of the board. If the alleged perpetrator is any other employee, the principal or designee shall conduct the investigation in consultation with the director of human resources or designee.
  - ii. If the alleged perpetrator is the principal, the director of human resources or designee is the

- investigator.
  - iii. If the alleged incident occurred outside of the jurisdiction of a principal (for example, at the central office), the director of human resources or designee is the investigator unless the alleged perpetrator is the director of human resources, the superintendent or a member of the board.
  - iv. If the alleged perpetrator is the director of human resources, the superintendent or designee is the investigator.
  - iv. 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 director 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.)
  - vi. 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 or ADA coordinator of the complaint, and, as appropriate, may designate the coordinator to conduct the investigation.
  - c. The investigator shall explain the process of the investigation to the complainant and inquire as to whether the complainant would like to suggest a course of corrective action.
  - d. Written documentation of all reports and complaints, as well as the school system's response, must be maintained in accordance with policy 1710/4021/7230.
  - e. Failure to investigate and/or address claims of discrimination, harassment or bullying shall result in disciplinary action.
2. Conducting the Investigation
- a. The investigator is responsible for determining whether the alleged act(s) constitutes a violation of policy 1710/4021/7230. In so doing, the investigator shall impartially, promptly and thoroughly investigate the complaint. The investigator shall interview (1) the complainant; (2) the alleged perpetrator(s); and (3) any other individuals, including other possible victims, who may have relevant information.
  - b. Information may be shared only with individuals who need the information in order to investigate and address the complaint appropriately. Any requests by the complainant for confidentiality shall be evaluated within the context of the legal responsibilities of the school system. Any complaints withdrawn to protect confidentiality must be recorded in accordance with policy 1710/4021/7230.
  - c. The investigator shall review the factual information gathered through the investigation to determine whether the alleged conduct constitutes discrimination, harassment or bullying, giving consideration to all factual information, the context in which the alleged incidents occurred, the age and maturity of the complainant and alleged perpetrator(s), and any other relevant circumstances.
3. Investigative Report
- a. The investigator shall submit a written investigative report to the superintendent and, as applicable, to the Title IX, Section 504 or ADA coordinator.
  - b. Except for such information made confidential by law, the investigator shall notify the complainant of the results of the investigation within 15 days of receiving the complaint, unless additional time is necessary to conduct an impartial, thorough investigation. The investigator shall specify whether the complaint was substantiated and, if so, shall also specify:
    - i. reasonable, timely, age-appropriate, corrective action intended to end the discrimination, harassment or bullying and prevent it from recurring;
    - ii. as needed, reasonable steps to address the effects of the discrimination, harassment or

- bullying on the complainant; and
    - iii. as needed, reasonable steps to protect the complainant from retaliation as a result of communicating the complaint.
  - c. Information regarding specific disciplinary action imposed on the alleged perpetrator(s) will not be given to the complainant unless the information relates directly to the complainant (e.g., an order requiring the perpetrator not to have contact with the complainant).
  - d. If the investigator determines that the complaint was substantiated, the perpetrator(s) shall be subject to discipline or other corrective steps, as described in policy 1710/4021/7230. If the corrective steps involve actions outside the scope of the investigator's authority, the superintendent will be notified so that responsibility for taking the corrective steps may be delegated to the appropriate individual.
  - e. Each alleged perpetrator will be provided with a written summary of the results of the investigation in regard to whether the complaint was substantiated, whether the alleged perpetrator violated relevant law or board policies by his or her actions, and what, if any, disciplinary actions or consequences will be imposed upon the perpetrator in accordance with board policy. The perpetrator may appeal any disciplinary action or consequence in accordance with board policy and law. However, an appeal by the perpetrator of disciplinary action does not preclude school officials from taking appropriate action to address the discrimination, harassment or bullying.
- 4. Appeal of Investigative Report
  - a. If the complainant is dissatisfied with the investigative report, he or she may appeal the decision to the superintendent (unless the alleged perpetrator is the director of human resources or the superintendent, in which cases the complainant may appeal directly to the board in accordance with the procedure described in subsection E.4.b below). The appeal must be submitted in writing within five days of receiving the investigative report. The superintendent may review the documents, conduct any further investigation necessary or take any other steps the superintendent determines to be appropriate in order to respond to the complaint. The superintendent shall provide a written response within 10 days after receiving the appeal, unless further investigation is needed.
  - b. If the complainant is dissatisfied with the superintendent's response, he or she may appeal the decision to the board within five days of receiving the superintendent's response. The board will review the documents, direct that further investigation be conducted if necessary and take any other steps that the board determines to be appropriate in order to respond to the complaint. Upon request of the complainant, the board will hold a hearing pursuant to policy 2500, Hearings Before the Board. The board will provide a written response within 30 days after receiving the appeal, unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

**E. TIMELINESS OF PROCESS**

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

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

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

**F. GENERAL REQUIREMENTS**

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

- knowingly provided false information.
- 2. All meetings and hearings conducted pursuant to this policy will be private.
- 3. The board and school system officials will consider requests to hear complaints from a group, but the board and officials have the discretion to hear and respond to complainants individually.
- 4. The complainant may be represented by an advocate, such as an attorney, at any meeting with school system officials.
- 5. Should, in the judgment of the superintendent or designee, the investigation or processing of a complaint require that an employee be absent from regular work assignments, such absences shall be excused without loss of pay or benefits. This shall not prevent the superintendent or designee from suspending the alleged perpetrator without pay during the course of the investigation.

**G. RECORDS**

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

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 *et seq.*; 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; *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); *Gebser v. Lago Vista Independent School District*, 524 U.S. 274, (1998); *Davis v. Monroe County Board of Education*, 526 U.S. 629 (1999); G.S. 115C-407.10; State Board of Education Policy HRS-A-007

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

Adopted: December 14, 2009

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

*Policy 4333*

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

**A. PROHIBITED BEHAVIOR**

1. Weapons and Weapon-Like Items

Students are prohibited from possessing, handling, using or transmitting, whether concealed or open, any weapon or any instrument that reasonably looks like a weapon or could be used as a weapon. Weapons include all of the following:

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

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

Examples of other objects that may be considered weapons are box cutters and other types of utility blades and blowguns. Sticks, pipes or shop tools may also be considered weapons when used in a threatening or dangerous manner.

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

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

2. Bomb Threats

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

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

3. Terrorist Threats

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

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

4. Clear Threats to Student and Employee Safety

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

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

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

**B. CONSEQUENCES**

1. General Consequences

The disciplinary consequences for violations of this policy shall be consistent with Section D of policy 4300, Student Behavior Policies.

|        |                      |
|--------|----------------------|
| PK – 2 | Level: 1, 2          |
| 3 – 5  | Level: 2, 3, 4, or 6 |
| 6 – 12 | Level: 5, 6 or 8     |

2. Specific Consequences Mandated by Law

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

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

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

Legal References: Gun-Free Schools Act, 20 U.S.C. 7151; G.S. 14-17, -18, -27.2 through -27.5A, -32, -33, -34 through -34.2, -41, -60, -69.1, -69.2, -87, -87.1, -132, -132.2, -202.2, -208.18, -269.2, 277.5; ch. 90 art. 5; 115C-47, -276I, -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: June 13, 2011 Revised: August 8, 2011

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

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

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

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

**B. Reporting Criminal Behavior**

A principal who has personal knowledge or actual notice that any criminal offense has occurred on school property shall report such offense to law enforcement. The principal or designee shall notify the superintendent or designee in writing or by email of any report made to law enforcement. Such notice must occur by the end of the workday in which the incident occurred, when reasonably possible, but not later than the end of the following workday. The superintendent must inform the board of any such reports. In addition, the principal or designee shall notify the parents or guardians of students who are alleged to be victims of reported crimes.

The principal must also report certain crimes to the State Board of Education in accordance with State Board of Education policy HRS-A-000.

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

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

Adopted: June 13, 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.

If a proper search yields illegal or contraband materials, such findings shall be turned over to proper legal authorities for ultimate disposition.

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

**B. PERSONAL SEARCHES**

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

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

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

**C. USE OF METAL DETECTORS**

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

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

**D. DESK AND LOCKER SEARCHES**

Student desks and lockers are school property and remain at all times under the control of the school. However, students are expected to assume full responsibility for the security of their desks and lockers. Student desks and lockers may not be used to store illegal, unauthorized or contraband materials. Inspections of desks and lockers may be conducted by school authorities for any reason consistent with board policies or school rules at any time, without notice, without consent, and without a search warrant. A student's personal effects found in a desk or locker, such as backpacks, gym bags or purses, may be searched only pursuant to guidelines for personal searches described above.

**E. SEARCHES OF STUDENT MOTOR VEHICLES**

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

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

With the prior approval of the superintendent, school officials may use trained dogs in inspections for illegal materials in school facilities, on school grounds and in school parking lots. All dogs must be accompanied by a qualified and authorized trainer who is responsible for the dog's actions and who is able to verify the dog's reliability and accuracy in sniffing out illegal material. Trained dogs may sniff lockers, student motor vehicles and other inanimate objects. Such inspections are not considered searches and do not require notice or consent.

Dogs may not be used for random searches of students or other persons. If a school official has reasonable suspicion that a student possesses illegal material on his or her person, a dog may sniff the air near the student. Such a search will be conducted in private with the school official and an adult witness present, when feasible.

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

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

Adopted: June 13, 2011

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

**A. ATTENDANCE RECORDS**

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

**B. TARDINESS**

Students shall be seated at their assigned station for work at the time appointed for the school day or class to begin or shall be recorded as tardy for that day or class. When a student is tardy, the student or parent, guardian or custodian must present the principal with a written excuse signed by a parent, guardian or custodian citing the reason for the tardiness. Tardiness shall be recorded as unexcused until the note is presented. The note should be presented within three days of the tardiness. The principal may require additional documentation deemed necessary to verify the reason for the tardiness. Students who are excessively tardy to school or class may be suspended for up to two days for such offenses.

**C. EXCUSED ABSENCES**

The principal, superintendent or a designee of the principal or superintendent is authorized to excuse a student temporarily from attendance due to sickness or another unavoidable reason that does not constitute unlawful absence as defined by the State Board of Education. An absence may be excused for the following reasons:

1. personal illness or injury that makes the student physically unable to attend school;
2. isolation ordered by the local health officer or the State Board of Health;
3. death in the immediate family (for the purpose of this policy, immediate family includes, but is not necessarily limited to, grandparents, parents and siblings);
4. medical or dental appointment;
5. participation under subpoena as a witness in a court proceeding;
6. a minimum of two days each academic year for observance of an event required or suggested by the religion of the student or the student's parent(s) (not to exceed five days);
7. participation in a valid educational opportunity, such as travel or service as a legislative or Governor's page, with prior approval from the principal (generally hunting, fishing, visiting relatives, going to the beach, shopping, skiing, attending athletic events and taking subsequent trips to a destination already visited are not considered valid educational opportunities for the purpose of this policy);
8. absence due to pregnancy and related conditions or parenting, when medically necessary; or
9. visitation with the student's parent or legal guardian, at the discretion of the superintendent or designee, if the parent or legal guardian (a) is an active duty member of the uniformed services as defined by policy 4050, Children of Military Families, and (b) has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat support posting.

When a student misses school, the student or parent, guardian or custodian must present the principal with a written excuse signed by a parent, guardian or custodian citing the reason for the absence. Absences shall be recorded as unexcused until the note is presented. The note should be presented within three days of the student's return to school. The principal may require additional documentation deemed necessary to verify the reason for the absence.

Students anticipating an absence due to participation in a valid educational opportunity must submit the Pender County School Educational Leave Form to the principal five days prior to the absence. Absences for three or more consecutive days due to an illness may require a statement from a physician to be presented to the principal. Absences due to medical or dental appointments require that a note from the doctor or dentist is presented to the principal. Absences due to participation in court proceedings require that a note from a court official or a copy of the subpoena is presented to the principal.

In the case of excused absences and short-term out-of-school suspensions, the student will be permitted to

make up his or her work (see also policy 4351, Short-Term Suspension). The teacher will determine when work is to be made up. The student is responsible for finding out what assignments are due and completing them within the specified time period.

**D. SCHOOL-RELATED ACTIVITIES**

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

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

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

**E. EXCESSIVE ABSENCES**

Class attendance and participation are critical elements of the educational process and may be taken into account in assessing academic achievement.

The principal or the designee shall notify parents and take all other steps required by G.S. 115C-378 for excessive absences. Students may be suspended for up to two days for truancy. In addition, the following standards apply in regard to excessive absences.

**1. Elementary and Middle School Requirements**

The principal or designee may request a conference with a parent or guardian at any time to discuss an attendance problem.

Elementary and middle school students who are absent more than 20 days in a school year may be retained or referred for academic intervention. Continued absenteeism may result in the school system notifying the Department of Social Services, juvenile court or the district attorney that the parent or guardian is not cooperating with the school system in addressing the attendance problem.

Students arriving late or requesting early dismissal should be accompanied by a parent or guardian. Excessive tardiness or early dismissals shall be monitored at the school level.

**2. High School Requirements**

Students who miss more than a total of eight days (excused or unexcused) per course during a semester will not receive credit toward graduation unless one of the following conditions is met:

- a. The student makes up the absences. The high school shall provide opportunities for students to make up time missed from classes. The maximum number of days that a student may make up per semester is four. The maximum number of class periods that a student may make up per semester is 16. All make-up work must be completed in the same semester as the absences.
- b. The principal grants a waiver. Students whose academic standing is adversely affected by this standard have the right to appeal for a waiver. The appeal must be submitted to the principal in writing along with any appropriate and/or required documentation. Waivers of absences may be granted by the principal only when extenuating circumstances exist.

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

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

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

Adopted: June 13, 2011

Revised: August 8, 2011

## Pender County Schools Educational Leave Form

Student Name(s): \_\_\_\_\_  
Grade(s): \_\_\_\_\_  
Teacher Name(s): \_\_\_\_\_  
Trip Destination: \_\_\_\_\_  
Dates of Trip: \_\_\_\_\_

*Guidelines:*

Educational trips are defined as opportunities for educational enrichment.

Trips will not exceed:

3 days in state

7 days in the country

10 days out of the country

*10 days per year maximum*

The principal shall be provided with a full agenda of planned trips as listed below.

Students shall submit a written report, diary, collage, journal, scrapbook, power point presentation or other evidence as deemed appropriate by the principal. This evidence/documentation shall be given to the principal within five (5) school days of the students return to school.

List the agenda for each day that the student is absent (Attach if necessary):

Parent/Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Teacher Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Principal Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**\*This form shall be submitted to the school's principal at least 5 school days before the trip.**

*Copies given to:*  
*Parent*  
*Teacher*  
*Principal*



Students who are driving a vehicle with a parking sticker or riding with another student driver with a parking sticker must wear a safety belt when arriving at or leaving school, and at any other time when the vehicle is in motion while on school property. The student and his or her parent or guardian will sign an agreement prior to issuance of the parking sticker.

Students who violate this policy will receive the following sanctions:

The first time a student driver is observed driving on campus unrestrained or has unrestrained passengers in the car, he or she will receive a written warning.

- The student and his or her parent or guardian must sign and return the written warning to ensure continued access to on-campus parking.
- 

A second violation will result in a one-week (five consecutive school days) loss of parking privileges.

- The written violation will require the signature of the student and his or her parent or guardian to restore on-campus parking privileges after one week.
- If a removable hanging pass is administered by the school, then the school will retain the pass until the suspension is complete.

A third violation will result in a two-week (10 consecutive school days) loss of parking privileges.

- The written violation will require the signature of the student and his or her parent or guardian to restore on-campus parking privileges after two weeks.
- If a removable hanging pass is administered by the school, then the school will retain the pass until the suspension is complete.

A fourth violation will result in a one-month (20 consecutive school days) loss of parking privileges.

- The written violation will require the signature of the student and his or her parent or guardian to restore on-campus parking privileges after one week.
- If a removable hanging pass is administered by the school, then the school will retain the pass until the suspension is complete.

A fifth violation will result in suspension of on-campus parking privilege for the remainder of the school year.

Note that parking fees are non-refundable for all suspensions of on-campus parking privileges.

In addition, all adult faculty and staff shall use safety belts at all times.

School transportation service is a privilege, not a right. Students at all times while riding a school bus or other school vehicle shall observe the directives of the school bus driver.

The following conduct is specifically prohibited and may result in temporary or permanent suspension from school transportation services and/or from school. Students are subject to the same while riding a bus as they would be while on a school campus.

1. Delaying the bus schedule.
2. Fighting, possession of tobacco, using profanity or refusing to obey the driver's instructions.
3. Tampering with or willfully damaging the school vehicle.
4. Possession or use of unauthorized drugs or intoxicating beverages on a school vehicle as outlined in Board Policy 6429.
5. Getting off at an unauthorized stop.
6. Distracting the driver's attention by participating in disruptive behavior while the vehicle is in operation.
7. Failing to observe established safety rules and regulations.

8. Willfully trespassing upon a school bus.
9. Violating any other rule of the Code of Student Conduct while on the school bus or other school vehicle.
10. Throwing objects inside the bus or from the bus.
11. Repeated disturbances or disruptions which interfere in any way with the safe operation of the bus.

Legal Reference: G.S. 14-132.2, 115C-391; Adopted: December 2, 1991

## **PEDICULOSIS (Head Lice)**

*Policy 6911*

The Pender County Schools will make available a School Nurse for Coordination of services for students and on-going evaluation tools for staff for the purpose of pediculosis (head lice) management. Pender County Schools is committed to not letting head lice interfere with a student's opportunity to learn and achieve in the classroom while continuing to follow best public health practice in the management of head lice infestations.

January 2008

## **HUMAN PAPILLOMA VIRUS (HPV)**

### **What is HPV?**

Human Papilloma virus (HPV) is a common virus that is spread from one person to another by skin-to-skin contact in the genital area. HPV can be spread even if there is no intercourse.

### **Signs and Symptoms of HPV**

The virus lives in the body and usually causes no symptoms. Most men and women who have HPV do not know they are infected. Some people will develop visible growths or bumps in the genital area (genital warts). Some types of HPV cause cervical cell changes (also called cervical dysplasia) that can lead to cervical cancer in women.

### **Is HPV contagious?**

Yes. Both males and females can get it and pass it on to their partners, even if they have no symptoms.

### **Can HPV be treated?**

Treatment is directed towards the changes in the skin or mucous membranes caused by the HPV infection, such as warts and pre-cancerous changes on the cervix.

### **Is there a vaccine to prevent HPV?**

Yes. *Gardasil* – routine vaccination, a series of three shots over six months, is recommended for:

- \*All 11 and 12 year old girls
- \*Girls and women 13-26 years of age who did not receive it when they were younger
- \*Can be started for girls as early as age 9
- \*The vaccine is most effective in girls and young women who have not yet been exposed to the HPV infection.
- \*Ideally, females should get the vaccine before they even consider becoming sexually active.
- \*The vaccine is currently being studied, but not yet recommended for males.

### **Where are vaccines available?**

The HPV vaccine is available at local Health Departments and physician's offices.

\*\*Additional information is available from your physician or local Health Department

## **INFLUENZA (commonly called “the flu”)**

### **What is influenza?**

Influenza “flu” is a serious disease. It is caused by a virus. Anyone can get the flu. Infection with the influenza virus can result in an illness ranging from mild to severe and life threatening.

### **Signs and Symptoms of influenza**

Fever-usually high, headache, extreme tiredness, dry cough, sore throat, runny or stuffy nose, and muscle aches are common symptoms of the flu. Nausea, vomiting, and diarrhea are more common among children.

### **Is influenza contagious?**

Yes. The influenza virus can be spread from person to person. This can happen in several ways. The main way is in respiratory droplets (very small particles) of coughs and sneezes. This happens when droplets from a cough or sneeze of an infected person are propelled through the air and land in the mouth or nose of people nearby. The virus can also be spread when a person touches respiratory droplets on another person or object and then touches their own mouth or nose.

Research has shown that adults can be contagious from 1 day before developing symptoms, to up to 7 days after getting sick. Young children with the influenza virus are contagious for longer than 7 days. Following good health habits may help prevent the spread of respiratory illness like the flu. Avoid close contact with people who are sick. Stay home from work or school and errands when you are sick in order to avoid infecting others. Cover your mouth and nose with a tissue when you cough or sneeze. Washing your hands frequently will often protect you and others from getting sick.

### **Can influenza be treated?**

There are three antiviral medications that have been approved and are available for use. Tests are available at your physician’s office that can determine if you have the flu. The test should be done within 2 or 3 days after the symptoms begin.

### **Is there a vaccine to prevent influenza?**

Yes. Annual influenza vaccines are recommended for:

- \*All children 6-23 months of age           \*Adults 50 years of age and older
- \*Household contacts and out-of-home caretakers of infants from 0-23 months of age
- \*Residents of long-term care facilities housing persons with chronic medical conditions
- \*People who have long-term health problems with:
  - heart disease                   -kidney disease -metabolic disease, such as diabetes
  - lung disease                   -asthma                    -anemia, and other blood disorders
- \*People with a weakened immune system due to:
  - HIV/AIDS or other immune system disease; long-term treatment with drugs such as steroids, or cancer treatment with x-rays or drugs
- \*People 6 months to 18 years of age on long-term aspirin treatment
- \*Women who will be pregnant during flu season
- \*Physicians, nurses, family members, or anyone else coming in close contact with people at risk
- \*Anyone who wants to reduce his or her chance of catching influenza

### **Where are vaccines available?**

The influenza vaccine is available at local Health Departments, physician offices, and at certain advertised areas in the community, usually beginning in early fall.

\*\*Additional information is available from your physician or local Health Department. NC General Assembly enacted “Garrett’s Law” as Senate Bill 444 to ensure that all local Boards of Education provide parents with information regarding meningococcal meningitis and influenza. Please read and keep for future reference.

## MENINGOCOCCAL MENINGITIS

### **What is meningococcal disease?**

Meningococcal disease is a serious illness. It is caused by a bacterial infection. It is the leading cause of bacterial meningitis in children 2-18 years old in the U.S. Meningitis is an infection of the brain and spinal cord coverings. Meningococcal disease can also cause infections in the blood.

Anyone can get meningococcal disease, however it is most common in infants, international travelers, and those with certain medical conditions. College students, especially those living in dormitories, have a slightly increased risk.

### **Signs and Symptoms of meningococcal meningitis**

High fever, headache and stiff neck are commonly seen in children over the age of 2 years old. These symptoms can develop very quickly over several hours, or they may take 1 to 2 days. Other symptoms may include nausea, vomiting, confusion, sensitivity to bright lights, and sleepiness. In infants and newborns, the classic symptoms may be difficult to recognize. They may only appear to be irritable, inactive, have vomiting, or just appear to be feeling bad. As the disease progresses, seizures may occur. Early diagnosis and treatment are very important. If symptoms occur, the person must see a doctor immediately.

### **Is meningococcal meningitis contagious?**

Yes. The bacteria can be spread to others that are in close contact with an infected person through the exchange of respiratory and throat secretions (i.e., coughing, kissing). Fortunately, they are not spread by casual contact or by simply breathing the air where the infected person has been.

### **Can meningococcal meningitis be treated?**

There are a number of effective antibiotics used to treat bacterial meningitis. It is very important that the treatment get started early. Appropriate treatment should reduce the risk of dying from meningitis to below 15%. The risk is higher among the elderly.

### **Is there a vaccine to prevent meningococcal meningitis?**

Yes, however the vaccine is not routinely recommended for most people. People who should get the vaccine include:

- \*U.S. Military recruits
- \*People who might be affected during an outbreak of certain types of meningococcal disease
- \*Anyone traveling to, or living in places where the disease is common, such as West Africa
- \*Anyone who has a damaged spleen, or whose spleen has been removed
- \*People with certain immune system disorders
- \*Laboratory workers who are routinely exposed
- \*College students who choose to be vaccinated, especially those living in dorms

The meningococcal vaccine is usually NOT recommended for children under 2 years of age, however, it may be given to infants as young as 3 months old, in special circumstances.

### **Where are vaccines available?**

The vaccine for meningococcal meningitis is being made available at most local Health Departments. The vaccine may also be available at your private physician's office.

\*\*Additional information is available at the Center for Disease Control at 1-800-232-2522, or visit their website at [www.cdc.gov/ncidod/dbmd/diseaseinfo/meningococcal\\_g.htm](http://www.cdc.gov/ncidod/dbmd/diseaseinfo/meningococcal_g.htm)

## **ANNUAL NOTIFICATIONS**

### **NOTICE OF NONDISCRIMINATION**

The Pender County School District does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities. The following person has been designated to handle inquiries regarding the nondiscrimination policies: Alfredia Moore, Human Resources Director, Pender County Schools, 925 Penderlea Highway, Burgaw, NC 28425. Telephone 259-2187.

For further information on notice of discrimination, see list of OCR enforcement offices for the address and phone number of the office that serves your area, or call (800) 421-4381.

### **EQUAL EMPLOYMENT OPPORTUNITY**

No student shall, on the basis of sex, race, religion, or national origin be excluded from participating in, be denied the benefits of, or be subject to discrimination under any educational program or activity conducted by the school system.

Constitutional rights are guaranteed handicapped children as prescribed in the Education of All Handicapped Children Act. These include, but are not limited to, rights to an education in the least restrictive environment and rights to due process procedures regarding placement of students.

Students who are otherwise handicapped consistent with the definitions set forth in Section 504 of the Rehabilitation Act of 1973 will be identified, evaluated, and provided with appropriate instruction and educational services.

Pender County Schools Policy 6100 Legal References: Civil Rights Act of 1964 as amended in 1972  
Education for All Handicapped Children Act (PC92-142); Vocational Rehabilitation Act, Section 504;  
NC General Statutes 115a-1

### **NOTICE OF RIGHTS – SECTION 504 – 1973 REHABILITATION ACT**

Section 504 of the 1973 Rehabilitation Act is a nondiscrimination statute barring Discrimination on the basis of handicap. It is with policy of the Pender County Schools not to discriminate on the basis of handicap in its educational programs, activities or employment policies as required by the Act.

Parents are entitled to have the opportunity to review relevant educational records under the Family Education Rights and Privacy Act (FERPA). The requirements are described in the local board of education policy manual.

Parents or guardians disagreeing with the decisions reached by school personnel regarding necessary accommodations for access to educational program may request a hearing before an impartial hearing officer by notifying the school principal.

Contact the school district Section 504 Coordinator at the Pender County Schools Administrative Office Building, 259-2187.

### **ELEMENTARY STUDENTS –ANNUAL MOUTHRINSE INFORMATION FOR PARENTS**

The fluoride mouth rinse program offered by your child's school and the N.C. Oral Health Section will continue at school this year. The use of fluoride is the best way to prevent cavities. Fluoride mouth rinse has been thoroughly tested and is safe.

Your child may safely rinse with fluoride even if he or she is getting fluoride from your community. The fluoride applied directly to the teeth at the dentist's office may also benefit your child. The permission form you signed when your child entered school will be kept in your child's permanent record. Your child should rinse once each week if you have given permission. If you want to change the permission form, please send a signed written note to school asking for a change. With your help and support, our children will have better oral health. We're working towards NC Children Cavity Free Forever!

## ANNUAL NOTIFICATIONS

### HOUSE BILL 1032: REASONABLE FORCE

*It is the policy of the State of North Carolina to:*

- Promote safety and prevent harm to all students, staff, and visitors in the public schools.
- Treat all public school students with dignity and respect in the delivery of discipline, use of physical constraints or seclusion, and use of reasonable force as permitted by law.
- Provide school staff with clear guidelines about what constitutes use of reasonable force permissible in North Carolina public schools.
- Improve student achievement, attendance, promotion and graduation rates by employing positive behavioral interventions to address student behavior in a positive and safe manner.
- Promote retention of valuable teachers and other school personnel by providing appropriate training in prescribed procedures, which address student behavior in a positive and safe manner.

### ASBESTOS HAZARD EMERGENCY RESPONSE ACT

In accordance with the Asbestos Hazard Emergence Act of 1986, Pender County Public Schools have been inspected for the presence of asbestos containing building materials (ACBMs) and an Asbestos Management Plan has been implemented to provide a system for controlling asbestos exposure. This inspection and each subsequent three year inspection, was accomplished by an Inspector/Management Planner accredited by the Environmental Protection Agency (EPA) and accredited by the North Carolina Department of Health and Human Services.

A copy of the management plan for each school is available for review at each School Office. Additional information is available from Environmental Services AHERA designee, Rick Dutka, who may be reached by calling Pender County Schools, 259-2187.

### North Carolina Infant Abandonment “Safe Haven” Laws

The General Assembly of North Carolina requires local boards of education to ensure that students in grades nine through twelve receive annual notification about the manner in which a parent may lawfully abandon a newborn baby with a responsible person.

This “safe haven” law allows the parent of an infant less than seven days old to voluntarily deliver the infant to certain people, without expressing intent to return. The people to whom the child may be abandoned are:

- 1) a health care provider who is on duty or at a hospital, or at a local or district health department or nonprofit community health center;
- 2) a law enforcement officer who is on duty, or at a police station or sheriff’s department;
- 3) a social services worker who is on duty, or at a local department of social services; or
- 4) a certified emergency medical service worker who is on duty, or at a fire or emergency medical services station.

A parent who does so is not in violation of any laws so long as there has been no gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable.

### N.C. General Statute

**SECTION 7.** Article 40 of Chapter 14 of the General Statutes is amended by adding a new section to read:

**“§ 14-322.3. Abandonment of an infant under seven days of age.**

When a parent abandons an infant less than seven days of age by voluntarily delivering the infant as provided in G.S. 7B-500(b) or G.S. 7B-500(d) and does not express an intent to return for the infant, that parent shall not be prosecuted under G.S. 14-322 or G.S. 14-322.1.”

# Pender County Schools

Pender County Schools Administrative Office • 925 Penderlea Highway • Burgaw, NC 28425

Phone: (910) 259-2187 Fax (910) 259-0133

Visit our website: [www.pendercountyschools.net](http://www.pendercountyschools.net)

## Elementary Schools

### **Burgaw Elementary School**

400 North Wright Street  
Burgaw, NC 28425  
Phone: (910) 259-0145 Fax: (910) 259-0148

### **Cape Fear Elementary School**

1882 NC Hwy. 133  
Rocky Point, NC 28457  
Phone: (910) 602-3767 Fax: (910) 602-7828

### **Malpass Corner Elementary School**

4992 Malpass Corner Road  
Burgaw, NC 28425  
Phone: (910) 283-5889 Fax: (910) 283-5868

### **Penderlea Elementary School**

82 Penderlea School Road  
Willard, NC 28478  
Phone: (910) 285-2761 Fax: (910) 285-2990

### **Rocky Point Primary School**

255 Elementary School Road  
Rocky Point, NC 28457  
Phone: (910) 675-2309 Fax: (910) 675-8730

### **Topsail Elementary School**

17385 US Hwy. 17  
Hampstead, NC 28443  
Phone: (910) 270-1977 Fax: (910) 270-1936

### **North Topsail Elementary School**

1310 Sloop Point Road  
Hampstead, NC 28443  
Phone: (910) 270-0694 Fax: (910) 270-9533

### **South Topsail Elementary School**

997 Hoover Road  
Hampstead, NC 28443  
Phone: (910) 270-2756 Fax: (910) 270-4056

## Middle Schools

### **Burgaw Middle School**

500 South Wright Street  
Burgaw, NC 28425  
Phone: (910) 259-0149 Fax: (910) 259-0150

### **Cape Fear Middle School**

1886 NC Hwy. 133  
Rocky Point, NC 28457  
Phone: (910) 602-3334 Fax: (910) 602-3036

### **Topsail Middle School**

17445 US Hwy. 17  
Hampstead, NC 28443  
Phone: (910) 270-2612 Fax: (910) 270-3190

### **West Pender Middle School**

10750 NC Hwy. 53 West  
Burgaw, NC 28425  
Phone: (910) 283-5626 Fax: (910) 283-9537

## High Schools

### **Heide Trask High School**

14328 NC Hwy. 210  
Rocky Point, NC 28457  
Phone: (910) 602-6810 Fax: (910) 602-6662

### **Pender Early College High School**

100 Industrial Drive  
Burgaw, NC 28425  
Phone (910) 362-7925 Fax: (910) 259-7174

### **Pender High School**

5380 NC Hwy. 53 West  
Burgaw, NC 28425  
Phone: (910) 259-0162 Fax: (910) 259-0166

### **Topsail High School**

245 N. St. Johns Church Rd.  
Hampstead, NC 28443  
Phone: (910) 270-2755 Fax: (910) 270-9290

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## INCLEMENT WEATHER NOTICE

The safety and welfare of all children is our first concern when deciding if schools must be closed or operated on a delayed schedule because of weather conditions. A decision to either close or open school on a delayed schedule will be announced on the evening news whenever possible, as well as on the morning news of local television and radio stations. Additionally, school officials will use the automated telephone message system to announce closings or delays. The absence of any announcement means that school will operate on a regular schedule.

In the event that school must be cancelled or delayed due to inclement weather, we encourage you to tune into the stations listed below. Please do not call the Pender County Schools' Central Office, your child's school, the bus garage, or radio or TV stations.

|                       |                    |                  |                    |              |
|-----------------------|--------------------|------------------|--------------------|--------------|
| <b>TV Stations</b>    | WWAY-TV 3          | WECT – TV 6      | WJKA – TV26        | WCTI – TV 12 |
| <b>Radio Stations</b> | WWQQ 101.3 FM      | WFSM Surf 107FM  | WGNI 102.7 FM      | KOOL 98.7 FM |
|                       | WMNX/Coast 97.3 FM | WXKB/Kix 99.9 FM | WMFD Rock 104.5 FM |              |

Weather conditions may worsen during the day after children have arrived at school. If early dismissal is necessary, the school district will use its automated telephone message system, radio, and television stations to make the announcement. If school is dismissed early due to inclement weather, the After School Care Program will NOT operate. Parents are urged to pre-plan for bad weather by establishing with your child what he/she should do in case school is dismissed early.

