



CHATHAM
COUNTY SCHOOLS

**Students' Rights
& Responsibilities
District Handbook**

2020 - 2021

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Rights and Responsibilities

Statements of rights and responsibilities appearing here are designed to protect all members of the school community so that they may exercise their rights and carry out their responsibilities. *Note: Some Chatham County Board of Education Policies are not printed in their entirety. Complete policies are listed on the Chatham County Schools website.*

All students shall comply with the District Code of Conduct, state and federal laws, Board of Education policies, and local school rules governing student behavior and conduct. The Code applies to any student who is on school property, including school bus stops, who is in attendance at any school or any school-sponsored activity, who is under the direction or supervision of school personnel, or whose conduct at any time or place, on or off campus, has a direct effect on maintaining order and discipline or protecting the safety and welfare of students or staff in the schools. This policy also applies to regular school buses, activity buses, other school vehicles, or any private vehicle located on property owned by the Chatham County Board of Education.

This code and any additional rules governing student discipline will be distributed to students and their parent(s) or guardian(s) at the beginning of each school year and will be posted in conspicuous places within each school throughout the school year.

The Board of Education recognizes its responsibility to provide each student an equal opportunity to receive an education and to provide an atmosphere in its schools which is conducive to learning and which protects student freedoms guaranteed by the Constitution of the United States. In order to meet these responsibilities, the Board of Education adopts this statement of policy concerning students' rights and responsibilities.

Students, like citizens in any other community, must obey the laws that guide the conduct of the community. It is the function of such laws to assure that individual rights, privileges and freedoms are not violated by the misconduct or disruptive acts of individuals or groups. While every person at the school - students, teachers, aides, principals, etc. - is responsible to know the rules and to respect the rights of others, teachers and administrators are delegated the authority and responsibility to enforce the rules and to ensure that the desired goals of equal education opportunity and maintenance of an environment conducive to learning are achieved. However, these goals cannot be achieved without students' cooperation and respect. The respect of students is gained by recognizing and protecting their rights and freedoms.

The statements on student conduct and freedoms that follow have been adopted to achieve the established goals of this Board of Education. It is important that everyone associated with the school district understands the rules of student conduct, respects these students' rights, and utilizes due process procedures for student discipline to the end that the quality of education in the school district will be greatly enhanced.

First Amendment Rights

Freedom of Assembly

Right: Students have the right to assemble as long as they are peaceful and do not disrupt or threaten to disrupt the school process. Schools have the right to set limitations on the time, place and manner of assembly.

Responsibility:

- A. All meetings will be scheduled with the knowledge of the principal.
- B. Normal class activities will not be disrupted by meetings.
- C. Meetings will not interfere with the health and safety of other persons or their property.
- D. The availability of loudspeakers, telephones, copiers and bulletin boards will be determined by the principal; if they are made available to one-school sponsored group, they will be available to other school-sponsored groups.

Freedom of Press

Right: Students may use school-sponsored publications to express student views, with certain limitations.

Responsibility: There are certain limitations on students' right to express their thoughts and opinions in school-sponsored publications, and students are responsible for learning about those limitations in the process of their education. In order to prevent the disruption of classroom instruction, the principal may restrict the distribution of any publication at school-related activities to reasonable times and places. In addition, principals may prohibit the distribution at school-related activities of a publication if the publication:

- A. Is vulgar, indecent, or obscene.
- B. Contains libelous statements or abusive language such as language defaming a person's character, race, religion, ethnic origin, or disability.
- C. Causes or clearly threatens to cause a material and substantial disruption of normal classroom activity, any normal school function, or other school activity.
- D. Encourages the commission of unlawful acts or the violation of lawful school regulations.
- E. Advertises any product or service not permitted to minors by law.

In addition, the principal may prohibit distribution of school-sponsored publications that expose its particular audience to material that may be inappropriate for their level of maturity or that associates the school with any position other than neutrality on matters of political controversy. In order to accomplish the above, printed material must be submitted to the principal for review prior to publication. If a principal prohibits the distribution of a student publication, the student will be informed that he or she may file a grievance in accordance with Board policy.

Freedom of Speech

Right: Students have the right to express their opinions, subject to certain limitations.

Responsibility: Any speech, either verbal or symbolic, which materially or substantially disrupts or clearly threatens to materially or substantially disrupt classroom work, school activities or school functions, or infringes upon the rights of others is not protected by the Constitution and may be dealt with by school and civil authorities. Understanding the meaning of the First Amendment's protection of free speech is an important responsibility that students must accept in their learning process. The following types of speech are not generally protected by the Constitution in the school setting and are prohibited at schools or at school-related activities:

- A. Profanity: words which are clearly considered profane by contemporary community standards of behavior;
- B. Obscenity: words which describe sexual conduct and which, read as a whole, appeal to prurient interest in sex, portray sex in a manner offensive to contemporary community standards and do not have a serious literary, artistic, political or scientific value;
- C. Fighting or abusive words: words which are spoken solely to harass or injure other people such as threats of violence, defamation of a person's race, religion or ethnic origin;
- D. Disruption: speech, be it verbal, written or symbolic which materially and substantially disrupts or clearly threatens to materially and substantially disrupt classroom work, school activities or school functions, such as demonstrations, "sit-ins," "boycotts," or simply talking in class when told not to do so by the teacher.

Right to Petition

Right: The right to petition is guaranteed by the Constitution. Students may petition the administration and/or the Board of Education at any time and be assured that signing such petitions will result in no disciplinary or legal actions against them.

Responsibility: Students who circulate signed petitions should be certain that the petition is free of obscenities or libelous statements and is within the bounds of reasonable conduct and is distributed in accordance with school rules concerning time, place and manner of distribution.

Personal Rights & Privileges

Right to Freedom from Discrimination

Right: Students will not be excluded from co-curricular activities for reason of race, religion, sex, socio-economic background or sexual orientation. No individual identified as handicapped will solely by reason of the handicap be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity. The right to participate in all the activities of the school will not be restricted solely because of marriage, pregnancy or parenthood.

Responsibility: It is the responsibility of students and the professional staff to protect against any act of discrimination. It is the policy of the Board of Education that no student will be denied the benefits of the right to participate in any program or activity offered by the Chatham County school system on the basis of race, religion,

national origin, sex (except as provided by Title IX of the Education Amendments of 1972) or handicap (except as provided by Section 504 of the Rehabilitation Act of 1973).

STUDENT SEARCHES

(Policy: 4342)

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

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

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

A. SEARCHES BASED ON INDIVIDUALIZED REASONABLE SUSPICION

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

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

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

1. Searches of Personal Effects

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

2. Searches of Motor Vehicles

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

3. "Pat-Down Searches"

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

4. More Intrusive Personal Searches

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

5. Metal Detector Searches

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

B. SUSPICIONLESS GENERAL SEARCHES

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

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

1. Searches of Desks and Lockers

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

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

2. Point-of-Entry Metal Detector Searches

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

3. Use of Trained Dogs

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

C. SEIZED ITEMS

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

D. FAILURE TO COOPERATE

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

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

E. NOTICE

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

Privilege to Use Student Vehicles

Privilege: Any licensed student driver may drive a vehicle onto the school grounds under conditions specified by each individual school.

Responsibility: All students are responsible for knowing and adhering to school regulations relative to motor vehicles. Courteous, preventive driving procedures and local and state traffic laws must be followed when operating vehicles on school grounds. Vehicles may be towed at the student's expense if deemed necessary by local administrative personnel. Failure to meet school conditions may result in loss of student parking privilege.

Right to Health Care

Right: Students have the right to emergency health care in accordance with school regulations.

Responsibility: Students are responsible for obeying school rules when first aid is required.

STUDENT RECORDS

(Policy: 4700)

All student records must be current and maintained with appropriate measures of security and confidentiality. The principal is responsible for complying with all legal requirements pertaining to the maintenance, review, and release of student records retained at the school. For purposes of this policy "student records" or "student education records" are those records, files, documents, and other materials that contain information directly related to the student that are maintained by the school system or by a party acting for the school system.

A. Annual Notification of Rights

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

1. the right to inspect and review the student's education records and the procedure for exercising this right;
2. the right to request amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or in violation of the student's privacy rights; and the procedure for exercising this right;
3. the right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent;
4. the type of information designated as directory information and the right to opt out of release of directory information;
5. that the school system releases records to other institutions that have requested the information and in which the student seeks or intends to enroll;
6. the right to opt out of releasing the student's name, address, and phone number to military recruiters or institutions of higher education that request such information;
7. a specification of the criteria for determining who constitutes a school official and what constitutes a legitimate educational interest if a school official discloses or intends to disclose personally identifiable information to school officials without consent;
8. notification if the school system uses contractors, consultants, volunteers, or similar persons as school officials to perform certain school system services and functions that it would otherwise perform itself; and
9. the right to file complaints with the Family Policy Compliance Office in the U.S. Department of Education.

School officials are not required to individually notify parents or eligible students of their rights but must provide the notice in a manner reasonably likely to inform the parents and eligible students of their rights. Effective notice must be provided to parents or eligible students with disabilities or those whose primary or home language is not English.

B. Definition of Parent and Eligible Student

1. Parent

For purposes of this policy, the term "parent" includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian. If the parents of a student are separated or divorced, both parents have the right to access the student's records as provided in this policy, unless the school system has

been provided with evidence that there is a court order, state statute, or other legally binding document that specifically revokes these rights.

2. Eligible Student

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

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

C. Classification and Maintenance of Records

1. Student Education Records

Student education records may be separated into several categories, including, but not limited to, the following.

a. Cumulative Records

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

b. Discipline Records

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

c. Records of Students with Disabilities

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

d. Records Received from the Department of Social Services

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

e. Juvenile Records

Juvenile records include documentation or information regarding students who are under the jurisdiction of the juvenile court. These records may be received from local law enforcement and/or other local agencies authorized to share information concerning juveniles in accordance with G.S. 7B-3100. These records also may include notice from the sheriff to the board that a student has been required to register with the sheriff because the student has been found to be a danger to the community under G.S. Chapter 14, Part 4. Such documents must not be a part of a student's official records but must be maintained by the principal in a safe, locked storage area that is separate from the student's other records. The principal shall not make a copy of such documents under any circumstances.

Juvenile records will be used only to protect the safety of or to improve the educational opportunities for the student or others. The principal may share juvenile records with individuals who have (a) direct

guidance, teaching, or supervisory responsibility for the student and (b) a specific need to know in order to protect the safety of the student and others. Persons provided access to juvenile records must indicate in writing that they have read the document(s) and agree to maintain confidentiality of the records.

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

f. Other Student Records

School system personnel may also keep other student records but must review such records annually and destroy them in accordance with Section K of this policy.

2. Records Not Considered Education Records (Sole Possession, Employment, and Law Enforcement Records)

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

- a. records made by teachers, counselors, and administrators that are in the sole possession of the maker thereof and that are not accessible or revealed to any other person except a substitute;
- b. employment records of student employees if those records relate exclusively to the student in his or her capacity as an employee and are not made available for any other use; and
- c. records created by a law enforcement unit of the school system if created for a law enforcement purpose and maintained solely by the law enforcement unit of the school system. However, a law enforcement record containing information that was obtained from a student's confidential file or other education record must be treated as an education record and may be released only in accordance with this policy.

D. Records of Students Participating in the North Carolina Address Confidentiality Program

Students or parents enrolled in the North Carolina Address Confidentiality Program (NCACP) must provide a valid NCACP authorization card to the school principal if they wish to keep their home address confidential. The school system will maintain a confidential record of the actual home address for admission and assignment purposes only and will not release that address except as provided by law. With the exception of such specially-maintained records, student records will include only the substitute address provided by the NCACP and not the actual home address of any students or parents for whom a valid NCACP authorization card is on file.

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

E. Records of Missing Children

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

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

F. Records of Military Children

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

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

1. For Students Leaving the School System

In the event that official education records cannot be released to the parents of military children who are transferring away from the school system, the custodian of records shall prepare and furnish to the parent a

complete set of unofficial education records containing uniform information as determined by the Interstate Commission.

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

2. For Students Enrolling in the School System

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

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

G. Review, Release of Records to Parent or Eligible Student

1. Review by Parent or Eligible Student

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

2. Review of Video or Audio Recordings and Photographs

a. Parent's Right to Review

Upon request, a parent or eligible student may inspect and review a video or audio recording or photograph that is determined to be an education record of the student. Individuals acting on behalf of a parent or eligible child, such as advocates or attorneys, will not be permitted to review a video or audio recording or photo unless accompanied by the parent or eligible student.

b. Status as Education Record

A video or audio recording or photo will be deemed an education record of the student if it is directly related to the student and is maintained by the school system or its agent, as provided by law. A photo, video, or audio recording (such as a surveillance video), that is created and maintained by a law enforcement unit for a law enforcement purpose, is not an education record; however, a copy of such photo, video, or audio recording provided to the school for disciplinary or other school purposes may be an education record if it is directly related to a student and is maintained by the school system.

c. Records of More Than One Student

If the recording or photo is an education record of multiple students, the school system shall make reasonable efforts to redact or segregate out the portions of the recording or photo directly related to other students before providing the parent or eligible student access, provided doing so would not destroy the meaning of the record. If redaction or segregation of the recording or photo cannot reasonably be accomplished or would destroy the meaning of the record, then the parent of each student to whom the recording or photo directly relates or such eligible students themselves shall be permitted to access the entire record.

d. Copies of Recordings and Photos

A copy of a video or audio recording or photo will be provided to a parent or eligible student only (1) if circumstances effectively prevent the parent or eligible student from exercising the right to inspect the recording or photo, such as when the parent no longer lives within commuting distance of the school system; (2) when directed by a court order or subpoena; or (3) when otherwise required by law.

3. Request to Amend the Education Record

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

H. Release or Disclosure of Records to Others

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

1. Release/Disclosure with Parental Consent

School officials shall obtain written permission from a parent or eligible student before releasing or disclosing student records that contain personally identifiable information, except in circumstances where the school system is authorized by law to release the records without such permission. The written permission must specify the records to be released, the purpose of the release, and the party(ies) to whom they are to be released.

2. Release/Disclosure without Parental Consent

School system officials shall promptly release student records when a student transfers to another school. The records custodian may release or disclose records with personally identifiable information without parental permission to the extent permitted by law, including to other school officials who have a legitimate educational interest in the records.

Personally identifiable information from a student's record may be released or disclosed to someone other than a parent or eligible student without prior written consent of the parent or eligible student only as specifically provided by federal law. Except as otherwise permitted by federal law, when personally identifiable information from a student's record is released or disclosed to someone other than a parent or eligible student without their written consent, the party to whom the information is released must agree not to disclose the information to any other party without the prior written consent of the parent or eligible student. The superintendent shall employ reasonable methods to ensure that teachers and other school officials obtain access only to those education records in which they have legitimate educational interests.

3. Release of Directory Information

Permission of the parent or eligible student is not required for the release of information that is designated as directory information by the board, provided that the parent or eligible student has been given proper notice and an opportunity to opt out. (See policy [1310/4002](#), Parental Involvement.)

a. The board designates the following student record information as directory information:

- (1) name;
- (2) address;
- (3) telephone listing;
- (4) electronic mail address;
- (5) photograph or digital image, including still or video images of a student engaged in ordinary school activities;
- (6) date and place of birth;
- (7) participation in officially recognized activities and sports;
- (8) weight and height of members of athletic teams;
- (9) dates of attendance;
- (10) grade level;
- (11) diplomas (including endorsements earned), industry credentials/ certifications, and awards received; and
- (12) most recent previous school or education institution attended by the student.

b. The telephone number and actual address of a student who is or whose parent is a participant in the North Carolina Address Confidentiality Program is not considered directory information and will not be released except as required by law.

c. Information about a homeless student's living situation is not considered directory information and will not be released.

d. As required by law, the names, addresses, and telephone numbers of secondary school students shall be released, upon request, to military recruiters or institutions of higher learning, whether or not such information is designated directory information by the school system. Students or their parents, however, may request that the student's name, address, and telephone number not be released without prior written parental consent. School officials shall notify parents of the option to make a request and shall comply with any requests made.

e. All requests for directory information must be submitted to the superintendent or designee for approval. The superintendent is directed to establish regulations regarding the release of directory information. At a minimum, the regulations must:

- (1) specify the types of organizations that are eligible to receive directory information and for what purposes;
- (2) provide for equal disclosure to organizations that are similar in purpose; and
- (3) authorize access to directory information to recruiters of military forces of the state or United States for the purpose of informing students of educational and career opportunities available in the military to the same extent that such information is made available to persons or organizations that inform students of occupational or educational options.

4. Records of Students with Disabilities

Students with recognized disabilities must be accorded all rights in regard to their records as provided by state and federal law, including the Individuals with Disabilities Education Act.

5. Disclosure of De-Identified Information

Education records may be released without consent of the parent or eligible student if all personally identifiable information has been removed. Personally identifiable information includes both direct and indirect identifiers that, alone or in combination, would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.

Unless specifically permitted by law, records that have been de-identified must not be released without the consent of the parent or eligible student if school officials reasonably believe that the person requesting the information knows the identity of the student to whom the education record relates.

I. Withholding Records

School system administrators shall not withhold records upon a valid request by a parent, eligible student, or school to which the student is transferring for any reason, including in order to collect fines assessed to the parent or student.

J. Record of Access and Disclosure

The principal or designee shall maintain a record in each student's file indicating all persons who have requested or received personally identifiable information from a student's record and the legitimate reason(s) for requesting or obtaining the information. This requirement does not apply to requests by or disclosure to parents, eligible students, school officials, parties seeking directory information, a party seeking or receiving the records under a court order or subpoena that prohibits disclosure, or those individuals with written parental consent.

K. Destruction of Student Records

To the extent required by law, school officials shall maintain student records in accordance with the applicable records retention and disposition schedule(s) issued by the North Carolina Department of Natural and Cultural Resources. After notifying parents, school officials may destroy student records when the records are no longer needed to provide educational services to the student or to protect the safety of the student or others. School officials must destroy student records if the parent or eligible student requests their destruction and if such records are no longer needed to provide educational services to the student or to protect the safety of the student or others. School officials shall not destroy student records if there is an outstanding request to inspect the particular records.

L. Longitudinal Data System

School system administrators will comply with the data requirements and implementation schedule for the North Carolina Longitudinal Data System (NCLDS) and will transfer designated student record data to the system in accordance with the NCLDS data security and safeguarding plan and all other requirements of state law, provided that doing so does not conflict with the requirements of FERPA.

Procedural Rights

Right to Due Process

Right: Students in the school are protected by the Due Process clause in the 14th Amendment of the U.S. Constitution. Students will be apprised in writing of school rules and procedures and the process by which discipline will be exercised.

Responsibility: Students who do not respond to guidance or minor disciplinary action, or are consistently at odds with school regulations or legal authority, must accept the consequences of such actions.

Student Grievances

A grievance is defined as a formal written claim, by a Chatham County Schools' student or parent/guardian, that there has been a violation, misinterpretation, or misapplication of federal or state law or regulation, state board policy or Chatham County Schools policies.

The intent of the grievance process is to secure, at the lowest possible level, equitable resolutions to problems that may arise affecting students. These grievance proceedings shall be kept as informal and confidential at all levels of the procedure.

STUDENT AND PARENT GRIEVANCE PROCEDURE

(Policy: 1740 / 4010)

A. Options for Resolving Complaints

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

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

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

B. Definitions

1. Days

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

2. Final Administrative Decision

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

3. Grievance

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

4. Grievant

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

5. Official

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

C. Timeliness of Process

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

Failure by the official at any step to communicate a decision within the specified time limit will permit the grievant to appeal the grievance to the next step unless the official has notified the grievant of the delay and the reason for the delay, such as the complexity of the investigation or report. The official will make reasonable efforts to keep the grievant apprised of progress being made during any period of delay. Delays that interfere with the exercise of the grievant's legal rights are not permitted.

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

D. General Requirements

1. No reprisals of any kind will be taken by the board or by an employee of the school system against any grievant or other student or employee on account of his or her participation in a grievance filed and decided pursuant to this policy.
2. All meetings and hearings conducted pursuant to this policy will be private.
3. The board and school system officials will consider requests to hear grievances from a group of grievants, but the board and officials have the discretion to hear and respond to grievants individually.
4. The grievant may have a representative, including an attorney, at any stage of the grievance. However, if the grievant intend to be represented by legal counsel, he or she must notify the appropriate school official in advance so that school personnel also will have the opportunity to be represented by legal counsel.

E. Process for Grievance

1. Filing a Grievance

- a. Whenever a student or parent or guardian believes that he or she has been adversely affected by a decision of a school employee, the student or parent or guardian may file a grievance as provided in this policy.
- b. A grievance must be filed as soon as possible but no later than 30 days after disclosure or discovery of the facts giving rise to the grievance. For a grievance submitted after the 30 day period that claims a violation, misapplication or misinterpretation of state or federal law, the superintendent or designee shall determine whether the grievance will be investigated after considering factors such as the reason for the delay; the extent of the delay; the effect of the delay on the ability of the school district to investigate and respond to the complaint; and whether the investigation of the complaint is necessary to meet any legal obligations. However, students, parents, and guardians should recognize that delays in filing a grievance may significantly impair the ability of the school district to investigate and respond effectively to such complaints.
- c. A student or parent or guardian who has a grievance must provide the following information in writing to the principal: (1) the name of the school system employee or other individual whose decision or action is at issue; (2) the specific decision(s) or actions at issue; (3) any board policy, state or federal law, state or federal regulation, or State Board of Education policy or procedure that the parent or student believes has been misapplied, misinterpreted or violated; (4) and the specific resolution desired. If there is not a specific decision at issue and no concern that state or federal law has been misapplied, misinterpreted or violated, then the procedure established in policy 1742/5060 is appropriate is appropriate and the principal shall address the concern following that policy.
- d. Even if the principal is the employee whose decision or action is at issue, the student must submit the grievance first to the principal in order for the principal to address the issue within the formal process. If, however, the grievance claims that a state or federal law has been misapplied, misinterpreted or violated, the student may submit the grievance directly to the superintendent or the superintendent's designee.
- e. If a student wants to initiate a formal grievance regarding a decision by the superintendent that directly and specifically affects the student, the general process described in this policy will be used, except that the grievance will be submitted to the assistant superintendent of human resources, who shall forward the grievance to the board chairperson.

2. Investigation

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

3. Response by Principal

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

4. Response by Superintendent

- a. If the grievant is dissatisfied with the principal's decision, the grievant may appeal the decision to the superintendent. The appeal must be made in writing within 5 days of receiving the principal's decision.
- b. The superintendent may review the written documents and respond or the superintendent may schedule and hold a

conference with the grievant, principal, and any other individuals the superintendent determines to be appropriate within five school days after receiving the appeal. The student may be accompanied by a parent, legal guardian or other person who is in a position of *loco parentis* to the student.

- c. The superintendent shall provide a written response within 10 days after the conference. In responding, the superintendent may not disclose information about other students or employees that is considered confidential by law.

5. *Appeal to the Board*

If the grievant has alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board of education policy or procedure, the grievant will have a right to appeal a final administrative decision to the board of education (see subsection E.5 a, Mandatory Appeals below). If a grievant has not alleged such specific violations, he or she may request a board hearing, which the board may grant at its discretion (see subsection E.5.b, Discretionary Appeals below).

a. Mandatory Appeals

- (1) If the grievant is dissatisfied with the superintendent's response to his or her grievance and has alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure or local board of education policy or procedure, the grievant may appeal the decision to the Board within five days of receiving the superintendent's response.
- (2) A hearing will be conducted pursuant to policy 2500, Hearings Before the Board.
- (3) The board will provide a final written decision within 30 days of receiving the appeal unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

b. Discretionary Appeals

- (1) If the grievant is dissatisfied with the superintendent's response to his or her grievance but has not alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure or local board of education policy or procedure, within five days of receiving the superintendent's response, the grievant may submit to the superintendent a written request for a hearing before the board of education.
- (2) If the full board will be meeting within two weeks of the request for a hearing, the board will decide at that time whether to grant a hearing. Otherwise, the board chairperson will appoint a three-person panel to review the request and determine if a hearing should be granted. The panel will report the decision to the board. The board may modify the decision of the panel upon majority vote at a board meeting.
- (3) If the board decides to grant a hearing, the hearing will be conducted pursuant to policy 2500.
- (4) The board will provide a final written decision within 30 days of the decision to grant a hearing, unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

F. Notice

The superintendent or designee is responsible for providing effective notice to students, parents and school system employees of the procedures for reporting and investigation grievances.

G. Records

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

Student Drivers License Revocation

In North Carolina, students under 18 can lose their driver's license if they:

- Drop out of school;
- Fail to make adequate progress toward earning a high school diploma;
- Commit certain offenses resulting in long-term suspension.

Dropout Prevention/Driver's License Legislation

State law requires that a student's driving permit or license be revoked if a student is unable to maintain adequate progress or drops out of school. Adequate progress is defined as passing 70 percent of all courses and is determined by first semester grades and second semester grades for schools on block scheduling.

In rare cases, there may be circumstances beyond the control of the student or his/her parents that qualify as a hardship. If a hardship exists, the student may request a waiver. If a waiver is granted, the student would not be affected by the legislation. Hardship cases are rare and are reserved for extreme situations.

Lose Control, Lose Your License Legislation

State law requires that a student's driving permit or license be revoked for one year if a student is given a suspension for more than 10 consecutive days or an assignment to an alternative educational setting for more than 10 consecutive days for one of the following reasons:

1. The possession or sale of an alcoholic beverage or an illegal controlled substance on school property.
2. The possession or use on school property of a weapon or firearm that resulted in disciplinary action under G.S. 115C-391 (d1) or that could have resulted in that disciplinary action if the conduct had occurred in a public school.
3. The physical assault on a teacher or other school personnel on school property.

School property is the physical premises of the school, school buses, or other vehicles under the school's control or contract and that are used to transport students, and school-sponsored or school-related activities that occur on or off the physical premises of the school. The law applies to students who engage in the prohibited conduct after July 1 before the school year in which the student enrolled in the eighth grade or after the student's fourteenth birthday, whichever is earlier.

A student whose license is suspended pursuant to this law may not be eligible to drive for a full calendar year.

High School Athletics Eligibility Rules

Eligibility Rules; Know the Eligibility Rules: To represent your school in athletics, YOU:

- **Must** be a properly enrolled student at the time you participate and must be in regular attendance at that school.
- **Must not** be convicted of a felony in this or any other state, or adjudicated as a delinquent for an offense that would be a felony if committed by an adult in this or any other state.
- **Must not** have (10) or more total absences in the semester prior to athletic participation.
- **Must not** have exceeded eight (8) consecutive semesters of attendance or have participated in more than four (4) seasons in any sport (one season per year) since first entering grade nine (9).
- **Must** be under 19 years of age on or before August 31, 2020.
- **Must** live with a parent/legal custodian, be legally emancipated, or be covered by McKinney Vento and live within the Chatham County Schools administrative unit. (Must notify the athletic director if not living with a parent /legal custodian.)
- **Must** be counted present by PowerSchool on the day of an athletic game or practice in order to participate or the absence must be considered an excused absence per administration.
- **Must** meet promotion requirements at their school to be eligible.
- **Must** have passed a minimum of five (5) courses during the previous semester in a traditional schedule or three (3) in a block schedule or six (6) for schools on an A/B form of scheduling. Note: Seniors must meet this requirement in order to participate in athletics during the spring sports season of their senior year.
- **Must** have received a medical examination by a licensed physician, nurse practitioner, or physician's assistant within the past 395 days; if you miss five (5) or more days of practice due to illness or injury, you must receive a medical release from a licensed physician before practicing or playing.
- **And your parent/legal custodian must** read the Concussion Information Sheet and both the Student-Athlete and Parent/Legal Custodian must initial and sign the Student-Athlete Concussion Statement. This must be done on an annual basis (once every 365 days).
- **Must not** accept prizes, merchandise, money, or anything that can be exchanged for money as a result of athletic participation. This includes being on a free list or loan list for equipment, etc.
- **Must not** have signed a professional contract, have played on a junior college team or be enrolled and attending a class in college. This does not affect a regularly enrolled high school student who is taking a college course(s) for advanced credit.
- **Must not** participate in unsanctioned all-star or bowl games.
- **May not** participate (try-out, practice, play) at a second school in CCS in the same sport season without a bona fide move.
- **May not usually**, as an individual or a team, practice or play during the school day. All teams may not conduct practice until the academic and/or workday has finished.
- **May not** play, practice, or assemble as a team with your coach on Sunday.
- **May not** dress for a contest, sit on the bench, or practice if you are not eligible to participate.

HOMEBOUND/HOSPITAL INSTRUCTION

(Policy: 3132)

The board recognizes that medical circumstances may arise that make it impossible for students to receive the opportunities of the educational program in the regular school environment. To this end, the board will provide the opportunity to receive instruction at home or in a hospital to any student who:

- is expected to be confined for four weeks or longer to a hospital or home for treatment of a severe, prolonged or chronic illness or for a period of convalescence; or
- has a medical condition such that it is impossible or medically inadvisable for him/her to attend public school, even with the provision of special classes and transportation.

The primary objective of the homebound/hospital program is to provide tutorial and/or instructional services so that the student can return to the school with the knowledge and skills sufficient to maintain his/her previous level of academic performance.

As soon as a parent anticipates a student's extended absence because of a severe, prolonged or chronic illness under a physician's care, the parent should notify the principal immediately. The determination of whether it is medically necessary to provide homebound/hospital instruction will be made by the director of exceptional children and student services after consulting with the student, the parents/guardians, the principal and the physician. A medical statement signed by the physician must be completed before the student may become eligible to receive homebound instruction. Any application not approved may be reviewed by the assistant superintendent for curriculum and instruction. Further appeals may be made to the superintendent and board of education.

The superintendent, school principals, and teachers will ensure that instruction provided at home or at an off-campus site is consistent with the goals and objectives of the educational program. Teachers are expected to provide appropriate assignments while a student is receiving homebound/ hospital instruction. If a student makes a good faith effort to complete work provided under homebound/hospital bound instruction, days missed will not be counted against the student for purposes of the school attendance policy.

SPECIAL EDUCATION PROGRAMS/RIGHTS OF STUDENTS WITH DISABILITIES

(Policy: 3520)

The board requires that all special education programs operating in this school system are in compliance with *Policies Governing Services for Children with Disabilities* as adopted by the State Board of Education.

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

The residence of a child with disabilities will be determined in accordance with G.S. 115C-366 and policy 4120, Domicile or Residence Requirements.

The board encourages parents, guardians, surrogate parents, custodians, eligible students and school employees to work cooperatively to ensure that the special needs of students are met. Parents will be provided with information about their rights, the rights of their child, and the responsibilities of the school system toward meeting the special needs of their child.

SCHOOL RULES

(Policy: 2475)

All principals and school personnel are encouraged to initiate improvements to the educational program and services for students through school rules, standards and procedures. Unless specifically addressed by the board, the superintendent may determine what matters will be addressed through administrative procedures developed in accordance with policy 2470 and what matters may be addressed through school rules, standards or procedures established by the principal.

Principals are responsible for school rules, standards and procedures and are encouraged to involve staff, parents, students, professionals and citizens, as appropriate, in the development of school rules, standards and procedures.

At any time, the board or superintendent may review and direct the principal to modify, expand or omit a school rule, standard or procedure. All rules, standards or procedures must be consistent with applicable policies of the board, the administrative procedures of the superintendent, and any other applicable laws and regulations. School rules shall not be in conflict with or circumvent state laws or state and local board policies related to student discipline.

All local school rules relating to student discipline shall be submitted to the superintendent for his or her review. Each year prior to the first day of school for students, each principal must submit to the superintendent for review all locally developed written rules relating to student discipline that implement or supplement board policy or administrative procedure in order to ensure compliance with law and board policy.

District Student Code of Conduct

ATTENDANCE

(Policy: 4400)

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

A. ATTENDANCE RECORDS

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

B. EXCUSED ABSENCES

When a student must miss school, a written excuse signed by a parent or guardian must be presented to the student's teacher on the day the student returns after an absence. Absences due to extended illnesses may also require a statement from a physician. An absence may be excused for any of the following reasons:

1. personal illness or injury that makes the student physically unable to attend school;
2. isolation ordered by the State Board of Health;
3. death in the immediate family;
4. medical or dental appointment
5. participation under subpoena as a witness in a court proceeding;
6. a minimum of two days each academic year for observance of an event required or suggested by the religion of the student or the student's parent(s); or legal guardian
7. participation in a valid educational opportunity, such as travel or service as a legislative or Governor's page, with prior approval from the principal.
8. pregnancy and related conditions or parenting, when medically necessary; or
9. a minimum of two days each academic year for visitation with the student's parent or legal guardian, at the discretion of the superintendent or designee, if the parent or legal guardian if the student is not identified as at risk of academic failure because of unexcused absences and the student's parent or legal guardian 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.

In the case of excused absences, short-term out-of-school suspensions, and absences under G.S. 130 A-440 (for failure to submit a school health assessment form within 30 days of entering school) the student will be permitted to make up his or her work. (See also policies 4110, Immunizations and Health Requirements for School Admission, and 4351, Short-Term Suspension.) The teacher will determine when work is to be made up. The student is responsible for finding out what assignments are due and completing them within the specified time period.

C. SCHOOL-RELATED ACTIVITIES

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

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

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

D. EXCESSIVE ABSENCES,

Class attendance and participation are critical elements of the educational process and may be taken into account in assessing academic achievement. Students are expected to be at school on time and to be present at the scheduled starting time for each class. Students who are excessively tardy to school or class may be suspended for up to two days for such offenses.

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

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

1. the student will not receive a passing grade for the semester;
2. the student's grade will be reduced;
3. the student will receive the grade otherwise earned; or
4. the student will be given additional time to complete the missed work before a determination of the appropriate grade is made.

Students with excused absences due to documented chronic health problems are exempt from this policy. In addition, for students experiencing homelessness (see board policy 4125, Homeless Students), school officials must consider issues related to the student's homelessness, such as a change of caregivers or nighttime residence, before taking disciplinary action or imposing other barriers to school attendance based on excessive absences or tardies.

Excessive absences may impact eligibility for participation in interscholastic athletics. See policy 3630, Extracurricular Activities and Student Organizations.

AUTHORITY OF SCHOOL PERSONNEL

(Policy: 4301)

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

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

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

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

Except as restricted by G.S. 115C-391.1, school personnel may use appropriate seclusion and restraint techniques reasonably needed in the circumstances described above as long as such use is consistent with state law and applicable board policies and procedures. (See policy 4303, Code of Student Conduct.)

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

STUDENT BEHAVIOR POLICIES

(Policy: 4300)

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

A. PRINCIPLES

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

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

B. COMMUNICATION OF POLICIES

Board policies related to student behavior are codified mainly in the 4300 series. The superintendent shall incorporate information from such policies into a Code of Student Conduct that notifies students of the behavior expected of them, conduct that may subject them to discipline and the range of disciplinary measures that may be used by school officials. At the discretion of the superintendent, the Code of Student Conduct may include additional rules needed to implement the board's student behavior policies. Each school shall create a student behavior management plan that will elaborate further on processes for addressing student misbehavior and the use of intervention strategies and consequences (see policy 4302, School Plan for Management of Student Behavior). The Code of Student Conduct must incorporate by reference any additional student behavior standards, prohibited conduct or disciplinary measures identified in individual school behavior plans developed in accordance with policy 4302, provided such measures are consistent with law and board policy. The Code of Student Conduct must not impose mandatory long term suspension or expulsion for specific violations unless otherwise provided in state or federal law.

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

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

C. APPLICABILITY

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

1. while in any school building or on any school premises before, during or after school hours;
2. while on any bus or other vehicle as part of any school activity;
3. while waiting at any school bus stop;
4. during any school-sponsored activity or extracurricular activity;

5. when subject to the authority of school employees; and
6. at any place or time when the student's behavior has or is reasonably expected to have a direct and immediate impact on the orderly and efficient operation of the schools or the safety of individuals in the school environment.

D. ENFORCEMENT

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

ASSAULTS AND THREATS

(Policy: 4331)

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

A. PROHIBITED BEHAVIOR

1. Assault

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

2. Threatening Acts

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

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

B. CONSEQUENCES

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

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.

Adopted: August 10, 2020

CRIMINAL BEHAVIOR

(Policy: 4335)

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

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

A. STUDENTS CHARGED WITH OR CONVICTED OF CRIMINAL BEHAVIOR

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

B. REPORTING CRIMINAL BEHAVIOR

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

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

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

Certain crimes must be reported to the State Board of Education in accordance with State Board of Education Policy HRS-A-000.

SCHOOL LEVEL INVESTIGATIONS

(Policy: 4340)

The board is committed to creating a safe, orderly environment for students and employees. Principals are authorized and responsible for investigating conduct that may violate a board policy, school standard, school rule or the Code of Student Conduct unless that authority and duty is conferred on another school administrator under a particular board policy.

All employees and students, including students alleged to have engaged in misconduct, are expected to respond fully and truthfully to any questions or issues raised in the course of the investigation and any related proceedings. Employees and students may be subject to disciplinary action for knowingly making false statements or knowingly submitting false information during any investigation or any related proceedings.

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

The school administrator shall take the following steps in addressing all cases of alleged misbehavior appropriately referred to his or her office except when a particular board policy provides for a more specific response:

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

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

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

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

PARENTAL INVOLVEMENT IN STUDENT BEHAVIOR ISSUES

(Policy: 4341)

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

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

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

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

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

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

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

STUDENT DISCIPLINE RECORDS

(Policy: 4345)

A. RETENTION OF RECORDS AND REPORT OF DATA

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

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

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

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

B. DISCLOSURE OF RECORDS

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

C. REMOVAL OF RECORDS

1. End of Year Removal

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

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

2. Expunging Records

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

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

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

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

BULLYING AND HARASSING BEHAVIOR PROHIBITED

(Policy: 4329/7311)

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

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

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

A. RELATIONSHIP TO OTHER POLICIES

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

- Discrimination and Harassment Prohibited by Federal Law, policy 1710/4020/7230 (prohibiting harassment based on race, color, national origin, disability, or religion)
- Title IX Sexual Harassment - Prohibited Conduct and Reporting Process, policy 1725/4035/7236 (prohibiting sexual harassment)
- Discrimination and Harassment in the Workplace, policy 7232 (prohibiting harassment of employees and applicants based on race, color, national origin, sex, age, disability, military affiliation, or genetic information)

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

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

B. CONDUCT THAT IS CONSIDERED BULLYING OR HARASSING BEHAVIOR

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

C. WHEN BULLYING OR HARASSING BEHAVIOR VIOLATES THIS POLICY

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

1. places a student, an employee, or other person in actual and reasonable fear of harm to their person or property; or
2. creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities, or benefits.

“Hostile environment” means that the victim subjectively views the conduct as bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior.

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

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

D. REPORTING BULLYING AND HARASSING BEHAVIOR

1. Reports by Students and/or Parents and Guardians

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

2. Mandatory Reporting by School Employees

An employee who witnesses or who has reliable information that a student or other individual has been bullied or harassed in violation of this policy must report the incident to his or her supervisor or to the building principal immediately. If sexual harassment is suspected, the employee also must report the incident to the Title IX coordinator. An employee who does not promptly report possible bullying or harassing behavior will be subject to disciplinary action.

3. Reporting by Other Third Parties

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

4. Reporting False Allegations

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

E. REPORTS OF BULLYING OR HARASSING BEHAVIOR BASED ON SEX, RACE, COLOR, NATIONAL ORIGIN, DISABILITY, OR RELIGION

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

F. RESPONSE TO REPORTS OF BULLYING OR HARASSING BEHAVIOR

1. Reports of bullying and harassing behavior or the encouragement of such behavior under this policy will be investigated promptly by the principal or the principal’s designee and addressed in accordance with this policy and policy 4340, School Level Investigations. If the principal is the alleged perpetrator, the superintendent will designate an appropriate investigator.
2. If at any time before, during, or after the investigation under this policy, the principal or designee

determines or suspects that the alleged bullying or harassing behavior is based on sex, race, color, national origin, disability, or religion, the principal or designee shall notify the appropriate civil rights coordinator and proceed in accordance with the applicable board policy as described in Section A, above. However, referral to the civil rights coordinator will not preclude appropriate disciplinary consequences for a violation of this policy if, following the designated investigation and resolution process under the appropriate board policy, the behavior is determined not to constitute discriminatory harassment in violation of federal law.

3. No reprisals or retaliation of any kind are permitted as a result of good faith reports of bullying or harassing behavior. An employee who engages in reprisal or retaliation will be subject to disciplinary action, up to and including dismissal. A student who does so is subject to disciplinary consequences as provided in Section G, below.

G. CONSEQUENCES

1. Students

The disciplinary consequences for violations of this policy should take into consideration the frequency of incidents, the developmental age of the student involved, and the severity of the conduct and must be consistent with the Code of Student Conduct. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy.

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

2. Employees

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

3. Others

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

H. OTHER INTERVENTIONS

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

I. NOTICE

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

J. RECORDS

The superintendent or designee shall maintain confidential records of complaints or reports of bullying or harassing behavior under this policy. The records must identify the names of all individuals accused of such offenses and the resolution of such complaints or reports. The superintendent also shall maintain records of any remedial interventions or other steps taken by the school system to provide an environment free of bullying.

Adopted: August 10, 2020

DISCRIMINATION AND HARASSMENT PROHIBITED BY FEDERAL LAW

(Policy: 1710/4020/7230)

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 prohibits discrimination on the basis of race, sex, color, national origin, religion, disability, or age (over 40), and will provide equal access to the Boy Scouts and other designated youth groups as required by law.

The board will not tolerate any form of unlawful discrimination or harassment in any of its education activities or programs. All forms of prohibited discrimination and harassment are subject to this policy except the following, for which the board has established more specific policies.

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

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

- Complaints of sexual harassment will be brought in accordance with the processes established in policies 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, and 1726/4036/7237, Title IX Sexual Harassment Grievance Process.
- Employee allegations of discrimination or harassment will be addressed using the process established in policy 7232, Discrimination and Harassment in the Workplace.
- Allegations regarding or related to the identification, evaluation, educational placement, or free appropriate public education of a student under Section 504 or the IDEA may be raised through the system of procedural safeguards established under policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities, (for Section 504 complaints) or in accordance with the procedures described in *Parents Rights & Responsibilities in Special Education*, published by the NC Department of Public Instruction (for IDEA complaints).

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

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

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

A. PROHIBITED BEHAVIOR

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

1. Discrimination

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

religion, and disability.

2. Harassment

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

Examples of behavior that may constitute harassment include, but are not limited to, acts of disrespect, intimidation, or threats, such as verbal taunts, name-calling and put-downs, epithets, derogatory comments or slurs, 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. Harassment may occur through electronic means, such as through the Internet, email, or text message. Legitimate age-appropriate pedagogical techniques are not considered harassment.

3. Application of the Policy

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

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

B. REPORTING DISCRIMINATION OR HARASSMENT

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

2. Mandatory Reporting by School Employees

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

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

3. Preliminary Inquiry

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

C. COMPLAINTS OF DISCRIMINATION AND HARASSMENT

1. A student, visitor, or other non-employee individual who believes he or she is the victim of unlawful discrimination or harassment in violation of this policy, or any person who has witnessed or who has reliable information that another person has been subject to unlawful discrimination or harassment under this policy, may make a formal written complaint to any of the following persons:

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

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

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

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

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

3. Time Period for Making a Complaint

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

D. SCHOOL OFFICIALS' RESPONSE TO REPORTS AND COMPLAINTS OF DISCRIMINATION OR HARASSMENT

1. Investigation

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

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

Notwithstanding the above designations, (1) if the alleged perpetrator is the senior human resources official, the superintendent will be the investigator, and (2) if the alleged perpetrator is the superintendent or a member of the board, the board chair shall direct the board attorney to investigate, unless the board chair determines that outside counsel should be engaged to investigate.

- b. As applicable, the investigator shall immediately notify the Section 504, ADA, or other relevant coordinator of the complaint, and, as appropriate, may request assistance from the coordinator in conducting the investigation.
- c. If the investigator, after interviewing the complaining party and/or the alleged victim and consulting with the board attorney, determines that the allegations submitted, even if factual, do not constitute discrimination or harassment as defined in this policy or policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities, school officials shall address the matter outside the scope of this policy. Information regarding the investigator's determination and the process for addressing the complaint will be provided to the complaining party.
- d. Any investigation conducted must be impartial, prompt, and thorough. The investigator shall investigate the facts and circumstances related to the allegation(s) of discrimination or harassment and give the alleged perpetrator an opportunity to respond to the allegations.

The investigator shall consider all the evidence collected, the context in which the alleged incidents occurred, the age and maturity of the parties, and any other relevant circumstances, and shall determine whether the alleged act(s) constitutes a violation of this policy, policy 1730/4022/7231,

Nondiscrimination on the Basis of Disabilities, and/or any other board policy or expected standard of student or employee behavior.

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

2. Investigator's Findings

- a. If the investigator finds that discrimination occurred, the investigator shall take or recommend steps to address the discrimination.
- b. If the investigator finds that harassment occurred and created a hostile environment, the investigator shall assign or recommend appropriate disciplinary consequences for the perpetrator and/or take or recommend other reasonable measures to eliminate the hostile environment and prevent its recurrence.
- c. If the investigator finds that the conduct did not violate this policy but violated policy 4329/7311, Bullying and Harassing Behavior Prohibited, or another board policy or expected standard of conduct, the investigator shall assign or recommend discipline or other action appropriate to the violation.
- d. The investigator shall make a record of the evidence and findings of the investigation and the assigned or recommended discipline and/or other remedial action and provide a copy to the appropriate civil rights coordinator. If the investigator recommends a disciplinary consequence or remedial action that is beyond his or her authority, the investigator shall provide a copy of the record to the superintendent for further action.
- e. The investigator shall inform the alleged victim and alleged perpetrator of the outcome of the investigation.

3. Steps to Reasonably End Discrimination or Harassment

- a. The superintendent is responsible for taking or causing appropriate action to be taken in response to discrimination and harassment in violation of this policy. Appropriate action must include:
 - i. reasonable, timely, age-appropriate corrective action intended to end the discrimination or harassment and prevent it from recurring;
 - ii. as needed, reasonable steps to address the effects of the discrimination or harassment on the victim; and
 - iii. as needed, reasonable steps to protect the victim from retaliation as a result of the complaint.
- b. Appropriate steps to end discrimination and harassment may include, but are not limited to, separating the parties, providing counseling for the parties, and/or taking disciplinary action against a perpetrator determined to have violated this policy. The superintendent may take non-punitive measures to end or prevent instances of discrimination or harassment regardless of whether any individual has been found responsible for the discrimination or harassment. The superintendent also may implement or direct the implementation of classroom-wide, school-wide, or school system-wide responses such as additional staff training, harassment prevention programs, and other measures reasonably calculated to end the behavior, eliminate a hostile environment and its effects if one has been created, and prevent recurrence of the behavior.
- c. The applicable civil rights coordinator shall encourage victims of discrimination and harassment to report any subsequent problems and may conduct follow-up inquiries as warranted to determine if there have been any new incidents of discrimination or harassment or any instances of retaliation.

E. APPEALS

- 1. If the alleged victim is dissatisfied with the outcome of the investigation, he or she may appeal the decision to the superintendent (unless the alleged perpetrator is the superintendent, in which case the alleged victim may appeal directly to the board in accordance with the next paragraph). The appeal must be submitted in writing within three school business days of receiving the notice of the outcome of the investigation. The superintendent may review the documents, conduct any further investigation necessary, or take any other steps the superintendent determines to be appropriate in order to respond to the complaint. The superintendent shall provide a written response within 10 days after receiving the appeal, unless further investigation is needed.
- 2. Student victims may appeal the superintendent's decision to the board in accordance with

subsection E.5.a of policy 1740/4010, Student and Parent Grievance Procedure. Employees may appeal the superintendent's decision to the board in accordance with subsection E.4.a of policy 1750/7220, Grievance Procedure for Employees.

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

F. RETALIATION PROHIBITED

The board prohibits retaliation against any person for making a report or complaint of a violation of this policy, supporting someone for reporting or intending to report a violation of this policy, or participating in the investigation of a reported violation of this policy. No reprisals will be taken by the board against a complaining party or other individual unless the person knew or had reason to believe that the complaint or report was false or knowingly provided false information. Any person who is found to have engaged in retaliation will be subject to discipline, up to and including dismissal. Acts of retaliation may also be subject to policy 1760/7280, Prohibition Against Retaliation.

G. TRAINING AND PROGRAMS

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

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

H. RECORDS

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

I. CONTACTS FOR INQUIRIES

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

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

- a. The Section 504 Coordinator is: Executive Director for Student Services and Support Programs
Office Address: 369 West Street/P.O. Box 128, Pittsboro, NC 27312
Phone Number: 919-542-3626
- b. The ADA Coordinator is: Associate Superintendent for Human Resources
Office Address: 369 West Street/P.O. Box 128, Pittsboro, NC 27312
Phone Number: 919-542-3626
- c. The Age Discrimination Coordinator is: Associate Superintendent for Human Resources
Office Address: 369 West Street/P.O. Box 128, Pittsboro, NC 27312

Phone Number: 919-542-3626

- d. The Coordinator for Other Non-discrimination Laws is: Associate Superintendent for Human Resources
Office Address: 369 West Street/P.O. Box 128, Pittsboro, NC 27312
Phone Number: 919-542-3626

The contact information for the U.S. Department of Education Office for Civil Rights with jurisdiction over North Carolina is as follows.

4000 Maryland Ave, SW
Washington, DC 20202-1475
Telephone: 202-453-6020 TDD: 800-877-8339
FAX: 202-453-6021 Email: OCR.DC@ed.gov

Adopted: August 10, 2020

TITLE IX NONDISCRIMINATION ON THE BASIS OF SEX

(Policy: 1720/4030/7235)

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

A. INQUIRIES ABOUT TITLE IX

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

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

The Title IX Coordinator is: Associate Superintendent of Human Resources
Office Address: 369 West Street/P.O. Box 128, Pittsboro, NC 27312
Phone Number: 919-542-3626

The contact information for the Office for Civil Rights with jurisdiction over North Carolina is as follows.

4000 Maryland Ave, SW
Washington, DC 20202-1475
Telephone: 202-453-6020 TDD: 800-877-8339
FAX: 202-453-6021 Email: OCR.DC@ed.gov

B. RESOLUTION OF GRIEVANCES

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

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

students, employees, and applicants to first make a report of sexual harassment in accordance with policy 1725/4035/7236 before filing a formal complaint.

C. RETALIATION PROHIBITED

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

D. NOTICE OF THE BOARD’S POLICY OF NONDISCRIMINATION BASED ON SEX

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

Adopted: August 10, 2020

TITLE IX SEXUAL HARASSMENT – PROHIBITED CONDUCT AND REPORTING PROCESS

(Policy: 1725/4035/7236)

The board acknowledges the dignity and worth of all students and employees and strives to create a safe, orderly, caring, and inviting school environment to facilitate student learning and achievement. As provided in policy 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex, the board will not tolerate sexual harassment in the education program and activities of the school system. The board takes seriously all reports and formal complaints of sexual harassment.

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

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

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

A. PROHIBITED BEHAVIOR

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

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

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

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

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

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

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

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

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

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

B. DEFINITIONS

The following additional definitions apply in this policy.

1. Report

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

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

2. Formal Complaint

A formal complaint is a document signed and filed with the Title IX coordinator by a complainant or signed by the Title IX coordinator alleging sexual harassment against a respondent and requesting that school

officials investigate the allegation(s). Filing a formal complaint initiates the grievance process set forth in policy 1726/4036/7237, Title IX Sexual Harassment Grievance Process.

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

3. Complainant
The complainant is the individual(s) who is alleged to be the victim of conduct that could constitute sexual harassment.
4. Respondent
The respondent is the individual(s) who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
5. Grievance Process
Grievance process means the process for investigating and reaching a final determination of responsibility for a formal complaint of sexual harassment. The sexual harassment grievance process is set out in policy 1726/4036/7237.
6. Title IX Coordinator
The Title IX coordinator is a school official who is designated to coordinate the school system's response to sexual harassment and allegations of sexual harassment. Contact information for the Title IX coordinator is posted on the school system's website and listed in policy 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex.
7. Supportive Measures
Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the school system's education program and activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the school system's educational environment, or deter sexual harassment.

Supportive measures available to the parties include, but are not limited to, counseling, mental health services referral, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring, and other similar measures determined by school officials to be necessary to protect the safety or educational or employment activities of a party.
8. Days
Days are calendar days unless specified otherwise.
9. Student(s)
"Student(s)" means the student and/or the student's parent or legal guardian unless the context clearly indicates otherwise. When the complainant or respondent is a student, references to those terms also include the student's parent or legal guardian unless the context clearly indicates otherwise.
10. Actual Knowledge
"Actual knowledge" means a school employee has notice of sexual harassment or allegations of sexual harassment.

C. REPORTING SEXUAL HARASSMENT

1. Student Reports
Any student who believes he or she is a victim of sexual harassment occurring in the school system's education programs or activities is encouraged to report the matter to the student's principal or to the Title IX coordinator. Reports may also be made to a teacher, counselor, assistant principal, teacher assistant, or any other school employee. Middle and high school students may also report sexual harassment through the anonymous tip line, but school officials may be limited in their ability to respond if the report does not identify the complainant.
2. Mandatory Reporting by School Employees and Board Members
Any employee or member of the board of education who has actual knowledge of sexual harassment or allegations of sexual harassment occurring in the education program or any activity of the school system must report that information immediately to the Title IX coordinator.

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

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

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

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

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

3. Reporting by Others

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

4. Content of the Report

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

5. Time Period for Making a Report

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

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

D. SCHOOL OFFICIALS’ RESPONSE TO ACTUAL KNOWLEDGE OF SEXUAL HARASSMENT

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

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

1. Title IX Coordinator Initiates Interactive Process with Complainant

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

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

- a. offer supportive measures;
- b. consider the complainant's wishes with respect to supportive measures;
- c. explain that supportive measures are available with or without the filing of a formal complaint; and
- d. explain the process for filing a formal complaint with the Title IX coordinator and the response required of the school system when a complaint is filed, including all the following:
 - i. that a formal complaint will initiate the grievance process described in policy 1726/4036/7237, Title IX Sexual Harassment Grievance Process;
 - ii. that a formal complaint may be filed with the Title IX coordinator in person, by mail, or by electronic mail;
 - iii. the major steps in the grievance process, including (1) a notice of the allegations that will be provided to the respondent that includes identification of the complainant and the allegations made; (2) an investigation of the allegations of sexual harassment in which both parties will have opportunity to have an advisor, present witnesses, review evidence, pose written questions of the other party, and receive a copy of the investigative report; (3) a decision on responsibility in which a decision-maker objectively evaluates all relevant evidence and determines whether the respondent engaged in the alleged sexual harassment in violation of this policy; and (4) the opportunity for either party to appeal the decision;
 - iv. the approximate time frame for concluding the grievance process;
 - v. that school officials will treat both parties equitably by (1) providing remedies to the complainant if the respondent is found responsible, and (2) by not imposing disciplinary sanctions on the respondent without first following the grievance process set forth in policy 1726/4036/7237;
 - vi. the circumstances under which a formal complaint might be consolidated with other formal complaints or dismissed; and
 - vii. that the Title IX coordinator may have an obligation to initiate the grievance process in the absence of a formal complaint filed by the complainant and the time frame in which that decision will be made.

2. Title IX Coordinator Arranges Implementation of Supportive Measures

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

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

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

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

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

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

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

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

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

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

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

5. Emergency Removal of Respondent from School or Employment

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

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

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

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

6. Supportive Measures

Supportive measures will be available to both the complainant and respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures will remain confidential to the extent that maintaining such confidentiality does not impair the ability to provide the supportive measures. The Title IX coordinator is responsible for coordinating the effective implementation of supportive measures.

E. GRIEVANCE PROCESS FOR FORMAL COMPLAINTS

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

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

F. RECORDS

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

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

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

Adopted: August 10, 2020

TITLE IX SEXUAL HARASSMENT GRIEVANCE PROCESS

(Policy: 1726/4036/7237)

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

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

A. DEFINITIONS

All definitions in policy 1725/4035/7236, Title IX Sexual Harassment - Prohibited Conduct and Reporting Process, are incorporated by reference and have the same meaning when used in this policy, including all references to "sexual harassment" in this policy.

The following additional definitions apply in this policy.

1. Investigator
The investigator is the school official responsible for investigating and responding to a formal complaint.
2. Decision-Maker
The decision-maker is the school official responsible for making a determination regarding responsibility in response to an investigation of sexual harassment triggered by a formal complaint.
3. Investigative Report
The investigative report is a written account of the findings of the investigation conducted in response to a formal complaint.
4. Remedies
Remedies are individualized measures provided to a complainant designed to restore or preserve the complainant's equal access to the education program and activities of the school system when a respondent is found responsible for sexual harassment.

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

B. FILING A FORMAL COMPLAINT TO INITIATE THE GRIEVANCE PROCESS

A formal complaint initiates the grievance process.

1. Individuals Who May File a Formal Complaint
 - a. Eligible Complainants
Eligible individuals who believe that they have been sexually harassed in violation of policy 1725/4035/7236, Title IX Sexual Harassment - Prohibited Conduct and Reporting Process, may initiate the grievance process for alleged sexual harassment by filing a formal written complaint with the Title IX coordinator. To be eligible to file a formal written complaint, the complainant must be participating in or attempting to participate in the education program or activities of the school system at the time of filing.
 - b. The Title IX Coordinator
If the complainant does not wish to file a formal complaint and the matter has not been adequately resolved through the provision of supportive measures, the Title IX coordinator may initiate the grievance process by signing a formal complaint. In accordance with law, only the complainant and the Title IX coordinator may initiate the grievance process; no other individuals or school officials shall have authority to do so.
2. Time Period for Filing a Formal Complaint

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

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

3. Contents of the Formal Complaint

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

4. How to File the Formal Complaint

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

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

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

C. **GENERAL PRINCIPLES OF THE GRIEVANCE PROCESS FOR FORMAL COMPLAINTS**

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

1. Equitable Treatment

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

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

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

2. Adequate Training

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

Materials used to train coordinators, investigators, decision-makers, and appeal decision-makers will not rely on sex stereotypes and shall promote impartial investigations and adjudications of

sexual harassment. Copyright restrictions will be taken into consideration in selecting training materials in order to comply with the school system's legal obligation to make all training materials available on the school system's website.

3. Presumption of Non-Responsibility/Innocence

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

4. Burden of Proof and Production of Evidence

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

5. Written Notice of Meetings and Other Proceedings

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

6. Confidentiality and Privacy

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

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

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

7. No Disclosure of Privileged Information

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

8. Timeliness of Process

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

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

D. THE GRIEVANCE PROCESS FOR FORMAL COMPLAINTS: PART I - INVESTIGATION

1. Step 1 - Notice of Allegations

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

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

- a) the identities of the parties involved, if known;
- b) the conduct allegedly constituting sexual harassment; and

- c) the date and location of the alleged incident, if known;
 - ii. a copy of this policy to give notice of the school system's grievance process, including the investigative and adjudication procedures, and any informal resolution process available;
 - iii. notice that the parties may have an advisor of their choice and that either party may inspect and review any evidence;
 - iv. notice of the provision in board policy 4340, School Level Investigations, that prohibits students and employees from knowingly making false statements or knowingly submitting false information during the grievance process; and
 - v. a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process.
- b. If during the investigation, the investigator decides to investigate allegations of sexual harassment not included in the initial notice provided above, notice of the additional allegations will be provided to the parties.

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

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

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

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

3. Step 3 - Initiating the Investigation

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

- a. In order to provide a neutral and objective investigation, the investigator shall not be a party to the complaint under investigation. The investigator of a formal complaint is ordinarily determined as described below; however, the Title IX coordinator, in consultation with the superintendent, may determine that conflict of interest, bias, or other individual circumstances warrant the assignment of a different investigator.
 - i. If the respondent is a student, the investigator is the principal or designee of the school with jurisdiction over the incident.
 - ii. If the respondent is an employee or applicant for employment, the investigator is the senior human resources official or designee.
 - iii. If the respondent is neither a student nor an employee/applicant for employment, the principal of the school/site supervisor at which the complainant is enrolled or employed shall be the investigator.
 - iv. Notwithstanding the above designations, (1) if the respondent is the senior human resources official, the superintendent shall investigate the complaint; (2) if the respondent is the superintendent or a member of the board, the Title IX coordinator shall immediately notify the board chair who shall direct the board attorney to investigate, unless the board chair determines that outside counsel should be engaged to investigate.

- b. The investigator may request assistance from the Title IX coordinator to conduct the investigation.
 - c. The Title IX coordinator and the investigator shall jointly assess the need for supportive measures for either party, including assessing the effectiveness of any supportive measures currently being provided to the complainant, and, as necessary, will implement appropriate measures in a timely manner and monitor the effectiveness of the measures during the pendency of the investigation and prior to a final determination regarding responsibility. Supportive measures provided to the complainant or respondent will be maintained as confidential to the extent that maintaining such confidentiality does not impair the ability to provide the supportive measures.
 - d. The investigator shall explain the process of the investigation to the complainant and respondent.
4. Step 4 - Conducting the Investigation

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

- a. The investigator shall interview all individuals who may have relevant information, including (1) the complainant; (2) the respondent; (3) individuals identified as witnesses by the complainant or respondent; and (4) any other individuals who are thought possibly to have relevant information. Prior written notice shall be provided to a party whose participation is invited or expected for any investigative interview or meeting in accordance with subsection C.5 above. The investigator shall provide the complainant and respondent an equal opportunity to present fact and expert witnesses and other evidence tending to prove or disprove the allegations.
- b. The investigator shall ensure that the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the school system and not on the complainant or respondent.
- c. The investigator shall not restrict the ability of either party to gather and present relevant evidence or to discuss the allegations under investigation.
- d. The formal complaint and the investigation will be kept confidential to the extent possible. Information may be shared only with individuals who need the information in order to investigate and address the complaint appropriately and those with a legal right to access the information. Any requests by the complainant or respondent for further confidentiality will be evaluated within the context of the legal responsibilities of the school system.

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

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

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

- a. The investigator shall prepare an investigative report that fairly summarizes the relevant evidence.
- b. Before completing the final report, the investigator shall send to each party and the party's advisor, if any, in hard copy or electronically, all the evidence collected which is directly related to the allegations raised in the formal complaint. The parties shall have 10 days to submit a written response for the investigator's consideration before the investigator finalizes the investigative

- report.
- c. Following the parties' opportunity to respond to the written evidence, the investigator shall finalize the written investigative report, including a recommendation on the question of responsibility and any recommended discipline sanction.
 - d. The investigator shall provide a copy of the report to each party and the party's advisor, if any, for their review and written response. The investigator shall also notify the parties of the opportunity to submit written questions to the other party and witnesses as provided in subsection E.2 below. The parties shall have 10 days to provide a written response to the investigative report, along with the party's initial set of written questions.
 - e. The investigator shall provide to the decision-maker a copy of the investigative report, the relevant evidence, and the parties' written responses to the report and initial sets of written questions. The investigator shall also provide a description of the procedural steps taken, starting with the receipt of the formal complaint and continuing through the preparation of the investigative report, and including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence.

E. THE GRIEVANCE PROCESS FOR FORMAL COMPLAINTS: PART II - ADJUDICATION

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

1. Step 1 - Student's Opportunity to Request a Hearing

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

2. Step 2 - Exchange of Questions and Answers

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

- a. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior will be considered not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's sexual behavior with respect to the respondent and is offered to prove consent.
- b. The superintendent must explain to the party proposing the questions any decision to exclude questions as not relevant.

3. Step 3 - Decision on the Question Regarding Responsibility

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

Based on an objective evaluation of the evidence, the superintendent shall determine whether the preponderance of the evidence supports a finding that the respondent is responsible for sexual

harassment in violation of board policy, and if so, what disciplinary sanction will be imposed. Remedies will be provided to the complainant if the respondent is found responsible.

4. Step 4 - Written Determination Regarding Responsibility

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

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

F. GRIEVANCE PROCESS FOR FORMAL COMPLAINTS: PART III - APPEAL

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

1. Deadline and Grounds for Appeal

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

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

2. Notice of the Appeal

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

3. Appeal Procedures

- a. The board will hear the appeal. Unless otherwise required by law, the board may designate a panel of two or more board members to hear and act on behalf of the board.
- b. Appeal procedures will be implemented equally for both parties and will follow the procedures in policy 2500, Hearings Before the Board, modified as necessary to allow equal participation of the parties.
If the appeal includes an appeal of a disciplinary sanction, the procedures in policy 4370, Student Discipline Hearing Procedures; policy 7940, Classified Personnel: Suspension and Dismissal; or policy 7930, Career Employees: Demotion and Dismissal, shall also apply as applicable.

- c. After the notice of appeal is provided, both parties will be given 10 days to submit a written statement in support of, or challenging, the outcome. If the basis of the appeal is newly available evidence affecting the outcome, the party shall submit such evidence or a summary of such evidence along with the party's written statement.
- d. The board will review the record and the written argument of the parties submitted on appeal, determine whether additional information is needed from any party, and take any other steps that the board determines to be appropriate in order to respond to the appeal.

4. Decision on Appeal

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

5. When the Decision Becomes Final

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

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

G. DISCIPLINARY CONSEQUENCES, REMEDIES, AND OTHER RESPONSES FOR SUBSTANTIATED SEXUAL HARASSMENT

1. Disciplinary Consequences for Students

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

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

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

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

2. Disciplinary Consequences for Employees

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

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

Nothing in this policy will preclude the school system from taking disciplinary action against an employee when the evidence does not establish sexual harassment as defined in this policy, but the

conduct violates other board policy or expected standards of employee behavior.

3. Consequences for Other Perpetrators

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

4. Remedies

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

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

5. Consideration of Need for More Extensive Response

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

H. INFORMAL RESOLUTION

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

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

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

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

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

I. RETALIATION PROHIBITED

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

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

J. RECORDS

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

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

Adopted: August 10, 2020

SEXUAL HARASSMENT COMPLAINT PROCEDURE FOR STUDENTS

(Policy: 1745/4027)

The board takes seriously all complaints of discrimination. Students and parents are encouraged to submit any complaints of discrimination on the basis of race, religion, national origin, disability or sex (except sexual harassment) through the grievance procedure established in board policy 1740/4010. The process provided in this policy is available for students who believe that they may have been sexually harassed.

A. INFORMAL RESOLUTION

The board acknowledges that reports of harassment, including sexual harassment, 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 appropriate personnel must notify the complainant of his/her option to request formal procedures at any time and must make a copy of this policy and other relevant policies available. In those circumstances where informal procedures fail or are inappropriate or where the complainant requests formal procedures, the complaints will be investigated promptly, impartially and thoroughly according to the following procedure.

B. DEFINITIONS

Accused harasser: the employee, student or visitor alleged to have harassed the complainant. Complainant: the parent and/or student reporting a complaint that the student was harassed. Days: the calendar days, exclusive of Saturdays, Sundays, vacation days or holidays. In counting days, the first day will be the first full working day following receipt of the complaint. Investigator: the school official responsible for investigating and responding to the complaint (which may be the principal, assistant superintendent for human resources or the Title IX coordinator or another designated school official).

C. TIMELINESS OF PROCESS

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

Failure by the investigator at any step to communicate a decision within the specified time limit will permit the complainant to appeal the complaint to the next step unless the investigator has notified the complainant of the delay and the reason for the delay, such as the complexity of the investigation or report. The investigator will 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 to appeal a grievance 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, the reason for the delay and the investigator has consented in writing to the delay.

D. GENERAL REQUIREMENTS

1. No reprisals or retaliation of any kind will be taken by the board or by an employee of the school district against any complainant or other student or employee on account of his or her participation in a complaint filed and decided pursuant to this policy, unless the complainant or participating student or employee knows or has reason to believe that the report is false or knowingly provides false information.
2. All meetings and hearings conducted pursuant to this policy will be private.
3. The board and school district may consider requests to hear complaints as a group, but the board and officials have the discretion to respond individually to complainants.
4. The complainant may have a representative, including an attorney, at any stage of the complaint. However, any complainant intending to be represented by legal counsel must notify the appropriate school official in advance so that school personnel also will have the opportunity to be represented by legal counsel.

E. PROCESS FOR COMPLAINT

1. Reporting Complaint

- a. A complaint must be filed as soon as possible but no longer than 30 days after disclosure or discovery of the facts giving rise to the complaint. For a complaint submitted after 30 days which claims a violation, misapplication or misinterpretation of state or federal law, including discrimination, the superintendent or designee will determine whether the complaint will be investigated after considering factors such as the reason for the delay; the extent of the delay; the effect of the delay on the ability of the school district to investigate and respond to the complaint; and whether the investigation of the complaint is necessary to meet any legal obligations. However, students and parents should recognize that delays in reporting could significantly impair the ability of the school district to investigate and respond effectively to such complaints.
- b. A parent or student should report complaints of harassment to any of the following individuals:
 - the principal or assistant principal at the school attended by the student;
 - the counselor;
 - the superintendent or designee;
 - the board chairperson (if the superintendent is the alleged harasser).
- c. A student does not have to report an incident of harassment to trigger an investigation if a school official knows or, in the exercise of reasonable care, should have known about the harassment. Any employee, including a teacher or counselor, who has reason to believe that a student may have been harassed, including any employee who has witnessed possible harassment or has received reports by the victim or other individual, will notify the principal immediately unless the principal is the accused harasser, in which case the employee will notify the superintendent or his/her designee. An employee who fails to report possible harassment of a student may be subject to disciplinary action. The principal or superintendent/ designee will promptly investigate any reports and take appropriate action. The process provided in the policy will be used if at any time a complaint is made by a parent or student. Failure to appropriately investigate and/or address claims of sexual harassment will result in disciplinary action. All reports and resolutions, regardless of whether this policy is used, will be maintained in accordance with policy 7230.

- d. If the accused harasser is a student or visitor, the principal will respond to the complaint and investigate. If the accused harasser is an employee, the principal will notify the superintendent or his/her designee immediately of the complaint.
- e. If the accused harasser is an employee, the superintendent or his/her designee will respond to the complaint and investigate. In the discretion of the superintendent, an independent investigation by persons not associated with the school district may be substituted for an internal investigation of alleged harassment by an employee.
- f. The investigator will notify the Title IX coordinator immediately of the complaint.
- g. The investigator will explain the process of investigation to the complainant and inquire as to any proposed corrective action.

2. Investigation

- a. The investigator will impartially, promptly and thoroughly investigate the complaint. The investigator will interview (1) The student who is the victim of the alleged harassment; (2) The accused harasser; and (3) Any other individuals, including other possible victims of harassment, who may have relevant information.
- b. Information will be shared only with individuals who need the information in order to appropriately investigate and address the complaint. Any requests by the complainant for confidentiality will be evaluated within the context of the legal responsibilities of the school district. Any complaints withdrawn to protect confidentiality still will be recorded in accordance with Board policy 7230.
- c. In assessing whether the conduct complained of was sexual harassment, the investigator will consider all factual information, the context in which the alleged incidents occurred, the age and maturity of the complainant and other relevant circumstances. If the alleged harasser is a student, the investigator also will consider the age and maturity of the alleged harasser.

3. Investigator's Report

- a. The investigator will make a written report of the findings of the investigation. The investigator will 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 report will specify:
 - 1) Whether the complaint was substantiated;
 - 2) Whether the alleged offender violated relevant law or board policy by his or her actions (regardless of whether the complaint as submitted is substantiated); and
 - 3) If the investigator determines that sexual harassment has occurred, the investigator also will specify:
 - reasonable, timely, age-appropriate effective corrective action intended to end the harassment and prevent it from reoccurring;
 - as needed, reasonable steps to address the effects of the harassment on the complainant; and
 - as needed, reasonable steps to protect the complainant from retaliation as a result of communication the complaint.

Information regarding disciplinary action imposed on the accused harasser will not be given to the complainant unless the information relates directly to the complainant (e.g., an order requiring the student harasser not to have contact with the complainant).
- b. The investigator will submit the full report and investigative findings to the Title IX coordinator.
- c. If the corrective steps involve actions outside the scope of the investigator's authority, the superintendent also will be notified so that responsibility for taking the corrective steps can be delegated to the appropriate individual.
- d. The accused harasser will be informed of the results of the investigation in regard to whether the complaint was substantiated, whether the accused harasser violated relevant law or board policies by

his or her actions, and what, if any, disciplinary actions or consequences will be imposed upon the accused harasser in accordance with board policy. Students who violate this policy may be subject to disciplinary consequences under the applicable provisions of policy 4303. As appropriate, sexual harassment may be reported to law enforcement officials. The accused harasser may appeal any disciplinary action or consequences in accordance with board policy and law.

4. Appeal of Investigator's Report

a. If the complainant is not satisfied with the results of the investigation, the complainant may appeal the matter to the Title IX coordinator within five days of receiving the investigator's response. The Title IX coordinator will review the investigation and make any further investigation necessary and provide a written response within ten days unless additional time is necessary to complete an investigation. If the corrective steps involve actions outside the scope of the Title IX coordinator's authority, the superintendent also will be notified so that responsibility for taking the corrective steps can be delegated to the appropriate individual.

b. If the student is dissatisfied with the Title IX coordinator's response, the complainant may appeal the decision to the superintendent. The appeal must be in writing within five days of receiving the Title IX coordinator's response. 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 will provide a written response within 10 days after receiving the complaint, unless further investigation is necessary.

c. If the student is dissatisfied with the superintendent's response, the complainant may appeal the decision to the board within 10 days of receiving the superintendent's response. The board may review the documents, direct any further investigation being conducted before making a determination, or take any other steps the board determines to be appropriate in order to respond to the complaint. The board will hold a hearing pursuant to board policy 2500 upon request of the complainant or in the board's discretion. The board will provide a written response within 30 days after receiving the complaint, unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

F. RECORDS

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

G. NOTICE AND TRAINING

It will be the responsibility of the superintendent or his/her designee to inform school employees and students about this policy and to provide any training necessary to help ensure compliance with this policy.

SHORT-TERM SUSPENSION

(Policy: 4351)

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

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

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

A. PRE-SUSPENSION RIGHTS OF THE STUDENT

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

B. STUDENT RIGHTS DURING THE SUSPENSION

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

1. the opportunity to take textbooks home for the duration of the suspension;
2. upon request, the right to receive all missed assignments and, to the extent practicable, the materials distributed to students in connection with such assignments; and
3. the opportunity to take any quarterly, semester or grading period examinations missed during the suspension period.

C. NOTICE TO PARENT OR GUARDIAN

When imposing a short-term suspension, the principal or designee shall provide the student's parent or guardian with notice that includes the reason for the suspension, the specific Board Policy violated, 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 certified mail, 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.

LONG-TERM SUSPENSION, 365-DAY SUSPENSION, EXPULSION

(Policy: 4353)

A. DEFINITIONS

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

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

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

4. 365-Day Suspension

A 365-day suspension is the disciplinary exclusion of a student from attending his or her assigned school for 365 calendar days. The superintendent may impose a 365-day suspension only for certain firearm and destructive device violations, as identified in policy 4333, Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety.

5. Expulsion

An expulsion is the indefinite exclusion of a student from school enrollment for disciplinary purposes. Upon the recommendation of the superintendent, the board may expel a student who is 14 years of age or older for certain types of misbehavior as provided in policy 4303, Code of Student Conduct, 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, and policy 4303, Code of Student Conduct. If the principal determines that a suspension of more than 10 days (either long-term or 365-day) or an expulsion is an appropriate consequence, the principal shall propose the disciplinary penalty based upon a review of the student's culpability and dangerousness and the harm caused by the student, plus any other mitigating or aggravating factors the principal finds relevant.

a. Culpability of Student – In assessing the culpability of the student for his or her behavior, the principal may consider criteria such as:

- 1) the student's age;
- 2) the student's ability to form the intent to cause the harm that occurred or could have occurred; and
- 3) evidence of the student's intent when engaging in the conduct.

b. Dangerousness of the Student – In assessing the dangerousness of the student, the principal may consider criteria such as:

- 1) the student's disciplinary or criminal record related to anti-social behavior or drugs and alcohol;
- 2) whether a weapon was involved in the incident and if a weapon was involved, whether the student had the ability to inflict serious injury or death with the weapon;
- 3) evidence of the student's ability to cause the harm that was intended or that occurred; and
- 4) whether the student is subject to policy 4260, Student Sex Offenders.

c. Harm Caused by the Student – In assessing the severity of the harm caused by the student, the principal may consider criteria such as whether any of the following occurred:

- 1) someone was physically injured or killed;
- 2) someone was directly threatened or property was extorted through the use of a weapon;
- 3) someone was directly harmed, either emotionally or psychologically;
- 4) educational property or others' personal property was damaged; or
- 5) students, school employees or parents were aware of the presence of a weapon or of dangerous behavior on the part of the perpetrator.

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

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

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

2. Notice to the Student's Parent

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

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

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

3. Hearing Panel's Decision

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

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

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

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

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

Based on substantial evidence presented at the hearing, the hearing panel shall decide whether to uphold, modify or reject the principal's recommendation. The hearing panel 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 hearing panel's decision via certified mail to the student and parent. The notice must include:

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

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

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

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

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

4. Hearings Before the Board

a. Long-Term or 365-Day Suspensions

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

b. Expulsions

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

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

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

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

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

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

B. REQUESTS BY EXPELLED STUDENTS

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

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

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

STUDENT DISCIPLINE HEARING PROCEDURES

(Policy: 4370)

A. ADMINISTRATIVE HEARINGS

The rules set out below will govern hearings held by the hearing panel 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. A student shall be given an opportunity for a hearing before an impartial hearing panel prior to the imposition of a long-term suspension/365-day suspension or the recommendation of expulsion. The hearing panel shall serve as the superintendent's designee and shall not include any person who is under the direct supervision of the administrator recommending the suspension.
2. The hearing will be conducted in private.
3. 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.
4. The hearing must be attended by the principal or his/her designee. 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.
5. The school representative(s) have the burden of proving the misbehavior; the violation of board policy, the Code of Student Conduct, school standards or school rules; and the appropriateness of the recommended consequence for the violation.
6. The school representative(s) will present the witnesses and documentary evidence against the student first. School officials may withhold witness names or other identifying information if identification of a witness could threaten the witness's safety.
7. After the school representative(s) 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.
8. Both the school representative(s) and the student or his or her parent or representative may examine the witnesses presented by the other side. The hearing panel has the authority to limit questioning by any person if the questioning is unproductive, unnecessarily lengthy, repetitive or irrelevant.
9. In reaching a determination in the matter, the hearing panel shall consider the documents produced in the hearing, the testimony of the witnesses and other evidence presented at the hearing. If the hearing panel determines that a violation occurred, the hearing panel also shall determine the appropriateness of the recommended consequences for the violation. Formal rules of evidence do not apply, and the hearing

panel may rely on evidence that a reasonably prudent person would consider in the conduct of serious affairs.

10. Following the hearing, the hearing panel shall make factual determinations based on substantial evidence presented at the hearing and shall make a recommendation regarding the appropriateness of the principal's recommended suspension length to the superintendent. The superintendent shall review the principal's and hearing panel's recommendations and make a decision regarding the appropriateness of the penalty. The superintendent shall adopt the hearing panel's factual determinations unless they are not supported by substantial evidence in the record. The superintendent shall then notify the student and parent of his or her decision in accordance with the requirements of policy 4353, Long-Term Suspension, 365-Day Suspension, Expulsion.
11. The hearing panel shall provide for making a record of the hearing, including any findings or conclusions made by the hearing panel. The student will have the right to make his or her own audio recording of the hearing.

B. BOARD HEARINGS

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

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

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

2. Board Decision on Expulsion

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

CORPORAL PUNISHMENT

(Policy: 4355)

No principal, teacher, substitute teacher, voluntary teacher, teacher assistant, student teacher, or staff member may use corporal punishment to discipline a student. Corporal punishment is any kind of punishment inflicted on the body, including, but not limited to, spanking, paddling, or slapping.

Notwithstanding the policy prohibiting the use of corporal punishment as a means of discipline, school personnel may use reasonable force to control behavior or to remove a person from the scene in these situations when necessary:

- a. To quell a disturbance threatening injury to others;
- b. To obtain possession of weapons or other dangerous objects on the person or within the control of a student;
- c. For self defense;
- d. For the protection of persons or property; or
- e. To restrain or correct students or otherwise maintain order.

ALTERNATIVE LEARNING PROGRAMS/SCHOOLS

(Policy: 3470/4305)

A. PURPOSES

The board is committed to the goal of providing a safe and orderly learning environment in each school. The educational program, school student behavior management plans, school improvement plans, and numerous other strategies identified in board policy are intended to create such an environment and to help each student be a successful and contributing member of the school community. As used in this policy and context, an alternative learning program or school may serve as the site to: (1) deliver educational services required by G.S. 115C-390.9 or -390.10 to a student who is serving a long-term or 365-day suspension; (2) provide concentrated support for students at risk of academic failure; and/or (3) deliver educational and other services to students who are or may be disruptive to a safe and orderly learning environment in the regular educational setting.

B. STANDARDS FOR ALTERNATIVE LEARNING PROGRAMS/SCHOOLS

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

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

C. TRANSFER TO ALTERNATIVE LEARNING PROGRAMS OR SCHOOLS

1. Basis for Transfer

Students generally are assigned to a school based on attendance area. However, as provided by law, the board may assign any student to a school outside of his or her attendance area in order for the student to attend a specialized school or for any other reason the board, in its sole discretion, deems sufficient. In all cases, the assignment or transfer of a student with a disability will comply with applicable federal and/or state requirements for students with disabilities.

Students may be transferred to an alternative learning program or school on a voluntary or involuntary basis under any of the following circumstances.

- a. the student's parent or guardian and the principal agree, and a multi-disciplinary team agrees, that the transfer would be in the best interest of the student and the efficient administration of the public schools;
- b. the student has been recommended for long-term suspension or expulsion;
- c. the student poses a significant disruption to the educational environment in the regular educational setting due to continuing social/behavioral problems;
- d. the student is at risk of dropping out or not meeting standards for promotion due to academic, developmental, and/or behavioral problems, and resources in addition to or different from those available in the regular educational setting are needed to address the issue;
- e. the student is a clear threat to the safety of other students or personnel; or
- f. the student has been charged with a felony or with any crime that allegedly endangered the safety of others, and it is reasonably foreseeable that the student's continued presence will significantly disrupt the regular educational environment.

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

2. Responsibilities of Personnel at Referring School

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

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

3. Referral

- a. Students who are recommended for long-term suspension or expulsion and who receive due process through the disciplinary process for violations of the Code of Student Conduct do not require additional referral procedures prior to transfer.
- b. Prior to a transfer in circumstances where a student is experiencing academic or developmental difficulties or continuing social/behavioral problems, the principal or school-based committee of the referring school shall document the student's behavior and academic performance and efforts to assist the student in the regular educational environment. School administrators are encouraged to meet with the student's parents or guardians to try to reach a consensus on how to address the student's difficulties at school.
- c. In all cases where a basis for transfer exists, other than where the student has received due process pursuant to a recommendation for long-term suspension or expulsion, the principal must refer the student to a multi-disciplinary team to determine whether the student should be transferred to an alternative school. The principal must provide in writing: (1) an explanation of the student's behavior or academic performance that is at issue; (2) documentation or a summary of the documentation of the efforts to assist the student in the student's regular educational setting, if applicable; and (3) documentation of the circumstances that support the referral. A copy of the referral and other documentation must be provided to the parent or guardian by certified mail or in person.

The multi-disciplinary team shall consist of the student's parent or guardian and at least three school system employees who are informed about the student's needs. The team shall meet to consider the principal's referral and determine whether the student will be assigned to an alternative school and shall perform all other duties assigned to it by State Board of Education policy. The student's parent or guardian shall be provided written notice of the time, place, and date of the meeting.

At the meeting, the multi-disciplinary team shall determine whether the student will be transferred to the alternative school. The student's parent or guardian shall be provided written notice of the team's decision, as well as notice of the parent or guardian's appeal and due process rights. If the student's parent or guardian attended the team meeting, such notice shall be provided at the end of the meeting. If the student's parent or guardian did not attend the meeting, such notice shall be provided by certified mail within one business day of the meeting. If the multi-disciplinary team approves the transfer, the principal of the regular educational setting and the principal of the alternative school shall make all necessary arrangements.

4. Responsibilities of School Personnel at the Alternative Learning Program or School

Once a student is placed in an alternative learning program or school, the appropriate school personnel of the program or school must meet to review the student's records and any other documentation forwarded by the referring school. Based on these records and any input provided by the parent or guardian concerning the student's needs, the personnel at the alternative program or school shall determine the support services and intervention strategies that are recommended for the student.

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

5. Assignment of Student with Disabilities to Alternative Programs/Schools

Students who receive services under the Individuals with Disabilities Education Act (IDEA) are entitled to all of the processes and protections pursuant to the IDEA. All additional requirements specific to the assignment of students with disabilities to an alternative program or school established by State Board of Education policy shall be observed.

D. APPEALS PROCESS

If the student's transfer is the result of an IEP team decision for a student with a disability, parents or guardians who are dissatisfied with the decision must comply with the due process procedures set forth in *Procedures Governing Policies and Services for Children with Disabilities*, as adopted by the State Board of Education. In all other cases, within three business days of receiving written notice of the decision to assign the student to an alternative program or school, the parent or guardian may appeal the decision in writing to the superintendent, who shall review the documentation and render a decision within five business days, absent extraordinary circumstances that require additional response time. Parents and guardians who are dissatisfied with the superintendent's decision may appeal to the board. The board will hear the appeal in closed session and will

follow its procedures as provided in policy 2500, Hearings Before the Board. During the period of the appeal, the student may be transferred to the alternative learning program or school, except as prohibited by the IDEA.

E. ADMINISTRATIVE ASSIGNMENTS

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

Any student who receives a long-term or 365-day suspension must be offered alternative education services unless the superintendent provides a significant or important reason for declining to offer such services. Alternative education services include, but are not limited to, the alternative programs or schools established in this policy in accordance with G.S. 115C-105.47A.

2. Assignment of Student Sex Offenders

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

F. TRANSITION FROM ALTERNATIVE LEARNING PROGRAMS OR SCHOOLS

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

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

For students identified as eligible under the IDEA, the student's IEP team shall make all transition decisions that would result in a change in placement.

G. ASSIGNMENT OF PROFESSIONAL PERSONNEL TO ALTERNATIVE LEARNING PROGRAMS OR SCHOOLS

When assigning professional personnel to an alternative learning program or school, the superintendent shall consider the experience and evaluation ratings of the professional employee who may be assigned to the program or school. As school system resources allow, the superintendent shall strive to avoid assigning to an alternative school or program less experienced professional personnel or professional personnel who have received unfavorable evaluations. Additionally, all school personnel at alternative learning programs or schools should receive training so that students enrolled in such programs or schools receive appropriate educational services.

H. EVALUATION OF ALTERNATIVE LEARNING PROGRAMS OR SCHOOLS

1. State Accountability

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

2. Information to be Reported to the Board of Education

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

DISCIPLINARY ACTION FOR EXCEPTIONAL CHILDREN/STUDENTS WITH DISABILITIES

(Policy: 4307)

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

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

Reporting Certain Behavior to Law Enforcement

When a principal has personal knowledge or actual notice from school personnel that an act has occurred on school property involving assault resulting in serious personal injury, sexual assault, sexual offense, rape, kidnapping, indecent liberties with a minor, assault involving the use of a weapon, possession of a firearm in violation of the law, possession of a controlled substance in violation of the law, assault on school officials, employees and/or volunteers, homicide, including murder, manslaughter and death by vehicle, robbery, or armed robbery, the principal must immediately report the act to the appropriate local law enforcement agency and to the superintendent. "School property" means any public school building, bus, public school campus, grounds recreational area or athletic field, in the charge of the principal.

SMOKING AND TOBACCO PRODUCTS

(Policy: 5026/7250)

The board of education promotes the health and safety of all students and staff and the cleanliness of all school facilities. The board believes that the use of tobacco products on school grounds, in school buildings and facilities, in or on school property owned or operated by the school board, or at school-related or school-sponsored events is detrimental to the health and safety of students, staff and school visitors. To this end, and to comply with state and federal law, the board adopts this tobacco-free policy that prohibits smoking and the use of tobacco products as follows. For the purposes of this policy, the term "tobacco product" means a product that contains or is made or derived from tobacco and is intended for human consumption, including all lighted and smokeless tobacco products, as well as electronic cigarettes, vaporizers, and other electronic smoking devices even if they do not contain tobacco or nicotine.

1. All employees and other persons performing services or activities on behalf of the school system, including volunteers, and contractors, as well as students and visitors, are prohibited from using any tobacco products at any time in any school building, in any school facility, on school campuses, an in or on any other school property owned or operated by the school board.
2. In addition, persons attending a school-sponsored event at a location not specified in subsection 1 above are prohibited from using tobacco products when (a) in the presence of students or school personnel, or (b) are in an area where use of tobacco products is otherwise prohibited by law.
3. Nothing in this policy prohibits the use 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.
4. The administration will consult with the county health department and other appropriate organizations to provide employees with information about support systems and programs to encourage employees to abstain from the use of tobacco products. The school system may, from time to time, provide free non-smoking programs and services to employees of the school system after the regular school day.
5. The principal of each school and other school personnel responsible for school facilities shall post signs in system facilities in a manner and location that adequately notify staff, students, and visitors that the use of tobacco products by any person is prohibited at all times in or on school property.
6. The superintendent and designees shall ensure that adequate notice of this policy is provided to students, parents, school personnel, and the public.
7. All school personnel are required to adhere to and enforce this policy and other policies, rules, or regulations addressing the use of tobacco products.

EXTRACURRICULAR ACTIVITIES AND STUDENT ORGANIZATIONS

(Policy: 3620)

The board recognizes the value of interscholastic athletics and extracurricular activities in promoting leadership and team skills, practicing democratic principles, and encouraging the lifelong learning process. Students are encouraged to participate in opportunities available at the school, including interscholastic athletics and student organizations. All activities are open to all students attending that school unless a restriction is justified and has been approved by the principal. The principal shall ensure that students and parents are notified of the various opportunities for participation in extracurricular activities. The principal shall establish any rules necessary for school-and student- initiated extracurricular activities.

A. Extracurricular Activity Requirements

Participation in extracurricular activities, including student organizations, and interscholastic athletics interscholastic athletics, is a privilege, not a right, and may be reserved for students in good academic standing who meet behavior expectations of the board and the school. Participation in extracurricular activities shall be restricted if a student (1) is not performing at grade level as provided in board policy 3400, Evaluation of Student Progress; (2) has exceeded the number of absences allowed by Board policy 4400, Attendance; (3) has violated the student conduct standards found in the 4300 series of policies; or (4) has violated school rules for conduct. In addition, in order to be eligible for interscholastic athletics participation, students must have been in daily attendance 85 percent of the previous semester and must meet all eligibility standards of the North Carolina High School Athletic Association, the North Carolina Department of Public Instruction, and any locally established requirements for interscholastic athletics participation. Students in the sixth grade are eligible to participate in all interscholastic athletics except football.

School administrators choosing to exercise the authority to restrict participation based upon any of the reasons provided in the previous paragraph shall provide this policy and any additional rules developed by the superintendent or the principal to all parents or guardians and students. The grievance procedure provided in policy 1740/4010, Student and Parent Grievance Procedure, may be utilized by parents or students who believe that a student has been aggrieved by a decision made pursuant to this policy.

B. Special Circumstances

1. Students with disabilities must be accorded the legal rights required by federal and state law.
2. School administrators shall facilitate the inclusion and participation of transitioning military children in extracurricular activities, to the extent they are otherwise qualified, by:
 - a. providing information about extracurricular activities to transitioning military children; and
 - b. waiving application deadlines.

Code of Student Conduct 2020-2021

All students shall comply with the Code of Student Conduct of the Chatham County Schools, state and federal laws, school board policies, and local school rules governing student behavior and conduct. This Code applies to any student who is on school property, including bus stops, who is in attendance at school or at any school-sponsored activity, or whose conduct at any time, place, or cyberspace, on or off campus, has or is reasonably expected to have a direct and immediate impact on the orderly and efficient operation of the schools or the safety of individuals in the school environment.

Student Expectation

Students are expected to be familiar with all rules of behavior in the Code of Student Conduct. Students are to assist in promoting a safe and orderly school environment. Students are encouraged to report to school authorities any serious violation of the Code of Student Conduct.

Violation of Board policies, the Code of Student Conduct, regulations issued by the individual school, or North Carolina General Statutes may result in some level of disciplinary action. Teachers and administrators are encouraged to utilize a full range of responses to violations of disciplinary rules, such as conferences, counseling, peer mediation, behavior contracts, instruction in conflict resolution and anger management, detention, academic interventions, community services, and other similar tools that do not remove a student from the classroom or school building, in addition to disciplinary consequences to accomplish a positive change in student behavior.

When, after considering potential mitigating factors- the principal determines that a student's behavior warrants an out-of-school suspension, the principal may impose a short-term suspension (ten (10) days or less) or, for more serious violations of the Code of Student Conduct, may recommend a long-term suspension (greater than ten (10) days), a 365-day suspension, or expulsion, to the extent permitted by law and this policy. The Superintendent must approve any suspensions of greater than ten (10) days. The Board of Education must approve any expulsion from school based on a recommendation of both the principal and the superintendent. Under state law certain violations require mandatory penalties for students, as identified below. Additionally, if a student in grades K-12 brings a firearm on to school property, the student shall be subject to a 365-day suspension from school.

The Code of Student Conduct rules are leveled, indicating the severity of violation and type of consequence.

Level I – Level I rule violations are less serious and generally result in in-school interventions or out-of-school violations of no more than five (5) days for first violations. Short-term suspensions are available for subsequent infractions, but are not required. Long-term suspensions are not an option. Any short term suspension for truancy or tardiness shall not exceed two (2) school days.

Level II – Level II rule violations involve more serious misconduct that generally warrant a short-term suspension for students in middle of high school, and may warrant short-term suspension with elementary school students. Principals may recommend a long-term suspension based upon the presence of aggravating factors regarding the severity of the violation and/or safety concerns.

Level III – Level III rule violations are those infractions that either threaten the safety of students, staff, or school visitors or threaten to substantially disrupt the educational environment, and support long-term suspension. The principal may enact a short-term suspension based on the presence of mitigating factors.

Level IV –Level IV is limited to the possession of a firearm or destructive device on educational property, an infraction under both federal and state law mandates a 365-day suspension.

Level V – Level V allows for expulsion of a student, as provided by state statute, for a violation of the Code of Student Conduct, if the student is fourteen (14) years of age or older and the student's behavior indicates that his/her continued presence in school constitutes a clear threat to the safety of other students or employees and the Board determines there is no appropriate alternative education program. Additionally, any student who is a registered sex offender under N.C. General Statutes 14-208 may be expelled.

Aggravating and Mitigating Factors – In determining the appropriate consequence for a violation of the Code, principals should consider all aggravating or mitigating circumstances they deem relevant. Aggravating factors are factors that increase the seriousness of a disciplinary violation and warrant increased consequences.

Mitigating factors are factors that decrease the seriousness of a disciplinary violation and warrant decreased consequences.

Mitigating Factors may include, but are not limited to:

- a. The student's age,
- b. The student's maturity and developmental level
- c. Making appropriate restitution,
- d. Accepting responsibility during the investigation,
- e. Fully cooperating in the investigation,

Aggravating Factors may include, but are not limited to:

- a. Inducing others to take part in the prohibited behavior or occupying a position of leadership or dominance of other participants,
- b. Attempting to flee or conceal guilt or falsely blaming another individual,
- c. Receiving money or something of value from the misbehavior,
- d. A pattern or history of disciplinary infractions,
- e. The victim of the misconduct is a teacher or other staff member,
- f. Victimizing a significantly younger or smaller student or a student with a known or obvious mental or physical disability,
- g. Taking advantage of a position of trust or confidence to commit the offense,
- h. The conduct resulted in an injury, damage to school property, or a substantial disruption of the educational environment.

A. RULES OF CONDUCT *(After each offense is a suggested range of consequences. Principals have discretion to implement or recommend consequences above or below those suggested, but in no case shall a long-term suspension be given for a level I violation only.)*

LEVEL I – *In-School Discipline or Possible Short-Term Suspension Only.*

I-1 Disrespect/Noncompliance – Students shall comply with all directions and exhibit appropriate respect toward school personnel and volunteers. Inappropriate conduct includes, but is not limited to, verbal, non-verbal, or physical conduct showing disrespect and horseplay.

Suggested Consequences:

K-5

- First offense: Warning to 1 day ISS
- Second offense: 1 day ISS to 1 day OSS
- Third offense: 1 to 5 days OSS

Grades 6 – 12

- First offense: Up to 3 days OSS
- Second offense: Up to 5 days OSS
- Up to ten days OSS

I-2 School/Class Attendance – Being tardy to class, failure to follow proper sign in/sign out procedures, skipping class/school, leaving campus without permission, or being in an unauthorized area is prohibited. Individual schools must create a plan for addressing incidents of being tardy and leaving school early. At no time may a student receive more than two days of OSS for this infraction. OSS should be used as a last resort as a consequence for violation of this rule.

Suggested Consequences:

K-5

- First offense: Warning
- Second offense: 1 day ISS
- Third offense: 1 to 3 days ISS

Grades 6 – 12

- First offense: Up to 1 day ISS
- Second offense: Up to 3 days ISS
- Third offense: Up to 2 days OSS

I-3 Inappropriate Language – Use of vulgar, profane, or obscene language or gestures is prohibited.

Suggested Consequences:

K-5

- First offense: Warning to 1 day OSS
- Second offense: 1 day ISS to 3 days OSS
- Third offense: 3 days ISS to 5 days OSS

Grades 6 – 12

- First offense: Up to 3 days OSS
- Second offense: Up to 5 days OSS
- Third offense: Up to 10 days OSS

I-4 Inappropriate Dress – Principals shall exercise appropriate discretion in implementing this policy, including making reasonable accommodations on the basis of students' religious beliefs or medical conditions. Students are expected to adhere to standards of dress and appearance that are compatible with an effective learning environment. Presenting a bodily appearance or wearing clothing which is disruptive, provocative, revealing, profane, vulgar, offensive or obscene, or which endangers the health or safety of the student or others is prohibited.

Examples of prohibited dress or appearance include, but are not limited to, the following:

- a. Clothing that is sexually explicit or suggestive.
- b. Clothing and/or jewelry that promotes illegal substances or alcohol.
- c. Clothing, jewelry, and/or headwear that is decorated with profane words, vulgar language, gang-related signs or colors, obscene pictures, images, or drawings, suggestive slogans, racial slogans, and/or other material reasonably likely to cause a substantial disruption in the school setting, including the Confederate battle flag.
- d. **No stomach or back should be showing at any time.** Shirt straps should have three fingers' width with no undergarments showing at any time. Lace-up shirts or shirts with lace down the sides are not permitted.
- e. Shorts and skirts should be of a length that ensures undergarments or private body parts are not showing at any time, including while sitting or bending over. Lace-up pants or pants with lace down the sides are not permitted.
- f. Sagging pants or pants that expose undergarments are not permitted. All pants must be worn at the hip.
- g. Headwear is not permitted in the building unless approved by administration. This includes, but is not limited to, hats, wave caps, bandanas, sunglasses, hoods, and spandex stockings.
- h. No pajama and/bedtime attire is permitted unless approved by-administration.

- i. Shoes must be worn at all times. Bedroom slippers are not permitted unless approved by the administration.
- j. Students are not permitted to wear any adornment such as chains or spikes that reasonably could be perceived as or used as a weapon.
- k. Students are not permitted from wearing any attire that is prohibited by Policy 4303, **III-2 Gang and Gang-Related Activity**. Individual schools are free to specify additional examples of dress or appearance that are prohibited at that school under the terms of this policy. If a student's dress or appearance is such that it constitutes a threat to the health or safety of others, distracts the attention of other students or staff from their work, or otherwise violates this dress code, the principal or principal's designee may require the student to change his or her dress or appearance.

Suggested Consequences:

K-5

- First offense: Warning
- Second offense: 1 day ISS to 1 day OSS
- Third offense: 1 to 3 days OSS

Grades 6 – 12

- First offense: Up to 1 day ISS
- Second offense: Up to 1 day OSS
- Third offense: Up to 3 days OSS

- I-5 Wireless communication devices** – The Board of Education recognizes that cellular phones and other wireless communication devices have become an important tool through which parents communicate with their children. Therefore, students are permitted to possess such devices on school property so long as the devices are not activated, used, displayed, or visible during the instructional day or as otherwise directed by school rules or school personnel. Wireless communication devices include, but are not limited to, cellular phones, electronic devices with internet capability, paging devices, two-way radios, laser pointers, and similar devices.

Administrators may authorize individual students to use wireless communication devices for personal purposes when deemed appropriate. Teachers and administrators may authorize individual students to use the devices for instructional purposes, provided that they supervise the students during such use.

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

Any device possessed or used in violation of this policy shall be confiscated and only returned to the student's parents/guardian. If a student uses a laser pointer in a way that reasonably could or does cause physical harm, the laser pointer may be considered a dangerous instrument and the student may be charged with violation of Policy 4303, III-3 and disciplined accordingly.

Suggested consequences:

K-5

- First offense: Warning
- Second offense: Warning to 1 day ISS
- Third offense: 1 day ISS to 1 day OSS

Grades 6 – 12

- First offense: Up to 1 day ISS
- Second offense: Up to 1 day OSS
- Third offense: Up to 3 days OSS

I-6 Trespassing – No student shall be on the campus of any school except the one to which the student is assigned without the knowledge and consent of the officials of that school.

Students who loiter at any school after the close of the school day will be considered trespassers. A student under suspension from school is trespassing if he/she appears on the property of any school or at any school sponsored activity during the suspension period without the express permission of the principal.

Suggested Consequences:

K-5

- First offense: Warning to 1 day ISS
- Second offense: 1 day ISS to 1 day OSS
- Third offense: 1 day OSS to 5 days OSS

Grades 6 – 12

- First offense: Up to 3 days OSS
- Second offense: Up to 5 days OSS
- Third offense: Up to 10 days OSS

I-7 Gambling – Students shall not participate in any unauthorized games of chance in which money or items of value may be won or lost.

Suggested Consequences:

K-5

- First offense: Up to 1 day ISS
- Second offense: 1 day ISS to 1 day OSS
- Third offense: 1 day OSS to 5 days OSS

Grades 6 – 12

- First offense: Up to 3 days OSS
- Second offense: Up to 5 days OSS
- Third offense: Up to 10 days OSS

I-8 Misconduct on School Vehicle – School transportation service is a privilege, not a right. Students at all times while riding a school bus or other school vehicle shall observe the directives of the school bus driver and shall comply with all provisions of the Code of Conduct. The following conduct or violation of any other rule of the Code of Student Conduct while on the school bus or other school vehicle is specifically prohibited and may result in temporary or permanent suspension from school transportation services and/or from school (and, certain aggravating factors may result in school-level consequences in addition to a bus suspension):

- a. Delaying the bus schedule.
- b. Getting off at an unauthorized stop.
- c. Failing to observe established safety rules and regulations.
- d. Willfully trespassing upon a school bus.

Suggested Consequences:

Grades K-12

First offense: Up to three days suspension from riding the bus

Second offense: Up to five days suspension from riding the bus

Third offense: Up to ten days suspension from riding the bus

Fourth offense: Up to the remainder of the school year suspension from riding the bus

In addition, any conduct on a school bus or other school vehicle, or a school bus stop, that is a violation of any other rule of the Code of Student Conduct may subject the student to other disciplinary consequences, as outlined in this Code of Conduct.

I-9 Unauthorized commercial activity – Students may not engage in commercial activity (*i.e.* buying or selling items) unless pursuant to an authorized fundraiser or with written permission from an administrator.

Suggested Consequences:

K-5

- First offense: Warning to 1 day ISS
- Second offense: 1 day ISS to 1 day OSS
- Third offense: 1 day OSS to 5 days OSS

Grades 6 – 12

- First offense: Up to 3 days OSS
- Second offense: Up to 5 days OSS
- Third offense: Up to 10 days OSS

I-10 1-to-1 Student Laptop Program – Students must adhere to the guidelines found in the 1-to-1 Parent-Student Laptop Handbook.

Suggested Consequences:

Intentional Laptop or other Computer Damage

- First offense: Up to 1 day OSS and loss of access to laptop at home for semester
- Second offense: Up to 3 days OSS and loss of access to laptop at home for remainder of year
- Third offense: Up to 5 days OSS and loss of access to laptop at home for remainder of year

Software or Hardware Modification

- First offense: Loss of access to laptop at home for semester
- Second offense: 1 day ISS and loss of access to laptop at home for remainder of year
- Third offense: Up to 5 days OSS and loss of access to laptop at home for remainder of year

Level II – *More serious misconduct that generally warrant short-term suspension for students in middle or high school, and may warrant short-term suspension with elementary school students. Principals may recommend a long-term suspension based upon the presence of aggravating factors regarding the severity of the violation and/or safety concerns.*

II-1 Integrity – All students are expected to demonstrate integrity, civility, responsibility, and self-control, which are critical for establishing and maintaining a safe, orderly, and inviting school environment. Any student who engages in or attempts to engage in cheating, plagiarism, falsification, violation of software copyright laws, or violation of computer access shall be subject to disciplinary action. The following actions are specifically prohibited:

1. **Cheating:** giving or receiving of any unauthorized assistance on academic work.
2. **Plagiarism:** copying the language, structure, or idea of another and representing it as one's own work.

3. **Falsification:** verbal or written statement of any untruth.
4. **Violation of software copyright laws:** unauthorized duplication of computer software (computer piracy), printed material related to computer software, and/or the use of pirated computer software.

Suggested Consequences:

K-5

To be determined at the school level

Grades 6 – 8

- First offense: Up to one day ISS and re-do assignment or complete alternate assignment
- Second offense: Two days ISS and re-do assignment or complete alternate assignment
- Third offense: Three days OSS and re-do assignment or complete alternate assignment

Grades 9-12

- First offense: One day ISS and a “0” on the assignment
- Second offense: Two days ISS and a “0” on the assignment
- Third offense: Three days OSS and a “0” on the assignment

Additionally, whenever a student engages in cheating, plagiarism, or falsification, the student shall receive a zero on the assignment and shall be referred to a counselor.

II-2 Tobacco – No student shall use, possess, or display any tobacco product. This restriction applies when the student is anywhere on school system property or at any school-sponsored activity as a visitor or spectator. The following definitions apply for purposes of this policy:

- a. **Tobacco Product:** cigarettes, e-cigarettes, cigars, pipes, chewing tobacco, snuff, and any other items containing or reasonably resembling tobacco or tobacco products.
- b. **Tobacco Use:** smoking, chewing, dipping, or any other use of tobacco products.
- c. **Display:** having any tobacco product in a location or position that is visible to students or school personnel

The exceptions to this policy are as follows:

- a. The display of tobacco products does not extend to display that has a legitimate instructional or pedagogical purpose and is approved by a teacher or school administrator; and
- b. A principal may permit tobacco products to be included in instructional or research activities in the school building if the activity is conducted or supervised by the faculty member overseeing the instruction or research and the activity does not involve smoking, chewing, or otherwise ingesting the tobacco product.

Suggested Consequences:

- First offense: Detention to 1 day OSS and a conference with the student’s parents/guardians. The student will be provided with information concerning the harmful effects of smoking.
- Second offense: Up to 3 days OSS
- Third offense: Up to 5 days OSS

II-3 Inappropriate Literature, Illustrations, or Images – The possession of literature, illustrations, or images which significantly disrupts the educational process or which are obscene is prohibited.

Suggested Consequences:

K-5

- First offense: Up to 1 day ISS
- Second offense: 1 day ISS to 3 day OSS
- Third offense: 3 days ISS to 5 days OSS

Grades 6 – 12

- First offense: Up to 1 days OSS
- Second offense: Up to 3 days OSS
- Third offense: Up to 10 days OSS, possible long-term suspension with aggravating factors.

II-4 Violation of Technology Responsible Use Policy – No student shall engage in conduct prohibited by Policy 3225/4312/7320 (Technology Responsible Use) (*Please refer to the entire policy*).

Possible consequences include, but are not limited to:

- After school detention
- ISS
- OSS
- Loss of laptop up to a semester

II-5 Abusive, Harassing, or Seriously Disrespectful Language – The use of any language, whether written, oral, or electronic, which is abusive, harassing, or seriously disrespectful and which disrupts the classroom or school environment is specifically prohibited.

Suggested Consequences:

K-5

- First offense: Up to 3 days ISS
- Second offense: 1 day ISS to 5 days OSS
- Third offense: 3 days ISS to 10 days OSS

Grades 6 – 12

- First offense: Up to 3 days OSS
- Second offense: Up to 10 days OSS
- Third offense: Up to 10 days OSS, possible long-term suspension with aggravating factors.

II-6 Class/Activity Disturbance – Any physical or verbal disturbance which occurs within the school environment and which interrupts or interferes with teaching or orderly conduct of class/school activities is prohibited. Horseplay is considered a disturbance to the school environment.

Suggested Consequences:

K-5

- First offense: Up to 3 days ISS
- Second offense: 1 day ISS to 5 days OSS
- Third offense: 3 days ISS to 10 days OSS

Grades 6 – 12

- First offense: Up to 3 days OSS
- Second offense: Up to 10 days OSS
- Third offense: Up to 10 days OSS, possible long-term suspension with aggravating factors.

II-7 School Disturbance – No student shall, by use of passive resistance, noise, threat, fear, intimidation, coercion, force, violence, or any other form of conduct, cause the disruption of any lawful function, mission, or process of the school.

Suggested Consequences:

K-5

- First offense: Up to 1 day ISS
- Second offense: 1 day ISS to 3 day OSS
- Third offense: 3 days ISS to 5 days OSS

Grades 6 – 12

- First offense: Up to 3 days OSS
- Second offense: Up to 5 days OSS
- Third offense: Up to 10 days OSS, possible long-term suspension with aggravating factors.

II-8 School Transportation Disturbance – Any physical or verbal disturbance which occurs on school transportation and which interrupts or interferes with the safe and orderly operation of the vehicle is prohibited.

Suggested Consequences:

K-5

- First offense: Up to 1 day ISS
- Second offense: 1 day ISS to 3 day OSS
- Third offense: 3 days ISS to 5 days OSS

Grades 6 – 12

- First offense: Up to 3 days OSS
- Second offense: Up to 5 days OSS
- Third offense: Up to 10 days OSS, possible long-term suspension with aggravating factors.

II-9 Disruptive Protest – No student on school property or on property adjacent thereto shall engage in any protest, march, picket, sit-in, boycott, walkout, or other activity which has as its purpose the disruption of any lawful function, mission, or process of the school, or in fact creates such a disruption.

Suggested Consequences:

K-5

- First offense: Up to 1 day ISS
- Second offense: 1 day ISS to 3 day OSS
- Third offense: 3 days ISS to 5 days OSS

Grades 6 – 12

- First offense: Up to 3 days OSS
- Second offense: Up to 5 days OSS
- Third offense: Up to 10 days OSS, possible long-term suspension with aggravating factors.

II-10 False Fire Alarm – No student shall set off, attempt to set off, or aid and abet anyone in giving a false fire alarm. No student shall interfere with or damage any part of a fire alarm, fire detection, smoke detection, fire extinguishing system, or emergency escape system.

Suggested Consequences:

K-5

- First offense: Up to 1 day OSS
- Second offense: 1 day OSS to 3 days OSS
- Third offense: 3 days OSS to 5 days OSS

Grades 6 – 12

- First offense: Up to 5 days OSS
- Second offense: Up to 10 days OSS
- Third offense: Up to 10 days OSS, possible long-term suspension with aggravating factors.

II-11 Fire Setting/Incendiary Material – The possession of any incendiary material (including but not limited to matches, lighters, or lighter fluid) or the use of any material reasonably likely to result in a fire on school property is prohibited.

Suggested Consequences:

K-5

- First offense: Up to 1 day OSS
- Second offense: 3 days ISS to 3 days OSS
- Third offense: 3 days OSS to 5 days OSS

Grades 6 – 12

- First offense: Up to 3 days OSS
- Second offense: Up to 5 days OSS
- Third offense: Up to 10 days OSS, possible long-term suspension with aggravating factors.

II-12 Property Damage – No student shall intentionally damage or attempt to damage or deface school property, another's personal property, or private property.

Suggested Consequences:

K-5

- First offense: Up to 1 day OSS
- Second offense: 1 day ISS to 3 days OSS
- Third offense: 3 days ISS to 5 days OSS

Grades 6 – 12

- First offense: Up to 5 days OSS
- Second offense: Up to 10 days OSS
- Third offense: Up to 10 days OSS, possible long-term suspension with aggravating factors.

II-13 Theft – No student shall steal, attempt to steal, or knowingly be in possession of stolen property, including cafeteria food.

Suggested Consequences:

K-5

- First offense: Warning to 1 day OSS
- Second offense: 1 day ISS to 3 days OSS
- Third offense: 3 days ISS to 5 days OSS

Grades 6 – 12

- First offense: Up to 5 days OSS
- Second offense: Up to 10 days OSS
- Third offense: Up to 10 days OSS, possible long-term suspension with aggravating factors.

II-14 Extortion – No student shall attempt to extort money, personal property, or personal services.

Suggested Consequences:

K-5

- First offense: Warning to 1 day OSS
- Second offense: 1 day ISS to 3 days OSS
- Third offense: 3 days ISS to 5 days OSS

Grades 6 – 12

- First offense: Up to 3 days OSS
- Second offense: Up to 5 days OSS
- Third offense: Up to 10 days OSS, possible long-term suspension with aggravating factors.

II-15 Indecent Exposure/Sexual Behavior – No student shall engage in behavior which is indecent, overly affectionate, or of a sexual nature.

Suggested Consequences:

K-5

- First offense: Warning to 1 day OSS
- Second offense: 1 day ISS to 3 days OSS
- Third offense: 3 days ISS to 5 days OSS

Grades 6 – 12

- First offense: Up to 3 days OSS
- Second offense: Up to 5 days OSS
- Third offense: Up to 10 days OSS, possible long-term suspension with aggravating factors.

II-16 Discrimination/Harassment/Bullying – No student shall engage in conduct prohibited by Policies 1710/4021/7230 (Prohibition Against Discrimination, Harassment and Bullying) (*Please refer to the entire policies*).

Note: A student who is convicted of cyber-bullying a school employee shall be transferred to another school within the district. If there is no other appropriate school within the district, the student shall be transferred to a different class or assigned to a teacher who was not involved as the victim of the cyber-bullying. The superintendent may modify, in writing, the required transfer of an individual student on a case-by-case basis.

Suggested Consequences:

K-5

- First offense: Warning to 1 day OSS
- Second offense: 1 day ISS to 3 days OSS
- Third offense: 3 days ISS to 5 days OSS

Grades 6 – 12

- First offense: Up to 3 days OSS
- Second offense: Up to 5 days OSS
- Third offense: Up to 10 days OSS, possible long-term suspension with aggravating factors.

II-17 Sexual Harassment – No student shall engage in conduct prohibited by Policy 1736/4026/7236 (Sexual Harassment Defined) (*Please refer to the entire policy*).

Suggested Consequences:

K-5

- First offense: Warning to 1 day OSS
- Second offense: 1 day ISS to 5 days OSS
- Third offense: 5 days ISS to 10 days OSS

Grades 6 – 12

- First offense: Up to 5 days OSS
- Second offense: Up to 10 days OSS
- Third offense: Up to 10 days OSS, possible long-term suspension with aggravating factors.

II-18 Threat/False Threat – No student shall make any threat through written or verbal language, sign, or act which conveys a serious expression of intent to cause harm or violence.

Furthermore, no student shall make a false threat of harm or violence, even in jest, which causes or is reasonably likely to cause fear or a disruption to school activities.

Suggested Consequences:

K-5

- First offense: Warning to 3 days OSS
- Second offense: 1 day ISS to 5 days OSS
- Third offense: 3 days ISS to 10 days OSS

Grades 6 – 12

- First offense: Up to 3 days OSS
- Second offense: Up to 5 days OSS
- Third offense: Up to 10 days OSS, possible long-term suspension with aggravating factors.

II-19 Physical Aggression/Fighting – Physical aggression or fighting toward students and other people is prohibited. A student who is attacked may use reasonable force in self-defense, but only to the extent necessary to get free from the attack and notify proper school authorities. A student who exceeds reasonable force may be disciplined even though someone else provoked the fight.

No student shall engage in fighting or physical aggression towards others, including but not limited to:

- a. Choking, hitting, slapping, shoving, scratching, spitting, biting, blocking the passage of, or throwing objects at another person in an aggressive, confrontational or dangerous manner;
- b. Taking any action, instigating, or making comments or writing messages that might reasonably be expected to result in a fight or physical aggression.

Suggested Consequences:

K-5

- First offense: 1 day OSS to 3 days OSS

- Second offense: 2 days OSS to 5 days OSS
- Third offense: 3 days OSS to 10 days OSS

Grades 6 – 12

- First offense: Up to 10 days OSS
- Second offense: Up to 10 days OSS
- Third offense: Up to 10 days OSS, possible long-term suspension with aggravating factors.

II-20 Failure to Report Firearm – Any student who has knowledge that another student possesses or intends to bring a firearm on any school campus or to any school activity shall report this information to school or law enforcement authorities immediately.

Suggested Consequences:

Students may be suspended out of school for up to ten days and/or, if aggravating factors are present, recommended for long-term suspension.

II-21 Hazing – Hazing is prohibited. No group or individual shall require a student to wear abnormal dress, play abusive or ridiculous tricks on him/her, frighten, scold, beat, harass, or subject him/her to personal indignity.

Suggested Consequences:

K-5

- First offense: 1 day ISS to 1 day OSS
- Second offense: 2 days ISS to 5 days OSS
- Third offense: 5 days ISS to 10 days OSS

Grades 6 – 12

- First offense: Up to 3 days OSS
- Second offense: Up to 10 days OSS
- Third offense: Up to 10 days OSS, possible long-term suspension with aggravating factors.

II-22 Search and Seizure – A student's failure to permit searches and seizures as provided in Policy 4342 (Student Searches) is prohibited. *(Please refer to entire policy)*

Suggested Consequences:

Students may be suspended out of school for up to ten days and/or, if aggravating factors are present, recommended for long-term suspension.

II-23 Aiding and Abetting – No student shall aid or abet another student in violating any rule in the Code of Student Conduct. This includes recording incidents for the purpose of posting on social media.

Suggested Consequences:

Students may be suspended out of school for up to ten days and/or, if aggravating factors are present, recommended for long-term suspension.

LEVEL III –

Suggested Consequences for Level III violations:

Level III Infractions typically threaten the safety of students, staff, or school visitors or threaten to substantially disrupt the educational environment, and support long-term suspension. The principal may recommend a short-term suspension or decline to impose any suspension based on the presence of mitigating factors.

III-1 Narcotics, Alcoholic Beverages, Controlled Substances, Chemicals, and Drug Paraphernalia – No student shall possess, use, distribute, sell, possess with intent to distribute or sell, or conspire or attempt to distribute or sell, or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid, other controlled substance, any alcoholic beverage, malt beverage, fortified wine, other intoxicating liquor, drug paraphernalia, counterfeit substance, any unauthorized prescription drug, or any other chemicals or products with the intention of bringing about a state of exhilaration, euphoria, or of otherwise altering the student’s mood or behavior. The proper use of a drug authorized by valid medical prescription from a legally authorized health care provider shall not be considered a violation of this rule when the drug is taken by the person for whom the drug was prescribed, in accordance with Policy 6425 (Administering Medicines to Students).

For the purpose of the Code of Student Conduct the following definitions apply:

Conspiracy: an agreement by two (2) or more persons to commit an unlawful act in violation of this policy.

Counterfeit Substance: any substance that is described or presented with the intention of deceiving another into believing that it is a substance prohibited under this policy.

Distribute: to transmit a prohibited substance to one or more other persons. For purposes of this definition, a student has not “distributed” a prohibited substance (but may be guilty of “possession” or “use”) if the student’s only involvement is to share or pass a prohibited substance with other students in the course of using it. A student may be guilty of “distributing” a prohibited substance even if the substance is given freely rather than exchanged for something of value.

Drug Paraphernalia: objects used for ingesting, inhaling, or otherwise introducing controlled substances into the body, e.g., pipes, rolling papers, “roach” clips. Relevant evidence may be considered in determining whether an object is drug paraphernalia.

Possession: having the prohibited substance on the student’s person or in another place where the student, either alone or jointly with others, has control over it. This may include, but is not limited to, *possession of a prohibited substance in an automobile, locker, book bag, or desk.*

Possess with Intent to Distribute/Sell: Intent to distribute or sell may be determined from the amount of the prohibited substance found, the manner in which it was packaged, the presence of packaging materials such as scales, baggies or other containers, or from statements or actions of the student that demonstrate an intent to distribute or sell.

Sell: the exchange of a prohibited substance for money, property, or any other benefit or item of value.

Unauthorized Prescription Drug: any drug or medication that has not been prescribed for the student.

Under the influence: the use of any prohibited substance at any time or place when the prohibited substance would influence a student’s mood, behavior, or learning to any degree.

Use: the consumption, injection, inhalation or absorption of a prohibited substance into a student’s body by any means.

For offenses involving **only** possession, conspiracy to possess, use, and/or being under the influence of a substance prohibited by this policy, the following shall apply:

First offense: Unless mitigating factors support a reduced suspension length, a 10-day suspension can be reduced to a 5-day suspension if the student and parent/guardian agree and successfully complete a substance abuse assessment from a substance abuse professional, a school social worker or behavior specialist and an approved 8 hour Drug and Alcohol Education Program.

Second offense: A 10-day suspension with a recommendation for long term suspension, unless mitigating factors support a reduced suspension length.

Note: Habitual offenses in subsequent years will be considered an aggravating factor that may support a 10-day suspension with a recommendation for long-term suspension.

III-2 Gang and Gang-Related Activity – The Board of Education believes that gangs and gang-related activities pose a serious safety threat to students and staff members of the Chatham County Schools and can significantly disrupt the educational environment.

- a. No student shall participate in any gang-related activities. For purposes of this policy:
 1. 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.
 2. “Gang-related activities” are any activities engaged in by a student on behalf of an identified gang; to perpetuate the existence of an identified gang; to effect the common purpose and design of an identified gang; or to represent gang affiliation, loyalty, or solidarity.
- b. Conduct prohibited by this policy includes:
 1. Wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, emblems, badges, symbols, signs, visible tattoos and body markings, or other items, with the intent to convey or promote membership or affiliation in any gang;
 2. Communicating either verbally or non-verbally (e.g., gestures, handshakes, slogans, drawings), with the intent to convey or promote membership or affiliation in any gang;
 3. Tagging, or otherwise defacing school or personal property with symbols or slogans intended to convey or promote membership or affiliation in any gang;
 4. Requiring payment of protection, money or insurance, or otherwise intimidating or threatening any person in connection with gang-related activity;
 5. Inciting other students to intimidate or to act with physical violence upon any other person in connection with gang-related activity;
 6. Soliciting others for gang membership;
 7. Conspiring to commit/committing any violation of this policy or committing or conspiring to commit any other illegal act or other violation of school district policies that relates to gang activity.
- c. When a first infraction involves only the wearing gang-related attire, a student may receive a warning and be allowed to immediately change or remove the attire as an alternative to disciplinary action.
- d. The superintendent or designee shall regularly consult with law enforcement officials to identify examples of gang-related items, symbols and behaviors and shall provide each principal with this information. Parents and students shall be notified that such information is maintained in the principal’s office, that it is subject to change, and that the principal’s office may be consulted for updates. In providing this information for parents and students, the school system acknowledges that not all potential gang indicators connote actual membership in a gang.

III-3 Weapons and Dangerous Instruments/Substances – No student shall possess, handle, or transmit any weapon, facsimile of a weapon, dangerous instruments, substances or other object that can reasonably be considered or used as a weapon or dangerous instrument/substances. This does not apply to any student who finds a weapon or dangerous instrument/substances on school property or receives it from another person on school property and who immediately reports the weapon or dangerous instrument/substances to school or law enforcement authorities.

The following definitions apply to this policy:

- a. **Weapon:** Any firearm, BB gun, stun gun, air rifle, air pistol, ammunition, powder loads, fireworks, knife, slingshot, leaded cane, blackjack, metallic knuckles, razors, razor blades (except

cartridge used solely for personal shaving), box cutter, mace, pepper spray or other personal defense sprays, any sharp-pointed or edged instrument except instructional supplies, unaltered nail files and clippers and tools used solely for preparation of food, instruction, and maintenance.

- b. **Dangerous Instrument/Substance:** Any object or substance that is possessed, handled, transmitted, used for the purpose of causing or attempting to cause physical injury.
- c. **Facsimile of a weapon:** Any copy of a weapon that could reasonably be perceived to be a real weapon.

Note: Refer to Level IV: Rule IV–2 for violations involving firearms or destructive devices.

III-4 Assault on a Student – No student shall cause or attempt to cause serious physical injury to another person. For the purposes of this policy “serious physical injury” shall refer to any significant or aggravated bodily injury, including but not limited to broken bone(s), loss or chipping of teeth, loss or impairment of vision, loss of consciousness, internal injuries, scarring or other disfigurement, significant bleeding, lacerations resulting in sutures, significant bruising, severe or prolonged pain, any injury requiring hospitalization for any period of time, and/or any injury resulting in medical treatment beyond simple first aid procedures.

Note: If a teacher is assaulted or injured by a student and as a result the student is reassigned to alternative education services, long-term suspended, or expelled, the student shall not be returned to that teacher’s classroom unless the teacher consents.

III-5 Attempted Assault on a School Employee - No student shall cause or attempt to cause physical injury to a school employee or volunteer, or behave in such a manner that could reasonably cause physical injury to any school employee or volunteer

III-6 Assault and Serious Injuries on a School Employee – No student shall assault a school employee, volunteer, or other adult who is not a student.

Note: If a teacher is assaulted or injured by a student and as a result the student is reassigned to alternative education services, long-term suspended, or expelled, the student shall not be returned to that teacher’s classroom unless the teacher consents.

III-7 Assault Involving Weapon/Dangerous Instrument/Substances – No student shall assault another using a weapon, dangerous instrument, or dangerous substances.

Note: Refer to Level IV for violations involving firearms or destructive devices.

III-8 Arson – No student shall burn or attempt to burn any school building or property. Possessing incendiary material (ie. Gasoline, kerosene, or other flammable liquid), for the purpose of burning or the attempted burning of school property.

III-9 Bomb Threat – No student shall make a bomb threat or hoax by making a false report that a device designed to cause damage or destruction by explosion, blasting, or burning is located on the school premises or at the site of school activities. No student shall with the intent to perpetrate a hoax, conceal, place or display on school property or the site of school activities any device or artifact so as to cause any person reasonably to believe the same to be a bomb or other destructive device

III-10 Bomb Threat: Aiding/Abetting – No student shall aid, and/or abet in making a bomb threat or hoax by making a false report that a device designed to cause damage or destruction by explosion, blasting, or burning is located on the school premises or at the site of school activities.

III-11 Acts of Terror –

- a. No student shall make a report that he or she knows or should know is false, that any device, substance or material designed to cause harmful or life threatening illness or injury to another person, is located on school property or at the site of a school activity.
- b. No student shall, with intent to perpetrate a hoax, conceal, place, disseminate or display on school property or at the site of a school activity any device, machine, instrument, artifact, letter, package,

material, or substance, so as to cause a reasonable person to believe the same to be a substance or material capable of causing harmful or life-threatening illness or injury to another person.

- c. No student shall threaten to commit an act of terror on school property or at the site of a school activity that is designed to cause, or is likely to cause, serious injury or death to another person, when the threat is intended to cause, or actually causes, a significant disruption to the instructional day or a school-sponsored activity.
- d. No student shall make a report that he or she knows is false, that an act of terror designed to cause, or likely to cause, serious injury or death to another person on school property or at the site of a school-sponsored activity is imminent, when that report is intended to cause, or actually causes, a significant disruption to the instructional day or a school-sponsored activity.
- e. No student shall aid, abet, and/or conspire to commit any of the acts described in section 1-4 of this policy.

LEVEL IV – *Possession of a firearm or destructive device on educational property mandates a 365-day suspension under both federal and state law.*

Firearm/Destructive Device K-12 – Any student in grades K-12 shall be recommended by the principal for a suspension of 365 calendar days for bringing a firearm or explosive device onto school property or to a school-sponsored event off school property, or for possessing a firearm or explosive or explosive device on school property or at a school-sponsored event off school property. School property includes any property owned, used or leased by the Board of Education, including school buses, other vehicles and school bus stops. Principals are required to refer to the law enforcement system any student who brings a firearm or weapon to school.

- a. **Firearm:** A weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; or any firearm muffler or firearm silencer. The term shall not include an inoperable antique firearm, a BB gun, stun gun, air rifle, or air pistol.
- b. **Destructive Device:** An explosive, incendiary, or poison gas; bomb; grenade; rocket having a propellant charge of more than four ounces; missile having an explosive or incendiary charge of more than one-quarter ounce; mine; or device similar to any of the devices listed in this definition.

Violation of this section shall result in suspension from school for 365 days unless modified by the superintendent or Board of Education on a case-by-case basis.

The 365-day suspension does not apply to any student who finds the firearm on school property or receives it from another person on school property and who delivers the weapon, immediately, to school or law enforcement authorities.

LEVEL V – *Expulsion*

A student fourteen (14) years of age or older may be expelled for a violation of this Code of Conduct if the student's behavior indicates that the student's continued presence in the school constitutes a clear threat to the safety of other students or employees, and the Board determines there is no appropriate alternative educational program. Additionally, any student who is a registered sex offender under N.C. General Statutes 14-208 may be expelled.

Additional Information

STUDENT WELLNESS

(Policy: 6140)

The board recognizes that it is important for students to maintain their physical health and get proper nutrition in order to take advantage of educational opportunities. The board further recognizes that student wellness and proper nutrition are related to a student's physical well-being, growth, development and readiness to learn. The board is committed to providing a school environment that promotes student wellness, proper nutrition, nutrition education and regular physical activity as part of the total learning experience. As part of that commitment, the board directs the superintendent to oversee the development, implementation, and ongoing evaluation of this policy and other school system efforts to encourage students to be healthy and active, including compliance with the State Board of Education's Healthy Active Children Policy, SHLT-000. The superintendent may designate a school system official to carry out this responsibility ("lead wellness official").

The superintendent or designee shall make the most current version of this policy available to members of the school community and the public by posting it on the school system website and/or by distributing it annually through other means reasonably intended to reach the school community and public. In addition, the superintendent or designee shall provide a copy of this policy to the North Carolina Department of Public Instruction (NCDPI) when requested to do so.

A. School Health Advisory Council

The board will maintain a school health advisory council to help plan, update, implement, and monitor this policy as well as other health and nutrition issues within the school system. The council serves as an advisory committee regarding student health issues and works in conjunction with the lead wellness official charged with oversight of this policy and the school system's efforts to promote student and employee health and wellness in compliance with state and federal requirements. The council is authorized to examine related research and laws, assess student needs and the current school environment, review existing board policies and administrative regulations, collaborate with appropriate community agencies and organizations, and help raise awareness about student health issues. The council also may make policy recommendations to the board related to this policy and other policies concerning student wellness and in conjunction with the lead wellness official, shall periodically review and suggest revisions to this policy. In addition, the council may assist in the development of a plan for measuring and assessing implementation of this policy and in developing methods to inform and update the public about the content and implementation of this policy as described in Sections F and G, below.

The council will be composed of representatives from the school system, the local health department, and the community. The council must include members of each of the following groups: The school board, school system administrators, school system food service representatives, physical education teachers, school health professionals, students, parents or guardians, and the public. The council will provide information to the board about the following areas or concerns: (1) physical activity, (2) health education, (3) employee wellness, (4) health services, (5) social and emotional climate, (6) nutrition environment and services, (7) counseling, psychological, and social services, (8) physical environment, (9) family engagement, and (10) community involvement.

The council shall provide periodic reports to the board and public regarding the status of its work. In addition, the council shall assist the lead wellness official in creating an annual report that includes the minutes of physical activity and the minutes of physical education and/or healthful living education received by students in the system each school year, as well as any other information required by the State Board of Education or NCDPI.

B. Nutrition Promotion and Nutrition Education

The board believes that promoting student health and nutrition enhances readiness for learning and increases student achievement. The general goals of nutrition promotion and nutrition education are:

- (1) To provide appropriate instruction for the acquisition of behaviors that contribute to a healthy lifestyle for students and
- (2) To teach, encourage and support healthy eating by students.

The board will provide nutrition education within the Healthful Living Standard Course of Study and the grade level expectations outlined in the Healthful Living Essential Standards adopted by the State Board of Education. Nutrition education should be designed to provide all students with the knowledge and skills needed to lead healthy lives. Students should learn to address nutrition-related health concerns through age-appropriate nutrition education lessons and activities.

Nutrition education and promotion should extend beyond the school environment by engaging and involving families and communities. School system personnel may coordinate with agencies and community organizations to provide opportunities for appropriate student projects related to nutrition. School system personnel are to work to disseminate and promote consistent nutrition messages throughout the school system, schools, classrooms, school dining areas, homes, community and media.

C. Nutrition Standards and Guidelines for All Food and Beverages Available at School

Consistent with policy 6200, Goals of School Nutrition Services, all foods available in the system's schools during the school day that are offered to students should help promote student health, reduce childhood obesity, provide a variety of nutritional meals, meet the nutrition standards established in policy 6230, School Meal and Competitive Foods Standards, including the following:

1. School Lunch, Breakfast, and Snack Programs
Foods provided through the National School Lunch, School Breakfast, or After School Snack Programs must comply with federal and state nutrition standards. The director of child nutrition shall ensure that school system guidelines for reimbursable meals are not less restrictive than regulations and guidelines issued for schools in accordance with federal law.
2. Competitive Foods
All foods sold on school campuses in areas that are accessible to students during the school day (defined as the period from midnight through 30 minutes after the dismissal bell rings) in competition with the National School Lunch or School Breakfast Programs ("competitive foods") must comply with the federal Smart Snacks in Schools standards. Competitive foods include food, snacks, and beverages from a la carte menus, vending machines, and outside suppliers, as well as foods or beverages sold in school stores and at fund-raisers. Vending machine sales also must comply with the requirements of G.S. 115C-264.2 and *Eat Smart: North Carolina's Recommended Standards for All Foods in Schools*.
3. Other Foods Available on the School Campus During the School Day and After the School Day
School principals shall establish rules for foods and beverages brought from home for classroom events or parties during the school day or for extracurricular activities after the school day. The Board encourages principals to establish rules that are consistent with the Smart Snacks in Schools standards.

Fundraising activities that involve the sale of foods and/or beverages to students during the school day (from midnight until 30 minutes after the dismissal bell rings) must comply with the Smart Snack Rules and may not be conducted until after the end of the last lunch period. See policy 6230, School Meal and Competitive Foods Standards.

School principals may establish standards for fund-raising activities conducted after the school day (beginning 31 minutes after the dismissal bell rings) that involve the sale of food and/or beverages. The Board encourages alternative fundraising activities such as non-food items or physical activity.

4. Food and Beverage Marketing
Food and beverage marketing on school campuses during the school day must meet federal and state standards. In accordance with these standards, only foods and beverages that meet the Smart Snack standards (as described in subsection C.2 above) may be marketed or advertised on school campuses during the school day. To comply with the requirement, existing supplies, materials, or equipment that depict noncompliant products or logos will be replaced or removed in accordance with normal lifecycles or as otherwise would occur in the normal course of business.

D. Physical Education and Physical Activity

1. Goals of the Physical Education Program

The goal of the physical education program is to promote lifelong physical activity and provide instruction in the skills and knowledge necessary for lifelong participation in physical activity. To address issues such as obesity, cardiovascular disease, and Type II diabetes, students enrolled in kindergarten through eighth grade must have the opportunity to participate in physical activity as part of the system's physical education curriculum. The goal for elementary schools is to provide 150 minutes weekly of quality physical education with a certified physical education teacher. The goal for middle schools is to provide 225 minutes weekly of Healthful Living Education, divided equally between health and physical education with certified health and physical education teachers.

2. The Physical Education Course

The physical education course should be designed to foster support and guidance for being physically active, help students know and understand the value of being physically fit, and teach students the types of activities that contribute to total fitness. The course is to be taught in an environment where students can learn, practice, and receive assessment on developmentally appropriate skills and knowledge as defined in the North Carolina Healthful Living Standard Course of Study. Students should be engaged in moderate to vigorous physical activity for fifty percent or more of class time. Class for physical education should be equivalent in size to those of other academic classes.

3. Physical Activity Requirements and Goals

School personnel should strive to provide opportunities for age-and developmentally-appropriate physical activity during the day for all students so that students can learn how to maintain a physically active lifestyle. Schools must provide a minimum of 30 minutes of moderate to vigorous physical activity daily for kindergarten through eighth-grade students. Such activity may be achieved through a regular daily physical education class as described in Sections D.1 and D.2 above, or through recess, dance, classroom energizers and/or other curriculum-based physical activity programs of at least 10 minutes duration, that, when combined, total 30 minutes of daily physical activity. Principals shall work with teachers to ensure that students meet the minimum physical activity requirement. The board will periodically measure and report progress toward meeting these goals.

To ensure that students have ongoing opportunities for physical activity and maintain a positive attitude towards physical activity, structured/unstructured recess and other physical activity may not be taken away from students as a form of punishment. In addition, severe and inappropriate exercise may not be used as a form of punishment for students.

In conjunction with the school health advisory council, the board establishes the following additional specific evidence-based goals and strategies for physical activity:

E. Other School-Based Activities to Promote Wellness

In addition to the standards discussed above, the Board adopts the following goals for school-based activities designed to promote wellness:

1. System schools will provide a clean and safe meal environment.
2. Students will be provided adequate time to eat meals.
3. Drinking water will be available at all meal periods and throughout the school day.
4. Professional development will be provided for system nutrition staff.
5. To the extent possible, the system will utilize available funding and outside programs to enhance student wellness.
6. Food will not be used in the schools as a reward or punishment.
7. As appropriate, the goals of this student wellness policy will be considered in planning all school-based activities.
8. Administrators, teachers, school nutrition personnel, students, parents or guardians and community members will be encouraged to serve as positive role models to promote student wellness.

F. Implementation and Review of Policy

1. Oversight and Monitoring of Implementation and Progress

The lead wellness official, in conjunction with the school health advisory council, shall oversee the implementation of this policy and monitor system schools, programs, and curricula to ensure compliance with and to assess progress under this policy, related policies, and established guidelines or administrative regulations. Each principal shall be responsible for and shall report to the lead wellness official regarding compliance and measurements of progress in his or her school. Staff members responsible for programs related to student wellness also shall report to the lead wellness official regarding the status of such programs.

2. Review of Policy

The lead wellness official shall work with members of the school health advisory council to periodically review and update this policy based on the triennial assessment of the school system's compliance with the policy (see subsection F.4 below), progress toward meeting the policy goals, and other relevant factors. The lead wellness official shall document the review process and participants, and the method used to notify the school health advisory council and/or other stakeholders of their ability to participate.

3. Annual Reporting

The lead wellness official shall prepare annual written reports to the superintendent and NCDPI/State Board of Education that provide all information required by the superintendent and/or the state pertaining to the school system's efforts to comply with this policy and SBE policy SHLT-000.

4. Triennial Assessment

Beginning with school year 2017-18, and least once every three years thereafter, the superintendent or designee shall report to the board and public on the system's compliance with laws and policies related to student wellness, the implementation of this policy, and progress toward meeting the goals of the policy. At a minimum, the superintendent or designee shall measure and report the following:

- 1) the extent to which the individual schools are in compliance with this policy;
- 2) the extent to which the Board's wellness policy compares to model local school wellness policies and meets state and federal requirements; and
- 3) a description of the progress made in attaining the goals of this policy.

The report may also include the following items:

- 4) a summary of each school's activities undertaken in support of the policy goals;
- 5) an assessment of the school environment regarding student wellness issues;
- 6) an evaluation of the school nutrition services program;
- 7) a review of all foods and beverages sold in schools for compliance with established nutrition guidelines;
- 8) a review of guidelines for foods and beverages available, but not sold, during the school day, as described in subsection C.3 above;
- 9) information provided in the report from the school health advisory council, as described in Section A, above; and
- 10) suggestions for improvement to this policy or other policies or programs.

G. Public Notification

1. The school system will publish contact information for the lead wellness official on the school system website.
2. The lead wellness official shall assist the school health advisory council with annually informing and updating the public about this policy and its implementation and State Board policy SHLT-000.
3. The superintendent or designee shall make public the results of the triennial assessment described in subsection F.4 of this policy.
4. All information required to be reported under this section and any additional information required by the state to be reported publicly shall be widely disseminated to students, parents, and the community in an accessible and easily understood manner, which may include by posting on the school system website.

H. Recordkeeping

The superintendent shall maintain records to document compliance with this policy and all federal and state requirements. These records, at a minimum, must include:

1. a written copy of this policy and any updates;
2. the most recent triennial assessment for each school;
3. documentation demonstrating;
 - a. the efforts to review and update this policy, as described in subsection F.2 of this policy;
 - b. how this policy and information about the most recent triennial assessments have been made available to the public, as described in Section G;
 - c. compliance with the annual reporting requirements of subsection F.3; and
 - d. other efforts to involve the school health advisory council and/or other community members in the implementation of or assessment of compliance with this policy.

ADMINISTERING MEDICINES TO STUDENTS

(Policy: 6125)

The board recognizes that students may need to take medication during school hours. School personnel may administer medication prescribed by a health care practitioner upon the written request of a student's parent. In limited circumstances, a student may be authorized to self-administer medications. To minimize disruptions to the school day, students should take medications at home rather than at school whenever feasible. School officials may deny a request to administer any medication that could be taken at home or when, in the opinion of the superintendent or designee in consultation with school nursing personnel, other treatment options exist and the administration of the medication by school personnel would pose a substantial risk of harm to the student or others.

For purposes of this policy, all references to “parent” include parents, legal guardians, and legal custodians. In addition, for purposes of this policy, the term “health care practitioner” is limited to licensed medical professionals who are legally authorized to prescribe medications under North Carolina law, such as doctors of medicine, doctors of osteopathic medicine, physician assistants, and nurse practitioners.

Unless otherwise indicated, the terms “medication” and “medicine” include any substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of any disease. The term includes all prescription medications and all such substances available over-the-counter without a prescription, such as drugs, herbs, alternative medicines, and supplements (hereinafter “over-the-counter drugs”). The administration of any prescription or over-the-counter drug to students by school employees is prohibited except when performed in accordance with Section A. The self-administration of any prescription or over-the-counter drug by students at school is prohibited and constitutes a violation of policy 4325, Drugs and Alcohol, except in the limited circumstances described in Section C.

The administration, including by parents, school employees, or self-administration, of any substance containing cannabidiol (CBD) or tetrahydrocannabinol (THC) at school is prohibited unless (1) authorized by and administered by a caregiver in accordance with G.S. 90-94.1 and G.S. 90-113.101 for the treatment of intractable epilepsy, or (2) the CBD or THC product is available by prescription only and has been approved by the U.S. Food & Drug Administration (FDA); and all requirements of this policy are met.

A. MEDICATION ADMINISTRATION BY SCHOOL EMPLOYEES

1. Conditions for Administering Medication

Authorized school employees may administer medication to students when all of the following conditions are met. These conditions apply to all medications, including those available over-the-counter without a prescription.

- a. Parental Consent: The student’s parent must make a signed, written request that authorizes school personnel to administer the medication to the student.
- b. Medication Authorization/Order: A health care practitioner must prescribe the medication for use by the student and provide explicit written instructions for administering the medication.
- c. Certification of Necessity: The student’s health care practitioner must certify that administration of the medication to the student during the school day is necessary to maintain and support the student’s continued presence in school.
- d. Proper Container/Labeling: If the medication to be administered is available by prescription only, the parent must provide the medication in a pharmacy-labeled container with directions for how and when the medicine is to be given. If the medication is available over-the-counter, it must be provided in the original container or packaging, labeled with the student’s name.
- e. Proper Administration: The employee must administer the medication pursuant to the health care practitioner’s written instructions provided to the school by the student’s parent, and in accordance with professional standards.

The board of education and its employees assume no liability for complications or side effects of medication when administered in accordance with the instructions provided by the parent and health care practitioner.

2. Procedures for Administering Medications

The superintendent shall develop procedures for the implementation of this policy. The procedures and a copy of this policy must be made available to all students and parents each school year. The superintendent’s procedures should be developed according to the guidelines listed below.

- a. The health and welfare of the student must be of paramount concern in all decisions regarding the administration of medication.
- b. Procedures for medication administration must be consistent with recommendations of the School Health Unit of the Children & Youth Branch of the N.C. Division of Public Health, as described in the *North Carolina School Health Program Manual*.
- c. Students with special needs are to be afforded all rights provided by federal and state law as enumerated in the *Policies Governing Services for Children with Disabilities*. Students with disabilities also are to be afforded all rights provided by anti-discrimination laws, including Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.

- d. Except as permitted by this policy, no student may possess, use, sell, deliver, or manufacture any drug or counterfeit drug prohibited by policy 4325, Drugs and Alcohol, nor be under the influence of any drug in violation of that policy.
- e. The board generally encourages school personnel to administer medication from a centralized location. However, in all instances, whether administered from a centralized location or multiple locations, any medications kept at school for a student must be kept in a locked and secure place. An exception to the requirement for locked storage may be made for emergency medications that must be immediately accessible.
- f. All school personnel who will be administering medications must receive appropriate training.
- g. Only medications clearly prescribed for the student may be administered by school personnel. At the time a parent brings a medication to school for administration, if school personnel have concerns regarding the appropriateness of the medication or dosage for a student, a confirmation should be obtained from the student's health care practitioner or another health care practitioner prior to administering the medication or allowing a student to self-administer the medication.
- h. Although efforts should be made not to disrupt instructional time, a parent has the right to administer medication to his or her child at any time while the child is on school property, unless otherwise prohibited by this policy.
- i. Written information maintained by school personnel regarding a student's medicinal and health needs is confidential. Parents and students must be accorded all rights provided by the Family Educational Rights and Privacy Act and state confidentiality laws. Any employee who violates the confidentiality of the records may be subject to disciplinary action.

B. EMERGENCY MEDICATION

Students who are at risk for medical emergencies, such as those with diabetes, asthma, or severe allergies, must have an emergency health care plan developed for them to address emergency administration of medication. Students must meet the requirements of subsection A.1, above, including providing authorization and instructions from the health care practitioner and written consent of the parent, in order for emergency medication to be administered by school personnel while the student is at school, at a school sponsored activity, and/or while in transit to or from school or a school-sponsored event.

C. STUDENT SELF-ADMINISTERING MEDICATIONS

The board recognizes that students with certain health conditions like diabetes or asthma, or an allergy that could result in an anaphylactic reaction, may need to possess and self-administer medication on school property in accordance with their individualized health care plan or emergency health care plan.

Students are prohibited from self-administering medication at school unless (1) the medicine has been prescribed for the treatment of diabetes, asthma, or anaphylactic reactions, including insulin or a source of glucose, a prescribed asthma inhaler, or a prescribed epinephrine auto-injector; (2) the medicine is administered in accordance with the student's individualized health care plan or emergency health care plan and any relevant administrative regulations; and (3) the requirements of this section are met. The superintendent shall develop procedures for the possession and self-administration of such medication by students on school property during the school day, at school-sponsored activities, and/or while in transit to or from school or school-sponsored events.

1. Authorization to Self-Administer Medication

Before a student will be allowed to self-administer medication pursuant to this section, the student's parent must provide to the principal or designee all of the documents listed below:

- a. written authorization from the student's parent for the student to possess and self-administer the medication;
- b. a written statement from the student's health care practitioner verifying that:
 - 1) the student has diabetes or asthma, or an allergy that could result in anaphylactic reaction;
 - 2) the health care practitioner prescribed the medication for use on school property during the school day, at school-sponsored activities, or while in transit to or from school or school-sponsored events; and
 - 3) the student understands, has been instructed in self-administration of the medication, and has demonstrated the skill level necessary to use the medication and any accompanying device;

- c. a written treatment plan and written emergency protocol formulated by the prescribing health care practitioner for managing the student's diabetes, asthma, or anaphylaxis episodes and for medication use by the student;
- d. a statement provided by the school system and signed by the student's parent acknowledging that the board of education and its employees and agents are not liable for injury arising from the student's possession and self-administration of the medication; and
- e. any other documents or items necessary to comply with state and federal laws.

Prior to being permitted to self-administer medication at school, the student also must demonstrate to the school nurse, or the nurse's designee, the skill level necessary to use the medication and any accompanying device.

The student's parent must provide to the school backup medication that school personnel are to keep in a location to which the student has immediate access in the event the student does not have the required medication.

All information provided to the school by the student's parent must be reviewed by the school nurse and kept on file at the school in an easily accessible location. Any permission granted by the principal or designee for a student to possess and self-administer medication will be effective only for the same school for 365 calendar days. Such permission must be renewed each school year.

2. Responsibilities of the Student

A student who is authorized in accordance with this policy to carry medication for self-administration must carry the medication in the original labeled container with the student's name on the label.

3. Consequences for Improper Use

A student who uses his or her medication in a manner other than as prescribed or who permits another person to use the medication may be subject to disciplinary action pursuant to the school disciplinary policy. However, school officials shall not impose disciplinary action on the student that limits or restricts the student's immediate access to the diabetes, asthma, or anaphylactic medication.

The board does not assume any responsibility for the administration of medication to a student by the student, the student's parent, or any other person who is not authorized by this policy to administer medications to students.

INSTRUCTIONAL MATERIALS SERVICES

(Policy: 6525)

In an effort to reduce educational costs and to promote individual responsibility for public property, the board establishes the following requirements for textbook and/or electronic devices services:

1. records will be kept on the condition of all textbooks, and/or electronic devices including the condition of the books and/or electronic devices at the time they are issued to students;
2. instructional personnel shall emphasize to students their responsibility to maintain materials in good condition;
3. students who lose or fail to return issued textbooks and/or electronic devices will be charged a prorated cost;
4. students who return a book and/or electronic devices in such condition as to be unusable for another student will be charged a prorated cost; and
5. parents shall be notified of the student's responsibility in caring for books and/or electronic devices properly and of the parents' or guardians' responsibility for paying for any books and/or electronic devices if lost or appreciably damaged.

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 as they need to be proficient at a particular level of study. Students will be promoted to the next level of study as described in this policy.

B. STUDENT PROMOTION STANDARDS

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

C. DIPLOMA STANDARDS

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

D. APPEALS OF PROMOTION DECISIONS

1. Appeal to the Superintendent

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

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

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

2. Appeal to the Board of Education

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

E. READING CAMPS

The board will provide reading camp opportunities as required by law at no fee for students who have not yet demonstrated reading proficiency on a third grade level at the end of third grade and for first and second grade students whose demonstrated reading comprehension is below grade level. The superintendent or designee shall encourage parents of eligible students to enroll their students in a reading camp. To the extent resources permit, the board will offer fee-based reading camp opportunities to students who have successfully demonstrated reading proficiency appropriate for a third grade student and to first and second grade students who have demonstrated appropriate developmental abilities in reading comprehension. Annually, the board will establish criteria for priority enrollment in its fee-based reading camps and will set the attendance fee at an amount not to exceed the statutory limit. The superintendent or designee shall notify interested parents of the application procedure for the fee-based reading camps.

F. PROMOTION STANDARDS FOR STUDENTS WITH DISABILITIES

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

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

G. CREDIT BY DEMONSTRATED MASTERY

Beginning with the 2014-15 school year, the superintendent shall provide opportunities for students in grades 9 through 12 to earn course credit by demonstrating mastery of the course material without first completing the regular period of classroom instruction in the course. Students in grades 6 through 8 may earn credit by demonstrated mastery for high school courses offered in middle school. To earn credit by demonstrated mastery,

students must demonstrate a deep understanding of the content standards and application of knowledge through a multi-phase assessment, in accordance with standards established by the State Board of Education and any additional standards established by the superintendent.

H. CREDIT RECOVERY

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

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

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

I. REPEATING A COURSE FOR CREDIT

1. Repeating a Previously Failed Course

As provided in State Board of Education policy GCS-M-001, high school students who fail a course for credit may repeat that course. To take advantage of this option, the student must repeat the entire course. Beginning with the 2015-16 school year, when a student initially fails a high school course and successfully repeats the course for credit, the new course grade will replace the original failing grade for the course on the student's transcript and in calculations of the student's GPA, class rank, and honor roll eligibility. The superintendent may develop procedures for students to indicate their intent to repeat a course for credit under this paragraph and may establish any other rules as necessary and consistent with State Board policy.

2. Repeating a Course for which Credit was Earned (Grade Replacement)

The board recognizes that high school students may need to repeat a course for which they have earned credit in order to increase their understanding of the course content, to improve skill mastery, or to meet postsecondary goals. Students may repeat a course for which they have previously earned credit, subject to the following preconditions and any other reasonable rules established by the superintendent:

- a. the student must have earned a letter grade of C or lower in the course on the first attempt;
- b. the student must make a written request to repeat the course;
- c. the principal or designee must approve the request;
- d. there must be space available after seats have been assigned to students who are taking the course for the first time or repeating a previously failed course;
- e. the course to be repeated must be a duplicate of the original class and must be taken during the regular school day at a high school in this school system or through the North Carolina Virtual Public School;
- f. upon completion of the repeated course, the new course grade will replace the student's original grade on the student's transcript and in calculations of the student's GPA, class rank, and honor roll eligibility, regardless of whether the later grade is higher or lower than the student's original mark;
- g. credit towards graduation for the same course will be given only once;
- h. a course may be repeated only one time; and
- i. students may repeat a maximum of four previously passed courses during their high school careers.

The superintendent shall require notice to students and parents of these preconditions and of any other relevant information deemed advisable by the superintendent.

J. ACCELERATION

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

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

K. REPORTING REQUIREMENTS

1. Superintendent's Report to the Board

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

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

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

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

3. Publication on the School System Website

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

L. RESOURCES

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

M. NOTIFICATION TO PARENTS

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

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

N. CHILDREN OF MILITARY FAMILIES

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

TECHNOLOGY RESPONSIBLE USE

(Policy: 3225/4312/7320)

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

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

A. EXPECTATIONS FOR USE OF SCHOOL TECHNOLOGICAL RESOURCES

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

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

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

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

B. RULES FOR USE OF SCHOOL TECHNOLOGY RESOURCES

1. School system technological resources are provided for school-related purposes only. Acceptable uses of such technological resources are limited to responsible, efficient and legal activities that support learning and teaching. Use of school system technological resources for commercial gain or profit is prohibited. Student personal use of school system technological resources for amusement or entertainment is also prohibited. Because some incidental and occasional personal use by employees is inevitable, the board permits infrequent and brief personal use by employees so long as it occurs on personal time, does not interfere with school system business and is not otherwise prohibited by board policy or procedure.
2. Under no circumstance may software purchased by the school system be copied for personal use.
3. Students and employees must comply with all applicable laws, including those relating to copyrights and trademarks, confidential information, and public records. Any use that violates state or federal law is strictly prohibited. Plagiarism of Internet resources will be treated in the same manner as any other incidents of plagiarism, as stated in the Code of Student Conduct.
4. No user of technological resources, including a person sending or receiving electronic communications, may engage in creating, intentionally viewing, accessing, downloading, storing, printing or transmitting images, graphics (including still or moving pictures), sound files, text files, documents, messages or other

material that is obscene, defamatory, profane, pornographic, harassing, abusive or considered to be harmful to minors.

5. The use of anonymous proxies to circumvent content filtering is prohibited.
6. Users may not install or use any Internet-based file sharing program designed to facilitate illegal sharing of copyrighted material.
7. Users of technological resources may not send electronic communications fraudulently (i.e., by misrepresenting the identity of the sender).
8. Users must respect the privacy of others. When using e-mail, chat rooms, blogs or other forms of electronic communication, students must not reveal personal identifying information, or information that is private or confidential, such as the home address or telephone number, credit or checking account information or social security number of themselves or fellow students. For further information regarding what constitutes personal identifying information, see policy 4705-7825, Confidentiality of Personal Identifying Information. In addition, school employees must not disclose on school system websites or web pages or elsewhere on the Internet any personally identifiable, private or confidential information concerning students (including names, addresses or pictures) without the written permission of a parent or guardian or an eligible student, except as otherwise permitted by the Family Educational Rights and Privacy Act (FERPA) or policy 4700, Student Records. Users also may not forward or post personal communications without the author's prior consent.
9. Users may not intentionally or negligently damage computers, computer systems, electronic devices, software, computer networks or data of any user connected to school system technological resources. Users may not knowingly or negligently transmit computer viruses or self-replicating messages or deliberately try to degrade or disrupt system performance. Users must scan any downloaded files for viruses.
10. Users may not create or introduce games, network communications programs or any foreign program or software onto any school system computer, electronic device, or network without the express permission of the technology director or designee.
11. Users are prohibited from engaging in unauthorized or unlawful activities, such as "hacking" or using the computer network to gain or attempt to gain unauthorized or unlawful access to other computers, computer systems or accounts.
12. Users are prohibited from using another individual's ID or password for any technological resource without permission from the individual. Students must also have permission from the teacher or other school official.
13. Users may not read, alter, change, block, execute or delete files or communications belonging to another user without the owner's express prior permission.
14. Employees shall not use passwords or user IDs for any data system (e.g., the state student information and instructional improvement system applications, time-keeping software, etc.) for an unauthorized or improper purpose.
15. If a user identifies a security problem on a technological resource, he or she must immediately notify a system administrator. Users must not demonstrate the problem to other users. Any user identified as a security risk will be denied access.
16. Teachers shall make reasonable efforts to supervise students' use of the Internet during instructional time.
17. Views may be expressed on the Internet or other technological resources as representing the view of the school system or part of the school system only with prior approval by the superintendent or designee.

C. RESTRICTED MATERIAL ON THE INTERNET

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

responsible for the content accessed by users who connect to the Internet via their personal mobile telephone technology (e.g., 3G, 4G service).

D. PARENTAL CONSENT

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

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

E. PRIVACY

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

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

F. USE OF PERSONAL TECHNOLOGY ON SCHOOL SYSTEM PROPERTY

Each principal may establish rules for his or her school site as to whether and how personal technology devices (including, but not limited to smart phones, tablets, laptops, etc.) may be used on campus. Students' devices are governed also by policy 4318, Use of Wireless Communication Devices. The school system assumes no responsibility for personal technology devices brought to school.

G. PERSONAL WEBSITES

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

1. Students

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

2. Employees

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

3. Volunteers

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

SCHOOL REASSIGNMENT

(Policy: 4150)

The Board of Education believes that in most cases, students should be assigned to school in the assignment area that serves the student's domicile. School facilities have been designed to serve the student population of their respective attendance areas. Proper local school organization and operation, the allotment of teachers and supporting services, effective long-range planning, and the need to reduce mobile classrooms are dependent on a stable student body.

A. ASSIGNMENT AREAS

The superintendent shall recommend to the board school assignment areas for the schools in the system.

The assignment areas will be developed in accordance with state requirements and court rulings; the need to serve all school-age children who live in the school system; and the effective use of each school facility. Assignments must be made in a non-discriminatory manner.

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

B. ASSIGNMENT OF STUDENTS

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

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

C. REQUESTS FOR REASSIGNMENT

1. Procedures for Requesting Reassignment.

- a. Reassignment request for the upcoming school year.
 - i. Parents or guardians may request assignment to a school outside of their regular attendance area or away from their current school of assignment for the upcoming school year.
 - ii. Such a request must be submitted by completing a written request on the Chatham County Schools' transfer request form to the office of the Superintendent.
 - iii. Requests received by June 1 for the upcoming school year will be processed and a decision made by the Superintendent no later than July 15.
 - iv. Written requests must include the specific reason for the requested transfer and any supporting documentation the parents would like to be taken into consideration.
 - v. The Superintendent/Designee will render a decision and provide written notice to the parent via regular mail, certified mail, email or any other reasonable method designed to achieve actual notice, within thirty (30) days, except that requests for transfer to a school with current or projected brick and mortar capacity between 95-100% will not be processed until after July 1st.
 - vi. Reassignment requests for schools that exceed the rated brick and mortar capacity will not be considered unless the student is a child of an employee.
- b. Reassignment requests during the school year.
 - i. Parents or guardians may request assignment to a school outside of their regular attendance area or away from their current school of assignment during the school year by following the same process articulated above.
 - ii. Requests received by the Superintendent will be processed and a decision will be made by the Superintendent within thirty (30) school days.
 - iii. Reassignment requests for schools that exceed the rated brick and mortar capacity will not be considered unless the student is a child of an employee.

2. Factors Considered when Reassignment is Requested.

When submitting a transfer request, parents must articulate one or more of the following reasons for transfer:

- a. Special Curricular Needs. A student who is unable to obtain required courses or programs in their regularly assigned school may be reassigned to another school within the district which can best meet the student's needs. If a student is reassigned to access a special program or course, failure to remain in special program or course will result in revocation of reassignment. Once the course sequence has been completed the student will return to his/her base school.
- b. Extreme Hardship. A student may be reassigned or transferred because of extreme or unusual circumstances which affect the student's achievement and/or behavior in school, when it is established that such reassignment or transfer is in the best interest of the student.
- c. Children of Employees. A Chatham County school employee's child(ren) may be reassigned to another school within the attendance zone of the employee's worksite. If the employee is transferred to a different location within the District, or separates from service from the Chatham County Schools during the school year, AND the student is domiciled in Chatham County, the student may elect to choose to finish out that school year in the same school, regardless of the brick and mortar capacity of either school and provided they submit a transfer request pursuant to this policy. If the student elects to remain in the first school in order to complete that year, parents or guardians of the student will be responsible for their child's transportation to school, and the student will be assigned to the school according to the area in which he or she lives at the beginning of the next school year. If the employee separates from service and is not domiciled within Chatham County, their child(ren) must seek continued enrollment as prescribed in Board policies 4130, *Discretionary Admissions and Releases*, and 4135, *Tuition for Discretionary Admissions*.
- d. Reassignment of Siblings. Parents may seek the reassignment of siblings for any student that has been granted reassignment.

3. Factors Not Considered. The reassignment of a student may be denied or rescinded by Superintendent/Designee for one or more of the following reasons:

- a. Parent/Guardian Difference of Opinion with School Leadership/Rules. Citing quality of school, difference of opinion with school staff regarding grades, homework, discipline, retention, or class assignment are not acceptable reasons to request a reassignment.
- b. Request Is For Athletic Participation. Athletics or participation in athletics may not be a sufficient reason for reassignment.
- c. Redistricting. Students may not be reassigned into or out of schools that have been redistricted for one school year.

4. Appeal to the Board When Reassignment Request is Denied. Parents seeking review by the Board of Education of any decision to deny a request for reassignment must submit a written request for a hearing before the Board of Education within 5 business days of receiving the notice of the denial from the Superintendent/Designee. The Board or a panel of the Board will hear the appeal. If a panel hears the appeal, the panel's recommendation will be submitted to the full Board for a final determination. At the hearing the Board will consider and make a determination based upon the interest of the child, the orderly and efficient administration of the public schools, the proper administration of the school to which reassignment is requested and the instruction, health and safety of the pupils there enrolled. The Board will promptly render a decision and notice of the decision will be given to the applicant by registered or certified mail.

D. CONDITIONS FOR REASSIGNMENT

1. The parent of any student reassigned to a new school at the request of a parent/guardian transfer request will be responsible for transporting the student to and from school.
2. Any reassignment request that is approved based upon false or misleading information will be declared void and the reassignment will be rescinded.
3. The student must attend school on a regular basis and abide by the school's rules and regulations. Excessive absences, tardiness or disciplinary referrals may be grounds for revocation of the reassignment.

4. The transfer or reassignment is valid through the terminal year for the school to which the student is reassigned. A new request must be submitted after the student completes the grades in the reassigned school. Exceptions to the term of assignment may be made for transfers granted pursuant to policy 4152, Unsafe School Choice Transfer, or policy 4125, Homeless Students. Any students granted reassignment to a school with a current or projected brick and mortar capacity at 95% or above will be granted reassignment for one year only and will require a new application for the following year.

E. SPECIAL CIRCUMSTANCES

1. Change of Residence Within the District During the School Year. A student whose legal residence changes from one school assignment area to another within the school district during the same school year may choose to finish out that school year in the same school, or attend school in the area to which they have moved, regardless of the brick and mortar capacity of either school, and provided they submit updated address information and transfer request pursuant to this policy. If they elect to remain in the first school in order to complete that year, they will be assigned to the school according to the area in which they live at the beginning of the next school year. A student who moves to another county and who is no longer domiciled in Chatham County schools must seek continued enrollment as prescribed in Board policies 4130, Discretionary Admissions and Releases, and 4135, Tuition for Discretionary Admissions and Releases. Students whose legal residence has changed but who choose to complete the school year at their first school will be responsible for their own transportation to school.
2. Change of Residence to Outside the District During the School Year. A student who moves to another county and who is no longer domiciled in Chatham County schools must seek continued enrollment as prescribed in Board policies 4130, *Discretionary Admissions and Releases*, and 4135, *Tuition for Discretionary Admissions*.
3. Unsafe School Choice Transfer under the No Child Left Behind Act. Transfers for students who are victims of violent criminal offenses at school or for students attending persistently dangerous schools as defined by State Board of Education policy will be made pursuant to policy 4152, Unsafe School Choice Transfer.
4. Transfer of Homeless Students. Students who become homeless between academic years, or during an academic year, may request to remain at the school of origin for the duration of their homelessness or may request to be enrolled in any public school that other students living in the same attendance area are eligible to attend. Any decision about the transfer or reassignment of a homeless student will be consistent with legal requirements and based on the student's best interest. (see policy 4125, Homeless Students).

F. ASSIGNMENT TO ALTERNATIVE SCHOOL

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

G. ADMINISTRATIVE TRANSFER

The Superintendent may administratively assign a student to any school in the system when the Superintendent determines that such action is in the best interest of the student and the schools affected, and that such action would not contravene the overall intent of the Board's school assignment policies.

Whenever a student is charged with a criminal offense, either as a juvenile or an adult, the Superintendent, based upon a review of the allegations associated with the arrest or criminal charges and an informal meeting with the student and parent/legal guardian, shall have the authority to effect an immediate involuntary transfer if the Superintendent, based upon a preponderance of the evidence, is of the opinion that peace, health, safety, or welfare of the students or staff of the Chatham County Schools may be disturbed by maintaining the student in his or her current placement. The student's parent/legal guardian may request a Board hearing to review the involuntary transfer. Any request for the Board must be submitted to the Superintendent's office within five (5) day of the notice of the involuntary transfer.

H. ATHLETIC WAITING PERIOD FOR TRANSFER STUDENTS

The Chatham County Board of Education does not grant transfers between schools for reasons of athletic participation. In accordance with North Carolina High School Athletic Association (NCHSAA) rules, a student

who is granted a voluntary transfer away from the base or assigned school to another Chatham County School shall not participate in interscholastic athletic activities for 365 days from the first approved transfer date. This waiting period does not apply to students whose transfer is due to a bona fide change in residence as defined by the NCHSAA. Students entering ninth grade for the first time are eligible to participate in athletic activities and are not required to seek a waiver.

Students granted a transfer within the district may apply to the Superintendent for a waiver of the athletic waiting period. The Superintendent's decision regarding an athletic eligibility waiver shall be final, except where the parent/guardian demonstrates a right to appeal to the Board of Education under N.C.G.S. 115C-45(c). The Superintendent may revoke a decision to permit a student to participate in athletics if at any time it is determined that the student has transferred for athletic purposes or that the student or parent submitted inaccurate or misleading information in support of the waiver request.

USE OF STUDENT TRANSPORTATION SERVICES

(Policy: 6320)

Student transportation services will be made available in a manner consistent with the board goals set out in policy 6300, Goals of Student Transportation Services. The first priority is to provide transportation to and from school to eligible students.

A. OTHER TRANSPORTATION SERVICES

Other transportation services may be made available as funding permits and in accordance with legal requirements and board policy. In particular, the Board establishes the following possible uses of other transportation services.

1. State-operated school buses may be used for instructional programs directly related to the curriculum when the trip and use of the bus are approved in accordance with board policy.
2. School buses may be used only for purposes expressly allowed by G.S. 115C-242.
3. School buses may not be used for athletic activities or extracurricular activities.
4. Activity buses and other vehicles meeting federal safety standards may be used for travel to athletic activities and travel to other approved school-related activities. In addition to students receiving regular school bus safety training, safety instruction will be provided to students traveling on activity buses or commercial buses as needed.
5. The board encourages the superintendent and principals to provide transportation services to enable students at risk of not meeting promotion standards to take advantage of additional or enhanced opportunities for learning.

B. SPECIAL USE OF SCHOOL BUSES

The board may authorize special uses of school buses as provided by G.S. 115C-242 and 115C-243. The superintendent shall present to the board any requests for special uses and the statutory support for allowing such authorization.

C. TRANSPORTATION FOR SPECIAL NEEDS STUDENTS

A student who is identified as having special needs following procedures in the North Carolina Policies Governing Services for Children with Disabilities will be provided with transportation services as required by law. When the school system's transportation services are unable to provide transportation for special needs students, the board may contract with public or private carriers to provide this service, pursuant to policy 6340, Transportation Service/Vehicle Contracts.

D. USE OF ACTIVITY BUSES BY NONPROFIT CORPORATIONS AND LOCAL GOVERNMENT UNITS

1. Nonprofit corporations and local government units may use school activity buses for activities involving the transportation of school-aged and preschool-aged children currently enrolled in the school system or who reside within the school district;
2. Nonprofit corporations and local government units may use activity buses only for round-trip transportation to and from the property of the entity where the activities are held;
3. Caretakers and instructors may also be transported, but only to and from the same activities to which the children are being transported;
4. The requesting entity must furnish a certificate of insurance for automotive liability coverage with a total limit coverage of \$2,000,000 for each claim made as well as documentation establishing that the bus driver (1) is licensed to operate the bus, (2) possesses adequate liability insurance, (3) has a good driving record,

- (4) DOT medical card (non Chatham County Schools employees only);
5. The requesting entity must execute a lease agreement that includes a provision that the Board shall be indemnified and held harmless for any act or omission that occurs during the permitted use;
6. Nonprofit corporations and local government units will be charged an outside rate of \$2.25 per mile to cover mileage and maintenance.

General Bus Transportation Policies

Students who are assigned outside their geographical area because of their request for a transfer are not guaranteed transportation.

Regular students who are medically certified as temporarily incapacitated may be considered for special accommodation.

If roads and other conditions permit, the buses shall be so routed that a bus will pass within one mile of the residence of each student.

The principal of each school assigns students to ride specific buses according to state guidelines and within load limits. Band instruments, projects, and other objects cannot take up student seating space or block aisle.

Policy on Releasing Students

In the event of an accident or mechanical failure that results in the bus being unable to complete the route, students will not be released to anyone.

They will be transferred to another bus and taken to their final destination.

Our drivers will not and cannot be expected to know who may or may not have legal custody of a child. The drivers do not know all of the parents. Therefore, for the safety for our children, we will not release any of our students.

Bus Stop Supervision: Grades PreK-3

It is the duty and responsibility of parents or their designee to provide supervision at the bus stop for grades PreK-3. Anyone who serves as a designee must be in the fourth grade or older, **signed permission is required.**

Procedure for unsupervised Bus Stop

The following procedure will be used when students (grades PreK-3) are unable to be left at drop off location and must be returned to school:

- (A) The driver will contact the school and take the child back to their school.
- (B) The school will contact parent to pick up child at the school.
- (C) The Unsupervised Bus Stop form will be used as documentation. *(This form may be found on the transportation department webpage on the Chatham County Schools website.)*
- (D) After the third time that no one is at home, the school will contact the Department of Social Services.

School Bus Law

State law makes it a Class 1 misdemeanor for any person to willfully trespass upon, damage, or impede the progress of a public school bus.

Student Conduct and Discipline

The principal shall make certain that all passengers assigned to a school bus for transportation are informed and cautioned, through class instruction, supervision, and otherwise, of the responsibility of the individual passenger for conduct and safety. The principal also shall inform parents of each passenger as to the responsibilities of bus passengers. Each bus passenger shall cooperate with the principal, teacher, and bus driver.

Students shall ride only their assigned bus and board and disembark at their assigned stops. Any changes in these assignments must be approved in writing by the school administrator who will inform the bus driver of the change.

Students are required to follow the rules and regulations of riding a public school bus.

The driver of a school bus shall have complete authority over and responsibility for the operation of the bus and maintaining good conduct upon the bus.

The driver shall report to the school administrator any misconduct on the bus or any violation of the driver's instructions.

A principal may take action on any misconduct, which occurs on a school bus, the same as if the violation had occurred on school grounds.

Penalties for violation of specified board policy as stated in the Student Code of Conduct apply to conduct occurring on the school bus. The designated copy of the Bus Discipline Form should be forwarded to the Transportation Director.

Service to Day Care Centers

Service to Day Care Centers may be provided when the following criteria are met:

- Must be located in the base attendance area of the school served.
- Must be ample seating space available on the bus.
- Must be located along an existing established school bus run on state maintained roads.
- Must be of no additional cost to the state.
- Request must be submitted in writing to school administrator by student's parent or legal guardian.
- Daycare staff must be present to load/unload students.
- Buses cannot enter daycare property that is considered private property.

School Bus Transportation – Frequently Asked Questions

What time does my child need to be waiting at his/her morning stop? Call the school. They will give parents/guardians an approximate time for morning arrival. Parents should have their child ready at bus stop five minutes before the bus is scheduled to arrive.

Will the bus leave the stop without my child if she/he is not waiting at the bus stop location? Yes. The student must be waiting at his/her stop at least five minutes prior to the designated time.

What time will the bus arrive to pick up my child? The morning times for bus runs will usually depend on certain variables. Most importantly, distance and traffic patterns play the most predominate role for morning bus arrival times. Please call the school for that information.

What is the maximum allowable walking distance for students to bus stops by law? State law says that one mile is the maximum allowable walking distance. The Chatham County Board of Education has adopted a policy of three-tenths of a mile for elementary students, three-tenths of a mile for middle, and five-tenths of a mile for high school students as the maximum walking distance to bus stops. Exceptions: Most of our sub-divisions are private and do not have state maintained roads. The maximum walking distance should not apply to most sub-divisions in our county. Several counties through out our state do not allow school buses to go into sub-divisions. A pick up point could be allowed in some cases.

My child's bus stop has been moved from the location where it has been located for several years. Why? The LEA is required to establish a bus stop for each student within one mile of the student's residence. Nearly all bus stops are, in reality, much closer than this. G.S. 115C-246 states that buses must be routed "so that the bus passes within one mile of the residence of each pupil assigned to that bus." Any bus stop within one mile of the residence is legal."

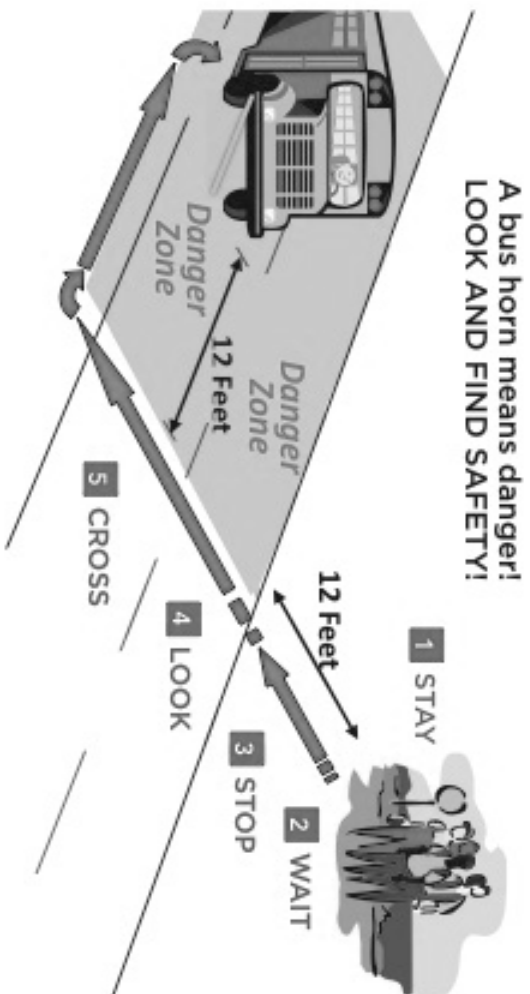
The bus won't come into my private subdivision. Why? G.S. 115C-246(b) states that "unless road or other conditions make it inadvisable, public school buses shall be routed on state-maintained highways, municipal streets, or other streets with publicly dedicated right-of-way." The local board of education shall not be responsible for damage to the roadway."

**For additional information about school transportation, refer to the transportation webpage on the Chatham County Schools website.*

Crossing the Street to Board the School Bus

STUDENT AND PARENT INSTRUCTION

- 1 STAY:** on your side of the road, 12 feet away from traffic.
- 2 WAIT:** for the bus to stop and the stop arm to extend. The Driver will be holding his left palm up for you to wait for traffic to stop
- 3 STOP:** and look for traffic both ways, then check again.
When it is OK the driver will give you a "thumbs up" and then point in the direction you will walk to cross the street
- 4 LOOK:** for moving traffic both ways as you walk directly across the road.
- 5 CROSS:** 12 feet in front of the bus in full view of your driver. Be careful in the danger zone and board the bus without delay.



Crossing the Highway is DANGEROUS - Cars May Not Stop!

Your life depends on the following:

- You must **LOOK BOTH WAYS** for moving cars. If a car is moving, do not step into the road.
- **PAY ATTENTION!** Take ear buds out! Don't talk or text!
- If you hear the **HORN**, look and find safety!
- **PARENTS**, even if you are crossing with your child, please follow these same steps.

For more information go to www.ncbussafety.org/safety or contact NC Department of Public Instruction, Transportation Services 919-807-3570.

MORNING

Crossing the Street when Exiting the School Bus

STUDENT AND PARENT INSTRUCTION

Crossing the Highway is DANGEROUS – Cars May Not Stop!

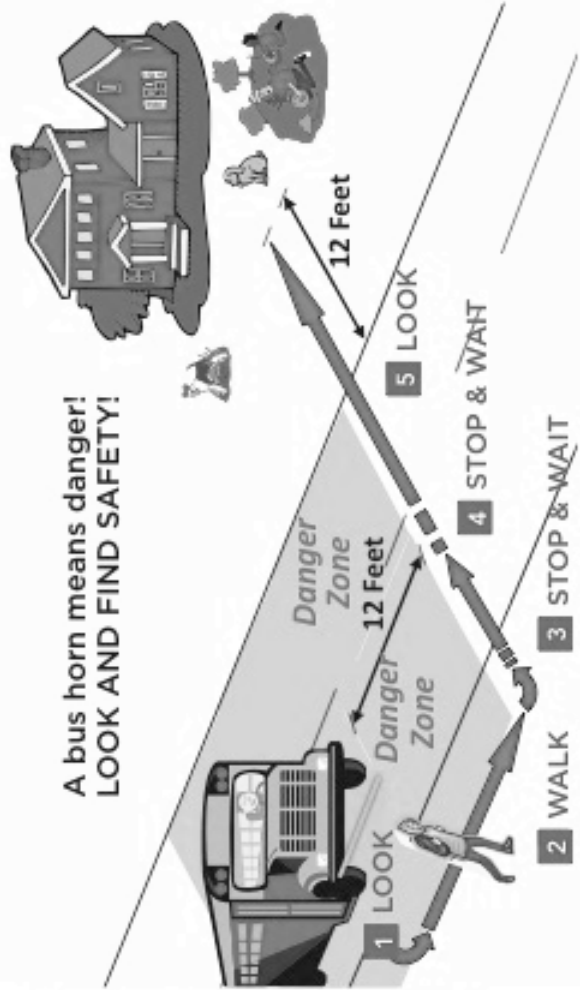
Your life depends on the following:

- You must **LOOK BOTH WAYS** for moving cars. If a car is moving, do not step into the road.
- **PAY ATTENTION!** Take ear buds out! Don't talk or text!
- If you hear the **HORN**, look and find safety!
- **PARENTS**, even if you are crossing with your child, please follow these same steps.



- 1 LOOK:** for traffic in all directions, especially to your right, before you step off the bus. Cars sometimes pass on the right side. When OK...
- 2 WALK:** away from the right front of the bus in full view of your driver, going past the extended bus crossing arm. Then stop and...
- 3 WAIT:** Your Bus Driver will be holding his right palm up for you to wait until all traffic is stopped.
- 4 STOP:** When it is OK to cross, the Driver will give you a "thumbs up" and then point in the direction you will walk to cross the street
- 5 LOOK:** for moving traffic as you promptly cross and move 12 feet off the road.

A bus horn means danger!
LOOK AND FIND SAFETY!



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AFTERNOON

SCHOOL VOLUNTEERS

(Policy: 5015)

The board recognizes the valuable contributions that school volunteers make to the learning process and the educational goals of the school system. Instructional programs are enhanced through the contributions of students' parents, community members, and local business and industry. These volunteers contribute time, resources, and expertise and assist the school system to reach the goal of providing a sound basic education to all children.

The superintendent shall provide for parents to be notified of their right to take four hours of unpaid leave from their jobs every year in order to volunteer in their child's school as stated in G.S. 95-28.3.

The board encourages schools administrators to develop and implement plans and procedures for utilizing school volunteers. The superintendent and designees are responsible for implementing and supervising school volunteer programs. School volunteer programs must provide the following:

1. adequate screening of volunteers based upon the amount of contact they will have with students;
2. the requirement that volunteers comply with policy 5020, Visitors to the Schools;
3. reasonable supervision of volunteers based at least in part upon the amount of contact they will have with students; and
4. adequate training of volunteers, including familiarizing volunteers with applicable laws, board policies (including policy 4040/7310, Staff-Student Relations), administrative procedures and school rules.

All school volunteers are expected to be professional and dependable in their volunteer activities.

PARENTAL INVOLVEMENT

(Policy: 1310/4002)

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

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

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

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

A. PARENT COMMUNICATION AND CONFERENCES

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

The principal or designee shall strive, through oral or written communication or other means, to include the parents of students identified as at-risk in the implementation and review of academic and/or behavioral interventions for their children, in accordance with policy 3405, Students at Risk of Academic Failure.

The principal or designee shall provide the parent of each student in kindergarten, first, or second grade with written notification of the student's reading progress. The notice will be provided three times a year, following each benchmark assessment and will include: (1) assessment results, (2) whether the child may not reach reading proficiency by the end of third grade; and (3) instructional support activities for use at home.

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

B. PARENTAL NOTIFICATION

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

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

1. parental rights related to student records (see policy 4700, Student Records);
2. parental rights related to student surveys (see policy 4720, Surveys of Students);
3. the approximate dates of any non-emergency, invasive physical examination or screening that is: (a) required as a condition of attendance, (b) administered and scheduled in advance by the school administration, and (c) not necessary to protect the immediate health and safety of students;
4. the schedule of pesticide use on school property and their right to request notification of nonscheduled pesticide use (see policy 9205, Pest Management);
5. student behavior policies, the Code of Student Conduct and school standards and rules (see policies in the 4300 series);
6. the permissible use of seclusion and restraint in the schools (see regulation 4302-R, Rules for Use of Seclusion and Restraint in Schools);
7. Policy 1720-4015-7225, Discrimination, Harassment and Bullying Complaint Procedure;
8. Policy 1740-4010, Student and Parent Grievance Procedure;
9. the dates of the system-wide and state-mandated tests that students will be required to take during the school year, how the results from the tests will be used and the consequences thereof, and whether each test is required by the State Board of Education or by the local board;
10. grading practices that will be followed at the school and, for parents of high school students, the method of computing the grade point averages that will be used for determining class rank (see policy 3400, Evaluation of Student Progress and policy 3450, Class Rankings);
11. available opportunities and the enrollment process for students to take advanced courses and information explaining the value of taking advanced courses;
12. a clear and concise explanation of the North Carolina testing and accountability system that includes all information required by federal law;
13. a report containing information about the school system and each school, including, but not limited to:
 - a. the following information both in the aggregate and disaggregated by category; student achievement, graduation rates, performance on other school quality and/or student success indicators, the progress of students toward meeting long-term goals established by the state, student performance on measures of school climate and safety, and, as available, the rate of enrollment in post-secondary education;
 - b. the performance of the school system on academic assessments as compared to the state as a whole and the performance of each school on academic assessments as compared to the state and school system as a whole;
 - c. the percentage and number of students who are:
 - I. assessed,
 - II. assessed using alternate assessments,
 - III. involved in preschool and accelerated coursework programs, and
 - IV. English learners achieving proficiency;
 - d. the per pupil expenditures of federal, state, and local funds; and
 - e. teacher qualifications
14. the grade awarded to the school on the most recent annual report card issued for it by the State Board of Education if the school received a grade of D or F;
15. supportive services available to students, including guidance, counseling and health services (see policy 3610, Counseling Program);
16. information about meningococcal meningitis and influenza, including the causes, symptoms and vaccines, how the diseases are spread, and places where parents and guardians may obtain additional information and vaccinations for their children;
17. for parents of students in Grades 5 through 12, information about cervical cancer, cervical dysplasia and human papillomavirus, including the causes and symptoms of these diseases, how they are transmitted, how they may be prevented by vaccination, including the benefits and possible side effects of vaccination, and places parents and

- guardians may obtain additional information and vaccinations for their children;
18. how to reach school officials in emergency situations during non-school hours;
 19. information about and an application form for free and reduced price meals and/or free milk (see policy 6225, Free and Reduced Price Food Services);
 20. information about the school breakfast program;
 21. information about the availability and location of free summer food service program meals for students when school is not in session;
 22. for parents of children with disabilities, procedural safeguards (see also policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities);
 23. information on the availability of the asbestos management plan and planned or in-progress inspections, re-inspections, response actions and post-response actions, including periodic re-inspection and surveillance activities;
 24. education rights of homeless students (see policy 4125, Homeless Students);
 25. the content and implementation of the local school wellness policy (see policy 6140, Student Wellness);
 26. their right to take four hours of unpaid leave from their jobs every year in order to volunteer in their child's school as stated in G.S. 95-28.3 (see policy 5015, School Volunteers);
 27. that the school system does not discriminate on the basis of race, color, national origin, sex, disability or age (see policy 1710-4021-7230, Prohibition Against Discrimination, Harassment and Bullying and policy 1730-4022-7231, Nondiscrimination on the Basis of Disabilities);
 28. that the school system provides equal access to its facilities, programs and activities to the Boy Scouts and other designated youth groups (see policy 7230, Prohibition Against Discrimination, Harassment and Bullying), and
 29. the availability of and the process for requesting a waiver or reduction of student fees (see policy 4600, Student Fees).

C. OPPORTUNITIES TO WITHHOLD CONSENT/OPT OUT

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

1. release of student directory information about their child for school purposes or to outside organizations (see policy 4700, Student Records);
2. release of their child's name, address and telephone listing to military recruiters or institutions of higher education (see policy 4700, Student Records);
3. their child's participation in curricula related to (a) prevention of sexually transmitted diseases, including Acquired Immune Deficiency Syndrome (AIDS); (b) avoidance of out-of-wedlock pregnancy; or (c) reproductive health and safety education, as provided in policy 3540, Comprehensive Health Education Program. A copy of the materials that will be used in these curricula will be available in the school media center during the school year and at other times that the media center is available to the public. To meet any review periods required by law, materials also may be made available for review in the central office;
4. their child's participation in academic or career guidance or personal or social counseling services of a generic nature offered to groups of students (e.g., peer relations strategies offered to all sixth graders). However, parental notification and permission are not required for: (a) short-duration academic, career, personal or social guidance and counseling and crisis intervention that is needed to maintain order, discipline or a productive learning environment; (b) student-initiated individual or group counseling targeted at a student's specific concerns or needs; and (c) counseling if child abuse or neglect is suspected (see policy 3610, Counseling Program, and policy 4240-7312, Child Abuse – Reports and Investigations);
5. their child's participation in non-Department of Education-funded surveys concerning protected topics (see policy 4720, Surveys of Students);
6. their child's participation in any non-emergency, invasive physical examination or screening that is: (a) required as a condition of attendance; (b) administered and scheduled in advance by the school administration; and (c) not necessary to protect the immediate health and safety of students;
7. the collection, disclosure or use of their child's personal information for marketing purposes (see policy 4720, Surveys of Students); and
8. release of their child's free and reduced-price meal information to State Medicaid or State children's health insurance program (SCHIP).

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

D. PARENTAL PERMISSION REQUIRED

Written parental permission is required prior to the following activities:

1. the administration of medications to students by employees of the school system (see policy 6125, Administering Medicines to Students);
2. the release of student records that are not considered directory information, unless the release is allowed or required by law (see policy 4700, Student Records);
3. off-campus trips;
4. students' participation in high-impact or high-risk sports or extracurricular activities, such as football or mountain climbing (see policy 4220, Student Insurance Program);
5. all decisions or actions as required by the IDEA with regard to providing special education or related services to students with disabilities (see policy 3520, Special Education Programs/Rights of Students with Disabilities);
6. certain health services, as required by law;
7. participation in a mental health assessment or mental health services under circumstances prescribed by federal law;
8. students' participation in programs or services that provide information about where to obtain contraceptives or abortion referral services;
9. students' participation in surveys funded by the Department of Education that are conducted concerning protected topics (see policy 4720, Surveys of Students);
10. disclosure of students' free and reduced price lunch eligibility information or eligibility status; and
11. students' independent access to the Internet, as described in policy 3225/4312/7320, Technology Responsible Use.

VISITORS TO THE SCHOOLS

(Policy: 5020)

The board encourages the community and parents to be involved in and support the schools and the educational program of the schools.

A. OPPORTUNITIES TO VISIT THE SCHOOLS

To encourage involvement, the following opportunities are provided to visit the schools.

1. Visitors are welcome to observe and learn about the educational program at each school subject to reasonable rules developed by school administrators.
2. Visitors are encouraged to use school facilities made available to the public, such as media centers or meeting spaces, as provided in policy 5030, Community Use of Facilities.
3. Visitors are invited to attend school events that are open to the public, such as athletic events, musical programs, and dramatic productions.

B. REQUIREMENTS OF VISITORS TO THE SCHOOLS

While the school board welcomes visitors to the schools, the paramount concern of the board is to provide a safe and orderly learning environment in which disruptions to instructional time are kept to a minimum. The superintendent and each principal shall establish and enforce reasonable rules to address this concern.

1. All school visitors during the school day must report immediately to the administrative office at the school to request and receive permission to be in the school. Each principal shall ensure that signs are posted in the school to notify visitors of this requirement.
2. School visitors are expected to comply with all school rules and school board policies, including policy 5025, Prohibition of Drugs and Alcohol Beverages; policy 5026/7250, Smoking and Tobacco Products; and policy 5027/7275, Weapons and Explosives Prohibited.
3. Persons who are subject to policy 5022, Registered Sex Offenders, must comply with the provisions of that policy.

C. ADDITIONAL REQUIREMENTS OF PROBATION OFFICERS

To minimize disruption to student learning and school operations, the board establishes the following additional requirements for visits by probation officers during the school day:

1. Probation officers may not visit students on school property during school hours unless the visit is conducted through the Division of Community Corrections' School Partnership Program.
2. Visits by probation officers must be authorized in advance by the school principal or designee or be the result of a request for assistance by a guidance counselor or school resource officer. The principal or designee at each school shall coordinate with probation officers to plan and schedule visits to occur at times least disruptive to the student's academic schedule and to school operations.

3. To protect the privacy of students, the principal or designee shall designate a private area for probation officers to meet with students away from contact with the general student population. Initial contact with the student will be made by a designated school employee, who shall direct the student to the private area to meet with the probation officer.
4. Probation officers may not initiate direct contact with any student while the student is in class or between classes.
5. All visits must be conducted in accordance with this policy and any additional guidelines developed by the superintendent or designee.

D. UNAUTHORIZED, DISRUPTIVE OR DANGEROUS VISITORS

If a school employee becomes aware that an individual is on a school property without having received permission or that an individual is exhibiting unusual, threatening or dangerous behavior, the employee must either direct the individual to the administrative office or notify the principal, designee or school resource officer, depending on the circumstances.

If a school employee suspects that an individual is on school property in violation of policy 5022, Registered Sex Offenders, the employee must immediately notify the principal, designee or school resource officer.

Students will be instructed to notify a school employee of any unusual or suspicious behavior by visitors. School employees shall inform the principal or designee immediately of a student's report of suspicious behavior on the part of a school visitor.

When an individual disrupts the educational environment, acts in a disorderly manner, damages school property, or violates board policy or the law, the principal or designee has authority to:

1. order the individual to leave school property;
2. notify law enforcement; or
3. take any other action deemed appropriate under the circumstances.

Failure to comply with a request to leave school grounds may result in the filing of trespass charges or other charges as appropriate against the offending individual.

The superintendent, upon recommendation from the principal, may deny an individual permission to come onto school grounds or enter a school facility for up to one school year if the individual is guilty of disruptive or dangerous behavior on school grounds.

Required Notifications

Project Child Find

Project Child Find identifies children and youth ages 3-21 who have disabilities and require special education and other related services. The Chatham County Schools Project Child Find is held each spring.

The local efforts to identify children and youth are part of a concentrated statewide effort to identify children who require special education. Project Child Find is also an endeavor to inform the parent(s) and/or guardian(s) of these children about services available from their local school system and other state and community agencies.

Assistance is available for children with special education needs. This help includes a complete evaluation, an individualized education program designed specifically for the child and a referral to other agencies providing special services.

Project Child Find is looking for children and youth who have been diagnosed or are suspected to have mental, physical or emotional disabilities and are unable to benefit from a regular school program without special assistance.

The Chatham County Schools Director for Exceptional Children encourages anyone who knows a child or youth who may have disabilities and is not in school or receiving special assistance, to contact: the school principal, the Exceptional Children Director, or the Department of Public Instruction's Exceptional Children Division.

The Education Rights of Students Experiencing Homelessness

Congress reauthorized in January of 2002 *The McKinney-Vento Homeless Assistance Act*, Subtitle VII-B, originally passed in 1987, to help people experiencing homelessness. This federal law includes the Education of Homeless Children and Youth Program that entitles children who are homeless to a free, appropriate public education and requires schools to remove barriers to their enrollment, attendance, and success in school. This Act protects all students who do not have a fixed, regular and adequate residence, such as students living in the following situations:

- Doubled-up housing with other families or friends due to hardship;
- Runaway/homeless youth shelters (even if parents invite the youth home);
- Hotels or motels;
- Shelters, including domestic violence shelters;
- Transitional housing shelters;
- Cars, abandoned buildings parks, the streets or other public spaces;
- Campgrounds or inadequate trailer homes
- Awaiting foster care placement; and/or
- Abandoned in a hospital.

Some key provisions in this federal law are listed below:

- Schools must immediately enroll students experiencing homelessness, even if they do not have proof of residency, school and immunization records, birth certificates or other documents, and even if they are not accompanied by an adult.
- A student in a homeless situation has the right to stay in his/her school of origin even if he/she moves out of the district.
- The LEA must arrange transportation for students experiencing homelessness even if the student's temporary housing arrangement is out of the district.
- Students experiencing homelessness are eligible, based on individual need, for services provided to other students such as preschool, free or reduced school meals, services for English language learners, special education, vocational/technical education, gifted and talented services, and before- and after-school care.
- Students in homeless situations are automatically eligible for Title I services.
- Students in homeless situations are to attend schools with children who are not experiencing homelessness rather than be placed in separate schools because they are homeless.
- Students experiencing homelessness are to have the opportunity to meet the same high academic achievement standards as all students.

Gifted Education

Gifted education in Chatham County is based on a rigorous, challenging curriculum that provides academic and intellectual depth for students who need instructional differentiation. The program differs from school to school, offers a variety of individual-oriented services and includes students from all socio-economic and ethnic groups. The program focuses on active learning, creativity, and academic rigor to meet the needs of gifted students.

Academically and Intellectually Gifted (AIG) students, in accordance with state law G.S. 115C-150.5, perform or show the potential to perform at substantially high levels of accomplishment when compared with others of their age, experience or environment. These students exhibit high performance capability in intellectual areas, specific academic fields or in both intellectual areas and specific academic fields. Academically or intellectually gifted students require differentiated education services beyond those ordinarily provided by the regular educational program. Outstanding abilities are present in students from all cultural groups, across all economic strata, and in all areas of human endeavor.

Students may refer themselves or may be referred by parents or teachers each year through the observation checklist inventory provided by the Chatham County Schools AIG program. This inventory, together with performance, achievement and aptitude data, will be used as the basis for a multi-step, multi-standard screening process by the school AIG team to make a decision concerning student need for differentiation services in the areas of reading and/or math.

Service options may consist of differentiation in the regular education setting, enrichment sessions with an AIG specialist, grouping by subject or interests, honors and AP courses or other strategies deemed appropriate by the school AIG committee.

Gifted education services are available to all students regardless of race, gender, age, religion, disability or national origin.

For additional information or issues of concern, please contact the AIG teacher, counselor or principal at your school, or the AIG Instructional Program Facilitator at (919) 542-3626.

SURVEYS OF STUDENTS

(Policy: 4720)

The superintendent will ensure that all notifications requirements of the Protection of Pupil Rights Amendment are met, along with any other legal requirements regarding the surveying of students.

A. PROTECTED TOPICS

The school district must obtain prior written consent of a parent or eligible student before the student is required to participate in any Department of Education-funded survey, analysis or evaluation that reveals information concerning the following “protected topics”:

- political affiliation or beliefs or the student or student’s parent;
- mental or psychological problems of the student or the student’s family;
- sex behavior and attitudes;
- illegal, antisocial, self-incriminating or demeaning behavior;
- critical appraisals of other individuals with whom respondents have close family relationships;
- legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers;
- religious practices, affiliations or beliefs of the student or the student’s parent; or
- income (other than required by law to determine eligibility for participation in a program or for receiving financial assistance under such program)

Upon request, parents have the right to review any survey that concerns one of the protected topics or any instructional materials used in any such survey. The district will take measures to protect the identification and privacy of students participating in any survey concerning any of the protected topics. These measures may include limiting access to completed surveys and to survey results, as allowed by law.

For surveys concerning the protected topics that are not funded in whole or in part by the Department of Education, the school district will notify parents at the beginning of each school year of the specific or

approximate dates when such surveys will be administered. Parents have the right to review any survey that concerns one of the protected topics or any instructional materials used in any such survey. Parents also will have the opportunity to opt their children out of participating in the survey(s).

B. SURVEY AND INTERVIEW GUIDELINES

College and university researchers, other researchers and some of our own students may request the privilege of administering surveys to students. Absolutely no surveys are to be taken unless the guidelines listed below and the other requirements of this policy are observed, and the survey is cleared with the superintendent or designee.

- The researcher requesting permission to administer a poll/survey will submit in writing a statement of the objectives of the project and the intended uses of the findings, including publication, to the principal and the superintendent or designee.
- The substance and form of the poll/survey will conform to reasonable standards of good taste.
- Arrangements for administration will be made so that the project will not be disruptive of any normal school activity.
- A reasonable time and place for administration will be arranged. The time arrangements for any survey will be sufficient to obtain an adequate sample of responses, but will not exceed such boundaries.
- It is strongly recommended that student poll/survey writers obtain the counsel of club advisors or other qualified adults in preparing the poll/survey.

C. COLLECTION OF STUDENT DATA FOR MARKETING PURPOSES

The school district generally will not collect, disclose or use personal student information for the purpose of marketing or selling the information or otherwise providing the information to others for that purpose. However, the district may collect such information from students if the information is used for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

- College or other postsecondary education recruitment, or military recruitment.
- Book clubs, magazines, and programs providing access to low-cost literary products.
- Curriculum and instructional material used by elementary schools and secondary schools.
- Tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments.
- The sale by students of products or services to raise funds for school-related or education-related activities.
- Student recognition programs.

If the district collects such information from students for the purpose of marketing or selling the information to develop, evaluate, or provide educational products or services as described above, upon request, parents may inspect any instrument used to collect the information, before it is administered or distributed to a student.

D. PARENT INVOLVEMENT

The board and superintendent will work with parents to create policies and guidelines concerning (1) the administration of surveys by third parties, (2) arrangements to protect student privacy in the administration of surveys containing a protected topic, (3) parental rights to review and inspect instructional materials or survey instruments, and (4) the collection, disclosure or use of personal information for marketing or selling purposes.

Parents Advised of Military "Opt Out"

The Student Services Department of Chatham County Schools wants parents of high school students to be aware of an option involving information and its release to military recruiters.

Military recruitment has long been part of the fabric of high school life. The military provides opportunities for students to further their education and receive high quality training after they graduate from high school. Recruiters take a genuine interest in students, helping them navigate academics and encouraging them to act responsibly and graduate on time.

The passing of the No Child Left Behind Act of 2001 has increased the recruiting scope of the military. As written and reported on the Federal Department of Education site (www.ed.gov/policy/gen/guid/fpco/hottopics/ht-10-09-02a.html), "each LEA (Local Education Agency) that receives funds under the ESEA must comply with a request

by a military recruiter or an institution of higher education for secondary students' names, addresses and telephone numbers."

However, the law also requires that school districts give students and parents the opportunity to withhold the student's contact information from the military. According to 20 U.S.C. 7908(a)(2), "A secondary school student or the parents of the student may request that the student's name, address and telephone listing...not be released without prior written parental consent, and the local educational agency or private school shall notify parents of the option to make a request and shall comply with any request."

To "Opt Out," parents must fill out a "Student/Parent Refusal Form for Military Recruiter Information Requests" and return that form to the principal of their child's school. Forms will be available at high school main offices, at school open houses and on the Chatham County Schools Student Services Department web site (www.chatham.k12.nc.us/central_office/instructional_services/student_services/index.html). New forms must be completed each year.

Questions can be directed to the school principal or to the Director of Student Services at the central office of Chatham County Schools at (919) 542-3626.

Safe Surrender of Newborns

A parent may legally abandon a newborn baby up to seven days old by surrendering the baby to a responsible person. According to General Statute §7B-500, the "following individuals shall, without a court order, take into temporary custody an infant under seven days of age that is voluntarily delivered to the individual by the infant's parent who does not express an intent to return for the infant:

- (1) A health care provider, as defined under G.S. 90-21.11, who is on duty or at a hospital or at a local or district health department or at a 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.
- (4) A certified emergency medical service worker who is on duty or at a fire or emergency medical services station.

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.

Healthy Youth Act of 2009

Each school year, before students may participate in any portion of (i) a program that pertains to or is intended to impart information or promote discussion or understanding in regard to the prevention of sexually transmitted diseases, including HIV/AIDS, or to the avoidance of out-of-wedlock pregnancy, or (ii) a reproductive health and safety education program, whether developed by the State or by the local Board of Education, the parents and legal guardians of those students shall be given an opportunity to review the objectives and materials. Local Boards of education shall adopt policies to provide opportunities either for parents and legal guardians to consent or for parents and legal guardians to withhold their consent to the students' participation in any or all of these programs.

(Please see Board Policy Code: 3540 for more information.)

Influenza (Flu) Vaccine (Live, Intranasal): What You Need to Know

Many Vaccine Information Statements are available in Spanish and other languages. See www.immunize.org/vis

Hojas de información sobre vacunas están disponibles en español y en muchos otros idiomas. Visite www.immunize.org/vis

1 Why get vaccinated?

Influenza vaccine can prevent **influenza (flu)**.

Flu is a contagious disease that spreads around the United States every year, usually between October and May. Anyone can get the flu, but it is more dangerous for some people. Infants and young children, people 65 years of age and older, pregnant women, and people with certain health conditions or a weakened immune system are at greatest risk of flu complications.

Pneumonia, bronchitis, sinus infections and ear infections are examples of flu-related complications. If you have a medical condition, such as heart disease, cancer or diabetes, flu can make it worse.

Flu can cause fever and chills, sore throat, muscle aches, fatigue, cough, headache, and runny or stuffy nose. Some people may have vomiting and diarrhea, though this is more common in children than adults.

Each year **thousands of people in the United States die from flu**, and many more are hospitalized. Flu vaccine prevents millions of illnesses and flu-related visits to the doctor each year.

2 Live, attenuated influenza vaccine

CDC recommends everyone 6 months of age and older get vaccinated every flu season. **Children 6 months through 8 years of age** may need 2 doses during a single flu season. **Everyone else** needs only 1 dose each flu season.

Live, attenuated influenza vaccine (called LAIV) is a nasal spray vaccine that may be given to non-pregnant people **2 through 49 years of age**.

It takes about 2 weeks for protection to develop after vaccination.

There are many flu viruses, and they are always changing. Each year a new flu vaccine is made to

protect against three or four viruses that are likely to cause disease in the upcoming flu season. Even when the vaccine doesn't exactly match these viruses, it may still provide some protection.

Influenza vaccine **does not cause flu**.

Influenza vaccine may be given at the same time as other vaccines.

3 Talk with your health care provider

Tell your vaccine provider if the person getting the vaccine:

- Is **younger than 2 years or older than 49 years** of age.
- Is **pregnant**.
- Has had an **allergic reaction after a previous dose of influenza vaccine**, or has any **severe, life-threatening allergies**.
- Is a **child or adolescent 2 through 17 years of age who is receiving aspirin or aspirin-containing products**.
- Has a **weakened immune system**.
- Is a **child 2 through 4 years old who has asthma or a history of wheezing** in the past 12 months.
- Has **taken influenza antiviral medication** in the previous 48 hours.
- **Cares for severely immunocompromised persons** who require a protected environment.
- Is **5 years or older and has asthma**.
- Has other **underlying medical conditions** that can put people at higher risk of serious flu complications (such as **lung disease, heart disease, kidney disease, kidney or liver disorders, neurologic or neuromuscular or metabolic disorders**).
- Has had **Guillain-Barré Syndrome** within 6 weeks after a previous dose of influenza vaccine.



U.S. Department of
Health and Human Services
Centers for Disease
Control and Prevention

In some cases, your health care provider may decide to postpone influenza vaccination to a future visit.

For some patients, a different type of influenza vaccine (inactivated or recombinant influenza vaccine) might be more appropriate than live, attenuated influenza vaccine.

People with minor illnesses, such as a cold, may be vaccinated. People who are moderately or severely ill should usually wait until they recover before getting influenza vaccine.

Your health care provider can give you more information.

4 Risks of a vaccine reaction

- Runny nose or nasal congestion, wheezing and headache can happen after LAIV.
- Vomiting, muscle aches, fever, sore throat and cough are other possible side effects.

If these problems occur, they usually begin soon after vaccination and are mild and short-lived.

As with any medicine, there is a very remote chance of a vaccine causing a severe allergic reaction, other serious injury, or death.

5 What if there is a serious problem?

An allergic reaction could occur after the vaccinated person leaves the clinic. If you see signs of a severe allergic reaction (hives, swelling of the face and throat, difficulty breathing, a fast heartbeat, dizziness, or weakness), call **9-1-1** and get the person to the nearest hospital.

For other signs that concern you, call your health care provider.

Adverse reactions should be reported to the Vaccine Adverse Event Reporting System (VAERS). Your health care provider will usually file this report, or you can do it yourself. Visit the VAERS website at www.vaers.hhs.gov or call **1-800-822-7967**. *VAERS is only for reporting reactions, and VAERS staff do not give medical advice.*

6 The National Vaccine Injury Compensation Program

The National Vaccine Injury Compensation Program (VICP) is a federal program that was created to compensate people who may have been injured by certain vaccines. Visit the VICP website at www.hrsa.gov/vaccinecompensation or call **1-800-338-2382** to learn about the program and about filing a claim. There is a time limit to file a claim for compensation.

7 How can I learn more?

- Ask your healthcare provider.
- Call your local or state health department.
- Contact the Centers for Disease Control and Prevention (CDC):
 - Call **1-800-232-4636 (1-800-CDC-INFO)** or
 - Visit CDC's www.cdc.gov/flu

Vaccine Information Statement (Interim)

**Live Attenuated
Influenza Vaccine**



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8/15/2019 | 42 U.S.C. § 300aa-26

VACCINE INFORMATION STATEMENT

HPV (Human Papillomavirus) Vaccine: *What You Need to Know*

Many Vaccine Information Statements are available in Spanish and other languages. See www.immunize.org/vis

Hojas de información sobre vacunas están disponibles en español y en muchos otros idiomas. Visite www.immunize.org/vis

1 Why get vaccinated?

HPV (Human papillomavirus) vaccine can prevent infection with some types of human papillomavirus.

HPV infections can cause certain types of cancers including:

- cervical, vaginal and vulvar cancers in women,
- penile cancer in men, and
- anal cancers in both men and women.

HPV vaccine prevents infection from the HPV types that cause over 90% of these cancers.

HPV is spread through intimate skin-to-skin or sexual contact. HPV infections are so common that nearly all men and women will get at least one type of HPV at some time in their lives.

Most HPV infections go away by themselves within 2 years. But sometimes HPV infections will last longer and can cause cancers later in life.

2 HPV vaccine

HPV vaccine is routinely recommended for adolescents at 11 or 12 years of age to ensure they are protected before they are exposed to the virus. HPV vaccine may be given beginning at age 9 years, and as late as age 45 years.

Most people older than 26 years will not benefit from HPV vaccination. Talk with your health care provider if you want more information.

Most children who get the first dose before 15 years of age need 2 doses of HPV vaccine. Anyone who gets the first dose on or after 15 years of age, and younger people with certain immunocompromising conditions, need 3 doses. Your health care provider can give you more information.

HPV vaccine may be given at the same time as other vaccines.

3 Talk with your health care provider

Tell your vaccine provider if the person getting the vaccine:

- Has had an **allergic reaction after a previous dose of HPV vaccine**, or has any **severe, life-threatening allergies**.
- Is **pregnant**.

In some cases, your health care provider may decide to postpone HPV vaccination to a future visit.

People with minor illnesses, such as a cold, may be vaccinated. People who are moderately or severely ill should usually wait until they recover before getting HPV vaccine.

Your health care provider can give you more information.

4 Risks of a vaccine reaction

- Soreness, redness, or swelling where the shot is given can happen after HPV vaccine.
- Fever or headache can happen after HPV vaccine.

People sometimes faint after medical procedures, including vaccination. Tell your provider if you feel dizzy or have vision changes or ringing in the ears.

As with any medicine, there is a very remote chance of a vaccine causing a severe allergic reaction, other serious injury, or death.



U.S. Department of
Health and Human Services
Centers for Disease
Control and Prevention

5 What if there is a serious problem?

An allergic reaction could occur after the vaccinated person leaves the clinic. If you see signs of a severe allergic reaction (hives, swelling of the face and throat, difficulty breathing, a fast heartbeat, dizziness, or weakness), call **9-1-1** and get the person to the nearest hospital.

For other signs that concern you, call your health care provider.

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Vaccine Information Statement (Interim)
HPV Vaccine



10/30/2019 | 42 U.S.C. § 300aa-26

Meningococcal ACWY Vaccine:

What You Need to Know

Many Vaccine Information Statements are available in Spanish and other languages. See www.immunize.org/vis

Hojas de información sobre vacunas están disponibles en español y en muchos otros idiomas. Visite www.immunize.org/vis

1 Why get vaccinated?

Meningococcal ACWY vaccine can help protect against **meningococcal disease** caused by serogroups A, C, W, and Y. A different meningococcal vaccine is available that can help protect against serogroup B.

Meningococcal disease can cause meningitis (infection of the lining of the brain and spinal cord) and infections of the blood. Even when it is treated, meningococcal disease kills 10 to 15 infected people out of 100. And of those who survive, about 10 to 20 out of every 100 will suffer disabilities such as hearing loss, brain damage, kidney damage, loss of limbs, nervous system problems, or severe scars from skin grafts.

Anyone can get meningococcal disease but certain people are at increased risk, including:

- Infants younger than one year old
- Adolescents and young adults 16 through 23 years old
- People with certain medical conditions that affect the immune system
- Microbiologists who routinely work with isolates of *N. meningitidis*, the bacteria that cause meningococcal disease
- People at risk because of an outbreak in their community

2 Meningococcal ACWY vaccine

Adolescents need 2 doses of a meningococcal ACWY vaccine:

- First dose: 11 or 12 year of age
- Second (booster) dose: 16 years of age

In addition to routine vaccination for adolescents, meningococcal ACWY vaccine is also recommended for **certain groups of people**:

- People at risk because of a serogroup A, C, W, or Y meningococcal disease outbreak
- People with HIV
- Anyone whose spleen is damaged or has been removed, including people with sickle cell disease
- Anyone with a rare immune system condition called “persistent complement component deficiency”
- Anyone taking a type of drug called a complement inhibitor, such as eculizumab (also called Soliris®) or ravulizumab (also called Ultomiris®)
- Microbiologists who routinely work with isolates of *N. meningitidis*
- Anyone traveling to, or living in, a part of the world where meningococcal disease is common, such as parts of Africa
- College freshmen living in residence halls
- U.S. military recruits

3 Talk with your health care provider

Tell your vaccine provider if the person getting the vaccine:

- Has had an **allergic reaction after a previous dose of meningococcal ACWY vaccine**, or has any **severe, life-threatening allergies**.

In some cases, your health care provider may decide to postpone meningococcal ACWY vaccination to a future visit.

Not much is known about the risks of this vaccine for a pregnant woman or breastfeeding mother. However, pregnancy or breastfeeding are not reasons to avoid meningococcal ACWY vaccination. A pregnant or breastfeeding woman should be vaccinated if otherwise indicated.



U.S. Department of
Health and Human Services
Centers for Disease
Control and Prevention

People with minor illnesses, such as a cold, may be vaccinated. People who are moderately or severely ill should usually wait until they recover before getting meningococcal ACWY vaccine.

Your health care provider can give you more information.

4 Risks of a vaccine reaction

- Redness or soreness where the shot is given can happen after meningococcal ACWY vaccine.
- A small percentage of people who receive meningococcal ACWY vaccine experience muscle or joint pains.

People sometimes faint after medical procedures, including vaccination. Tell your provider if you feel dizzy or have vision changes or ringing in the ears.

As with any medicine, there is a very remote chance of a vaccine causing a severe allergic reaction, other serious injury, or death.

5 What if there is a serious problem?

An allergic reaction could occur after the vaccinated person leaves the clinic. If you see signs of a severe allergic reaction (hives, swelling of the face and throat, difficulty breathing, a fast heartbeat, dizziness, or weakness), call **9-1-1** and get the person to the nearest hospital.

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Vaccine Information Statement (Interim)
**Meningococcal ACWY
Vaccines**



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