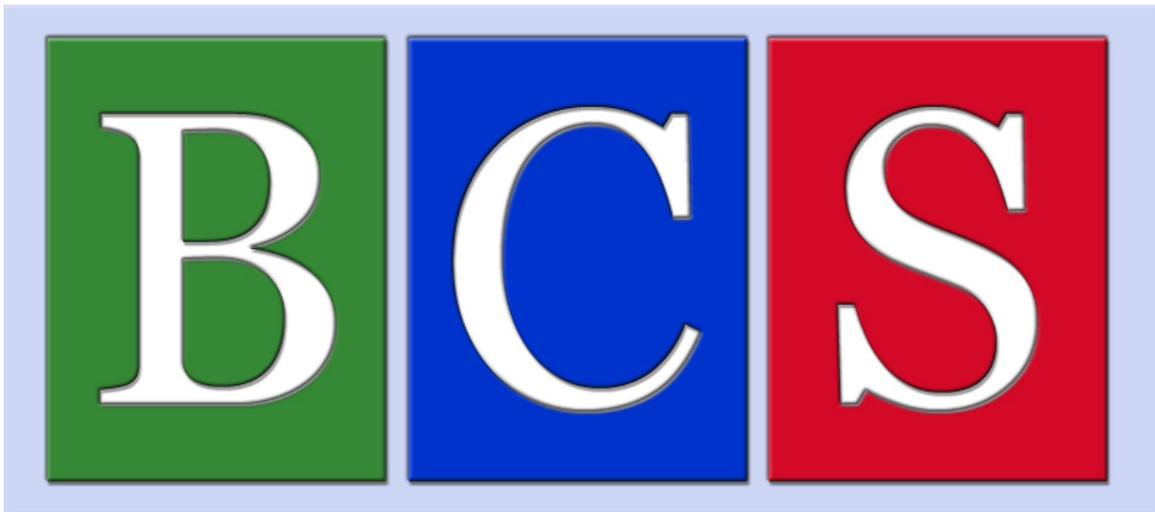


# Beaufort County Schools

**Code of Student Conduct**

**and**

**Student / Parent Handbook**



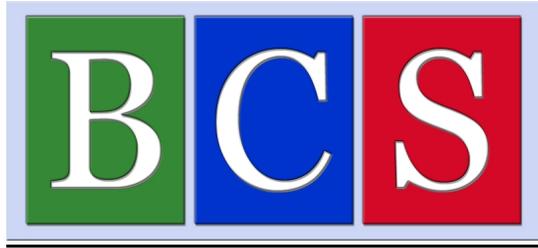
[www.beaufort.k12.nc.us](http://www.beaufort.k12.nc.us)

**August 2021**

# **CODE OF STUDENT CONDUCT**

## **TABLE OF CONTENTS**

Student and Parent Acknowledgment.....	1	Rule 5 – Misrepresentation.....	13
Welcome.....	2	Rule 6 – Insubordination.....	13
Character Traits.....	3	Rule 7 – Trespassing.....	13
<b>Section I. Student Rights and</b>		Rule 8 – Medication.....	13
<b>Responsibilities.....</b>	<b>4</b>	Rule 9 – Generally Disruptive Behavior.....	14
Safe and Orderly Educational Environment.....	4	Rule 10 – Unsafe Action.....	14
Attendance.....	4	Rule 11 – Bullying/Profanity/Obscenity and/or	
Student Counseling Services.....	4	Derogatory Language.....	14
Free Speech/Expression.....	4	Rule 12 – Gambling.....	15
Privacy and Property Rights.....	5	Rule 13 – Vehicle Use.....	15
Safe Harbor Provision.....	5	Rule 14 – Vandalism.....	15
Behavior on the School Bus or at Bus Stop.....	5	Rule 15 – Use of Fire.....	15
Conduct While on School Property.....	8	Rule 16 – Theft.....	15
Conduct Away from School Property.....	8	Rule 17 – Breaking and Entering.....	16
Transfer when Criminal Charges are Pending.....	8	Rule 18 – Breaking and Entering with intent to	
Participation in Extracurricular/		Commit a Felony or Theft.....	16
Co-curricular Activities.....	8	Rule 19 – Robbery.....	16
Student Dress.....	9	Rule 20 – Extortion.....	16
<b>Section II. Disciplinary Response</b>		Rule 21 – Unauthorized Use of Technology Devices.....	16
<b>Code Overview.....</b>	<b>9</b>	Rule 22 – False Alarm.....	17
Treatment of Administrators, Teachers		Rule 23 – Pornographic, Profane and/or	
and Staff.....	9	Violent Material.....	17
Participation in Rule Violation.....	9	Rule 24 – Counterfeit Currency.....	17
Truancy.....	9	Rule 25 – Bomb Threat.....	17
Possession of Illegal Substances.....	9	Rule 26 – Aggressive Physical/Verbal Action.....	17
Possession of Weapons.....	9	Rule 27 – Sexual Behavior.....	19
Reports to Law Enforcement.....	9	Rule 28 – Alcohol, Tobacco, & Other Drugs.....	19
Reports and Investigations of Child Abuse.....	9	Rule 29 – Weapons and Dangerous Objects.....	20
Reports to DMV.....	10	Rule 30 – Gang and Gang Related Activities.....	21
Personal Technology Devices.....	10	Rule 31 – Firearms.....	21
<b>Section III. Discipline Responses.....</b>	<b>10</b>	Rule 32 - Persistently Dangerous Students.....	22
Tier I.....	10	Rule 33 - Refusal to Allow Search.....	22
Tier II.....	11	<b>Section V. Procedures Relating to</b>	
Tier III.....	11	<b>Disciplinary Action.....</b>	<b>23</b>
Tier IV.....	11	Short-term Suspensions.....	23
Tier V.....	11	Long-term or 365-day Suspensions.....	23
<b>Section IV. Code of Conduct.....</b>	<b>12</b>	Disciplinary Reassignment.....	24
Rule 1 – Attendance.....	12	Expulsion.....	24
Rule 2 – Food/Beverages.....	12	Suspension/Removal of Students with	
Rule 3 – Student Dress.....	12	Disabilities.....	24
Rule 4 – Personal Property.....	12	<b>Section VI. Definitions.....</b>	<b>24</b>
		<b>Section VII. DPI Crime Definitions.....</b>	<b>25</b>



## Beaufort County Schools

### *Student Rights, Responsibilities and Character Development Handbook*

## **CODE OF STUDENT CONDUCT**

### **Student and Parent Acknowledgment and Pledge**

The *Code of Student Conduct* has been developed to help your child receive quality instruction in an orderly educational environment. The school needs your cooperation in this effort. Therefore, please (1) review and discuss the *Code of Student Conduct* with your child and afterwards (2) sign and return this sheet to your child's school. Should you have any questions when reviewing the *Code of Student Conduct*, please contact your child's principal. You may access an electronic copy of the handbook on the BCS website: [www.beaufort.k12.nc.us](http://www.beaufort.k12.nc.us). You may also request a paper copy at your child's school office.

**NOTE: FAILURE TO RETURN THIS ACKNOWLEDGMENT AND PLEDGE WILL NOT RELIEVE A STUDENT OR THE PARENT/GUARDIAN FROM BEING RESPONSIBLE FOR KNOWING OR COMPLYING WITH THE RULES CONTAINED WITHIN THE CODE OF STUDENT CONDUCT.**

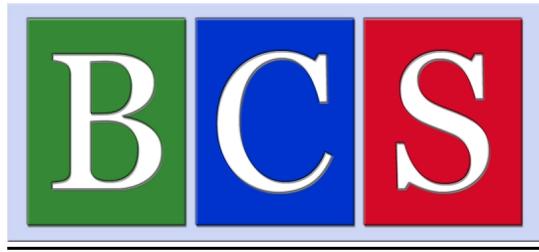
I have reviewed the *Code of Student Conduct* with my child and understand the rights and responsibilities contained therein.

**Parent:** \_\_\_\_\_

To help keep my school safe, I pledge to show good character, work to the best of my ability and adhere to the guidelines established within the *Code of Student Conduct*.

**Student:** \_\_\_\_\_

**Date:** \_\_\_\_\_



Beaufort County Schools Students and Families,

We are excited that you are a part of our system. If you were with us last year we would like to welcome you back and if you are new to BCS we want to welcome you to our system. The Beaufort County Schools works to ensure that all students are given opportunities to achieve to their highest levels. Our efforts, combined with the efforts of the student and their families, and along with partnerships outside of our school system, are to provide opportunities for growth and development of our students. One key ingredient to students' success is the learning environment. We believe that the learning environment must be orderly and safe, physically and emotionally; where students feel respected and honored. This requires the involvement of students and adults.

The Student Code of Conduct helps detail what we expect from our students. The Student Code of Conduct is a key part of the work that we engage in with our students and their families. It helps us build a strong, collaborative, respectful culture in each school. Student adherence to the Student Code of Conduct is crucial in helping create a climate that is orderly and safe.

We ask that our students and their families discuss the importance of good citizenship and behavior at school. We also ask that our students and parents sign a form indicating that you have read and understand The Student Code of Conduct and return that form to your school. If you have questions about The Student Code of Conduct, please contact the principal of your school.

We thank you for choosing to be a part of the Beaufort County School System and we look forward to a great school year.

## **Character Traits**

Character education is the deliberate effort to help people understand, care about and act upon core ethical values. An intentional and comprehensive character education initiative provides a lens through which every aspect of school becomes an opportunity for character development.

Benefits:

- It promotes character development through the exploration of ethical issues across the curriculum.
- It develops a positive and moral climate by engaging the participation of students, teachers and staff, parents and communities.
- It teaches students how to solve conflicts fairly, creating safer schools that are freer of intimidation, fear and violence, and are more conducive to learning. \*

The following character traits are essential for students to compete locally, nationally and internationally! These traits should be modeled and maintained by adults and students.

### **Responsibility and Respect**

*Being accountable for individual behavior and showing high regard for self, others and property*

### **Courage**

*Doing the right thing in the face of difficulty and following the conscience instead of the crowd.*

### **Citizenship**

*Being an informed, responsible and caring participant in the community.*

### **Gratitude**

*Being thankful for what others have done for you.*

### **Self-Discipline**

*Demonstrating hard work and commitment to purpose and being in proper control of your words, actions, impulses, and desires.*

### **Kindness**

*Being caring and showing concern and compassion for others.*

### **Honesty**

*Being truthful in word and action.*

### **Good Judgment**

*Thinking through the consequences of your actions and basing decisions on practical wisdom and good sense.*

### **Perseverance**

*Staying the course and not giving up; demonstrating commitment, pride and a positive attitude in completing tasks.*

*\*Character Education Informational Handbook and Guide, DPI*

## Section I – Student Rights and Responsibilities

### *Safe and Orderly Educational Environment*

#### **Student Rights**

To attend school in a positive educational environment

To have school staff that is willing to hear the needs and concerns of students

To feel safe from crime, violence, intimidation, Bullying, harassment, racism and other discrimination at school

#### **Student Responsibilities**

To only engage in behaviors which support a positive educational environment

To express needs and concerns appropriately

To understand and follow school behavior expectations and to report instances of bullying and dangerous/unsafe situations to school administrators

### *Attendance*

#### **Student Rights**

To be informed of school board policies and school rules about absences, recovery and tardiness

To appeal a decision about recovery

To arrange to make up classwork/tests for credit within five days of returning from an absence

#### **Student Responsibilities**

To attend school and class daily and to be on time

To provide documentation of the reason for an absence

To request make-up work for an absence and arrange to complete it within five days of returning to school

### *School Counseling Services*

#### **Student Rights**

To be informed about school guidance services

To have access to school counselors

#### **Student Responsibilities**

To utilize guidance services for educational improvement

To request counseling or advisement when needed

### *Free Speech/Expression*

#### **Student Rights**

To express views without being obscene, disruptive, discriminatory or provocative

To choose to participate in patriotic observances such as the Pledge of Allegiance

To have religious beliefs respected

To help develop and distribute publications as part of the educational process

To be protected from bullying, intimidation and threats

#### **Student Responsibilities**

To respect the rights of others when they express

To behave respectfully during patriotic observances

To respect the religious beliefs of others and to refrain from activities that hold religious beliefs up to ridicule

To follow the rules of responsible journalism under the guidance of an advisor and administrator, including refraining from publishing material that is inappropriate for the school environment

To refrain from bullying, intimidation and threatening conduct

## *Privacy and Property Rights*

### **Student Rights**

To have personal possessions remain private unless school staff have reason to believe that a student is in possession of items prohibited by the *Code of Student Conduct*, board policy or law

To have personal property respected

### **Student Responsibilities**

To keep prohibited items away from school and school functions

To respect the personal property of others

### *Safe Harbor Provision*

A student who inadvertently possesses or finds a prohibited object shall immediately notify the school staff and surrender the object. A student may approach a school staff member and voluntarily surrender an object prohibited by the *Code of Student Conduct* without being subjected to discipline so long as the object is one that the student could lawfully possess off school grounds. This rule does not apply to firearms or destructive devices.

If a student discovers an illegal item (i.e. weapons or drugs) or other contraband on school property or at a school function, the student may approach a school official and report the discovery. A student shall not be in violation of the *Code of Student Conduct* solely for making such a report. School officials shall make a determination after an investigation of the report.

The Safe Harbor Provision may not apply if a search is ongoing in any location of the school, if the object is surrendered during a search, or if the object is not turned in prior to discovery by school staff. With respect to objects that have been turned over to school staff, the parent/guardian must make arrangements to pick up the object from the school, unless it is an object that must be turned over to law enforcement.

### *Behavior on the School Bus or at the Bus Stop*

**For the purpose of providing safe transportation for all students, in addition to the other Code of Conduct rules, the following guidelines must be observed:**

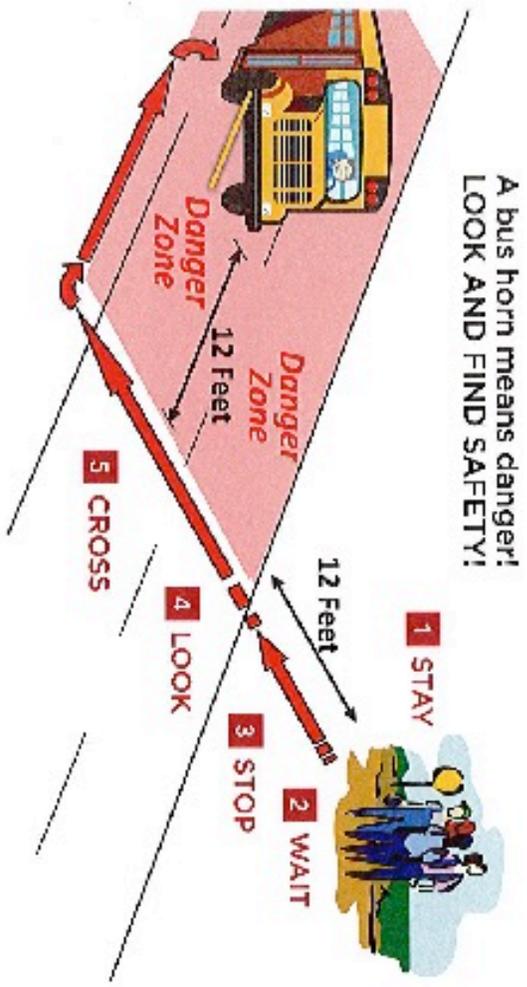
- **Refrain from conduct or behavior that interferes with the orderly, safe and expeditious transportation of bus riders.**
- **Obey the bus driver at all times.**
- **Act appropriately while waiting for the bus.**
- **Stand on the sidewalk or the edge of the street by the curb.**
- **Do not stand on the traveled part of the road.**
- **Give your proper name when requested by the bus driver.**
- **Be at the bus stop at least five (5) minutes prior to a scheduled stop time.**
- **Ride only on assigned bus.**
- **Board and depart only at the assigned bus stop.**
- **Remain seated at all times when the bus is moving.**
- **Do not put your feet/legs or other objects such as book bags in the aisle.**
- **Do not throw items from the bus or on the bus.**
- **Refrain from eating or drinking while on the bus.**

Video cameras have been installed on some buses. Students may be filmed while on the bus.

Violations of these standards, the *Code of Student Conduct*, or any behavior which substantially disrupts the bus driver and causes, or has the potential to cause, a safety hazard on a moving bus, may be the basis for suspension from the bus and/or school or revocation of bus-riding privileges. **In addition, the guidance, rules, and standards on the following two pages with regards to boarding and exiting the bus must also be followed.** Failure to do so may be the basis for suspension from the bus and/or school or revocation of bus-riding privileges as well.

# 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.ncdusafety.org/safely](http://www.ncdusafety.org/safely) 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!

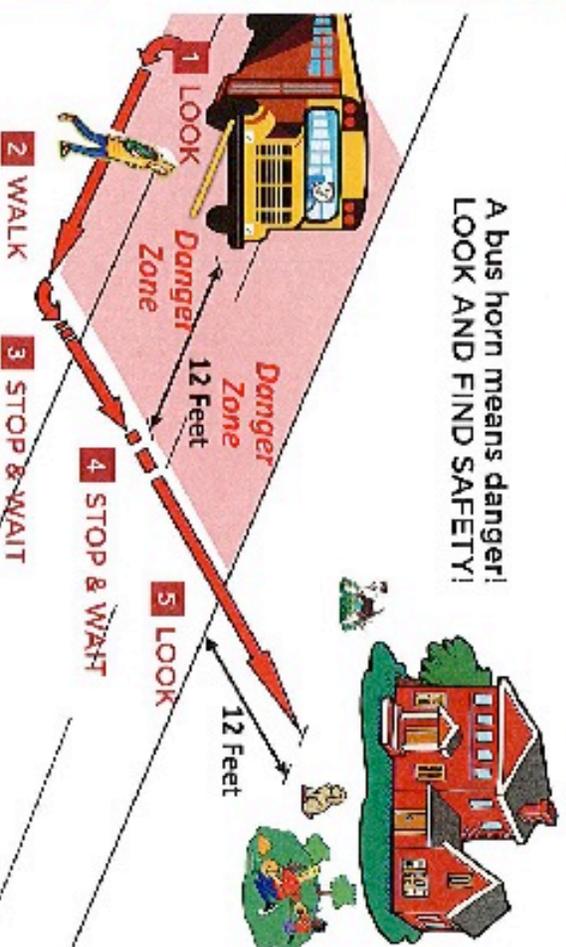
Your life depends on the following:

- 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!



For more information go to [www.ncoussafety.org/safety](http://www.ncoussafety.org/safety) or contact NC Department of Public Instruction, Transportation Services 919-807-3570.

# AFTERNOON

## ***Conduct While on School Property***

Parents are encouraged to be active participants in their child's education. A partnership between parents and the school requires meaningful and appropriate communication. As such, we must be civil in our discourse. This requires that:

1. No one disrupts or attempts to interfere with the operation of a classroom or any other area of a school.
2. School rules for access and visitation are strictly obeyed.
3. Legitimate obligations and time constraints are respected.
4. Information that might help reach our common goal is shared. This includes information about safety issues, academic progress, changes that might impact a student's work or events in the community that might impact the school.

In the event of a violation of the above guidelines, the following steps are available:

1. Students who believe that have been treated in an inappropriate manner should report the behavior to the school administrator.
2. Parents/guardians or community members who believe they have been treated in an inappropriate manner should report the behavior to the staff member's immediate supervisor.
3. Employees who believe they have been treated in an inappropriate manner by a student or parent shall report the incident to the school administrator.
4. Anyone on school district property may be directed to leave the premises by an administrator or other authorized staff. Any who threatens to, attempts to, or actually disrupts school or school district operations may be directed to leave the premises by an administrator or other authorized staff and may have limitations placed on their campus access. Disruptive behavior is conduct that creates or may reasonably be expected to create a material and substantial disruption to the educational environment or to the operation of the school, or that poses a threat to the safety of students, staff or visitors. It includes but is not limited to:
  - Profane, lewd, obscene or abusive language, gestures or other written or electronic communication;
  - Rude or riotous noise;
  - Disorderly or assaultive behavior;
  - Vandalism or the defacement of public property
  - Threats to the health or safety of others; and
  - Any other conduct that violates any applicable law or policies of the Board.
5. More details about the expected conduct of visitors to campus may be found in BCS Policy 5020, "Visitors to the Schools."

## ***Conduct Away from School Property***

Students may be disciplined for conduct away from BCS property that violates the *Code of Student Conduct* and that 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. (BCS Policy 4300, Student Behavior Policies)

## ***Transfer When Criminal Charges are Pending***

The superintendent may transfer to an alternative school or program a student who has been charged with a felony or a crime that allegedly endangered the safety of others, regardless of whether the alleged offense was committed on school grounds or related to school activities, if it is reasonably foreseeable that the educational environment in the regular educational setting will be significantly disrupted if the student remains. In such cases, the student will have a behavior contract detailing the specific requirements for continued enrollment in the alternative school. The parent may appeal the superintendent's decision to the board. In appropriate circumstances, as permitted by NC law, the superintendent may recommend expulsion of the student. More details about transfers when criminal charges are pending may be found in BCS Policy 4305, "Alternative Learning Programs/Schools" and BCS Policy 4335, "Criminal Behavior."

## ***Participation in Extracurricular/Co-Curricular Activities***

In order to participate in extracurricular/co-curricular activities or athletic programs, students must adhere to Board of Education policies, school-level criteria, North Carolina High School Athletic Association rules (where applicable) and law. The district's behavioral expectations extend beyond the classroom and school campus. Therefore, regardless of when and where the charge arises, any student who is charged with or adjudicated/found guilty of a felony may be excluded from participation in extracurricular/co-curricular activities.

### ***Student Dress***

The dress and personal appearance of students greatly affects their academic performance and their interaction with other students. The board requests that parents outfit their children in clothing that is conducive to learning. For more details, please see BCS Policy 4316 and 4316-R, “Student Dress Code.”

## **Section II – Disciplinary Response Code Overview**

Student disciplinary infractions and associated responses are divided into five progressively severe tiers. Both infractions and responses are outlined later in this document.

### ***Corporal Punishment***

BCS does not use corporal punishment, believing that other consequences are more appropriate and effective for teaching self-control. Reasonable force necessary to protect one-self or others is not considered corporal punishment. BCS Policy 4302, “School Plan for Management of Student Behavior.”

### ***Treatment of Administrators, Teachers and Staff***

A student who commits an infraction against or involving an administrator, teacher, or other district staff member will be subject to a heightened response under the five tiers. However, the heightened response will not exceed the maximum penalty for the particular rule violation.

### ***Participation in Rule Violation***

A student who participates or conspires with another to violate a rule may be found in violation of the rule. If so, the student will be subject to the full disciplinary consequence for the rule violation.

### ***Truancy***

Students between ages 7 and 16, and students younger than 7 who are enrolled in school, are required by law to attend school. For students with more than 10 unexcused absences, the student and/or parent may be referred for prosecution.

### ***Possession of Illegal Substances***

The unlawful possession, use or distribution of illicit drugs and/or alcohol by students on school property or at any school function is prohibited. In addition to school consequences, such actions will be reported to local law enforcement and may be required to be reported to the Department of Motor Vehicles.

### ***Possession of Weapons***

The possession of weapons by students on school property or at any school function is prohibited. In addition to school consequences, such actions will be reported to local law enforcement and may be required to be reported to the Department of Motor Vehicles.

### ***Reports to Law Enforcement Agencies***

As required by North Carolina law, principals are required to report the following acts to law enforcement when they have personal or actual notice of the incident and the acts occurred on the school campus: “assault involving 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 weapon in violation of the law or possession of a controlled substance in violation of the law.” N.C.G.S. § 115C-288(g).

### ***Reports and Investigations of Child Abuse***

Pursuant to state law, school personnel are required to report any suspected cases of child abuse, neglect, dependency or maltreatment. Suspected child abuse, neglect, dependency or death as a result of maltreatment by parents or other caretakers must be reported to the Department of Social Services. Suspected human trafficking, involuntary servitude, and sexual servitude of a child are special forms of child abuse and must be reported to the Department of Social Services regardless of the relationship between the victim and perpetrator. Suspected child maltreatment by a caregiver in a child care facility, including in a licensed preschool classroom or other licensed classroom or program operated by the school system, must be

reported to the Department of Health and Human Services, Division of Child Development and Early Education. Where the source of the child abuse, neglect, dependency, or maltreatment is uncertain, a report should be made to agencies. BCS Policy 4240, "Child Abuse – Reports and Investigations." Procedures followed at school when a representative of the Department of Social Services wishes to interview a student who is an alleged victim of child abuse or neglect are provided in the Memorandum of Agreement between BCS and BCDSS.

### *Reports to Department of Motor Vehicles*

Pursuant to state law, BCS is required to report the following acts to the Department of Motor Vehicles if the student is the minimum age of 14 and is in the 8<sup>th</sup> grade or above: possession or sale of alcoholic beverages or illegal controlled substances; bringing, possessing or using a weapon or firearm on school property; and physical assault on school staff when the conduct results in a suspension in excess of 10 days or the student is assigned to an alternative school.

### *Personal Technology Devices*

A personal technology device (PTD) is a portable Internet-accessing device that is not the property of the district that can be used to transmit communications by voice, written characters, words or images, share information, record sounds, process words, and/or capture images, such as a laptop computer, tablet, smartphone, cellphone, personal digital assistant or E-Reader. A student may possess and use a PTD on school property, at after-school activities and at school related functions, provided that during school hours, the PTD is not activated, used, displayed or visible. Administrators may authorize individual students to use the devices for personal purposes when there is a reasonable need for such communication. Teachers and administrators may authorize individual students to use the devices for instructional purposes, provided that they supervise the students during such use. However, students are not required to use PTDs for instructional purposes. Possession of a PTD by a student is a privilege, which may be revoked for violations of the *Code of Student Conduct*. Violations may result in confiscation of the PTD (to be returned only to a parent) and/or other disciplinary actions. The district is not responsible for theft, loss or damage to PTDs or other electronic devices brought onto BCS property. Students permitted to use PTDs during the school day must follow all rules set forth in BCS Policy 4318, "Use of Wireless Communication Devices;" BCS Policy 4312, "Responsible Use of Technology and Internet Safety;" and sign BCS Policy 4312-E, "Student Responsible Use of Technology and Internet Safety Agreement."

## **Section III – Disciplinary Responses**

According to BCS Policy 4300, "Student Behavior Policies," minor violations of the *Code of Student Conduct* may result in disciplinary measures or responses up to and including short-term suspension. Other disciplinary measures or responses may include, but are not limited to the following: parental involvement, such as conferences; isolation or time-out for short periods of time; behavior improvement agreements; instruction in conflict resolution and anger management; peer mediation; individual or small group sessions with the school counselor; academic intervention; in-school suspension; detention before and/or after school or on Saturday; community service; exclusion from graduation ceremonies; exclusion from extracurricular activities; suspension from bus privileges; and placement in an alternative school.

Serious violations of the *Code of Student Conduct* may result in any of the consequences that may be imposed for minor violations. In addition, serious violations that threaten to substantially disrupt the educational environment may result in long-term suspension, and serious violations that threaten the safety of students, school employees or school visitors may result in long-term suspension or expulsion. Certain violations involving firearms or explosive devices may result in a 365-day suspension. Further information regarding the standards and procedures for long-term suspensions, 365-day suspensions and expulsions is provided in policies 4351, "Short-Term Suspension," and 4353, "Long-Term Suspension, 365-Day Suspension and Expulsion." See also policy 4333, "Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety," for information regarding 365-day suspensions for certain violations involving firearms or explosive devices.

**Tier I** – Provides programs and/or school options for students who are at risk for behavioral issues and may be disenfranchised from school or commit minor infractions on an infrequent basis. Program options are typically implemented in the student's current school and include services such as support related to anger management or conflict resolution. School assignment options may include a student's placement in an alternative school.

**Potential Responses:** (This list contains some of the options that may be used by the administration in addressing student conduct. This is not intended to be an exhaustive list.)

- parental involvement, such as conferences
- isolation or time-out for short periods of time
- behavior improvement agreements
- instruction in conflict resolution and anger management
- peer mediation
- individual or small group sessions with the school counselor
- academic intervention
- in-school suspension
- detention before and/or after school or on Saturday
- community service
- exclusion from extracurricular activities
- exclusion from graduation ceremonies
- suspension from bus privileges
- substance abuse counseling
- Referral to Multi-Tiered Systems of Support Team according to BCS process
- Restorative Justice/Restorative Practice (i.e. peer jury, peer mediation, community service)

**Tier II** – Provides interventions and consequences for students who commit infractions of the Code of Student Conduct such as being chronically disruptive or participating in a fight that does not result in injury or significant disruption to the educational environment.

**Potential Responses:** (This list contains some of the options that may be used by the administration in addressing student conduct. This is not intended to be an exhaustive list.)

- choice of response from Tier I
- alternative classroom assignment
- out-of-school suspension for 1 to 10 days
- warning of referral to Tier III (referral to Tier III is an option for repeated violations)

**Tier III** – Provides interventions and consequences for students who commit more serious infractions of the *Code of Student Conduct* and/or have repeat offenses.

**Potential Responses:** This list contains some of the options that may be used by the administration in addressing student conduct. This is not intended to be an exhaustive list.)

- choice of response from Tier I or Tier II
- long-term suspension for 11 to 30 days
- disciplinary reassignment to an alternative school
- warning of referral to Tier IV (for repeated offenses)

**Tier IV** – Provides interventions and consequences for students who commit serious offenses and whose conduct seriously threatens the safety of students, staff or visitors or threatens to substantially disrupt the educational environment. Options at Tier IV include long-term suspension for the remainder of the school year and/or assignment to an alternative school. If the offense leading to the long-term suspension occurred during the final quarter of the school year, the exclusion may include the first semester of the following year. Additionally, by law, with limited exceptions, students must be suspended from school for 365 days for bringing a firearm or destructive device on school property.

**Tier V** – Expulsion: The indefinite removal of a student from school and all school properties by the Board of Education for a student (age 14 or older) whose continued presence constitutes a clear threat to other persons or who is a registered sex offender who is subject to the Jessica Lunsford Act. An expelled student may petition the Board for readmission after 180 days from the date he/she was expelled. If granted, the student may be placed in an alternative school with a re-entry plan developed by BCS personnel.

***\*\*Within each tier, the administrator has the discretion to impose consequences deemed most appropriate to address the infraction. In the instances where an infraction falls within multiple tiers, it is within the discretion of the administrator to determine tier assignment for the infraction.***

## Section IV – Code of Conduct

DPI/PowerSchool codes are listed in italics and bold print. These are state approved codes that are utilized in reporting BCS data to the state. Select one or more when imputing incidents into PowerSchool.

**Rule 1**      **ATTENDANCE (Citizenship/Responsibility/Self-Discipline)** *UB: Excessive Tardiness, UB: Leaving School without Permission, UB: Leaving Class without Permission, UB: Truancy, UB: Skipping School, UB: Skipping Class, UB: Cutting Class, UB: Late to Class:* A student must attend every class every day unless there is a lawful reason for the absence. Students who are tardy, cut school or class or have excessive unexcused absences are in violation of this rule. Repeated violations of this rule, if other interventions have been tried, may also result in Tier II consequences, with the condition that any out-of-school suspension imposed for conduct related solely to violation of this rule is limited to 2 days per violation.

### **RESPONSES:**

**Minimum:**      Tier I Response(s) (see page 8)

**Maximum:**      Tier II Response(s) with maximum of 2 days OSS

**Rule 2**      **FOOD/BEVERAGES (Citizenship/Responsibility/Self-Discipline)** *UB: Inappropriate Item on School Property, UB: Insubordination:* A student will eat and drink only in authorized areas of the school.

### **RESPONSES:**

**Minimum:**      Tier I Response(s) (see page 8)

**Maximum:**      Tier I Response(s)

**Rule 3**      **STUDENT DRESS (Responsibility/Respect/Citizenship)** *UB: Dress Code Violation:* A Student will maintain personal attire and grooming standards that promote safety, health, and acceptable standards of social conduct, and are not disruptive to the educational environment. The board prohibits clothing that is substantially disruptive; is provocative, revealing, profane, vulgar, offensive or obscene; or endangers the health or safety of the student or others. For more details, please see BCS Policy 4316 and 4316-R, “Student Dress Code.”

### **RESPONSES:**

**Minimum:**      Tier I Response(s) (see page 8)

**Maximum:**      Tier II Response(s) with maximum of 5 days OSS (see page 9)

**Rule 4**      **PERSONAL PROPERTY (Responsibility/Self-Discipline)** A student is permitted to bring or possess only objects that have an educational purpose and will not distract from teaching or learning. Students are permitted to sell items on campus only as part of an approved school activity. (All other items will be confiscated and returned to the parent at a mutually agreed upon time, not to exceed one calendar week.) The following are among the list of prohibited items:

**A. Personal Technology Devices** *UB: Cell Phone Use:* A personal technology device (PTD) is a portable Internet-accessing device that is not the property of the district that can be used to transmit communications by voice, written characters, words or images, share information, record sounds, process words, and/or capture images, such as a laptop computer, tablet, smartphone, cellphone, personal digital assistant or E-Reader. A student may possess and use a PTD on school property, at after-school activities and at school related functions, provided that during school hours, the PTD is not activated, used, displayed or visible. Administrators may authorize individual students to use the devices for personal purposes when there is a reasonable need for such communication. Teachers and administrators may authorize individual students to use the devices for educational purposes, provided that they supervise the students during such use. “Educational purposes” include student education, research and career development. Possession of a PTD by a student is a privilege, which may be revoked for violations of the *Code of Student Conduct*. Violations may result in confiscation of the PTD (to be returned only to a parent) and/or other disciplinary actions. The district is not responsible for theft, loss or damage to PDTs or other electronic devices brought onto BCS property. Students permitted to use PTDs during the school day must follow all rules set forth in BCS Policy 4318, “Use of Wireless Communication Devices;” BCS Policy

4312, “Responsible Use of Technology and Internet Safety;” and sign BCS Policy 4312-E, “Student Responsible Use of Technology and Internet Safety Agreement.”

- B. Toys, games (electronic and other), electronic smoking devices, pagers, personal media devices, other electronic equipment, and any devices that create noise and disturbance. *UB: Inappropriate Item on School Property:*** Possession of these or any similar devices without permission of the administration is prohibited. Possession of a toy gun that could be mistaken for an actual weapon is a violation of Rule 29, Weapons and Dangerous Objects.

**RESPONSES:**

**Minimum:** Tier I Response(s) (see page 8)

**Maximum:** Tier II Response(s) for repeated violations (see page 9)

**Rule 5**

**MISREPRESENTATION (Honesty)** A student will be honest and submit his/her own work.

- A. Altering Report Cards or notes: *UB: Honor Code Violation:*** Tampering with report cards, official passes, notes or other school documents, in any manner, including changing grades or forging names to excuses, is prohibited.
- B. False Information *UB: Falsification of Information:*** Making false statements, written or oral, to anyone in authority is prohibited.
- C. Cheating *UB: Honor Code Violation:*** Violating rules of honesty and Honor Codes, including but not limited to plagiarism, violating copyright laws, or copying another student’s test or assignment, are prohibited. The superintendent has the discretion to punish violations of this rule as Tier III if the student’s actions have a serious detrimental effect on other students or staff.

**RESPONSES:**

**Minimum:** Tier I Response(s) (see page 8)

**Maximum:** Tier II Response(s) OSS 1-5 days (see page 9)

**Rule 6**

**INSUBORDINATION (Responsibility/Respect) *UB: Insubordination:*** A student will obey the lawful direction of any authorized staff member while in school, participating in a school activity or on school property. All students are expected to behave in a respectful manner. This includes, but is not limited to, complying with the direction or instruction of a staff member, not walking away from a staff member while being spoken to, speaking to staff in an appropriate manner and completing all assigned work.

**RESPONSES:**

**Minimum:** Tier I Response(s) (see page 8)

**Maximum:** Tier II Response(s) OSS 1-5 days (see page 9)

**Rule 7**

**Trespassing (Citizenship/Responsibility/Respect) *UB: Being in an Unauthorized Area:*** A student will not enter school property or a school facility without proper authority. This rule includes being on the campus of a school to which the student is not assigned during the school day without the knowledge and consent of school administrators; loitering at any school after the close of the school day without any specific need or supervision; or being on the property of any school during a period of suspension or expulsion without the express permission of the principal. A student who is trespassing on school property may be criminally prosecuted. BCS Policy 4330, “Theft, Trespass and Damage to Property.”

**RESPONSES:**

**Minimum:** Tier I Response(s) (see page 8)

**Maximum:** Tier II Response(s) (see page 9)

**Rule 8**

**MEDICATION (Responsibility/Honesty/Good Judgment) *UB: Inappropriate Item on School Property, UB: Possession of Student’s Own Prescription Drug, UB: Insubordination:*** Students shall not transport prescription medication to or from school or have prescription medication in their possession at any time without meeting the conditions prescribed in BCS Policy 6125, “Administering Medicines to Students.” A student who is allowed to self-administer medicine pursuant to this policy will be subject to disciplinary action if the student uses his or her prescribed medication in a manner other than as prescribed. Elementary students are not permitted to self-administer medication, whether prescribed or non-prescribed under any

circumstances. Middle and high school students may self-administer non-prescribed over-the-counter medication. Distribution and/or consumption of medication in violation of Policy 6125 may result in an immediate Tier III consequence. Violation of this rule may also be treated as violation of Rule 29.

**RESPONSES:**

**Minimum:** Tier I Response(s) (see page 8)

**Maximum:** Long-Term Suspension or Expulsion

**Rule 9** **GENERALLY DISRUPTIVE BEHAVIOR** (Responsibility/Respect/Citizenship/Self-Discipline) *UB: Disruptive Behavior, UB: Repeat Offender:* A student will maintain appropriate behavior so as to refrain from disrupting class, school or bus activity and be prepared for instruction at all times. A student shall not talk out in class or move from his/her assigned seat/area without permission, throw objects (except as directed by staff for an instructional purpose), horseplay, harass, tease or make rude noises. Repeated incidents of generally disruptive behavior may be considered a Tier III infraction.

**RESPONSES:**

**Minimum:** Tier I Response(s) (see page 8)

**Maximum:** Tier III Response(s) for repeated violations (see page 9)

**Rule 10** **UNSAFE ACTION** (Good Judgment/Citizenship/Responsibility/Respect) *UB: Being in an Unauthorized Area, UB: Disruptive Behavior, UB: Insubordination:* A student shall not commit any action that has the potential to cause danger or physical harm to himself or to others, to include but not limited to: exiting a moving school bus, exiting a school bus by way of the emergency exit absent an emergency, attempting to elude school officials by running through a parking lot or a traffic area, climbing on the roof of buildings, construction areas, boiler rooms, attics or elevator shafts, or any action that has the potential for physical harm to self or others. This includes striking matches, flicking cigarette lighters or using any instrument capable of producing fire on school property or at a school sponsored or school-related activity that is on or off school property. This rule will apply only when the unsafe behavior does not meet the standards of any other violation.

**RESPONSES:**

**Minimum:** Tier I Response(s) (see page 8)

**Maximum:** Long-Term Suspension or Assignment to an Alternative School

**Rule 11** **BULLYING/CYBERBULLING, PROFANITY, OBSCENITY AND/OR DEROGATORY LANGUAGE** (Responsibility/Respect/Self-Discipline/Kindness) *UB: Bullying, UB: Harassment-Racial, UB: Harassment-Disability, UB: Inappropriate Language/Disrespect, UB: Cyber-bullying, UB: Harassment – Sexual Orientation, UB: Harassment – Religious Affiliation:* Bullying and/or harassing behavior are strictly prohibited in BCS. It is the policy of the Board of Education to maintain learning environments that are free from harassment or bullying (BCS Policies 4015, “Discrimination, Harassment, and Bullying Complaint Procedure” and 4020, “Discrimination and Harassment Prohibited by Federal Law”) Students are expected to use appropriate language and conduct at school and school functions and possess only appropriate materials. This rule applies to cursing, possessing, sending, or receiving written materials or electronic text and/or images that convey an offensive, racial, derogatory, bullying or obscene message to another person. This includes but is not limited to references to race, color, ancestry, national origin, gender, gender identity expression, sexual orientation, religion and/or physical or sensory disability, physical appearance or making offensive statements or gestures.

In addition, as with other disciplinary violations, any manner of bullying that occurs off campus may violate the *Code of Student Conduct* if it has a direct and immediate impact to the orderly and efficient operation of the school or the safety of individuals in the school environment.

Students who feel bullied, harassed or intimidated at school by an adult or another student or who witness such conduct may report it in one of three ways: 1. Go to [www.beaufort.k12.nc.us](http://www.beaufort.k12.nc.us) and click on the “Report a

Bully or Harassment” link; 2. Call the BCS Anonymous Tip Line at (252) 940-6545; or 3. Use the Intimidation, Bullying and/or Threats form located on page 63

**RESPONSES:**

**Minimum:** Tier I Response(s) (see page 8)

**Maximum:** Long-Term Suspension or Assignment to an Alternative School

**Rule 12** **GAMBLING (Responsibility/Self-Discipline)** *UB: Gambling:* A student will not play games of skill or chance for money or property.

**RESPONSES:**

**Minimum:** Tier I Response(s) (see page 8)

**Maximum:** Tier II Response(s) (see page 9)

**Rule 13** **VEHICLE USE (Responsibility/Citizenship/Good Judgment)**

**A. Reckless Vehicle Use UB: *Other School Defined Offense; UB: Disruptive Behavior:*** A student will not operate any motorized or self-propelled vehicle on school grounds in a manner that is a threat to health and/or safety, or a disruption to the educational process. Driving to school is a privilege, which may be limited or revoked at any time by the school principal.

**B. Vehicle Parking on Campus UB: *Inappropriate Item on School Property:*** A student will not park a motor vehicle on school premises unless he/she has complied with all school vehicle parking requirements. Parking permits must be visibly displayed and vehicles must be parked only in assigned spaces. Unauthorized vehicles may be towed.

**RESPONSES:**

**Minimum:** Tier I Response(s) (see page 8)

**Maximum:** Long-Term Suspension

**Rule 14** **VANDALISM (Responsibility/Citizenship/Good Judgment)** *UB: Property Damage:* A student will not willfully, with or without malice, act alone or participate with others to damage or destroy property of another, including property belonging to the school or the district, staff, students or other adults on campus or at a school-sponsored or school-related activity on or off school property. A student or parent/guardian will be held financially responsible, as allowed by law for the willful or malicious destruction of property.

**RESPONSES:**

**Minimum:** Tier I Response(s) (see page 8)

**Maximum:** Long-Term Suspension

**Rule 15** **USE OF FIRE (Responsibility/Respect/Citizenship/Good Judgment)** *\*RO: Burning of a School Building, UB: Unlawfully Setting a Fire:* A student will neither set fire nor attempt to set fire to anything on school property or participate with others to damage or destroy school property through the use of fire. (This violation does not include any smoking violations. For smoking violations refer to Rule 28C.)

**RESPONSES:**

**Minimum:** Tier II Response(s) (see page 9)

**Maximum:** Long-Term Suspension of Expulsion

**Rule 16** **THEFT (Responsibility/Respect/Citizenship/Self-Discipline)** *UB: Theft, UB: Inappropriate Items on School Property (Stolen Goods):* A student will not steal or possess stolen property, or participate with others to do so. Stolen property includes any object that is possessed without the permission of the owner. In some instances, violations of Rule 16 may be a Tier II infraction.

**RESPONSES:**

**Minimum:** Tier I Response(s) (see page 8)

**Maximum:** Long-Term Suspension

**Rule 17** **BREAKING AND ENTERING (Responsibility/Respect/Citizenship/Self-Discipline) \*PD** *Robbery with a Firearm or Powerful Explosive, UB: Being in an Unauthorized Area, UB: Theft:* A student will not break into any district property. This will include any unauthorized entry into school property with or without destruction to the property.

**RESPONSES:**

**Minimum:** Tier II Response(s) (see page 9)

**Maximum:** Long-Term Suspension

*\*See Crime Definitions on pages 24-27 before using this code*

**Rule 18** **BREAKING AND ENTERING WITH THE INTENT TO COMMIT A FELONY OR THEFT (Responsibility/Respect/Citizenship/Good Judgment) UB: Being in an Unauthorized Area, UB: Theft:** A student will not unlawfully enter any district property with the intent of committing a felony, to steal and/or take and carry away the property of another, or to attempt to commit the taking of property.

**RESPONSES:**

**Minimum:** Tier II Response(s) (see page 9)

**Maximum:** Long-Term Suspension or Expulsion

**Rule 19** **ROBBERY (Responsibility/Respect/Citizenship/Self-Discipline) \*RO: Robbery With a Dangerous Weapon, \*PD: Robbery With a Firearm or Powerful Explosive:** A student will not take or attempt to take another person's property by force or violence.

**RESPONSES:**

**Minimum:** Tier III Response(s) (see page 9)

**Maximum:** Long-Term Suspension or Expulsion

**Rule 20** **EXTORTION (Responsibility/Respect/Citizenship/Self-Discipline) UB: Extortion:** A student will not take, threaten or attempt to take the property (including but not limited to money) of others through intimidation.

**RESPONSES:**

**Minimum:** Tier II Response(s) (see page 9)

**Maximum:** Long-Term Suspension or Expulsion

**Rule 21** **UNAUTHORIZED USE OF TECHNOLOGY DEVICES (Honesty) UB: Misuse of school technology, UB: Honor Code Violation, UB: Communicating Threats, UB: Cyber-bullying:**

- A. **BCS-owned property:** A student shall refrain from inappropriate use of school system computers/ technology devices or from using the BCS electronic communications and wireless connection network without proper authority. This includes unauthorized use of sign on codes and the school telephone system, communication of threats or implied threats, bullying or harassment, and unauthorized attempts to contact any BCS computer site from any computer station.
- B. **Personal technology devices:** A student will refrain from any activity or distribution of information from personal technology devices that would constitute a violation of a rule under the *Code of Student Conduct* or a violation of law, as, but not limited to, bullying or harassment on social media or other sites if the conduct has or may have a direct and immediate impact on the orderly and efficient operation of the schools or the safety of individuals in the school environment. Publication of information on the Internet is considered distribution regardless of the location of the technology device from which the offending content was published.

**RESPONSES:**

**Minimum:** Tier I Response(s) (see page 8)

**Maximum:** Long-Term Suspension or Expulsion

**Rule 22** **FALSE ALARM (Responsibility/Good Judgment)** *UB: False Fire Alarm:* In the absence of an emergency, a student shall not call 911, signal or set off an automatic signal indicating the presence of an emergency.

**RESPONSES:**

**Minimum:** Tier I Response(s) (see page 8)  
**Maximum:** Long-Term Suspension or Expulsion

*\*See Crime Definitions on pages 24-27 before using this code*

**Rule 23** **PORNOGRAPHIC PROFANE AND/OR VIOLENT MATERIAL (Responsibility/Respect/Citizenship/Self-Discipline)** *UB: Inappropriate Items on School Property, UB: Harassment-Sexual:* A student shall refrain from having any pornographic or profane material in his/her possession, including but not limited to pictures, magazines, CD's, DVD's, electronic text or images and sexually explicit or graphically violent materials (including but not limited to documents or instructions concerning the creation and/or the use of weapons.

**RESPONSES:**

**Minimum:** Tier II Response(s) (see page 9)  
**Maximum:** Long-Term Suspension or Expulsion

**Rule 24** **COUNTERFEIT CURRENCY (Honesty)** *UB: Use of Counterfeit Items, UB: Inappropriate Items on School Property.* A student shall not distribute, produce or use counterfeit currency on school property or at a school-sponsored or school-related activity on or off school property.

**RESPONSES:**

**Minimum:** Tier I Response(s) (see page 8)  
**Maximum:** Long-Term Suspension or Expulsion

**Rule 25** **BOMB THREAT (Responsibility/Respect/Self-Discipline/Good Judgment)** *\*RO: Bomb Threat:* A student shall not make any report or notification, knowing or having reason to know the report is false (verbal or written), indicating the presence of a bomb or explosive device on school grounds, school bus or at any school activity.

**RESPONSES:**

**Minimum:** Long-Term Suspension  
**Maximum:** Expulsion

**Rule 26** **AGGRESSIVE PHYSICAL/VERBAL ACTION (Responsibility/Respect/Kindness/ Self Discipline):** A student shall not exhibit any form of aggressive physical or verbal action against another student, staff member or any other adult at school. Minor incidents of hitting, biting, spitting, shoving, kicking or throwing objects at a student or adult may be a Tier I or II infraction.

- A. Verbal Confrontation/Provocation** *UB: Aggressive Behavior, UB: Bullying, UB: Harassment-Verbal:* A student shall not approach another person in a confrontational, provocative or bullying manner. This will include attempts to intimidate or instigate another person to fight or commit other acts of physical aggression.

**RESPONSES:**

**Minimum:** Tier I Response(s) (see page 8)  
**Maximum:** Long-Term Suspension or Expulsion

- B. Fighting** *UB: Fighting:* The exchange of mutual aggressive physical contact between students, with or without injury is prohibited. A student who is physically attacked may act in self-defense without consequence. **Self-defense is defined as the act by a non-aggressor victim using reasonable force to avoid being hit in order to enable oneself to get free from the attacker and notify school authorities. It is not self-defense to participate in the fight. Students who exceed reasonable force in protecting themselves will be disciplined for violating this rule even though another person provoked the fight.** Administrators will have discretion to recognize the need for self-defense on an incident-by-incident basis.

**RESPONSES:**

**Minimum:** Tier I Response(s) (see page 8)  
**Maximum:** Long-Term Suspension or Expulsion

*\*See Crime Definitions on pages 24-27 before using this code*

- C. Threatening/Intimidating UB: Communicating Threats, UB: Bullying, UB: Harassment-Verbal, PD: Threat of Physical Attack With a Firearm:** A student shall not threaten to strike, attack, or harm any person, or cause another person to become fearful by intimidation, through any medium, including threats made in person, through another person at the request of the perpetrator, on the telephone, in writing, through the use of gang paraphernalia, or by any digital communication (cyber-bullying) that pose a safety risk to the school environment. The tier will be determined by the level of risk presented by the threat, whether the threat could have reasonably been carried out and whether the threatened person was made fearful.

**RESPONSES:**

**Minimum:** Tier I Response(s) (see page 8)  
**Maximum:** Long-Term Suspension or Expulsion

- D. Assault on a Student UB: Assault – Student, \*PD: Physical Attack With a Firearm, \* PD: Assault Resulting in Serious Injury, UB: Violent Assault Not Resulting in Serious Injury, \*PD: Assault Involving the Use of a Weapon:** A student shall not physically attack another student. See self-defense as defined above. **Multiple Assaults:** A student shall not act in concert to physically attack another student.

**RESPONSES:**

**Minimum:** Tier II Response(s) (see page 9)  
**Maximum:** Long-Term Suspension or Expulsion

- E. Assault on a Staff Member \*RO: Assault on School Personnel with no Serious Injury, \*PD: Assault Resulting in Serious Injury:** A student shall not physically attack a staff member or adult. See self-defense as defined above. **Multiple Assaults:** A student shall not act in concert to physically attack a staff member or other adult.

**RESPONSES:**

**Minimum:** Tier II Response(s) (see page 9)  
**Maximum:** Long-Term Suspension or Expulsion

- F. Inciting to Riot/Chaos UB: Disorderly Conduct, UB: Disruptive Behavior, UB: Aggressive Behavior:** A student shall not engage in behavior of a violent or aggressive nature in a highly volatile area that could result in a riot, widespread chaos or aggressive actions (verbal and/or physical) by students witnessing or involved in the incident.

**RESPONSES:**

**Minimum:** Tier II Response(s) (see page 9)  
**Maximum:** Long-Term Suspension or Expulsion

- G. Refusing to Disperse UB: Insubordination, UB: Disruptive Behavior:** A student who witnesses an incident under this rule shall disperse at the request of staff members.

**RESPONSES:**

**Minimum:** Tier II Response(s) (see page 9)  
**Maximum:** Tier III Response(s) (see page 9)

**Rule 27** **SEXUAL BEHAVIOR (Responsibility/Respect/Self-Discipline/Kindness)** A student shall not engage in any sexual behavior on school property or at a school-sponsored activity.

**A. Offensive Touching** *UB: Harassment-Sexual (not including sexual organ, anus, breast, groin or buttocks), \*PD: Sexual Assault (no rape/sexual offense) (includes sexual organ, anus, breast, groin or buttocks):* A student shall not engage in unwanted touching of an offensive or sexual nature.

*\*See Crime Definitions on pages 24-27 before using this code*

**B. Sexual Harassment** *UB: Harassment-Sexual:* A student shall not engage in unwanted verbal or physical (e.g. gesturing) conduct of a sexual nature which may reasonably be regarded as intimidating, hostile or offensive. This includes the communication of (by digital or other means) or the intentional display of sexually explicit material.

**C. Indecent Exposure** *UB: Harassment-Sexual:* A student shall not intentionally expose private body parts, including but not limited to the display of the buttocks (mooning).

**D. Consensual Sexual Activity** *UB: Mutual Sexual Contact between two Students, UB: Excessive Display of Affection:* A student shall not engage in consensual sexual activity. "Consensual" means all parties are willing participants in the activity.

**RESPONSES:**

**Minimum:** Tier I Response(s) (see page 8)  
**Maximum:** Long-Term Suspension or Expulsion

**E. Sexual Battery** *\*PD: Rape, \*PD: Sexual Assault, \*PD: Sexual Offense:* A student shall not engage in or attempt to engage in sexual activity with another person by force, threat or fear.

**RESPONSES:**

**Minimum:** Tier III Response(s) (see page 9)  
**Maximum:** Long-Term Suspension or Expulsion

**Rule 28** **ALCOHOL, TOBACCO AND OTHER DRUGS (Responsibility/Citizenship):** A student shall not use, purchase, sell, distribute, be under the influence of or possess any kind of tobacco, alcoholic beverage, paraphernalia, controlled substance (as defined by state law) or illegal or counterfeit substance.

**A. Tobacco** *UB: Possession of Tobacco, UB: Use of Tobacco:* A student shall not use, sell, distribute or possess any kind of tobacco product on school property or at a school function.

**RESPONSES:**

**Minimum:** 1<sup>st</sup> Time Offense: Tier II Response(s) to include completion of tobacco cessation Program (see page 9)  
**Maximum:** Repeat Offenders Tier II Response(s)

**B. Alcohol** *\*RO: Alcohol Possession, \*RO: Use of Alcoholic Beverages:* A student shall not possess, use or be under the influence of alcohol on school property or at a school function. For distribution of alcohol see Rule 28E2.

**C. Marijuana** *UB: Under the influence of controlled substances, \*RO: Possession of Controlled Substance-Marijuana, UB: Possession of chemical or drug paraphernalia:* A student shall not possess, use or be under the influence of marijuana on school property or at a school function. "Marijuana" is defined to also include synthetic cannabinoids and substances intended to mimic the effects of marijuana. Possession of large amounts or of more than one individually wrapped package of marijuana will be deemed to be a violation of Rule 28E2.

**D. Paraphernalia** *UB: Possession of chemical or drug paraphernalia:* A student shall not use, possess, or

dis-tribute any drug related paraphernalia including but not limited to: rolling papers, cigar wrappers, e-cigarettes, vaping/hookah devices, bongs, pipes, or any item intended for the use, storage, or distribution of alcohol, tobacco, marijuana or other drugs.

## RESPONSES:

**Minimum:** Tier III Response(s) (see page 9)  
**1<sup>st</sup> Time Offense Rule 28 (B) or (C):** Principal has discretion to reduce OSS to 10 days if student successfully completes at least five sessions of Substance Abuse Counseling.

**Maximum:** Long-Term Suspension or Expulsion

*\*See Crime Definitions on pages 24-27 before using this code*

### E. Drugs/Illegal Substances and Counterfeit Drugs:

1. **Use, Influence or Possession of Drugs, RO: Use of Controlled Substance, RO: Use of Narcotics, UB: Use of Counterfeit items, UB: Possession of Counterfeit Items, \*RO: Possession of Controlled Substance-Other, \*RO: Possession of Controlled Substance-Ritalin, \*RO: Possession of Controlled Substance-Cocaine, \*RO: Possession of Another Person's Prescription Drug:** For drugs other than marijuana, a student shall not use or be under the influence of illegal or controlled substances or possess illegal, counterfeit or controlled substances (including prescription drugs without a doctor's order filed with the school) on school property or at a school function. Disciplinary responses shall include a referral to Student Assistance Program. Example items include, but are not limited to:  
1. Acid 2. Ecstasy/MDMA 3. Heroin/Opiates 4. Cocaine 5. Xanax/Benzodiazepines
2. **Sale/Distribution (Attempt or Actual) RO: Distribution of a Prescription Drug, RO: Sale of Controlled Substance in violation of law-Other, RO: Sale of controlled substance in violation of law-marijuana, RO: Sale of controlled substance in violation of law-Ritalin, RO: Sale of Controlled substance in violation of the law-Cocaine:** A student shall not distribute, sell, attempt to sell, or possess with intent to sell any illegal, counterfeit or controlled substance. Possession of a large amount of or more than one individually wrapped package of a controlled or illegal substance will be considered evidence that the student intended to sell or distribute the product.

## RESPONSES:

**Minimum:** Tier III Response(s) (see page 9)

**Maximum:** Long-Term Suspension or Expulsion

## Rule 29

### WEAPONS AND DANGEROUS OBJECTS – NOT INCLUDING

**FIREARMS\* (Responsibility/Citizenship/Good Judgment) \*RO: Possession of Weapon (not all weapons listed below qualify for this reporting code):** A student will not possess, handle, transport or use any weapon, object that can be reasonably considered a weapon, dangerous object or substance that could cause harm or irritation to another individual on school property or at any school function. All items will be confiscated and will not be returned except with the mutual agreement of law enforcement. This rule does not apply to school supplies (e.g. pencil, laser pointer) unless used as a weapon. Note: any item thrown from a school bus will be treated as a weapon for the purpose of this rule. See Rule 32 for rules on firearms. **Special note: See the Safe Harbor Provision on page 5.**

#### Prohibited items include, but are not limited to:

- A. Toy knife or look alike knife
- B. Toy gun or look alike gun
- C. Weapon not capable of propelling a missile
- D. Knife, switchblade knife, Bowie knife
- E. Box cutter/razor blade
- F. Camouflaged weapon
- G. Object thrown from a bus
- H. Gun powder, ammunition, bullets
- I. Fireworks

- J. Bomb (includes destructive devices such as an explosive, incendiary or poison gas, grenade, rocket having a propellant charge of more than 4 ounces, missile with an explosive charge of more than ¼ ounce, mine or similar device)
- K. Air soft gun, BB gun, pellet gun, air rifle
- L. Any object or substance that could cause injury including but not limited to, slingshots, ice picks, multi-fingered rings, metal knuckles, nun chucks, dirks, daggers, lead canes, clubs, stun guns, flare guns, paint ball guns, mace, pepper spray, fire extinguishers and/or the use of any object or any substance that will potentially cause harm, irritation or bodily injury.

*\*See Crime Definitions on pages 24-27 before using this code*

**RESPONSES:**

**Minimum:** Tier I Response(s) (see page 8)  
**Maximum:** Long-Term Suspension or Expulsion

**Rule 30 GANG AND GANG-RELATED ACTIVITIES (Responsibility/Respect**

**Citizenship/Good Judgment) UB: Gang Activity:** No student shall commit any act that furthers gangs or gang-related activities. A gang is any ongoing organization, association or group of three or more persons, whether formal or informal, having as one its primary activities the commission of criminal acts, or the purposeful violation of any district policy, and having a common name or common identifying sign, colors or symbols. Conduct prohibited by BCS Policy 4328, “Gang-Related Activity,” includes:

- A. **Clothing:** Wearing, possessing, using distributing, displaying, or selling any clothing, jewelry, emblems, badges, symbols, signs, visible tattoos and body markings, or other items, or being in possession of literature that shows affiliation with a gang, or is evidence of membership or affiliation in any gang or that promotes gang affiliation;
- B. **Communication:** Communicating either verbally or non-verbally (gestures, handshakes, slogans, drawings, etc.) to convey membership affiliation in any gang or that promotes gang affiliation;

**RESPONSES:**

**Minimum:** 1<sup>st</sup> Time Offense: student shall receive an individualized warning as to what item or conduct is in violation of this policy and shall be permitted to change or remove the prohibited items.  
**Maximum:** Long-Term Suspension or Alternative School Placement

- C. **Vandalism or Destruction of Property:** Tagging, or otherwise defacing school or personal property with gang or gang-related symbols or slogans;
- D. **Intimidation/Threats:** Requiring payment for protection, money or insurance, or otherwise intimidating or threatening any person related to gang activity;
- E. **Coercion:** Inciting other students to intimidate or to act with physical violence upon any other person related to gang activity;
- F. **Solicitation:** Soliciting others for gang membership;
- G. **Conspiracy:** Conspiring to commit any violation of this policy or committing or conspiring to commit any other illegal act or other violation of school district policies that relate to gang activity.

**RESPONSES:**

**Minimum:** Tier II Response(s) (see page 9)  
**Maximum:** Long-Term Suspension or Alternative School Placement

**Rule 31 FIREARMS (loaded or unloaded) (Responsibility/Respect/Self-Discipline/Good Judgment) \*RO: Possession of a Firearm, \*PD: Robbery with a Firearm or Powerful Explosive, PD: Threat of Physical Attack with a Firearm, \*PD: Physical Attack with a Firearm.**

A student shall not possess, handle or transport any handgun, rifle, starter gun, shotgun or any other

weapon which will or is designed to or may be readily converted to expel a projectile by action of an explosion, including camouflaged guns or any firearm muffler or silencer. By law, students violating this rule are subject to a 365-day mandatory suspension.

**RESPONSES:**

**Minimum:** OSS 365 days  
**Maximum:** Expulsion

*\*See Crime Definitions on pages 24-27 before using this code*

**Rule 32 PERSISTENTLY DANGEROUS STUDENTS (Responsibility/Caring/Justice and Fairness):**

Students who are 14 years of age or older shall not frequently engage in conduct that is in violation of other code of conduct rules and is a danger to others in the school environment. Targeted conduct for this rule are multiple events over an extended period of time, including previous school years. Examples of misconduct under this rule include, but are not limited to, multiple rule violations for assault, the sale or distribution of illegal drugs, gang-related activities, the possession of weapons and inappropriate sexual behavior.

**RESPONSES:**

**Minimum:** Tier III Response(s) (see page 9)  
**Maximum:** Long-Term Suspension or Expulsion

**Rule 33 REFUSAL TO ALLOW SEARCH (Responsibility and Honesty) UB: Insubordination:** School administration has the right to conduct a search of a student or his/her possessions that is reasonable in scope if the administration has a reasonable suspicion that the student may be in possession of a weapon, illegal substance or other items prohibited by or used in violation of law or the *Code of Student Conduct*.

- A. **Search of an individual and/or his/her Possessions:** A student must cooperate with and may not obstruct or interfere with a reasonable and authorized search of the student and/or his/her possessions based on reasonable suspicion that the student may be in possession of a weapon, illegal substance or other items prohibited by or used in violation of law or the *Code of Student Conduct*.
- B. **Search of Student Lockers and Desks:** Lockers and desks are the property of the District and are assigned to the student with the understanding that he/she is responsible for all property placed in the locker or the desk. Lockers and desks shall be used only for storage of those items that are reasonably necessary for the student's school activities such as books, gym clothes, coats, school assignments, etc. A student must cooperate with and shall not obstruct or interfere with an authorized search of his/her locker or desk.
- C. **Search of a Vehicle:** A student must cooperate with and may not obstruct or interfere with reasonable search of the student's vehicle and its contents when it is present on school property or at a school activity. These searches will be based on reasonable suspicion that the student may be in possession of a weapon, illegal substance or other items prohibited by or used in violation of law or the *Code of Student Conduct*. A violation of this rule may result in the student losing his/her parking privilege, in addition to other applicable discipline.

**RESPONSES:**

**Minimum:** Tier I Response(s) (see page 8)  
**Maximum:** Long-Term Suspension or Expulsion

## **Section V – Procedures Relating to Disciplinary Action**

To protect student rights, certain procedures are followed with regard to disciplinary actions. These procedures are

developed as suggested or required by law or regulation. School and classroom discipline in areas not covered by these specific procedures are encouraged.

### **Short-Term Suspensions (1-10 days)**

A student accused of misconduct, which in the opinion of the principal (includes principal's designee) would require a short-term suspension from school, shall be afforded the procedures below. A student must be given an opportunity to complete assignments, take textbooks home, and take major tests or exams missed during the period of suspension. Details of the processes to be followed are provided in BCS Policy 4351, "Short-Term Suspension."

- Step 1:** The student must be told by the principal/designee why suspension is being considered.
- Step 2:** The student must be given the opportunity to have an informal hearing with the principal/designee and to present his/her version of the events and to identify witnesses to the incident. The informal hearing will typically occur immediately after the student is informed of the charges, but may be delayed if the student's continued presence on campus is a safety concern.
- Step 3:** The principal/designee shall make a determination as to whether or not a student is guilty of the misconduct, and if so, what disciplinary response will be imposed. Initial notices to impose suspension may be communicated orally to the parent; written notification must follow.
- Step 4:** The principal/designee shall report each suspension in writing to the student's parent/guardian by fax, email, or any other method reasonably designed to give actual notice. Reasonable effort shall be made to contact parents/guardians prior to the start of the suspension. If parents/guardians cannot be reached prior to the start of the suspension, the principal/designee may start the suspension without contacting them. In this event, the principal must continue efforts to reach the parent/guardian.
- Step 5:** At the discretion of the principal, a written behavior contract may be required upon the return of the student to school.
- Step 6:** Students are not entitled to appeal a principal's decision to impose a short-term suspension to the Superintendent or the Board of Education.

### **Procedures for Long-Term Suspensions (more than 10 days) or 365-day Suspensions and Disciplinary Reassignments**

A student accused of a willful violation of the Code of Student Conduct which, in the opinion of the principal/designee, may require a long-term suspension or 365-day suspension from school, shall be afforded the procedural safeguard described below. A suspension of more than 10 days is appropriate only when the student engages in conduct that threatens the safety of students, staff or school visitors, or threatens to substantially disrupt the educational environment. The procedures for a short-term suspension must be employed as well as the following additional steps, prior to the imposition of a long-term suspension. Only the superintendent may impose a period of long-term suspension or 365-day suspension. Details of the procedures to be followed are provided in BCS Policy 4353, "Long-Term Suspension, 365-day Suspension, Expulsion."

**Notice of Long-Term Suspension:** When a principal decides to recommend that a long-term suspension, 365-day suspension, or expulsion be imposed, parents must be provided notice of the recommendation by the end of the workday (when reasonably possible; otherwise as soon as practicable.)

**Superintendent's Decision:** The student or the student's parent may request a hearing before the superintendent in writing within three days of receiving notice from the principal of the recommendation for long-term suspension, 365-day suspension or expulsion. Based on substantial evidence presented at the hearing, the superintendent shall decide whether to uphold, modify, or reject the principal's recommendation. The superintendent shall send notice of the decision via certified mail to the student and parent.

If the student and parent fail to make a timely request for a hearing or if they waive their right to a hearing by failing to appear for a duly scheduled hearing, the superintendent may impose the long-term suspension or 365-day suspension if it is consistent with board policies and appropriate under the circumstances; impose another appropriate penalty authorized by board policy; or decline to impose any penalty. The superintendent shall send notice of the decision via certified mail to the student and parent.

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. The student may appeal to the board the superintendent's decision not to offer alternative education services. Any appeal must be made in writing within five days of receiving the superintendent's decision.

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.

**Disciplinary reassignment:** If the decision of the superintendent is to make a disciplinary reassignment of the students to an alternative school without any additional days of suspension, the student is not entitled to a due process hearing. 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 a due process hearing. The student may request an appeal to the board as provided in BCS Policy 4305, "Alternative Learning Programs/Schools." During the period of appeal, the student may be transferred to the alternative learning school or program.

**Hearings before the Board:** A student or his/her parent may appeal an imposed long-term or 365-day suspension. The student/parent must appeal to the board in writing within five days of receiving the superintendent's decision. The request for appeal must be limited to issue raised at the administrative hearing. The board hearing will be conducted and a decision rendered within 30 days of the submission of the appeal, unless the student requests that the hearing be delayed. Students are entitled to be represented by counsel at hearings appealing a long-term suspension.

## **Procedures for Expulsion**

N.C.G.S. §115C-390.11 gives the Board of Education authority to expel any student over 14 years of age whose behavior indicates that the student's continued presence in the school constitutes a clear threat to the safety of other students or employees or who is subject to the Jessica Lundsford Act (which applies to certain registered sex offenders). Details of the procedures to be followed for expulsion are provided in BCS Policy 4353, and procedures to request readmission are provided in BCS Policy 4362, "Requests for Readmission of Students Suspended for 365 days or Expelled."

## **Procedures for Suspension/Removal of Students with Disabilities**

Please see the Handbook on Parents Rights for the additional procedural safeguards to be followed for students with disabilities. Parents or students who need a copy of this handbook, may contact the principal.

## **Section VI – Definitions**

**Destructive Device:** An explosive, incendiary, or poison gas, including 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 previously listed devices.

**Student:** Any person attending any school in Beaufort County Schools.

**Board:** Beaufort County Board of Education.

**Principal:** The school principal or any school professional to whom the principal may officially delegate authority.

**Parent:** Natural parent, legal guardian (including foster parent) or other caregiver adult who is acting in the place of a parent and is entitled to enroll the student in school under NC law.

**Alternative School:** full-time educational program that meets the academic requirements of the NC Standard Course of Study and provides the student with the opportunity to make timely progress towards graduation and grade promotion.

**Disciplinary Reassignment:** Assignment to an alternative school imposed as a consequence for violating the Code of

Student Conduct. These assignments are not long-term suspensions.

**Suspension:** The temporary exclusion of a student from the regular school program.

**In School Suspension (ISS):** In-school suspension is an intervention for minor violations of the Code of Student Conduct in which students are removed from the regular classroom setting but allowed to remain at the school. ISS provides the opportunity to redirect student behavior and to restore an orderly environment that is conducive to effective teaching and learning.

**Short-term suspension:** A disciplinary exclusion of a student from school for 10 or fewer school days may be imposed by a principal or assistant principal.

**Long-term suspension:** The disciplinary exclusion from school of a student for more than 10 school days. For offenses occurring during the first, second and third quarters, the term may not exceed the end of the school year; for offenses occurring during the fourth quarter, the term may be through the end of the first semester of the following school year. May be imposed by the superintendent or designee.

**Restorative Justice:** Restorative Justice is reactive in nature. It consists of formal and informal responses to wrongdoing. These responses are introduced in an effort to avoid the reoccurrence of the wrongdoing and to begin to rebuild relationships where there has been harm.

**Restorative Practice:** Restorative Practices are proactive in nature. They consist of formal and informal processes put in place to create positive school climate. These processes precede any wrongdoing, provide expectation clarity for all involved and have a strong focus on building relationships and a sense of community.

**365-day suspension:** A disciplinary exclusion from school for 365 calendar days.

**Exclusion:** The removal of a student from school for disciplinary purposes.

**Expulsion:** The indefinite exclusion of a student from school enrollment for disciplinary purposes; may be imposed only by the Board, and the student must be 14 years old.

## Section VII – DPI Crime Definitions

*\*Italicized offenses are considered dangerous and may lead to a school being designated “Persistently Dangerous.” The threshold for this status is at least two dangerous acts and a ratio of at least five dangerous acts per thousand students.*

- 1. Assault Resulting in Serious Personal Injury:** An intentional offer or attempt by force or violence to do injury to the person of another that causes reasonable apprehension of immediate bodily harm resulting in one of the following: (1) substantial risk of death, (2) serious permanent disfigurement, (3) a coma, (4) a permanent or protracted condition that causes extreme pain, (5) permanent or protracted loss or impairment of the function of any bodily member or organ, or (6) that results in prolonged hospitalization. If an offender used a weapon in an assault resulting in serious injury, report both Assault Resulting in Serious Injury and Assault Involving Use of a Weapon.
- 2. Assault Involving Use of a Weapon:** An intentional offer or attempt by force or violence to do injury to the person of another that causes reasonable apprehension of immediate bodily harm through the use of one of the following: (1) any gun, rifle, pistol, or other firearm, (2) BB gun, (3) stun gun, (4) air rifle, (5) air pistol, (6) bowie knife, (7) dirk, (8) dagger, (9) slingshot, (10) leaded cane, (11) switchblade knife, (12) blackjack, (13) metallic knuckles, (14) razors and razor blades, (15) fireworks, or (16) any sharp-pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction, and maintenance. If a firearm or other weapon is used in the commission of any offense, the type of weapon must be identified in the Weapon Used/Possessed column of the Data Collection Form.
- 3. Assault on School officials, Employees, and Volunteers:** An intentional offer or attempt by force or violence to do injury to a school official, employee, or volunteer that causes reasonable apprehension of immediate bodily harm while the school official, employee, or volunteer is discharging or attempting to discharge his/her duties.
  - The “duties” of a school official, employee, or volunteer include the following: (1) all activities on school property, (2) all activities during a school authorized event or the accompanying of students to or from that event, and (3) all activities relating to the operation of school transportation.
  - An “employee” includes (1) one who is employed by a local board of education, (2) one who is

employed by a charter school, (3) one who is employed by a nonpublic school that operates under Part 1 or Part 2 of Article 39 of Chapter 115C of the General Statutes, or (4) an independent contractor if the independent contractor or employee of the independent contractor carries out duties customarily performed by employees of the school.

- A “volunteer” is one who volunteers his/her services or presence at any school activity and is under the supervision of an employee. This offense includes assaults on school personnel that do not involve the use of a weapon and do not result in apparent serious injury.
4. ***Making Bomb Threats or Engaging in Bomb Hoaxes:*** A person who, with intent to perpetrate a hoax, conceals, places, or displays in or at a public building any device, machine, instrument, or artifact, so as to cause any person reasonably to believe the same to be a bomb or other device capable of causing injury to persons or property.
    - A “public building” encompasses all educational property, as defined in G.S. 14-269.2, including: (1) any school building or bus, and (2) school campus, grounds, recreational area, athletic field, or other property owned, used, or operated, by any board of education or school board of trustees or directors for the administration of any school.
    - “Public buildings” also include: (1) hospitals, and (2) buildings that house only State, federal, or local government offices, or the offices of the State, federal, or local government located in a building that is not exclusively occupied by the State, federal, or local government.
    - This offense includes when a person communicates a bomb threat by any means.
  5. ***Willfully Burning a School Building:*** A person who wantonly and willfully sets fire to, burns, causes to be burned, or aids, counsels, or procures the burning of any schoolhouse or building owned, leased, or used by any public school, private school, college, or educational institution.
  6. ***Homicide:*** A murder which is perpetrated by one of the following means: (1) nuclear, biological, or chemical weapon of mass destruction, (2) poison, (3) lying in wait, (4) imprisonment, (5) starving, (6) torture, (7) any other kind of willful, deliberate, and premeditated murder, (8) during the perpetration or attempted perpetration of an arson, rape, sex offense, robbery, kidnapping, burglary, or other felony committed or attempted with the use of a deadly weapon, (9) the unlawful distribution and ingestion by someone of opium or any other synthetic or natural salt, compound, derivative, or preparation of opium, cocaine, or methamphetamine resulting in death, or (10) all other types of murder.
  7. ***Kidnapping:*** A person who unlawfully confines, restrains, or removes from one place to another, any other person 16 years of age or over without the consent of such person, or any other person under the age of 16 years old without the consent of a parent or legal guardian of such person, shall be guilty of kidnapping if such confinement, restraint, or removal is for the purposes of one of the following: (1) holding such other person for a ransom, as a hostage, or using such other person as a shield, (2) facilitating the commission of any felony or facilitating the flight of any person following the commission of a felony, (3) doing serious bodily harm to or terrorizing the person so confined, restrained, or removed by any other person, (4) holding such other person in involuntary servitude, (5) trafficking another person with the intent that the person be held in involuntary servitude or sexual servitude, or (6) subjecting or maintaining such other person for sexual servitude.
  8. ***Unlawful, underage sales, purchase, provision, possession, or consumption of alcoholic beverages:*** It shall be unlawful for a person younger than 21 years of age to possess, sell, give, or purchase any alcoholic beverages. It is also unlawful for any person to aid and abet a person under the age of 21 years old in his/her attempt to obtain an alcoholic beverage.
    - An “alcoholic beverage” includes the following: (1) malt beverage, (2) fortified wine, (3) unfortified wine, (4) spirituous liquor, (5) mixed beverages, or (6) beer.
  9. ***Possession of Controlled Substance in Violation of Law:*** It is unlawful for a person to possess or have in his/her immediate control any of the following: Marijuana, Heroin, LSD, Methamphetamine, Cocaine, or any other drug listed in Schedules I - VI of the North Carolina Controlled Substances Act. (G.S. §90-89 through 90-94.)
    - The unauthorized possession of a prescription drug is included under this offense.
    - The principal should confer with law enforcement personnel if there is doubt as to whether or not a certain drug is considered a controlled substance.

10. **Possession of a Firearm:** It is unlawful for any person to possess or carry, whether openly or concealed any gun, rifle, pistol, or other firearm of any kind on educational property or to a curricular or extracurricular activity sponsored by a school.
  - This offense does not apply to a BB gun, stun gun, air rifle, or air pistol.
  - Persons authorized to carry weapons on school property are law enforcement officers, firefighters, and emergency service personnel when discharging their official duties.
11. **Possession of a Weapon:** It is unlawful for any person to possess or carry, whether openly or concealed, any of the following weapons on campus or other educational property: (1) any BB gun, (2) stun gun, (3) air rifle, (4) air pistol, (5) bowie knife, (6) dirk, (7) dagger, (8) slingshot, (9) leaded cane, (10) switchblade knife, (11) blackjack, (12) metallic knuckles, (13) razors and razor blades, (14) fireworks, or (15) any sharp-pointed or edged instrument, except instructional supplies, unaltered nail files, clips, and tools used solely for preparation of food, instruction, maintenance.
  - “Educational Property” refers to any school building or bus, school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by any board of education or school board of trustees, or directors for the administration of any school.
  - Persons authorized to carry weapons on school property are individuals carrying a concealed handgun with a permit as authorized by Chapter 14, Article 54B of the NC General Statutes as amended by Session Law 2013-369, and law enforcement officers, firefighters, and emergency service personnel when discharging their official duties.
12. **Rape:** A person is guilty of rape if that person engages in vaginal intercourse with another person by force and against the will of the other person, or if the person being assaulted is mentally disabled, mentally incapacitated, or physically helpless and the person performing the act knows or should reasonably know that the other person is mentally disabled, mentally incapacitated, or physically helpless.
  - Statutory rape is vaginal intercourse committed on a child under the age of 16 by a person who is at least 12 years old and at least 4 years older than the victim, regardless of whether the victim consented.
13. **Robbery With a Dangerous Weapon:** Any person or persons, who, having in possession or with the use or threatened use of any firearms or other dangerous weapon, implement or means, whereby the life of a person is endangered or threatened, unlawfully takes or attempts to take personal property from another or from any place of business, residence, or banking institution or any other place where there is a person or persons in attendance, at any time, either day or night, or who aids or abets any such person or persons in the commission of such crime.
14. **Sexual Assault (not involving rape or sexual offense):** A person is guilty of sexual battery if he/she, for the purpose of sexual arousal, sexual gratification, or sexual abuse, engages in sexual contact with another person by force and against the will of the other person, or if the person being assaulted is mentally disabled, mentally incapacitated, or physically helpless and the person performing the act knows or should reasonably know that the other person is mentally disabled, mentally incapacitated, or physically helpless.
  - NCGS 14-27.1 defines “sexual contact” as touching the sexual organ, anus, breast, groin or buttocks of any person or a person touching another person with their own sexual organ, anus, breast, groin, or buttocks.
  - The difference between a sexual assault and a sexual offense is that the sexual assault involves forcible and intentional touching without penetration, and a sexual offense involves penetration of a sex organ or anus by any object, or touching another’s mouth or anus by the male sex organ.
15. **Sexual Offense:**
  - First-degree sexual offense: A person is guilty of a sexual offense in the first degree if the person engages in a sexual act with (1) a victim who is a child under the age of 13 years and the defendant is at least 12 years old and is at least four years older than the victim, or (2) with another person by force and against the will of the other person, and (a) employs or displays a dangerous or deadly weapon or an article which the person reasonably believes to be a dangerous or deadly weapon, (b) inflicts serious personal injury upon the victim or another person, or (c) the person commits the offense aided and abetted by one or more other persons.
  - Sexual offense with a child (adult offender): A person is guilty of sexual offense with a child if the person is at least 18 years of age and engages in a sexual act with a victim who is a child and under

the age of 13 years.

- Second-degree sexual offense: A person is guilty of a sexual offense in the second degree if the person engages in a sexual act with another person (1) by force and against the will of the other person, or (2) who is mentally disabled, mentally incapacitated, or physically helpless, and the person performing the act knows or should reasonably know that the other person is mentally disabled, mentally incapacitated, or physically helpless.
- Statutory rape or sexual offense of person who is 13, 14, or 15 years old: A person is guilty if he/she engages in vaginal intercourse or a sexual act with another person who is 13, 14, or 15 years old and the person committing the act is at least six years older than the person, except when the person committing the act is lawfully married to the other person.

16. ***Taking Indecent Liberties With A Minor:*** A person is guilty of taking indecent liberties with a child if, being 16 years of age or more and at least five years older than the child in question, he/she either: (1) willfully takes or attempts to take any immoral, improper, or indecent liberties with any child of either sex under the age of 16 years for the purpose of arousing or gratifying sexual desire, or (2) willfully commits or attempts to commit any lewd or lascivious act upon or with the body or any part or member of the body of any child of either sex under the age of 16 years. A “lewd and lascivious act” is defined as an act that is obscene, lustful, or indecent, tending to deprave the morals with respect to sexual relations.



## **STUDENT/PARENT HANDBOOK: TABLE OF CONTENTS**

Non-Discrimination.....	1
Protection of Pupil Rights Amendment.....	2
Students with Disabilities: IDEA.....	2
NC Safe Surrender Law.....	2
Homeless Students (McKinney-Vento Homeless Assistance Act).....	3
Federal Educational Rights and Privacy Act (FERPA).....	3
FERPA Opt-Out Letter.....	5
Student Dress Code (Policy 4316 and Policy 4316-R).....	6
Coordinated School Health News.....	7
Seclusion and Restraint (Policy 4302-R).....	8
Student Searches (Policy 4342).....	10
Discrimination and Harassment Prohibited by Federal Law (Policy 1710/4020/7230).....	12
Title IX Sexual Harassment-Prohibited Conduct and Reporting Process (Policy 1725/4035/7236).....	18
Title IX Sexual Harassment Grievance Process (Policy 1726/4036/7237).....	26
Student and Parent Grievance Procedure (Policy 1740/4010).....	38
Parental Involvement (Policy 1310/4002).....	42
Technology Responsible Use (Policy 3225/4312/7320).....	47
Parental Request to Deny Access (Policy 3225 E-2).....	51
Student Responsible Use of Technology and Internet Safety Agreement (Policy 3225/4312/7320-E).....	52
Parent Permission for Photographing, Recording and Videotaping.....	54
Attendance (Policy 4400).....	55
Student Promotion and Accountability (Policy 3420).....	57
Comprehensive Health Education Program (Policy 3540).....	61
Administering Medicines to Students (Policy 6125).....	62
Instructional Use of Videos (Policy 3335).....	67
Student Athlete Behavior and Drug Screening (Policy 4326).....	68
Student Athlete Commitment Contract (Policy 4326-E).....	75
Asbestos Hazard Emergency Response Act.....	76
Pest Management (Policy 9205).....	76
Request for Notification of Non-Exempt Pesticide Application.....	77
Staff - Student Relations (Policy 4040).....	78
Intimidation, Bullying and/or Threats Administrative Report Form.....	81
Non-Sufficiently Funded Checks.....	82



# INTRODUCTION

This handbook was produced as a resource for students and parents to explain the notices, policies, and regulations governing all students attending Beaufort County Schools. Some portions of the handbook refer to specific Board of Education policies. In some instances the entire policy is cited; at other times, only the most relevant portion is included. Your school may provide additional rules and regulations.

Parents must help school personnel to effectively communicate information from this handbook to students. Parents help by requiring students to be in school every day they are physically able to be in attendance, providing information such as correct addresses and phone numbers, attending scheduled conferences with school staff, sending the necessary absence or tardy notes, and learning about the school, its mission, its plan for improvement, and its activities. Parents are encouraged to meet with school staff; however, conferences with teachers should be scheduled in advance to avoid interruption of instructional time.

Please take time to become familiar with the contents of this handbook. The information included is important and knowing it will make the school year easier for the students. If you have questions about information in this handbook, call your school principal. If further assistance is needed, the principal will direct you to the appropriate Beaufort County School System central office staff. You may also visit the Beaufort County Schools website at [www.beaufort.k12.nc.us](http://www.beaufort.k12.nc.us).

## NOTICES, POLICIES, REGULATIONS

**Non-Discrimination: Title VI of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; and The Americans with Disabilities Act of 1990 (ADA).**

Beaufort County Schools 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. 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 will not be tolerated.

Inquiries about the application of Title IX and its implementing federal regulations may be referred to the school district's 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 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](mailto:OCR.DC@ed.gov)

### **Title IX Coordinator**

Ashley Padgett  
F.A.C.E. Director  
321 Smaw Road  
Washington, NC 27889  
(252) 946-6593

### **ADA Coordinator**

Jamie Stokes  
Executive Director of Auxiliary Services  
321 Smaw Road  
Washington, NC 27889  
(252) 946-6593

### **Section 504 Coordinator**

Ashley Padgett  
F.A.C.E. Director  
321 Smaw Road  
Washington, NC 27889  
(252) 946-6593

## **Protection of Pupil Rights Amendment**

The Protection of Pupil Rights Amendment requires that the School District notify you and obtain consent or allow you to opt-out your child from participating in certain school activities. These activities include a student survey, analysis or evaluation that concerns one or more of the following seven areas:

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

This requirement also applies to the collection, disclosure or use of student information for marketing purposes and certain physical exams or screenings except for hearing, vision, scoliosis or any physical exam or screening permitted or required under State law.

The School District will, within a reasonable period of time prior to the administration of the surveys and activities, provide notice of said surveys and activities and give you or your son/daughter, if he/she is eighteen (18) years old or older, the opportunity to opt-out.

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

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

## **Students with Disabilities: Individuals with Disabilities Education Act ("IDEA")**

Pursuant to the Individuals with Disabilities Act ("IDEA"), a federal law, the School District must provide special education services to all children residing in the school district who are between the ages of three (3) and twenty-one (21) who have been diagnosed with or are suspected to have mental, physical or emotional disabilities and who are unable to benefit from a regular school program without special assistance. If your child or a child you know may qualify for such special assistance, please contact:

Kimberly Gibbs  
Director of Exceptional Children  
321 Smaw Road  
Washington, NC 27889  
(252) 946-6593

## **North Carolina Safe Surrender Law**

Pursuant to N.C.G.S. §7B-500(b), a female may legally surrender her newborn baby to a responsible adult without fear of criminal prosecution. While any responsible adult may receive a newborn, school social workers, school nurses, counselors and law enforcement agents are examples of responsible adults who are familiar with this law. More information can be found at [www.safesurrender.net](http://www.safesurrender.net). Those individuals without Internet access can call 1-800-FOR-BABY or contact a school nurse or social worker.

## **Homeless Students: McKinney-Vento Homeless Assistance Act**

For information concerning the educational rights of homeless students, please consult Board Policy 4125, "Homeless Students" and/or contact:

Greg Singleton  
Executive Director of Student Affairs  
Washington, NC 27889  
(252) 946-6593

## **Notification of Rights under FERPA**

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

1. The right to inspect and review the student's education records within 45 days after the day the school receives a request for access.

Parents or eligible students who wish to inspect their child's or their education records should submit to the school principal a written request that identifies the records they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

Parents or eligible students who wish to ask the school to amend their child's or their education record should write the school principal, clearly identify the part of the record they want changed and specify why it should be changed. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. The right to provide written consent before the school discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest must be set forth in the school's or school district's annual notification for FERPA rights. A school official typically includes a person employed by the school or school district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the school board. A school official also may include a volunteer, contractor, or consultant who, while not employed by the school, performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary

or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. A school official typically has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the school discloses education records without consent to officials of another school or school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the [School] to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

The Family Educational Rights and Privacy Act requires that Beaufort County Schools with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, BCS may disclose appropriately designated "directory information" without written consent, unless you have advised the District to the contrary in accordance with District procedures. The primary purpose of directory information is to allow BCS to include this type of information from your child's education records in certain school publications. Examples include:

- A playbill, showing your student's role in a drama production;
- The annual yearbook;
- Honor roll or other recognition lists;
- Graduation programs;
- Photograph or digital image, including still or video images of a student engaged in ordinary school activities; and
- Sports activity sheets, such as for wrestling, showing weight and height of team members.

Directory information, which is information contained in an education record that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Directory information may only be released to outside organizations that offer and/or supply school memorabilia such as companies that manufacture class rings, publish yearbooks or provide graduation products. In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) to provide military recruiters, upon request, with three directory information categories - names, addresses and telephone listings - unless parents have advised the LEA that they do not want their student's information disclosed without their prior written consent.

If you do not want BCS to disclose directory information from your child's education records without your prior written consent, you must notify the District (current school) in writing within 10 days after the first day of the academic school year. The District has designated the following information as directory information:

- Student's name;
- Address;
- Date and place of birth;
- Dates of attendance;
- Grade level;
- Participation in officially recognized activities and sports;
- Weight and height of members of athletic teams;
- Diplomas (including endorsements earned), industry credentials/certifications, and awards received;
- The most recent educational agency or institution attended.

BCS Board Policy 4700 "Student Records" is available on the BCS website. Parents and eligible students have the right to obtain a copy of this policy.

## **FERPA Opt-Out Letter**

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If you wish to restrict the disclosure of your student's directory information, please check all that apply and return to your child's school.

Federal law requires schools to release a secondary student's name, address, and phone number to military recruiters and institutions of higher education unless the student or his parent requests in writing that such information be withheld. In addition, the Family Educational Rights and Privacy Act (FERPA) gives parents (or students, if 18 years of age or older) the authority to prohibit schools from disclosing any or all directory information by providing notification in writing.

Please consider this letter notice of the following:

\_\_\_\_ As parent/legal guardian of a student who is less than 18 years of age and in high school, I hereby exercise my right to request that you do not disclose the name, address or telephone number of my son/daughter to:

\_\_\_\_ Military recruiters

\_\_\_\_ Institutions of higher education

\_\_\_\_ As a student 18 years of age or older and in high school, I hereby exercise my right to request that you do not disclose my name, address or telephone number to:

\_\_\_\_ Military recruiters

\_\_\_\_ Institutions of higher education

\_\_\_\_ As parent/legal guardian of a student less than 18 years of age, I hereby exercise my right under FERPA to request that you do not disclose any directory information for my son/daughter, except: [List directory information or purposes that you do permit, if any]\_\_\_\_\_.

As a student 18 years of age or older, I hereby exercise my right under FERPA to request that you do not disclose any of my directory information except: [List directory information or purposes that you do permit, if any].  
\_\_\_\_\_.

Student Name: \_\_\_\_\_ Grade: \_\_\_\_\_ Name of School: \_\_\_\_\_

\_\_\_\_\_  
Signature of Parent/Legal Guardian

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Student (if 18 or older)

\_\_\_\_\_  
Date

## **STUDENT DRESS CODE (BCS Policy 4316 and 4316-R)**

The board believes that the dress and personal appearance of students greatly affect their academic performance and their interaction with other students. The board requests that parents outfit their children in clothing that is conducive to learning. Thus, the board prohibits any appearance or clothing that does the following:

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

Examples of prohibited dress or appearance, include, but are not limited to, exposed undergarments; sagging pants; excessively short or tight garments; bare midriff shirts; spaghetti straps; revealing tank tops; strapless shirts; attire with messages or illustrations that are lewd, indecent or vulgar or that advertise any product or service not permitted by law to minors; head coverings of any kind; see-through clothing; attire that exposes cleavage; any adornment, such as chains or spikes that reasonably could be perceived as or used as a weapon; any symbols, styles or attire (such as bandanas) frequently associated with intimidation, violence or violent groups; and any symbols, styles or attire about which students at a particular school have been notified. (See policy 4328, Gang-Related Activity, for more information on prohibited clothing and other items that convey membership or affiliation in a gang). The superintendent or designee will develop and maintain administrative regulations in accordance with this policy. This policy and accompanying regulations will be reviewed annually by the superintendent who will provide the board with any recommendations.

Principals at individual schools are authorized to exercise appropriate discretion in implementing this policy and administrative regulations, including making accommodations on the basis of a student's religious belief or medical condition. Principals may also specify additional examples of dress or appearance that are prohibited at their schools consistent with this policy.

Before receiving disciplinary consequences, a student who is not in compliance with this policy, regulations or a school dress code will be given a reasonable period of time to make adjustments so that he or she will be in compliance. Disciplinary consequences for a student who fails to comply after being offered this opportunity shall be consistent with Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violation of the dress code.

### **PANTS, SKIRTS, SHORTS, JUMPERS, DRESSES, SKORTS, CAPRIS**

- Pants may be any color
- Pants must not have holes, cuts and tears.
- Garments cannot be shorter than 3 inches above the knee.
- Overalls and coveralls are prohibited.
- Approved shirt or top is required when wearing a jumper.
- Form fitting spandex material, nylon, and athletic pants/shorts of any kind including sweat pants are prohibited.
- Oversized, undersized, and skintight garments will not be tolerated.
- In Grades Pre-K through 5th grade, students may wear leggings, athletic shorts and pants with elastic waist.

### **Shoes**

- Some type of footwear must be worn at all times.
- Pre-K through 5<sup>th</sup> grade is not allowed to wear flip-flops at any time.
- No spike heels or bedroom shoes.

### **Shirts**

- Shirts may be any color and do not require a collar.
- Shirts may be long or short sleeve.
- Sleeveless shirts are not permitted.
- Form fitting spandex material and nylon are prohibited.
- Oversized, undersized, and skintight garments will not be tolerated.

## **Coats**

- Coats must not hang past the straddle of the pants.

The Superintendent shall exempt a student from complying with this policy when compliance would impose a substantial burden on a medical condition or the exercise of a sincerely held religious belief. A parent, guardian or person in loco parentis of a student shall submit to the superintendent a written statement explaining the medical condition or religious belief and how it is affected by the school dress code policy.

## **Coordinated School Health News**

### *Important Information to Keep Students Healthy and Safe*

#### ***INFLUENZA***

Influenza (the flu) is a viral infection that can cause illness ranging from mild to severe to life-threatening complications. Symptoms of the flu include fever, headache, extreme tiredness, muscle aches, dry cough, sore throat and runny stuffy nose. Children sometimes also have nausea, vomiting, or diarrhea. The flu is spread through respiratory droplets from a cough or sneeze, or from droplets on unwashed hands. Vaccine against flu is available every year through private physicians and at the Beaufort County Health Department. The vaccine is recommended for people at high risk for complications of the flu, (the elderly and those with chronic illnesses, including asthma) and people in close contact with them (this includes household contacts). When vaccine supplies are in good supply flu shots are also available for children and adults in the general public.

#### ***MENINGOCOCCAL MENINGITIS***

Meningitis is an infection of the fluids and covering of the brain or spinal cord that can be caused by bacteria. While viral meningitis is fairly common, and people usually recover fully, bacterial meningitis is very rare, but much more serious. Meningitis is spread by close exchange of saliva and respiratory secretions through sharing of drinking glasses, cigarettes or kissing. Symptoms of bacterial meningitis include severe headache, high fever, nausea/vomiting and stiff neck. Symptoms can worsen very quickly Children with any of these symptoms should be checked by a doctor right away. A vaccine against bacterial meningitis is available through private physicians and the Beaufort County Health Department, and is recommended for children in their early teens.

#### ***HUMAN PAPILLOMAVIRUS (HPV)***

HPV is a common virus that is spread from one person to another by close intimate contact. There are about 40 types of HPV that can infect both men and women, and can raise the risk of cervical cancer in women. This virus lives in the body and usually causes no symptoms, but some people may develop a visible growth or bump. Most people with HPV do not know they are infected which is why males and females can pass it on without realizing it. A new vaccine can now protect females (ages 9-26) from four major types of HPV. For more information about HPV vaccine, check with your physician or the Beaufort County Health Department.

#### ***COMMUNITY ACQUIRED (CA-MRSA) Methicillin Resistant Staphylococcus Aurea***

CA-MRSA is an infection, caused by skin bacteria, that usually starts as a pimple or boil on the skin, and is very hard to clear up without very special antibiotics. CA-MRSA has become a growing problem among athletes who are involved in contact sports, and those using athletic equipment that is shared. Everyone should wash hands frequently with soap and water. All athletes should shower thoroughly with soap immediately after work-out or practice. Athletes should wash all athletic clothing and towels after each use. Do not share personal items. Carefully self-check all skin daily for rashes, pimples or boils that get worse instead of better. Report rashes, open sores, pimples and boils to the coach. If sores get worse, even after repeated washing with soap and water, the student should be checked by a doctor or health care provider. Avoid body contact with others or with shared equipment if rash or pustules are present. All skin sores should be covered with an adhesive bandage and clothing for athletics. Do not participate in contact sports until released by a doctor. More information is available at Beaufort County Health Department: [www.bchd.net](http://www.bchd.net) and NC DHHS: [www.immunizenc.org](http://www.immunizenc.org).

## **SECLUSION AND RESTRAINT (BCS Policy 4302-R)**

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

### **A. PHYSICAL RESTRAINT**

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

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

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

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

### **B. MECHANICAL RESTRAINT**

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

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

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

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

### **C. SECLUSION**

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

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

1. as reasonably needed to respond to a person in control of a weapon or other dangerous object;
2. as reasonably needed to maintain order or prevent or break up a fight;
3. as reasonably needed for self-defense;
4. as reasonably needed when a student's behavior poses a threat of imminent physical harm to self or others or imminent substantial destruction of school or another person's property; or
5. when used as specified in the student's IEP, Section 504, or behavior intervention plan; and
  - a. the student is constantly monitored by an adult in close proximity who is able to see and hear the student at all times;
  - b. the student is released from seclusion upon cessation of the behaviors that led to the seclusion or as otherwise specified in the student's IEP, Section 504, or behavior intervention plan;
  - c. the confining space has been approved for such use by the local education agency;
  - d. the space is appropriately lighted, ventilated, and heated or cooled; and
  - e. the space is free from objects that unreasonably expose the student or others to harm.

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

#### **D. ISOLATION**

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

Isolation is permitted as a behavior management technique provided that:

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

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

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

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

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

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

- h. eating one's own vomit; or
- i. denial of reasonable access to toileting facilities.

The use of aversive procedures in public schools is prohibited.

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

1. School staff will promptly notify the principal or designee of any of the following:

- a. any use of aversive procedures;
- b. any prohibited use of mechanical restraint;
- c. any use of physical restraint resulting in observable physical injury to a student;
- d. any prohibited use of seclusion; or
- e. any seclusion exceeding 10 minutes or beyond the amount of time specified on a student's behavior intervention plan

2. Notice to Parents

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

3. Written Report to Parents

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

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

4. Reporting to State Board

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

5. Non-Retaliation for Reporting

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

## **STUDENT SEARCHES (BCS Policy 4342)**

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

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

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

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

## **B. PERSONAL SEARCHES**

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

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

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

## **C. USE OF METAL DETECTORS**

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

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

## **D. DESK AND LOCKER SEARCHES**

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

## **E. SEARCHES OF STUDENT MOTOR VEHICLES**

Students are permitted to park on school premises as a matter of privilege, not of right. School officials have authority to patrol student parking lots at all times to maintain safety in the parking lots. The interior of a student's

motor vehicle parked on the school premises may be searched if a school official has reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating a law or a school rule.

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

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

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

#### **DISCRIMINATION AND HARASSMENT PROHIBITED BY FEDERAL LAW (BCS 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 in consultation with the board attorney as appropriate, shall determine whether the alleged act(s) constitutes a violation of this policy, policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities, and/or any other board policy or expected standard of student or employee behavior.

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

## 2. Investigator's Findings

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

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

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

d. The investigator shall make a record of the evidence and findings of the investigation and the assigned or recommended discipline and/or other remedial action and provide a copy to the appropriate civil rights coordinator. If the investigator recommends a disciplinary consequence or remedial action that is beyond his or her authority, the investigator shall provide a copy of the record to the superintendent for further action.

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

## 3. Steps to Reasonably End Discrimination or Harassment

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

i. reasonable, timely, age-appropriate corrective action intended to end the discrimination or harassment and prevent it from recurring;

ii. as needed, reasonable steps to address the effects of the discrimination or harassment on the victim; and

iii. as needed, reasonable steps to protect the victim from retaliation as a result of the complaint.

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

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

## **E. Appeals**

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

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

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

## **F. Retaliation Prohibited**

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

## **G. Training and Programs**

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

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

## **H. Records**

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

## **I. Contacts for Inquiries**

The superintendent has appointed individuals to coordinate the school system's efforts to comply with and carry out its responsibilities under federal nondiscrimination laws, including investigating any complaints

communicated to school officials alleging noncompliance with those laws. Inquiries about the application of the nondiscrimination laws addressed in this policy may be referred to the designated civil rights coordinator and/or the Assistant Secretary for Civil Rights in the Office for Civil Rights at the U.S. Department of Education.

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

1. Title IX and Section 504 Coordinator

Name: Ashley Padgett  
Office Address: 321 Smaw Road, Washington, NC 27889  
Phone Number: 252-946-6593

2. ADA Coordinator

Name: Jamie Stokes  
Office Address: 1010 Pennsylvania Ave., Washington, NC 27889  
Phone Number: 252-946-6593

3. Age Discrimination Coordinator

Name: Mark Doane  
Office Address: 321 Smaw Road, Washington, NC 27889  
Phone Number: 252-946-6593

4. Coordinator for Other Non-discrimination Laws

Name: Mark Doane  
Office Address: 321 Smaw Road, Washington, NC 27889  
Phone Number: 252-946-6593

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](mailto:OCR.DC@ed.gov)

## **TITLE IX SEXUAL HARRASSMENT- PROHIBITED CONDUCT AND REPORTING PROCESS (BCS Policy 1725/4025/7236)**

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. 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.

## **B. 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.

### **C. 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.

### **D. 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.

## E. 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.

## **TITLE IX SEXUAL HARASSMENT GRIEVANCE PROCESS (BCS 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:
    - the identities of the parties involved, if known;
    - the conduct allegedly constituting sexual harassment; and
    - 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) therefore 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, Professional Employees: Demotion and Dismissal, shall also apply as applicable.

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

## 4. Decision on Appeal

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

## 5. When the Decision Becomes Final

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

The superintendent shall ensure that a copy of the final decision is provided to the Title IX coordinator and

shall confer with the Title IX coordinator regarding any remedies to be provided to the complainant, as described in subsection G.4 below.

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

### **1. Disciplinary Consequences for Students**

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

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

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

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

### **2. Disciplinary Consequences for Employees**

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

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

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

### **3. Consequences for Other Perpetrators**

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

### **4. Remedies**

At the conclusion of the grievance process, the superintendent or other decision-maker shall confer with the

Title IX coordinator to determine the remedies to be provided to the complainant when the respondent is found responsible for sexual harassment. The Title IX coordinator shall consult with the complainant in determining appropriate remedies.

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

5. Consideration of Need for More Extensive Response

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

## H. Informal Resolution

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

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

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

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

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

## **I. Retaliation Prohibited**

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

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

## **J. Records**

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

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

## **STUDENT AND PARENT GRIEVANCE PROCEDURE (BCS 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 may be used as described below.

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

## B. DEFINITIONS

1. **Days:** Days are working days, exclusive of Saturdays, Sundays, vacation days, or holidays, as set forth in the school calendar. In counting days, the first day will be the first full working day following the receipt of the grievance. After May 1, time limits will consist of all weekdays (Monday – Friday) so that the matter may be resolved before the close of the school term or as soon thereafter as possible.
2. **Final Administrative Decision:** A final administrative decision is a decision of a school employee from which no further appeal to a school administrator is available.
3. **Grievance:** A grievance is a formal complaint regarding specific decisions made by school personnel that alleges that such decisions have adversely affected the person making the complaint. A grievance includes, but is not limited to, circumstances such as when a student or parent believes that board policy or law has been misapplied, misinterpreted or violated. The term “grievance” does not include any matter for which the method of review is prescribed by law, for which there is a more specific board policy providing a process for addressing the concern, or upon which the board is without authority to act. Claims of discrimination, harassment or bullying must be processed under policy 1720/4015/7225, Discrimination, Harassment and Bullying Complaint Procedure.
4. **Official:** The official is the school system 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 shall 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 because 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 at any stage of the grievance. The grievant may have an attorney present after the initial meeting with the principal to discuss the filing of the grievance. However, if the grievant intends 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 system 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 system 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 action(s) at issue; (3) any board policy, state or federal law, state or federal regulation, or State Board of Education policy or procedure that the parent or guardian or student believes has been misapplied, misinterpreted or violated; and (4) the specific resolution desired. If there is not a specific decision or action at issue and no concern that state or federal law has been misapplied, misinterpreted or violated, then the procedure established in policy 1742/5060 is appropriate, and the principal shall address the concern following that policy.
- d. Even if the principal is the employee whose decision or action is at issue, the student must submit the grievance first to the principal in order for the principal to address the issue within the formal process. If, however, the grievance claims that a state or federal law has been misapplied, misinterpreted or violated, the student may submit the grievance directly to the superintendent or designee.
- e. If a student wants to initiate a formal grievance regarding a decision by the superintendent that directly and specifically affects the student, the general process described in this policy will be used, except that the grievance will be submitted to the assistant superintendent of human resources, who shall forward the grievance to the board chairperson.

### 2. Investigation

- a. The principal shall schedule and hold a meeting with the student and/or parent or guardian within five school days after the grievance has been filed with the principal. The student may only 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 five days of the meeting. The response will include the principal's decision regarding resolution of the grievance and the basis for the decision. In responding, the principal may not disclose information about other students or employees that is considered confidential by law.
- b. A copy of the grievance and the principal's response will be filed with the superintendent.

#### 4. Response by Superintendent

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

#### 5. Appeal to the Board

If the grievant has alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board of education policy or procedure, the grievant will have the 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, then 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 whether to (1) deny the appeal; (2) review the superintendent's decision on the written record only; or (3) grant a hearing. 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 denies the appeal, the decision of the superintendent will be final and the grievant will be notified within five days of the board's decision.
4. If the board decides to grant a hearing, the hearing will be conducted pursuant to policy 2500.

5. 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 investigating grievances.

#### **G. RECORDS**

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

### **PARENTAL INVOLVEMENT (BCS 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 that school year, how the results from the tests will be used, 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 policies 3400, Evaluation of Student Progress and 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. if applicable, that their child will be provided advanced learning opportunities in mathematics or will be placed in an advanced mathematics course;
13. a clear and concise explanation of the North Carolina testing and accountability system that includes all information required by federal law;
14. 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.
15. the grade earned by the school on the most recent annual report card issued for it by the State Board of Education if the grade was a grade of D or F;
16. supportive services available to students, including guidance, counseling, and health services (see policy 3610, Counseling Program);
17. 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;
18. 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;
19. how to reach school officials in emergency situations during non-school hours;

20. information about and an application form for free and reduced price meals and/or free milk (see policy 6225, Free and Reduced Price Meal Services);
21. information about the school breakfast program;
22. information about the availability and location of free summer food service program meals for students when school is not in session;
23. for parents of children with disabilities, procedural safeguards (see also policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities);
24. 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;
25. education rights of homeless students (see policy 4125, Homeless Students);
26. the content and implementation of the local school wellness policy (see policy 6140, Student Wellness);
27. 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);
28. that the school system does not discriminate on the basis of race, color, national origin, sex, disability or age (see policies 1710/4021/7230, Prohibition Against Discrimination, Harassment and Bullying and 1730/4022/7231, Nondiscrimination on the Basis of Disabilities);
29. that the school system provides equal access to its facilities, programs, and activities to the Boy Scouts and other designated youth groups (see policy 1710/4021/7230, Prohibition Against Discrimination, Harassment and Bullying); and
30. 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 HIV/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 policies 3610, Counseling Program and 4240/7312, Child Abuse and Related Threats to Child Safety);
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.

## **TECHNOLOGY RESPONSIBLE USE (BCS 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 student achievement and to improve communication with 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.

The use of school system technological resources is a privilege, and use in violation of this policy may result in revocation of the privilege.

### **A. Expectations for Use of School Technological Resources**

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

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

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. Before using school system technological resources, students and employees must sign a statement indicating that they understand and will strictly comply with these requirements. Failure to adhere to these requirements will result in disciplinary action, including revocation of user privileges. Willful misuses may result in disciplinary action and/or criminal prosecution under applicable state and federal law.

### **B. Rules for Use of School Technological Resources**

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

- board permits infrequent and brief personal use by employees so long as it occurs on personal time, does not interfere with school system business, and is not otherwise prohibited by board policy or procedure.
2. 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.
  3. Under no circumstances may software purchased by the school system be copied for personal use.
  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, pornographic, harassing, abusive, or considered to be harmful to minors.
  5. The use of anonymous proxies to circumvent content filtering is prohibited.
  6. Users may not install or use any Internet-based file sharing program designed to facilitate sharing of copyrighted material.
  7. Users of technological resources may not send electronic communications fraudulently (i.e., by misrepresenting the identity of the sender).
  8. Users must respect the privacy of others. When using e-mail, chat rooms, blogs or other forms of electronic communication, students must not reveal personal identifying information, or information that is private or confidential, such as 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 personnel 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 permission of a parent or guardian or an eligible student, except as otherwise permitted by the Family Educational Rights and Privacy Act (FERPA) or board 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. If a user identifies a security problem on a technological resource, he or she must immediately notify a system administrator. Users shall not demonstrate the problem to other users. Any user identified as a security risk shall be denied access.
  13. 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.
  14. Users may not read, alter, change, block, execute or delete files or communications belonging to another user without the owner's express prior permission.

15. Employees shall not use passwords or user IDs for any data system (e.g., NCWISE, CECAS, time-keeping software, etc.) for an authorized or improper purpose.
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.
18. All employees are required to use the BCS network or approved off-network sites when creating websites for any and all educational and work related postings or communications with students.

### **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 materials and information that are obscene, pornographic, or otherwise harmful to minors, including content that contains 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).

Users are ultimately responsible for their activity on the Internet. The board will not be responsible for any damages, including loss of data resulting from delays or service interruptions. Use of any information obtained via the Internet is at the user's risk. The board specifically denies any responsibility for the accuracy or quality of information obtained through its technological resources.

### **D. Parental Consent**

The board believes that the benefits to students from access to the Internet, in the form of information resources and opportunities for communication and collaboration, exceed any disadvantages. However, 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. Parents or legal guardians may deny access to their child at any time through completion of a Parental Request to Deny Access Form. The form is available upon request from your child's school. It may also be downloaded from the forms section of the district's Internet website. Parent's requests to deny access are effective only for the current school year and do not carry over into the child's next school year.

Completion of the form prohibits an individual student's unfettered personal access to the Internet. Students that have had their individual Internet access denied are still able to participate in staff-led activities that contain Internet content. Students who are denied Internet access are not protected from viewing Internet content in use by other students. Students that have been denied a BCS email account but not Internet access may have access to e-mail accounts from other service providers or Internet locations.

1. School administrators are responsible for ensuring that each student's parent or legal guardian is made aware that parents or guardians have the option to deny their child's access to the Internet, e-mail, or both.

2. Schools are free to incorporate the content of Parental Request to Deny Access form into custom school forms, but may not change the content therein.
3. Conflicts on the delivery of Internet based curriculum or other similar issues due to the student not having Internet access must be resolved between the parent and the school principal.

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**

No right of privacy exists in the use of technological resources. Users should not assume that files or communications created or transmitted using school system technological resources or stored on services or hard drives of individual computers will be private. School system administrators or individuals designated by the superintendent may review files, monitor all communication, and intercept e-mail messages to maintain system integrity and to ensure compliance with board policy and applicable laws and regulations. School system personnel shall monitor on-line activities of individuals who access the Internet via a school-owned computer.

#### **F. Personal Websites**

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

##### **1. Students**

Though school personnel generally do not monitor students' Internet activity conducted on non-school system devices during non-school hours, when the student's on-line 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 4000 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 volunteers' personal websites or on-line networking profiles in order to prevent the possibility that students could view materials that are not age appropriate. An individual volunteer's relationship with the school system may be terminated if the volunteer engages in inappropriate online interaction with students.

#### **G. User Agreement**

A user may access school system technological resources only after returning to the school administration or designee a completed BCS Responsible Use of Technology and Internet Safety Agreement that includes a user's signature. The user's signature signifies the user's understanding of and agreement to adhere to board policies, administrative procedure adopted by the superintendent that implement this policy, and any additional procedures imposed by local school administration.

**BCS PARENTAL REQUEST TO DENY ACCESS**

You have the option of denying your child’s individual access to the Internet and/or prohibiting them from obtaining a BCS email account. To deny access to one or both services, please complete this form as appropriate, sign, date and return to your child’s school. Parents or guardians will be notified when the school receives the signed form.

Student Name: \_\_\_\_\_ Grade: \_\_\_\_\_

School: \_\_\_\_\_

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

Home Address: \_\_\_\_\_

Phone: \_\_\_\_\_

I have read the Beaufort County Schools Responsible Use of Technology and Internet Safety Policy and Procedures and hereby request to deny Internet access for my child.

I DO NOT give permission to issue an account for my child and DO certify that the information contained in this form is correct.

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

I have read the Beaufort County Schools Responsible Use of Technology and Internet Safety Policy and Procedures and hereby request to deny a BCS electronic email account for my child.

I DO NOT give permission to issue an account for my child and DO certify that the information contained in this form is correct.

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

## **BEAUFORT COUNTY SCHOOLS STUDENT RESPONSIBLE USE OF TECHNOLOGY AND INTERNET SAFETY AGREEMENT (POLICY 3225/4312/7320-E)**

(In accordance with Children's Internet Protection Act [CIPA] and North Carolina Public Law 106-554)

### **PURPOSE:**

Beaufort County Schools provides all students on campus access to the Internet and network resources. Additionally students at designated grade levels may have access to email accounts and/or laptop computers as a means to promote achievement and provide diverse opportunities during the educational experience. This agreement provides guidelines and information about the limitations that the school imposes on use of these resources. Beaufort County Board of Education Policy 4312 ("Responsible Use of Technology and Internet Safety") requires that "the student must sign a consent form acknowledging that the student user is responsible for appropriate use of the Internet and consenting to the school system monitoring the student's e-mail communication and use of the Internet" Signing this responsible Use of Technology and Internet Safety Agreement signifies compliance with Board Policy 4312, required for the use of any school computer, including laptop computers, as well as agreement with the higher standards. In this document additional rules may be added as necessary and will become a part of this agreement.

### **TERMS OF THE RESPONSIBLE USE OF TECHNOLOGY AND INTERNET SAFETY AGREEMENT**

Specifically, the student:

- Will adhere to these guidelines each time the BCS equipment or online resources are used at home and school.
- Will make available for inspection by an administrator or teacher upon request any messages or files stored or information accessed, downloaded, or transferred using district-owned technology.
- Will use appropriate language in all communications avoiding profanity, obscenity and offensive or inflammatory speech. Cyber Bullying such as personal attacks and/or threats on/against anyone made while using district-owned technology to access the Internet or local school networks are to be reported to responsible school personnel. Rules of etiquette should be followed conducting oneself in a responsible, ethical and polite manner.
- Will follow copyright laws and should only download/import music or other files to a district-owned technology that he/she is authorized or legally permitted to reproduce, or for which he/she has the copyright.
- Will never reveal identifying information, files or communications to others through email or posts to the Internet.
- Will use only school-assigned email for academic purposes and understand that this email is not private.
- Will participate in social networking activities only as assigned and supervised by a teacher; will avoid posting personal information online; will understand that postings are permanent; will exercise mature conduct at all times while online.
- Will not attempt access to networks and other technologies beyond the point of authorized access. This includes attempts to use another person's account and/or password.
- Will not share passwords or attempt to discover passwords. Sharing a password could make you liable if problems arise with its use and subject you to disciplinary action.
- Will not download and/or install any programs, files, or games from the Internet or other sources onto any district-owned technology. This includes the intentional introduction of computer viruses and other malicious software.
- Will not tamper with computer hardware or software, unauthorized entry into computers, and vandalism or destruction of the computer or computer files. Damage to computers may result in felony criminal charges.

- Will not attempt to override, bypass or otherwise change the Internet filtering software or other network configurations.
- Will use technology for school-related purposes only during the instructional day while refraining from use related to commercial, political or other private purposes.
- Will not make use of materials or attempt to locate materials that are unacceptable in a school setting. This includes, but is not limited to pornographic, obscene, graphically violent, or vulgar images, sounds, music, language, video or other materials. The criteria for acceptability is demonstrated in the types of material made available to students by administrators, teachers, and the school media center. Specifically, all district-owned technologies should be free at all times of any pornographic, obscene, graphically violent, or vulgar images, sounds, music, language, video or other materials (files). Students shall inform staff in the event of inadvertent access of inappropriate material.
- Will not connect any personal technologies such as laptops and workstations, wireless access points and routers, printers, etc. to district-owned and maintained local, wide or metro area network. Connection of personal devices such as iPods, smart phones, PDAs and printers is not supported by BCS technical staff. Home Internet use and cost is the responsibility of the student both in cost and configuration.
- Will keep district laptops secure and damage free. Each laptop that is issued to be used off campus comes with a protective bag/case. If a laptop is issued to an individual student, use of provided laptop bags are required at all times.
- Will back up data and other important files regularly. BCS will at times perform maintenance on the laptops. All files not backed up to server storage space or other storage media will be deleted during these processes. Students are encouraged to back up all personal files on their own storage media as needed.

By signing this I agree to abide by the conditions listed above and assume responsibility for the care and proper use of BCS technology, including personally backing up personal data. BCS is not responsible for any loss resulting from delays, non-deliveries, missed deliveries, lost data, or service interruptions caused by user errors, omissions or reasons beyond the district's control, information obtained via the Internet and other sources using BCS technologies is not guaranteed as to its accuracy or quality. I understand that should I fail to honor all the terms of this agreement, future Internet and other electronic media accessibility may be denied. Furthermore, I may be subject to disciplinary action outlined in the BCS Student Code of Conduct and, if applicable, my network privileges may be revoked.

As the student, my signature indicates I have read or had explained to me and understand this Responsible Use of Technology and Internet Safety Agreement, and accept responsibility for abiding by the terms and conditions outlined and using these resources for educational purposes. I understand that this agreement applies to the use of any school equipment used both on and off campus.

Student (please print): \_\_\_\_\_

Student Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## **PARENT PERMISSION FOR PHOTOGRAPHING, RECORDING & VIDEOTAPING**

Throughout the school year, there may be occasions when the school/school system personnel and/or area media will be photographing and/or videotaping classroom and school-related activities. These images (student photographs, video artwork, writing and other creative works) are frequently used in school/school system publications, sent to the local media for publishing or published on the school/school system website and managed social media sites on the Internet.

If you prefer that your child **NOT** be photographed and/or videotaped, please complete the first section below and return to your child's teacher within the first ten days of school. If you prefer that your child's work **NOT** be published in local media or on the Internet, please complete the second section below and return to your child's teacher within the first ten days of school. **This form is not required if you are giving parental consent for both scenarios.**

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1. I do **NOT** give permission for my child to be photographed or videotaped for the purpose of being sent to the media for publishing or used in any other school system information including print material and/or Internet.

Child's Full Name: \_\_\_\_\_ Grade: \_\_\_\_\_

Name of School Child Attends: \_\_\_\_\_

Signature of Parent/Guardian: \_\_\_\_\_ Date: \_\_\_\_\_

2. I do **NOT** give permission for my child's artwork, writing and other creative works to be sent to the media for publishing or used in any other school system information including print material and/or Internet.

Child's Full Name: \_\_\_\_\_ Grade: \_\_\_\_\_

Name of School Child Attends: \_\_\_\_\_

Signature of Parent/Guardian: \_\_\_\_\_ Date: \_\_\_\_\_

## **ATTENDANCE (BCS 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). The student will have the opportunity to make up any tests or other work missed due to the excused absence for a religious observance;
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. visitation with the student's parent or legal guardian, at the discretion of the superintendent or designee, if the parent or legal guardian (a) is an active duty member of the uniformed services as defined by policy 4050, Children of Military Families, and (b) has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat support posting.

In the case of excused absences, short-term out-of-school suspensions, and absences under G.S. 130A-440 (for failure to submit a school health assessment form within 30 days of entering school) the student will be permitted to make up his or her work. (See also policies 4110, Immunization and Health Requirements for School Admission, and 4351, Short-Term Suspension.) 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.

### **Excessive**

After three unexcused absences, the data manager will contact the parent by certified letter to inform them of the absences. The school must keep documentation of the letter in PowerSchool. (Article 26 G.S. 115C-378 e)

1. At six unexcused absences, the data manager will contact the parent by mail informing them that they may be in violation of the compulsory attendance law and may be prosecuted if the absences cannot be justified. The data manager will then notify the school counselor. The school counselor will schedule a Supplemental Problem-solving Team meeting to determine appropriate interventions that are listed on the Attendance Standard Treatment Protocol. If appropriate, the Supplemental Problem-Solving Team will need to invite the school nurse, EL teacher, etc. The Supplemental Problem-Solving Team will contact the school social worker and provide copies of letters, meeting notes, and Tier II Intervention Plan. If parents, guardian, or custodian does not attend the Supplemental Problem-solving Team meeting, then the school counselor and/or administrator will make a home visit. The school counselor and/or administrator may be accompanied by a school resource officer. (Article 26 G.S. 115C-378 e)
2. On the 10th unexcused absence, the school counselor will schedule an Intensive Problem-solving meeting. In attendance will be the principal, social-worker, school nurse (if appropriate), school counselor, school staff, parent, guardian or custodian, and student. In this meeting, the team will review any information collected by the school and create an Intensive Intervention Plan to produce positive outcomes of student's attendance. (Article 26 G.S. 115C- 378 f)
3. On the 15th unexcused absence, the principal will refer the student to the Judiciary Attendance Committee (JAC). The JAC is charged with investigating the reasons for the student's absences and informing the student's parent or guardian of available resources and assistance that will enable the student to avoid absences. The parent or guardian referred to the JAC will be strongly encouraged to follow the recommendation of the JAC and any plan developed by the JAC to prevent further absences. The social worker will take the judge's recommendation and documents in PowerSchool.
4. If the student accumulates unexcused the JAC recommendation, the BCS Social Worker will file a petition.

Students who are excessively tardy to school or class may be suspended for up to two days for such offenses.

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 3620, Extracurricular Activities and Student Organizations.

## **STUDENT PROMOTION AND ACCOUNTABILITY (BCS 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 KNEC-002 AND -003.

Students must comply with the Beaufort County Schools Attendance Policy and meet the following accountability standards:

### 1. Grades K through 2

- a. To be promoted to the next grade level, students must score proficient (on grade level) in reading and writing on the End-of-Year Progress Report or show significant progress (documented by literacy assessments and work samples) toward meeting current grade level skills.
- b. Students also must score proficient on the quarterly math assessments or show significant progress (documented by objective assessments and work samples) toward meeting current grade level skills.

### 2. Grade 3

- a. To be promoted to the next grade level, students must demonstrate proficiency in reading, in accordance with state law and State Board of Education policy.
- b. To be promoted to the next grade level, students should also demonstrate grade level proficiency and make adequate academic growth for the year in mathematics.
- c. Students who do not meet the promotion standards will be given remediation and retesting as provided in section D. of this policy.
- d. In addition, students must pass language arts and mathematics and one other core subject (science or social studies). Students must demonstrate proficiency or adequate progress toward proficiency in writing as documented by work samples maintained in the student's writing portfolio.

### 3. Grades 4 through 5

- a. To be promoted to the next grade level, students in grades 4-5 should demonstrate grade level proficiency and make adequate academic growth for the year in reading and mathematics.
- b. In addition, students must pass language arts and mathematics and one other core subject (science or social studies). Students must demonstrate proficiency or adequate progress toward proficiency in writing as documented by work samples maintained in the student's writing portfolio.

#### 4. Grades 6 through 8

- a. To be promoted to the next grade level, students in grades 6-8 should demonstrate grade level proficiency and make adequate academic growth for the year in reading and mathematics.
- b. In addition, students must pass language arts and mathematics and one other core subject (science or social studies), and 50 percent of exploratory wheel classes. Students must demonstrate proficiency or adequate progress toward proficiency in writing as documented by work samples maintained in the student's writing portfolio.

#### 5. Grades 9 through 12

- A. Criteria for promotion to Grade Ten: 6 Credits
- B. Criteria for promotion to Grade Eleven: 13 Credits
- C. Criteria for promotion to Grade Twelve: 20 Credits

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

To reduce the number of students who do not meet promotion standards, the board directs school administrators and teachers to use personal education plans as required in policy 3405, Students at Risk of Academic Failure, to address the needs of students who are not making adequate academic progress.

The superintendent shall develop administrative procedures regulating enrollment in and credit accrual in remediation and summer school programs.

#### **C. Excessive Absences**

If a high school student is absent from school for eight or more days in a semester or a middle or elementary school student is absent ten or more days in a semester the principal or a committee established by the principal shall consider the appropriate action to take 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 receive the grade otherwise earned;
2. the student will be given additional time to complete the missed work before a determination of the appropriate grade is made; or
3. the student will not receive a passing grade for the semester;

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

#### **D. Opportunities for Retesting to Meet Student Promotion Standards**

The principal may consider promotion of students in grades 4-8 who score below Level III on the state end-of-grade reading and mathematics tests if the teacher can verify that the student is performing at grade level or would have the necessary skills to be successful at the next grade level. The Beaufort County Board of Education recognizes the authority of a principal to make the final decision on grading and classifying students.

#### **E. Diploma Standards**

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

#### **F. 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.

#### **G. 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.

#### **H. 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 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.

#### **I. Credit Recovery**

Students who fail a high school course may retake part 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.

## **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).

Although student placement ahead of grade should be approached with caution, the principal, after consulting with the professional staff and the student's parents, may determine that skipping a grade level is appropriate. The final decision to advance a student in grade shall rest with the principal, with the agreement of the student's parent or guardian.

To receive credit toward graduation, high school students must participate in approved group or individual instructional experiences in grades 9 through 12 or through approved courses at off-campus institutions. The superintendent shall provide any additional criteria necessary to make a determination of whether credit may be awarded.

## **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 website in accordance with state law.

## **L. Resource**

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; or (3) has a personal education plan under G.S. 115C-105.41, 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 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.

Parents may request a conference at any time during the academic year to discuss their child's progress. Conferences shall be held during times when teachers are free of classroom responsibilities, such as before or after class, during planning periods, or on teacher workdays.

The teacher of a student who is in danger of not being promoted shall schedule a conference with the student's parent by the conclusion of the third nine-week grading period. 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.

Teachers will maintain records of parent notifications and conferences.

#### **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.

### **COMPREHENSIVE HEALTH EDUCATION PROGRAM (BCS Policy 3540)**

The board is committed to a sound, comprehensive health education program that provides students with accurate information and encourages them to be responsible for their own health and behavior. The board recognizes the primary role of parents in providing for the health and well-being of their children and seeks to involve parents as provided in this policy. The comprehensive health education program provided by the school system will meet the requirements of state law and the objectives established by the State Board of Education. The board may, in its discretion, expand on the subject areas to be included in the program and on the instructional objectives to be met.

## **A. Comprehensive Health Education Program**

A comprehensive health education program must be taught to students from kindergarten through ninth grade. As required by law, the health education program must include age-appropriate instruction on bicycle safety, nutrition, dental health, environmental health, family living, consumer health, disease control, growth and development, first aid and emergency care, mental and emotional health, drug and alcohol abuse prevention, prevention of sexually transmitted diseases (STDs), including HIV/AIDS and other communicable diseases, and reproductive health and safety education.

Students also will be provided an educational program that focuses on the consequences of alcohol and drug abuse and the skills to reject alcohol and drugs. This program may be included as part of the comprehensive school health program.

As required by law and beginning in seventh grade, reproductive health and safety education will include age-appropriate instruction on sexual abstinence until marriage as the expected standard for school-age children, STDs, the human reproductive system, preventable risks for preterm birth in subsequent pregnancies, the effectiveness of contraceptive methods in preventing pregnancy and awareness of sexual assault and sexual abuse, and sex trafficking prevention and awareness.

## **B. Parental Opportunities to Review Materials and Withhold Consent for Student Participation**

Each year before students participate in reproductive health and safety education or in other separate instruction on the prevention of STDs, including HIV/AIDS, or the avoidance of out-of-wedlock pregnancy, the effectiveness and safety of contraceptive methods, the awareness of sexual assault and sexual abuse, , and sex trafficking prevention and awareness the principal or designee shall notify parents of the opportunity to review the materials and objectives that will be used in instruction. A copy of all objectives and materials will be available for review in the media center of each school where these subjects will be taught. The program and instructional materials covered under this subsection of the policy shall be available for review for at least 60 days before use.

The principal or designee shall also notify parents of the right to withhold or withdraw consent for their child's participation in any or all portions of the reproductive health and safety education instruction or in specific topics such as abstinence education, STDs, the effectiveness and safety of contraceptive methods, and awareness of sexual assault and sexual abuse. Any parent wishing to withhold consent must do so by completing the Reproductive Health and Safety Education Consent form. Any parent wishing to withdraw consent previously given for participation must do so in writing.

## **C. Standards for Instruction**

For reproductive health and safety education, teachers shall follow the instructional objectives and only use the age-appropriate materials that have been made available to parents for review in accordance with this policy. Information conveyed during instruction will be objective and based upon scientific research that is peer reviewed and accepted by professionals and credentialed experts in the field of sexual health education or other field authorized by law.

A determination of what is an appropriate education for a student with disabilities must be made in accordance with the student's individualized education plan, following all procedures as provided in the North Carolina Policies Governing Services for Children with Disabilities.

## **ADMINISTERING MEDICINES TO STUDENTS (BCS 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 the 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 the 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.

## 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. No teacher or assistant teacher shall administer any non-emergency prescription medication within the classroom setting, except under the following circumstances:
  1. When the principal and teacher agree that it would be inappropriate to send a student in an exceptional children's self-contained classroom to the office for administration of medication; or
  2. When the principal has submitted to the board and the board has approved a plan for classroom administration of medication. Any such plan shall ensure student privacy and shall provide for the placement of a locked storage facility in the classroom.
- g. The principal or designee shall be responsible for ensuring that two or more persons are designated for the administration and security of medication and that designated staff maintain proper documentation of the time and dosage of medications.
- h. All school personnel who will be administering medications must receive appropriate training provided by the school nurse.
- i. 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.
- j. 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.

- k. At the end of the school year or if medication is discontinued, any medication not picked up by the parent or guardian within two (2) weeks will be destroyed.
- l. A prescription medication log shall be maintained on each child receiving medication.
- m. 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 action 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. Board approval is not required for classroom-based administration of emergency medication.

## **C. Students Self-Administering Medications**

The board recognizes that students with certain health conditions like asthma, diabetes, 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 asthma, diabetes, or anaphylactic reactions, including a prescribed asthma inhaler, insulin or a source of glucose, 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 asthma, diabetes, 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 asthma, diabetes, 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.

## D. Students Self-Administering Other Types of Medication

The school district discourages students from possessing and/or self-administering other medication, both prescription and non-prescription.

Students in grades 6 through 12 may self-administer over the counter medication with a medication authorization signed by a healthcare practitioner and parent.

Elementary students are not permitted to self-administer medication, whether prescribed or non-prescribed, under any circumstances.

The school district assumes no responsibility for students who self-medicate or for the transportation of medication

to and from school. Students who self-administer prescribed medications must have written parental permission or risk possible violation of policy 4325, Drugs and Alcohol.

**INSTRUCTIONAL USE OF VIDEOS (BCS Policy 3335)**

It is the policy of the Beaufort County Board of Education that any media used within a school setting should be for instructional purposes only and consistent with the North Carolina Standard Course of Study. Sound instructional principles that maximize instructional time should always be employed when using any form of media in the instructional setting. Use of video in any format (VHS, DVD, Streaming, etc.) or direct TV programming for entertainment or reward purposes violates this policy. Utilization of video or direct TV broadcast must comply with the Copyright Law. The Board does not condone any infringement on the property rights of copyright owners.

1. Videos must be appropriate, relevant, of educational value, and on the students’ level.
2. Teachers must verify the rating and/or appropriateness of the item intended to be shown to students in any school setting. Only items meeting the ratings set forth in the chart below are permitted.
3. Teachers must preview any video/DVD to be shown to students.
4. Any video/DVD that is part of an officially adopted textbook purchased by BCS will not require administrative approval but must be documented in the lesson plan and must be used in accordance with the Standard Course of Study, and the guidelines of this policy.
5. If a video/DVD is used, Section 110(1) of the Copyright Law dictates that these videos/DVDs may only be shown for educational purposes in a face-to-face setting, not broadcast over the closed-circuit television system. They may not be shown for entertainment, filler, motivation, or reward, etc. This also applies to employee or student owned videos/DVDs.
6. Documentation must be provided in the teacher lesson plan verifying use of any video/DVD to support the Standard Course of Study.
7. Teacher assistants or substitutes may not show a video/DVD, etc. unless it is a documented part of a lesson plan left by the teacher.
8. Teachers should limit the student viewing time of videos/DVDs. It may not be necessary to show the entire video/DVD to support the curriculum needs.
9. Any video, DVD, etc. legally purchased by the school or district and/or cataloged in the school media center with a “G” rating or “unrated” may be shown without administrative approval as long it fits the Standard Course of Study objective, is specifically documented in the lesson plan, does not violate this policy, and does not violate grade level or BCS pacing guide recommendations.

Rating guidelines and parental permission requirements are indicated below:

<b><u>Beaufort County Schools Video/DVD Rating Guidelines*</u></b>				
<b>May be Shown To:</b>	<b>Rated G Movies</b>	<b>Rated PG Movies</b>	<b>Rated PG-13 Movies</b>	<b>Rated R Movies</b>
K-5 Students	YES	NO	NO	NO

6-8 Students	YES	YES, with signed parental permission	NO	NO
9-12 Students	YES	YES	YES, with signed parental permission	NO

\* Students enrolled in Community College or Distance Education courses may view content appropriate for the course including content rated “PG or above” without parental consent.

10. All videos, DVDs, streaming videos or TV broadcasts rated higher than a G rating (or TV equivalent) in grades 6-8, higher than a PG rating (or TV equivalent) in grades 9-12, or unrated K-12 if not legally purchased by the school or district, require prior approval from the principal. Prior to the showing, the instructor/teacher shall submit to the principal in writing the following information for approval:

- a. Title, rating & brief description
- b. Date(s) and purpose for student viewing
- c. Alignment with Standard Course of Study
- d. Date of parental notification

Once approved by the principal, the teacher must receive a signed permission form from the parent or guardian prior to student viewing. Notice to parents and guardians shall include the following information including the right for the parent or guardian to remove his or her child from the viewing:

- a. Title, rating & brief description
- b. Date(s) and purpose for student viewing
- c. Alignment with Standard Course of Study
- d. Alternative setting & assignment for those opting-out

11. A broadcast television program may be recorded off-air and retained by the school for 45 calendar days. It may only be used once and repeated once within each class by an individual teacher during the first 10 consecutive school days during the 45-day calendar retention period. At the end of the 45 days, it must be erased.

12. The rating guidelines are not applicable to before and after school programs, summer programs, parent involvement events, extracurricular activities, etc. with Principal approval and signed parental permission.

13. Employees who violate the terms of this policy may be subject to disciplinary action.

## **STUDENT ATHLETE BEHAVIOR AND DRUG SCREENING (BCS Policy 4326)**

Participation in athletics is a privilege and not a right. Students involved in athletic activities represent the school and school system in interscholastic competition, public performances and various other activities. They are role models for other students. Their use or abstinence in the use of alcohol or illegal drugs is likely to influence the choices of other high school students. In addition, the use or abuse of alcohol and/or illegal drugs by athletes is likely to increase student injuries to the user or others with whom he or she is playing. Finally, the board believes that the adoption of this alcohol and drug testing policy will deter the use of alcohol, and drugs among high school students. Therefore, the board has adopted this policy on the alcohol and drug testing of students who participate in athletics activities and non-athletes who tamper or otherwise interfere with the testing process.

### **A. GENERAL GUIDELINES**

- 1. Students Subject to Alcohol and Drug Testing

This policy applies to grades 6 through 12 students who elect on a voluntary basis to participate in any school athletics.

## 2. Alcohol and Drug Testing Required

To be eligible to participate in athletics the student and his or her parents must agree in writing on a form adopted by the superintendent to submit to alcohol and drug testing. All eligible students at each high school shall be tested once per year during their sport's season. If the athlete participates in more than one sport, the student will not be tested more than once per year unless selected as part of the random testing process. Testing will be conducted on a periodic basis as established by the superintendent. The number of students tested randomly will be as follows: (1) middle schools 6 athletes per sports season; (2) 3A high schools 16 students selected per month; and (3) 1A high schools 12 selected per month. The superintendent may increase or decrease numbers as needed. The students shall be tested for the presence of any of the substances listed in subsection E.1 of this policy, including marijuana, cocaine, amphetamines, and any other drugs the superintendent deems appropriate.

## 3. Refusal to Test/Leaving a Test

A student who refuses to test or leaves school without permission during testing will be ineligible to participate in athletics for 365 calendar days and will not be eligible for a waiver as described in subdivision B.4.a of this policy. Once selected for testing the student may not leave the presence of a school employee or the contracted Test Administrator's staff until he or she has provided a urine specimen. If the student refuses to cooperate with school employees or the contracted Test Administrator's staff, the student's refusal to cooperate shall be treated as refusing to test.

## 4. Consequences of A Positive Test

### a. FIRST OFFENSE

In the event a student tests positive for alcohol or drugs, or is caught with alcohol or a controlled substance at school or a school sponsored event, or is convicted in court for use or possession of alcohol or a controlled substance, the student shall be ineligible to participate in athletics for 365 calendar days. However, if the student enrolls in and successfully completes a substance abuse education and/or intervention program recommended by the superintendent, the student shall obtain a waiver to regain eligibility to participate in athletics but not in the same sport season that the violation occurred (documentation of completion must be presented). The student will be required to take an alcohol and/or drug test and test negative before being allowed to return to athletics. The student will also be required to take two (2) more unannounced tests besides the return test. The two tests must be administered within 365 calendar days. If a student elects not to seek a waiver, he or she may return to athletics after a 365-day suspension period provided that he or she takes and passes a drug test. The student shall not be subject to suspension from school as a result of a positive alcohol and/or drug test. A student will be subject to disciplinary action, including possible suspension from school, for a violation of Subsection B.5, Unauthorized Possession of a Specimen, or Subsection B.7, Sample Tampering, of this policy. If a student also violates policy 4325, Drugs and Alcohol, the student will be subject to disciplinary action consistent with that policy and the Code of Student Conduct.

### b. SECOND OFFENSE

In the event a student tests positive a second time or fails or refuses to participate in the second alcohol/drug test when selected, or is caught with alcohol or a controlled substance at school or a school sponsored event or is convicted in court for use or possession of alcohol or a controlled substances, the student shall be ineligible to participate in athletic activities for 365 calendar days. The student shall not

be subject to suspension from school as a result of a positive alcohol and/or drug test. A student will be subject to disciplinary action, including possible suspension from school, for a violation of Subsection B.5, Unauthorized Possession of a Specimen, or Subsection B.7, Sample Tampering, of this policy. If a student also violates policy 4325, Drugs and Alcohol, the student will be subject to disciplinary action consistent with that policy and the Code of Student Conduct.

#### 5. Unauthorized Possession of Specimen

Any student found with a urine specimen in his or her possession or who has been found to have given a urine specimen to or received a urine specimen from another individual will be subject to a 365-day suspension from athletics with no waiver and may be suspended from school in accordance with Policy 4325 – Drugs and Alcohol.

#### 6. Cold Specimen

Any athlete who gives a cold\* specimen on a test will be asked to provide another specimen during the same testing day. Any athlete who gives two cold specimens on the same testing day will be treated as refusing to test and will be subject to a 365-day suspension from athletics with no waiver.

\*Cold Specimen: A sample determined to be outside of normal temperature ranges.

#### 7. Sample Tampering

Any athlete who tampers with a specimen will be treated as refusing to test and will be subject to a 365-day suspension from athletics with no waiver and may be suspended from school in accordance with the Code of Student Conduct.

Any athlete who is found to have given an adulterated\* sample will be treated as refusing to test and will be subject to a 365-day suspension from athletics with no waiver and may be suspended from school in accordance with the Code of Student Conduct.

\*Adulterated Sample: A sample determined to have been altered in such a way that the lab could not determine whether the test was positive or negative.

### **B. PERMISSION FORMS, SIGN-UPS, DATA COLLECTION AND RECORD KEEPING**

#### 1. Student/Parent Permission Required

Each student and each student's custodial parent or guardian (unless the student is 18 years-of-age or emancipated) wishing to participate in athletics, must give consent in writing for alcohol and drug testing and for the release of the test results to: The BCS contracted Testing Administrator; the Medical Review Officer (MRO); the student and the student's custodial parent or guardian; and the principal or designee on a form provided.

#### 2. Sign-ups

The enrollment shall be for the entire time that a student is in grades 6 through 12. Students may sign up any time in the school year. Students may also request to withdraw consent for the alcohol and drug testing program at any time prior to being pulled for random drug testing. Once consent is withdrawn, the student will not be eligible for participation in athletics for 365 days from the withdrawal date.

### 3. Process of Selection

The BCS contracted Test Administrator will be responsible for maintaining for each of the grades 6 through 12 and the Alternative School a separate but unified database consisting of all students who have given permission for testing. Each eligible student shall be assigned a number to be used for identification during the testing process. The Test Administrator will randomly generate a list of student numbers representing the students to be tested. The number of students tested randomly will be as follows: (1) middle schools 6 athletes per sports season; (2) 3A high schools 16 selected per month; and (3) 1A high schools 12 selected per month. The superintendent may increase or decrease numbers as needed. The students shall be tested for the presence of any of the substances listed in subsection E.1 of this policy, including marijuana, cocaine, amphetamines, and any other drugs the superintendent deems appropriate. The day of testing shall be varied so that testing does not become predictable.

### **C. METHOD OF COLLECTION OF URINE SAMPLES**

The following procedures shall be used for the collection of urine specimens at the individual schools.

#### 1. Notice of Collection

For testing, the contracted Test Administrator shall notify the school in a secure manner prior to 8:00 A.M. on the day of testing that its students have been selected for testing. The contracted Administrator shall send the principal or designee by runner, FAX or E-Mail the numbers (not names) of the students selected for testing. The school will determine each student's name and class schedule. A school employee will notify each student personally that he or she has been selected for testing immediately prior to testing. The student shall be escorted immediately to the collection site. The student shall not be allowed to go to his or her locker for any reason.

The student may not leave the presence of a school employee or the contracted Test Administrator's staff until he or she has provided a urine specimen. If the student refuses to cooperate with school employees or the contracted Test Administrator's staff, the student's refusal to cooperate shall be reported as a "refusal to test."

#### 2. Time of Collection

In general, urine specimens will be collected as determined by contracted Test Administrator in conjunction with a school administrator.

#### 3. Collection Location, Supplies and Equipment

Each school and the contracted Test Administrator shall select by mutual agreement one or two rest rooms to use for collecting urine samples.

#### 4. Protection of Student's Privacy

The following procedures at a minimum shall be used to ensure that the privacy interests of each student are respected during the collection of the student's urine specimen.

The contracted Test Administrator's staff shall monitor each student in a non-intrusive but controlled manner to detect any attempt to provide a false urine specimen. Immediately upon receipt of a urine specimen it shall be tested to determine its temperature.

## 5. Chain of Custody

The contracted Test Administrator shall implement procedures to ensure that each student's urine sample is appropriately labeled and secured to prevent each sample from being lost, misplaced, or contaminated. At a minimum, the contracted Test Administrator shall provide each student with a sanitized kit containing a specimen bottle. The bottle will remain in the student's possession until a seal is placed on the bottle by the collection staff. The student will sign a form certifying that the bottle contains his or her urine sample and that the specimen has been sealed. The seal may be broken only by the lab testing the specimen.

After the specimen has been sealed, the specimen shall be transported to the testing laboratory by the contracted Test Administrator. In order to maintain confidentiality, the specimen bottle shall be labeled with the student's number and not the student's name. In addition, the results sheet mailed by the laboratory to the contracted Test Administrator or MRO shall report the results by student number and not by student name.

## 6. Inability to Provide Sample

The contracted Test Administrator shall implement appropriate procedures for use in the event a student states that he or she is physically unable to provide a urine sample. At a minimum, if a student says that he or she is unable to provide a urine specimen, the student will be given a 40 ounce glass of water and a minimum of three hours to provide a urine sample. A student that is unable to provide a sample after the determined time limit has expired will be subject to consequences under Subsection B.3, Refusal to Test/Leaving a Test, unless it is determined that the student is excused from testing for a legitimate medical reason. If the student states that he or she has a medical problem which prevents the student from providing a urine sample, the student will be given the opportunity to communicate with the MRO. In consultation with the student's physician, the MRO shall determine whether or not the student has a legitimate medical reason for being excused from the testing.

## 7. Absentees

A student who is absent on the day of a test shall be excused. However, in the case of a student who was present during the first period and later leaves campus without a valid excuse (or cuts class) after it becomes known that students are being tested, the student's absence shall be considered a "refusal to test."

## 8. Outside Testing

The board will not accept testing results completed outside of the purview of the Test Administrator. Tests and results from sources other than the drug testing conducted by the Beaufort County Schools will not be accepted or used as a basis for restoring athletic eligibility.

## 9. Appeals

Any appeal associated with decisions made stemming from athletic drug testing will be heard by the board, or a committee thereof. If the drug test results are challenged and a re-test is requested, the board will only accept a test that re-tests the specimen originally tested and only by the testing agency that conducted the original test, at the expense of the person making the request (the parent or guardian of the athlete).

## **D. SUBSTANCES TESTED FOR AND TYPES OF TESTS**

1. Substances: Students may be tested for any of the following substances:

a. PCP;

b. marijuana;

- c. amphetamines;
- d. barbiturates;
- e. cocaine;
- f. opiates;
- g. benzodiazepines;
- h. alcohol; and
- i. any other additional substances upon recommendation of the contracted Test Administrator.

## 2. Screening Test

The urine specimen shall be screened using an enzyme immunoassay (EIA) test or other NIDA approved screening test.

## 3. Confirming Test

If the screening test indicates the presence of a controlled substance, the specimen shall be subject to a confirming test by Gas chromatography/mass spectrometer (GC/MS).

## 4. Split Sample

Each student's urine sample shall be split into two samples. In the event of a confirmed positive test, a student may request that portion of his or her urine sample be tested by another NIDA approved laboratory at the student's or parent's expense.

## 5. Standards for Positive Test

BCS will use the standard cutoff scores generally used by NIDA and/or SAMHSA for determining a positive test result.

## 6. Use of Licensed Laboratory Only

The contracted Test Administrator must use a laboratory that is appropriately licensed by the NIDA or SAMHSA.

## **E. DUTIES OF THE MEDICAL REVIEW OFFICER**

The contracted Test Administrator shall employ or provide by sub-contract a physician licensed to practice medicine in North Carolina as a Medical Review Officer (MRO).

Any confirming test reported by the laboratory as "positive" for the presence of alcohol or a controlled substance shall be reported directly to the MRO. The MRO shall notify the student and the student's parent or guardian of the test results and shall give them an opportunity to present information, such as the documented use of a prescription medication or an over-the-counter drug, which would render the "positive" result invalid or "negative." Failure or refusal of the student and/or the student's parent or guardian to cooperate with the MRO shall constitute a "refusal to test."

The MRO shall inform the student and the student's parent or guardian of the opportunity for an additional confirming test at the student's or parent's expense from the remaining sample of the student's urine.

If the MRO determines that a "positive" test result was the result of the lawful use of a prescription or non-prescription drug, the test results shall be considered as "negative." If the MRO determines that the test results are valid and "positive" for the presence of alcohol or a controlled substance, the MRO shall inform the student and the student's parent or guardian of his or her determination.

#### **F. REPORTING RESULTS TO THE PRINCIPAL OR DESIGNEE**

After the MRO has completed the process described in Section F, the contracted Test Administrator shall provide a written report to the BCS Athletic Director indicating the following:

1. the number of students who tested negative and positive;
2. the number of students who tested positive who have agreed to an assessment and participation in an intervention program; and
3. the number of students who have not agreed to the assessment and participation in an intervention program. If a student tests positive for the presence of alcohol or a controlled substance and the student fails or refuses to be assessed by an intervention program, the student is no longer eligible for participation in athletics for 365 calendar days.



## **Asbestos Hazard Emergency Response Act**

This notice is provided to you with information regarding the Asbestos Hazard Emergency Response Act (AHERA) Management Plan for Beaufort County Schools. AHERA is a provision of the Toxic Substance Control Act and was passed by Congress in 1986. It requires schools to "ensure that workers and building occupants, or their legal guardians, are informed at least once each school year about inspections, response actions, and post-response action activities, including periodic re-inspection and surveillance activities that are planned or in progress as well as the availability of the AHERA Management Plan for public review." (§763.84(c))

The AHERA Management Plan contains documents of the initial AHERA inspection, 6-month periodic Surveillances, Triennial re-inspections, employee training and Operations and Maintenance procedures. The results of these surveillances and re-inspections are on file in the school's administrative office in the Asbestos Handbook. Everyone is welcome to view these anytime during normal school hours.

If you have any questions regarding the AHERA Management Plan for this school district, you can contact the Executive Director for Plant Operations at 1010 Pennsylvania Avenue, Washington, NC 27889.

## **Pest Management (BCS Policy 9205)**

This notice is being distributed to comply with the North Carolina School Children's Health Act. Beaufort County Schools has adopted an Integrated Pest Management Policy (IPM) to comply with this law. IPM is a complete, preventative approach to managing pests that minimizes pesticide use in our schools and on school grounds. IPM is explained further in BCS Policy 9205.

The **IPM Coordinator** will maintain the pesticide label and the Material Safety Data Sheet (MSDS) of each pesticide product that may be used on school property. The **label and the MSDS** are available for review upon request by parents, guardians, staff members, or students attending the school. Also, the IPM Coordinator is available to help answer any questions you might have about the school system's pest management program and pesticide use decisions.

**Notification of Pesticide Use:** Beaufort County Schools may find it necessary to use pesticides to control pests at your school or site. North Carolina state law gives you the right to be notified annually of the Beaufort County Schools pesticide application schedule, and 72 hours in advance of pesticide applications made outside that schedule, but the latter only if you request notification ahead of time using the enclosed form. Beaufort County Schools will use Mop-Up products in cafeterias and Amdro in grounds routinely throughout the school year for treatment/control of ants and roaches.

**Exemptions:** Certain relatively low-risk pesticides are exempted from these notification requirements including antimicrobial cleansers, disinfectants, self-contained baits, crack and crevice treatments, and any pesticide products classified by the US Environmental Protection Agency (EPA) as belonging to the US EPA's Toxicity Class IV, "relatively nontoxic." Your right to be notified extends to all non-exempt pesticide applications at your school or non-school site (office building, garage, workshop, etc.) both indoor and outdoor pesticide applications, and including applications that place over the summer recess, holidays, weekends, or after school hours.

**Emergency Pesticide Use:** In the event that a non-exempt pesticide must be used for a pest control emergency at your school or site and there is not adequate time to notify you more than 72 hours in advance, and you have requested advance notice, you will receive a notice of emergency pesticide application less than 72 hours before, or as soon as possible after the pesticide application.

To request advance notification of non-exempt pesticide applications at your school please return the attached form signed to your child's school. For additional information you may contact your child's school or Beaufort County Schools IPM Coordinator, Jamie Stokes, 1010 Pennsylvania Avenue, Washington, NC 27889, (252) 946-3735.

**BCS Request for Notification of Non-Exempt Pesticide Application**

Dear Beaufort County Schools,

I am writing to request notification in advance of non-exempt pesticide applications at my child’s school as per my legal right under the NC School Children’s Health Act. I understand that I can request 72 hour advanced notification for pesticide applications that are not already listed on the school district’s annual schedule. I understand that notification requirements apply to all non-exempt pesticide applications at the relevant school or other non-school site, both indoor and outdoor pesticide applications, and including applications during summer recess, holidays, weekends, or after school. I understand that should a pest control emergency require a pesticide application for which there is not adequate time to notify me 72 hours in advance, I will receive a notice of emergency pesticide use less than 72 hours, or as soon as possible after the emergency pesticide application. In addition, I understand that it is my responsibility to maintain communication through updating my mailing address for notification and that the school is only required to try contacting me once about the pesticide application.

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Full Name (please print):

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Full Mailing Address:

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Name of Student & School:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## STAFF-STUDENT RELATIONS (BCS Policy 4040)

The board expects all employees to maintain the highest professional, moral, and ethical standards in their interactions with students. Employees are required to provide an atmosphere conducive to learning through consistently and fairly applied discipline and established and maintained professional boundaries. Employees are expected to motivate each student to perform to his or her capacity while modeling the behavior expected of students in staff-student relationships. The interactions and relationships between staff and students must be based upon cooperation, mutual respect, and an understanding of the appropriate boundaries between adults and students inside and outside of the educational setting. Employees are expected to demonstrate good judgment and to avoid the appearance of impropriety in their interactions with students. Employees must consult their supervisor any time they suspect or are unsure whether conduct is inappropriate or otherwise constitutes a violation of this or other board policy.

For the purposes of this policy, the terms “staff” and “employees” include independent contractors and school safety officers, but do not include student employees.

### A. Romantic Relationships and Sexual Contact Prohibited

All employees are prohibited from dating, courting or entering into a romantic relationship or having sexual contact with any student enrolled in the school system regardless of the student's age. Employees engaging in such inappropriate conduct will be subject to disciplinary action, up to and including dismissal, and may be subject to criminal action as provided in G.S. 14-202.4 and 14-27.32. Further, school system personnel shall provide no assistance to an employee in finding another job, beyond the routine transmittal of personnel or administrative files, if the employee engaged in sexual misconduct with a minor or a student in violation of the law.

### B. Restrictions on Electronic Communications

1. In accordance with policy 7335, Employee Use of Social Media, employees are prohibited from communicating with current students through non-school-controlled social media without parental permission except to the extent that the employee and student have an appropriate relationship which originated outside of the school setting. Any communication through social media authorized under policy 7335 must meet the professional standards established in this policy and must otherwise be consistent with law and all other board policy.
2. Instant messages will be treated as a form of communication through social media subject to the terms of policy 7335 and subsection B.1 above, regardless of whether the messaging service is actually provided through a social media service or otherwise.
3. Employees are prohibited from engaging in other forms of one-to-one electronic communications (e.g., voice, voice mail, email, texting, and photo or video transmission) with students without written prior approval of the employee's supervisor and the student's parent. This rule shall not apply, however, if one or more of the following circumstances exist:
  - a. the communication (1) is for an educational purpose, (2) is conducted through a school system-provided platform which archives all such communications for a period of at least three years, (this requirement does not apply to telephone or voice mail communications), and (3) occurs after the employee has given prior notice to his or her supervisor or designee that such communications will occur;
  - b. the communication serves an educational purpose and is simultaneously copied or transmitted to the employee's supervisor or designee and, upon request, to the parent or guardian;
  - c. the communication is necessary in a bona fide emergency, provided the communication is disclosed to the supervisor and parent or guardian as soon as reasonably possible; or
  - d. the communication derives from a relationship or association outside of the school setting and occurs with the consent of the parent or guardian, provided such communication does not otherwise violate this or other board policy.

Any one-to-one electronic communication permitted by this subsection must meet the professional standards established in this policy and must otherwise be consistent with law and all other board policies.

4. It is the duty of every employee to notify his or her supervisor of any unsolicited one-to-one communication, in any form, electronic or otherwise, received from a student when the communication lacks a clear educational purpose. School counselors are excluded from this requirement only to the extent that it conflicts with their professional duties.
5. Violations of this section will be considered unprofessional behavior subject to discipline, up to and including dismissal. Factors that may be relevant to the determination of an appropriate disciplinary response to unauthorized communications with students include, but are not limited to:
  - a. the content, frequency, subject, and timing of the communication(s);
  - b. whether the communication(s) was appropriate to the student's age and maturity level;
  - c. whether the communication(s) could reasonably be viewed as a solicitation of sexual contact or the courting of a romantic relationship, including sexual grooming;
  - d. whether there was an attempt to conceal the communication(s) from the employee's supervisor and/or the student's parent or guardian;
  - e. whether the communication(s) created a disruption of the educational environment; and
  - f. whether the communication(s) harmed the student in any manner.

### C. Reporting Inappropriate Conduct

#### 1. Reporting by Employees

Any employee who has reason to believe any of the following shall immediately report that information to the superintendent or designee:

- a. that another employee is involved in a romantic or other inappropriate relationship or has had sexual contact with a student;
- b. that another employee has engaged in other behavior prohibited by this policy; or
- c. that the employee has witnessed behavior by another employee that has the appearance of impropriety, whether or not the behavior may have a valid purpose.

An employee who fails to inform the superintendent or designee as provided in this section may be subject to disciplinary action, up to and including dismissal.

#### 2. Reporting by Students

Any student who believes that he or she or another student has been subject to misconduct that violates this policy should immediately report the situation to the principal, school counselor, or the Title IX coordinator designated in policy 1725/4015/7236/7237, Discrimination, Harassment, and Bullying Complaint Procedure.

#### 3. Report of Criminal Misconduct

Any principal who has reason to believe that a student has been the victim of criminal conduct shall immediately report the incident in accordance with policy 4335, Criminal Behavior.

#### 4. Report to State Superintendent of Public Instruction

Any administrator, including the superintendent, a deputy/associate/assistant superintendent, a personnel administrator, or a principal, who knows or has reason to believe that a licensed employee has engaged in conduct which involves physical or sexual abuse of a child shall report that information to the State Superintendent of Public Instruction within five working days of any disciplinary action, dismissal, or

resignation based on the conduct. For purposes of this subsection, physical abuse is the infliction of physical injury other than by accidental means or in self-defense, and sexual abuse is the commission of any sexual act upon a child or causing a child to commit a sexual act, regardless of consent and the age of the child. Failure to report such conduct may result in the suspension or revocation of an administrator's license by the State Board of Education.

This reporting requirement applies in addition to any duty to report suspected child abuse in accordance with state law and policy 4240/7312, Child Abuse – Reports and Investigations, as applicable.



## Non-Sufficiently Funded Checks



P.O. Box 157  
Suwanee, GA 30024-0157

Dear Parents/Students:

**Envision Payment Solutions™** is pleased to have been selected by **Beaufort County Schools** as its check service provider.

Please be aware that if your check is returned, it may be re-presented electronically. Also, in presenting a check for payment, you authorize service charges and processing fees to be debited from the same account should the check be dishonored. These fees, as permitted by state law, may be debited as a paper draft or an electronic funds transfer, at our option. Each dishonored item is subject to the applicable state returned check fees.

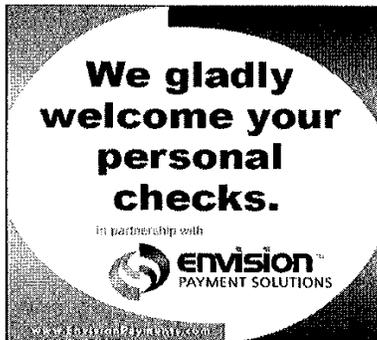
Specifically, per *North Carolina General Statute § 25-3-506*, the service fee for returned checks is \$25. (Note that the fee structure will change according to any amendments made to NC law during a school year.)

If you wish to inquire about a returned check written to **Beaufort County Schools**, please contact **Envision Payment Solutions™** directly at the information listed below.

Thank you. We wish you and your children all the best for this year and beyond.

Sincerely,

**Envision Payment Solutions™**



**Customers (check writers) with returned check inquiries should contact:**

**Envision Payment Solutions™**  
Tel 877.290.5460, or 770.709.3100  
Fax 770.709.3007  
P.O. Box 157  
Suwanee, GA 30024-0157  
[customerservice@envisionpayments.com](mailto:customerservice@envisionpayments.com)

[www.envisionpayments.com](http://www.envisionpayments.com)