



2024-2025
ELEMENTARY SCHOOL
STUDENT
HANDBOOK

Elementary School Student Handbook

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School Assignment, BOE Policy 4-13, *School Assignment*, and BOE Policy 5-12, *Student Promotion and Accountability*, contain important student information, but are not included in their entirety in this document. The complete UCPS Board of Education Policy Manual is available on our website.

UCPS Board of Education policies are revised regularly. Updated information is available at your school or on the UCPS website.

Union County Public Schools maintains a comprehensive web-site at www.ucps.k12.nc.us. The homepage contains the Board of Education Policy Manual, news, current events and links to each department and school. Parents and students can find curriculum resources, current calendars, lunch menus, school assignment maps and many other items of interest on the site.

Any parent or guardian who wishes to prohibit the release of directory information pursuant to UC BOE Policy 4-14, *Student Records*, shall do so in writing and deliver it to the school principal within the first month of school.

Attention parents: If you do not speak English or need free translation/interpretation services to understand school processes, please call (704) 289-5460.

Student Testing Information

For information concerning the dates of system-wide and state-mandated tests that students will be required to take during the school year, how the results from the test will be used and whether each test is required by the State Board of Education of the local Board of Education, contact Dr. Matthew Schleider at (704) 296-5982.

Annual Report Card Grades

Pursuant to NCGS 115C-47(58), you will be notified of the most recent grade of the school your child is attending, as issued by the State Board of Education, if the school received a grade of “D” or “F”.

For information concerning the District’s Local Education Agency Report Card required by Section 6311 (h)(1) and (2) of the Elementary and Secondary Education Act, or a copy of the Report Card contact Dr. Matthew Schleider at (704) 296-5982.

Information Regarding Advanced Courses

Pursuant NCGS 115C-174.26, schools must provide information to students and parents on available opportunities and enrollment processes for students to take advanced courses. Please contact the principal at your school for this information.

Free or Reduced School Lunch

A free or reduced lunch program application is available on the district website at www.lunchapplication.com. If you need a paper copy of the application, please contact your child’s school. After you complete the form, you will be notified if your child(ren) qualifies for free or reduced lunch meal prices. All information is strictly confidential. For more information, please contact School Nutrition Services at (704) 296-3000.

Union County Public Schools - Elementary Schools

Antioch Elementary School	3101 Antioch Church Road, Matthews, NC 28104.	704.296.3005 (p) 704.841.2578 (f)
Benton Heights Elementary School	1200 Concord Avenue, Monroe, NC 28110.	704.296.3100 (p) 704.296.3106 (f)
East Elementary School	515 Elizabeth Avenue, Monroe, NC 28112.	704.296.3110 (p) 704.296.3112 (f)
Fairview Elementary School	110 Clontz Road, Monroe, NC 28110.	704.296.6332 (p) 704.533.3804 (f)
Hemby Bridge Elementary School	6701 Indian Trail-Fairview Road, Indian Trail, NC 28079.	704.296.6352 (p) 704.882.1192 (f)
Indian Trail Elementary School	200 Education Road, Indian Trail, NC 28079.	704.296.3095 (p) 704-821-7712 (f)
Kensington Elementary School	8701 Kensington Drive, Waxhaw, NC 28173.	704.290.1500 (p) 704.243.3821 (f)
Marshville Elementary School	515 N. Elm Street, Marshville, NC 28103.	704.296.6340 (p) 704.624.6946 (f)
Marvin Elementary School	9700 Marvin School Road, Waxhaw, NC 28173.	704.296.6357 (p) 704.843.6911 (f)
New Salem Elementary School	6106 Hwy 205, Marshville, NC 28103.	704.296.3175 (p) 704.385.8554 (f)
New Town Elementary School	1100 Waxhaw-Indian Trail Road, Waxhaw, NC 28173.	704.290.1525 (p) 704.843.8422 (f)
Poplin Elementary School	5627 Poplin Road, Indian Trail, NC 28079.	704.296.0320 (p) 704.882.5164 (f)
Porter Ridge Elementary School	2843 Ridge Road, Indian Trail, NC 28079	704.289.1965 (p) 704.289.6435 (f)
Prospect Elementary School	3005 Ruben Road, Monroe, NC 28112	704.296.0636 (p) 704.764.2923 (f)
Rea View Elementary School	320 Reid Dairy Road, Waxhaw, NC 28173	704.290.1524 (p) 704.845.1653 (f)
Rock Rest Elementary School	814 Old Pageland-Monroe Road, Monroe, NC 28112	704.290.1513 (p) 704.283.6528 (f)
Rocky River Elementary School	500 N. Rocky River Road, Monroe, NC 28110	704.290.1523 (p) 704.292.1395 (f)
Sandy Ridge Elementary School	10101 Waxhaw Manor Drive, Waxhaw, NC 28173	704.290.1505 (p) 704.243.3812 (f)
Sardis Elementary School	4416 Sardis Church Road, Monroe, NC 28110	704.296.3145 (p) 704.882.4403 (f)
Shiloh Valley Elementary School	5210 Rogers Road, Monroe, NC 28110	704.296.3035 (p) 704.291.2217 (f)
Shiloh Valley Primary School	5200 Rogers Road, Monoe, NC 28110	704.290.1559 (p) 704.291.2217 (f)
Stallings Elementary School	3501 Stallings Road, Stallings, NC 28104	704.290.1558 (p) 704.893.0925 (f)
Union Elementary School	5320 White Store Road, Wingate, NC 28174	704.296.6348 (p) 704.624.5406 (f)
Unionville Elementary School	4511 Unionville Road, Monroe, NC 28110	704.296.3055 (p) 704.296.3057 (f)
Walter Bickett Elementary School	830 M.L. King Blvd, Monroe, NC 28112	704.238.8704 (p) 704.225.9543 (f)
Waxhaw Elementary School	1101 Old Providence Road, Waxhaw, NC 28173	704.290.1590 (p) 704.843.4259 (f)
Weddington Elementary School	3927 Twelve Mile Creek Road, Matthews, NC 28104	704.296.6317 (p) 704.849.7239 (f)
Wesley Chapel Elementary School	110 Potter Road South, Monroe, NC 28110	704.296.3081 (p) 704.296.3080 (f)
Western Union Elementary School	4111 Western Union School Road, Waxhaw, NC 28173	704.296.6355 (p) 704.843.9019 (f)
Wingate Elementary School	301 Bivens Street, Wingate, NC 28174	704.296.0635 (p) 704.233.9415 (f)

HOUSING EMERGENCIES

At times, students' families may experience a number of housing emergencies. Services are available for students whose families are experiencing a housing crisis and lack fixed, regular and adequate overnight accommodations.

A crisis is defined as:

- Living with a friend, relative, or someone else because you have lost your home or cannot afford housing
- Living in motels, hotels, or camping trailer parks or campgrounds due to lack of other accommodations
- Living in emergency, transitional, or domestic violence shelter
- Living in cars, parks, public spaces, bus or train stations or similar settings
- Awaiting foster care placement

Please contact your child's school for information regarding support available for your child or Dr. Elenia Daniels, Director of Federal Programs

Union County Public Schools
400 N Church Street
Monroe, NC 28112
704-296-0823

TITLE IX and TITLE VI

The Union County Public Schools Board of Education does not discriminate against any person on the basis of race, color, national origin, sex, disability, religion, age, genetic information or veteran's status in its educational programs, services, activities, or employment policies.

In compliance with federal law, Union County Public School System administers all educational programs, employment activities, and admissions without discrimination because of race, religion, national or ethnic origin, color, age, military service, disability, or sex, except where exemption is appropriate and allowed by law and provides equal access to the Boy Scouts and other designated youth groups.¹

For matters involving employees:

Dr. Kevin Plue, Assistant Superintendent of Human Resources
Union County Public Schools
400 North Church Street
Monroe, North Carolina 28112
704-296-3025

For matters involving students:

Jarrold McCraw, Assistant Superintendent of Student Support
Union County Public Schools
400 North Church Street
Monroe, North Carolina 28112
704-296-9850

¹ Policy 1-17 *Statement on Non-Discrimination*

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

The Board has designated a Title IX coordinator to coordinate its efforts to comply with its responsibilities under Title IX and its implementing regulations.

Mrs. Shfanta McGee, Title IX Coordinator
Union County Public Schools
400 North Church Street
Monroe, North Carolina 28112
704-296-0659

Inquiries about the application of Title IX and its implementing federal regulations may be referred to the Title IX Coordinator and/or the Assistant Secretary for Civil Rights in the Office for Civil Rights at the U.S. Department of Education. The contact information for the Office for Civil Rights with jurisdiction over North Carolina is:

Office for Civil Rights
US Department of Education
400 Maryland Ave, SW
Washington, DC 20202.
Telephone: 202-453-6020
Email: OCR.DC@ed.gov.

For more information about the Title IX policies and grievance procedures, consult Board Policies 4-07a Sexual Harassment (Students) and 4-07a AG Title IX Sexual Harassment Grievance Process. See also companion policies 3-07a and 3-07a AG for employees.

FEDERAL LAW

Parental Rights Regarding Section 504 of the Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act of 1973 is a nondiscrimination statute that prohibits discrimination and is designed to assure the disabled students have educational opportunities and benefits equal to those provided to non-disabled students.

Under Section 504, an eligible student is a student who (1) has, (2) has a record of having or (3) is regarded as having a physical or mental impairment that substantially limits a major life activity such as learning.

It is the policy of the Union County Public Schools Board of Education not to discriminate on the basis of disabilities in its educational programs, activities, or employment practices as required by the Act.

The regulations for implementing Section 504 provide parents and/or students the following rights:

- Section 504 requires the school district to locate, evaluate and determine if a student is a qualified individual requiring accommodations necessary to provide access to educational programs.
- You have a right to receive notice in a reasonable time before UCPS identifies, evaluates or changes your child's placement.
- You have a right to periodic re-evaluation and evaluation before significant change in placement.
- You have the opportunity to review relevant educational records under the Family Educational Rights and Privacy Act. The requirements are described in the Board's policy manual.
- You have the right to request an informal conference with the principal and the Assistance/Intervention team if you disagree with the decisions reached by the school regarding identification, evaluation, educational program or placement. If your concerns are not resolved, you may request a hearing before an impartial hearing officer by notifying the Board's Section 504 specialist in writing at the address listed below. You have the right to be represented by your counsel in the impartial hearing process and to appeal the impartial hearing officer's decision.

For more information, contact:

Dr. Bashawn Harris, Assistant Superintendent of School Performance & Special Projects
 400 North Church Street
 Monroe, North Carolina 28112
 704-296-1007

EXCEPTIONAL CHILDREN

The Purpose of Programs for Exceptional Children

The primary purpose for Exceptional Children programs is to ensure that students with disabilities (between the ages of 3 and 21) develop academically, mentally, physically and emotionally through the provision of an appropriate and individualized education in the least restrictive environment.

Exceptional Children are students who are unable to have all their educational needs met in a regular class without receiving special education or related services. Classifications of Exceptional Children include those who are autistic, hearing impaired, (deaf or hard of hearing), mentally disabled (educable, trainable or severely-profoundly), multi-disabled, orthopedically impaired, other health impaired, behaviorally/emotionally disabled, specific learning disabled, speech-language impaired, traumatic brain injured and visually impaired (blind or partially sighted). Exceptional Children programs and services are identified as both instructional programs and instructional support services, depending upon the educational needs of an individual student.

Content Sequence and Learning Outcomes

Curricula for most exceptional children follow the curricula for students in general education. Emphasis is placed on instruction in communication and language arts, social studies, healthful living, mathematics, science and career and vocational education, depending upon the needs of the student. Attention is focused upon cognitive, affective, motor and vocational development within the curricular areas. The Individualized Education Program states in writing the special education programs and services to be provided to each Exceptional Children student.

Where to get Assistance

If you have questions about the need for Exceptional Children services or the programs in your school, contact the school directly. You may also contact the school and ask to speak with the Exceptional Children department chairperson. For additional information or assistance, you may contact.

Dr. Laura Beachum, Director
Exceptional Children's Department
Old Post Office
407 North Main Street
Monroe, NC 28112
704-296-6377

Parents' Rights

For a complete explanation about rights as parents of students with disabilities, please consult the *Procedural Safeguards: Handbook on Parents' Rights*, which is available at all schools, from the Exceptional Children department, on the UCPS Web site or from the North Carolina Department of Public Instruction.

The Americans with Disabilities Act Title II

The Union County Public Schools Board of Education does not discriminate against any person on the basis of disability in admission or access to the programs, services, or activities of the Union County Public Schools, in the treatment of individuals with disabilities, or in any aspect of operations. The school district does not discriminate on the basis of disability in its hiring or employment practices.

The notice is provided as required by Title II of the Americans With Disabilities Act (ADA) of 1990 and Section 504 of the Rehabilitation Act of 1973. Questions, concerns or requests for additional information regarding the ADA and Section 504 may be forwarded to the designated compliance coordinators listed below:

For ADA matters relating to facilities:

Mr. Colon Moore, Assistant Superintendent for Administration and Operations
Union County Public Schools
400 North Church Street
Monroe, North Carolina 28112
704-225-8420

For Section 504 matters relating to students:

Dr. Bashawn Harris, Assistant Superintendent of School Performance & Special Projects
Union County Public Schools
400 North Church Street
Monroe, North Carolina 28112
704-296-1007

For Section 504 and ADA matters relating to employment:

Dr. Kevin Plue, Assistant Superintendent of Human Resources
Union County Public Schools
400 North Church Street
Monroe, North Carolina 28112
704-296-3025

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 principal 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 principal 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 principal to amend their child's or their education record should write the principal, clearly identify the part of the record they want changed, and specify why it should be changed. If the principal decides not to amend the record as requested by the parent or eligible student, s/he 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. A school official 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, cloud storage provider, consultant, expert witness, hearing officer, law enforcement unit, investigator, insurer/insurance company adjuster, investigator, or any other claims representative, medical providers, 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 has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

A school may disclose PII from the education records of a student without obtaining prior written consent to:

- Officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer.
 - Authorized representatives of the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State educational agency (SEA) of North Carolina.
 - Financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid;
 - State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released.
 - Organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction;
 - Accrediting organizations to carry out their accrediting functions;
 - Parents of an eligible student if the student is a dependent for IRS tax purposes.
 - Comply with a judicial order or lawfully issued subpoena;
 - Appropriate officials in connection with a health or safety emergency;
 - Agency caseworker or other representative of a State or local child welfare agency or tribal organization who is authorized to access a student's case plan when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student in foster care placement; and
 - The Secretary of Agriculture or authorized representatives of the Food and Nutrition Service for purposes of conducting program monitoring, evaluations, and performance measurements of programs.
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

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

FERPA permits the disclosure of PII from students' education records, without consent of the parent or eligible student, if the disclosure meets certain conditions found in § 99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent or eligible student, § 99.32 of the FERPA regulations requires the school to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. For a full list of the permitted disclosures please see Board of Education Policy 4-14 *Student Records* available at <https://www.ucps.k12.nc.us/domain/130>.

Notification Regarding Directory Information

The district may also disclose appropriately designated “directory information” without written consent, unless you have advised the school to the contrary, **in writing, within the first month of school.**

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent’s prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act of 1965, as amended (ESEA) to provide military recruiters, upon request, with the following information – 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.

The following information is considered to be directory information:

1. student's name
2. address
3. telephone listing
4. date and place of birth
5. participation in officially recognized activities and sports
6. weight and height of members of athletic team
7. dates of attendance
8. diplomas, certification and awards received
9. electronic mail address
10. photograph
11. grade level
12. most recent previous school or education at institution attended by the student
13. pictures or videos taken on buses, school grounds, in school buildings and at school activities unless the picture or video may reveal confidential information about a student (this includes livestreaming of school events, i.e. athletic events, graduations, etc.).

Parental Notice

Pursuant to the requirements of the Family Educational Rights and Privacy Act (FERPA), the Union County Public Schools Board of Education (the Board) will share certain student information with Medicaid and its authorized representatives during the 2024-2025 school year. The information will only be used to request reimbursement from Medicaid for certain medical services that the Board provides to students pursuant to their Individualized Education Program under the Individuals with Disabilities Act. The student information is limited and includes the names, birthdates, Medicaid numbers and Social Security Numbers of these students and a description of the type(s) of service(s) provided, the date(s) of service and length of service. Sharing this information with Medicaid and its authorized representatives will not affect the student’s premiums, co-pays or services under Medicaid. Sharing the information will enable the Board to receive reimbursement for a portion of the costs of the services. If you are a parent or guardian of a student who may receive such eligible services, or if you have reached the age of 18 and receive or may receive such eligible services, you will receive a consent form to sign at your child’s next annual review.

EQUAL ACCESS TO FACILITIES

The district provided equal access to its facilities. For more information about accessing facilities, please see Policy 2-49 *Use of School Facilities* and the accompanying Administrative Guideline available on the district website.

ANNUAL EPA MANDATORY ASBESTOS AWARENESS LETTER

As required by the Asbestos Hazard Emergency Response Act of 1986 (AHERA), inspections of all UCPS facilities were completed in 1989 identifying the type, quantity and location of asbestos containing materials (ACM). ACM were found in almost every facility constructed prior to 1989. Schools built during and after 1989 were instructed to use no asbestos materials and this was specifically noted in the school designs.

Asbestos is a naturally occurring mineral and has been used in building materials for many years. Unless it is disturbed or damaged, it poses no health risk.

Management plans have been developed for all facilities regardless of ACM content. Depending upon the condition and potential for exposure, the plan calls for repair, continued surveillance and, in some cases, removal of ACM. Many schools that had asbestos have been renovated to remove all inspected ACM. The plan for your school is located in the front office and is available for review during school hours.

If you have any questions concerning the management plan, please contact:

Miranda Helms, Facilities Safety Administrator

704-296-3160 ext. 6751

Annual AHERA Notice

This notice is to inform you, as required by the Federal Asbestos Hazard Emergency Response Act (AHERA), that the documentation for the Union County Public Schools Asbestos Management Plan, the semiannual surveillance inspections and the three-year re-inspection are available for your review in the office of every UCPS school. Information regarding response actions may also be found in the Asbestos Management Plan files located at the Building Services facility. If you have any questions feel free to contact:

UCPS contact:

Miranda Helms, Facilities Safety Administrator

704-296-3160 ext. 6751

PARENTAL INVOLVEMENT (BOE Policy 6-08)

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 their children's education and in activities designed by school personnel to involve them, such as parent conferences, in order to foster effective teacher and parent communication. Parents are responsible for cooperating with school employees to facilitate their children's compliance with

Board policies concerning homework, school attendance, and behavior.

As required by law, the Board shall post a list of specific parent rights with regards to their child's education with any corresponding policy numbers on the school district website.

For purposes of this policy, "parent" includes parents, legal guardians, and legal custodians of students who are under 18 years old and who have not been emancipated.

A. PARENTAL INVOLVEMENT PLANS

1. Parental Involvement Plan as Part of the School Improvement Plan

The Board directs each principal to ensure that the school improvement team develops a plan for the school's parental involvement program as a part of the school improvement plan. The principal shall publicize drafts of the parental involvement plan prior to finalization and solicit input from parents of students in the school. This plan must include, at a minimum, efforts to enhance parental involvement by promoting the following priorities:

- a. regular, meaningful, two-way communication between home and school;
- b. responsible parenting;
- c. involvement of parents in student learning;
- d. parental volunteering in the school;
- e. involvement of parents in school decisions that affect children and families;
- f. parental training based on parents' informational needs;
- g. collaboration with community agencies and other organizations to provide resources to strengthen school programs, families, and student learning; and
- h. student health awareness among parents by addressing the need for health programs and student health services, which are linked to student learning.

2. Title I Parent and Family Engagement Plan

Each school participating in the Title I program must develop, with parents and family members, a school-level written parent and family engagement plan that involves parents in the planning and improvement of Title I activities and describes the means for carrying out school-level policy, sharing responsibility for student academic achievement, building the capacity of school staff and parents for involvement, and increasing accessibility for participation of all parents and family members of children participating in Title I programs.

3. Parental Involvement Component of a School Plan for Managing Student Behavior

Each school's plan for managing student behavior should include parental involvement strategies that address when parents will be notified or involved in issues related to their child's behavior.

B. PARENT COMMUNICATION, PARTICIPATION, AND CONFERENCES

1. Communication with Parents

The Board encourages school personnel to have regular contact with parents for

informational purposes as well as for commendation of students and notification of concerns. School personnel shall communicate with parents about student behavior issues and attendance in accordance with requirements of policy. In addition, parents will be notified promptly if school personnel suspect that a criminal offense has been committed against the parent's child, unless notification would impede an investigation by law enforcement or the child welfare agency.

The principal must effectively communicate to parents the manner in which textbooks are used to implement the school's curricular objectives. Any parent interested in learning more about their child's course of study or the source of any supplementary instructional materials should contact the principal for more information. If a parent would like to inspect and review particular instructional materials, the parent should make such a request in accordance with policy.

The principal also shall ensure that information about the nature and purpose of all clubs and activities, curricular and extracurricular, offered at the school is available at the school's main office. Any parent who would like information about such clubs or activities should contact the school's main office.

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.

2. Parent Participation at Schools

The Board encourages parents to engage in activities in their children's schools. Parents are welcome to visit schools, and, if interested, are urged to participate in school volunteer programs. In addition, opportunities exist for parents to participate on school advisory councils, such as the school health advisory council, school improvement teams, school media advisory committees, etc.

3. Conferences

Teachers are responsible for scheduling conferences or meetings with parents. The Board encourages 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.

C. PARENTAL NOTIFICATION

1. Title I Notifications

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 and the school-wide parent involvement plan.

2. Parent Guide for Student Achievement

Each year, the Superintendent or designee shall create a parent guide for student achievement that meets the requirements of state law and the State Board of Education. All parents will receive a written copy of the guide, and information in the guide will be discussed at the beginning of each school year in meetings of students, parents, and teachers.

At a minimum the guide will include the following:

- a. information for parents regarding the following as it pertains to their child: (1) requirements for promotion to the next grade, including the requirements of the North Carolina Read to Achieve Program as set forth in Part 1A of Article 8 of Chapter 115C; (2) the course of study, textbooks, and other supplementary instructional materials and the opportunity for the inspection and review of those materials; (3) the child's progress toward achieving State and unit expectations for academic proficiency, including policies for student assessment, and the child's assessment results, report cards, and progress reports; (4) qualifications of the child's teachers, including licensure status; and (5) school entry requirements, including required immunizations;
- b. parental actions that can do the following: (1) strengthen the child's academic progress, especially in the area of reading as provided in the North Carolina Read to Achieve Program; (2) strengthen the child's citizenship, especially social skills and respect for others; (3) strengthen the child's realization of high expectations and setting lifelong learning goals; and (4) place a strong emphasis on the communication between the school and the home;
- c. services available for parents and their children, such as family literacy services; mentoring, tutoring, and other academic reinforcement programs; after-school programs; and college planning, academic advisement, and student counseling services;
- d. opportunities for parental participation, such as parenting classes, adult education, school advisory councils, and school volunteer programs;
- e. opportunities for parents to learn about rigorous academic programs that may be available for their child, such as academically and/or intellectually gifted programming, honors programs, Career and College Promise and other dual enrollment opportunities, advanced placement, Advanced International Certificate of Education (AICE) courses, International Baccalaureate, North Carolina Virtual High School courses, and accelerated access to postsecondary education;
- f. educational choices available to parents, including each type of public school unit available to residents of the county in which the child lives and nonpublic school options, educational choice options offered within the school system, and programs for scholarship grants for nonpublic schools (Part 2A of Article 39 of Chapter 115C) and for personal education student accounts for students with disabilities (Article 41 of Chapter 115C);

- g. rights of students who have been identified as students with disabilities, as provided in Article 9 of Chapter 115C;
- h. contact information for school and unit offices;
- i. resources for information on the importance of student health and other available resources for parents, including the following information on available immunizations and vaccinations: (1) a recommended immunization schedule in accordance with the United States Centers for Disease Control and Prevention recommendations; and (2) 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 as required by G.S. 115C-375.4.

3. Additional Annual Notifications

The principal or designee shall annually notify parents of the following information to the extent that it has not already been provided to parents as part of the parent guide for student achievement:

- a. parental rights related to student records;
- b. parental rights related to student surveys;
- c. 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;
- d. the schedule of pesticide use on school property and their right to request notification of nonscheduled pesticide use;
- e. student behavior policies, the Code of Student Conduct, and school standards and rules;
- f. the permissible use of seclusion and restraint in the schools;
- g. prohibition against bullying and harassing behavior;
- h. student and parent grievance procedure;
- i. 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;
- j. 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;
- k. available opportunities and the enrollment process for students to take advanced courses and information explaining the value of taking advanced courses;
- l. if applicable, that their child will be provided advanced learning opportunities in mathematics or will be placed in an advanced mathematics course;
- m. a clear and concise explanation of the North Carolina testing and accountability system that includes all information required by federal law;
- n. a report containing information about the school system and each school, including, but not limited to:
 - i. 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;
- ii. 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;
- iii. the percentage and number of students who are:
 - 1. assessed,
 - 2. assessed using alternate assessments,
 - 3. involved in preschool and accelerated coursework programs, and
 - 4. English learners achieving proficiency;
- iv. the per pupil expenditures of federal, state, and local funds; and
- v. teacher qualifications;

- o. 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 D or F;
- p. if the school and/or the school system is identified by the State Board of Education as low-performing, the notifications required by G.S. 115C105.37(b) and/or G.S. 115C-105.39A(c)
- q. supportive services available to students, including health services;
- r. 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;
- s. information about and an application form for free and reduced-price meals and/or free milk;
- t. information about the school breakfast program;
- u. information about the availability and location of free summer food service program meals for students when school is not in session;
- v. for parents of children with disabilities, procedural safeguards;
- w. 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;
- x. education rights of homeless students;
- y. the content and implementation of the local school wellness policy;
- z. that the school system does not discriminate on the basis of race, religion, national or ethnic origin, color, age, military service, disability, or gender, except where exemption is appropriate and allowed by law and that the school system provides processes for resolving discrimination and harassment complaints;
- aa. that the school system provides equal access to its facilities, programs, and activities to the Boy Scouts and other designated youth groups; and
- ab. the availability of and the process for requesting a waiver or reduction of student fees.

4. Opportunities to Withhold Consent/Opt Out Notifications

As a part of the annual notification described above, parents will be effectively notified that they may opt out of any of the following:

- a. release of student directory information about their child for school purposes or to outside organizations;
- b. release of their child's name, address, and telephone listing to military recruiters or institutions of higher education;
- c. 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. 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;
- d. 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;
- e. 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;
- f. the collection, disclosure, or use of their child's personal information for marketing purposes; and
- g. 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 within one month 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;
2. the release of student records that are not considered directory information, unless the release is allowed or required by law;
3. off-campus trips;
4. students' participation in high-impact or high-risk sports or extracurricular activities, such as football or mountain climbing;
5. all decisions or actions as required by the IDEA with regard to providing special education or related services to 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 that are conducted concerning protected topics;
10. disclosure of students' free and reduced-price lunch eligibility information or eligibility status; and
11. students' access to school system technological resources, including the Internet.

E. PROCEDURES FOR PARENTAL INVOLVEMENT IN STUDENT HEALTH

1. Parent Notifications Regarding Student Physical and Mental Health

At the beginning of each school year, the principal or designee shall notify parents of (1) each health care service offered at their children's schools and the means for parents to provide consent for any specific services; (2) acknowledgement that consenting to a health care service does not waive the parents' right to access their children's educational records or health records or to be notified of changes in their children's services or monitoring; and (3) the procedures to exercise the parental remedies for concerns related to student health provided by G.S. 115C-76.60 and described below in subsection E.6.

Before any student well-being questionnaire or health screening form is administered to students in kindergarten through third grade, the principal or designee shall provide parents with a copy of the questionnaire or form and shall inform parents of the means for parents to consent to the use of the questionnaire or form for their children.

The principal or designee shall notify parents of changes in services or monitoring related to their children's mental, emotional, or physical health or well-being and the school's ability to provide a safe and supportive learning environment for their children prior to or contemporaneously with the changes being made. In addition, the principal or designee shall notify parents before any changes are made to the names or pronouns used for their children in school records or by school personnel.

No school system policy, procedure, or form will expressly or otherwise prohibit school employees from notifying parents about their children's mental, emotional, or physical health or well-being or a change in related services or monitoring, nor will any school system policy, procedure, or form intentionally encourage or be designed in a manner that is reasonably likely to have the effect of encouraging any children to withhold from their parents information about their mental, emotional, or physical health or well-being or a change in related services or monitoring. School personnel shall not discourage or prohibit parental notification of and involvement in critical decisions affecting a student's mental, emotional, or physical health or well-being.

2. Discussions Related to Student Well-Being

In accordance with the rights of parents provided in Chapter 114A of the General Statutes, when issues of a student's well-being arise, school personnel shall encourage the student to discuss the issues with his or her parent. As appropriate, school personnel may facilitate discussions of such issues with parents.

3. Parent Access to Student Records

Parents will not be prohibited from accessing any of their children's education and health records created, maintained, or used by the school system, except as permitted by law (see NCGS 114A-10(6)a and NCGS 7B-101).

4. Student Support Services Training

Student support services training developed or provided by the school system to school personnel will adhere to student services guidelines, standards, and frameworks established by the Department of Public Instruction.

5. Instruction on Gender Identity, Sexual Activity, and Sexuality

Instruction on gender identity, sexual activity, or sexuality will not be included in the curriculum provided in kindergarten through fourth grade, regardless of whether the information is provided by school personnel or third parties. For purposes of this subsection, curriculum includes the standard course of study and support materials, locally developed curriculum, supplemental instruction, and textbooks and other supplementary materials, but does not include responses to student-initiated questions.

6. Remedies for Parental Concerns Related to Student Health

If a parent has a concern about the school or school system's procedure or practice under Part 4 of Article 7B of Chapter 115C, as described here in Section E of this policy, the parent should submit the concern in writing to the principal. The principal shall schedule and hold a meeting with the parent within five days after the concern was submitted. The principal shall conduct any necessary investigation. If possible, the principal should resolve the concern within seven days after the concern was submitted. If the principal cannot resolve the concern within seven days, the principal shall immediately notify the Superintendent or designee. The Superintendent or designee shall assist, as needed, in resolving the concern.

If the concern has not been resolved within 15 days after the parent initially submitted the concern, the Superintendent or designee shall schedule a Board hearing to be conducted pursuant to the administrative guidelines to policy 1-18 Hearings Before the Board, to occur within the next 15 days. If the concern is not resolved 30 days after the parent initially submitted the concern, the Board will provide a statement of the reasons for not resolving the concern.

If the concern is not resolved within 30 days of initial submission, the parent has the right to pursue additional remedies as provided in G.S. 115C-76.60(b).

F. PARENT REQUESTS FOR INFORMATION

A parent may request in writing from the principal any of the information the parent has the right to access under Part 3 of Article 7B of Chapter 115C. The principal, within 10 business days, shall either provide the requested information to the parent or provide an extension notice to the parent that, due to the volume or complexity of the request, the information will be provided no later than 20 business days from the date of the parental request.

If the principal (1) denies or fails to respond to the request for information within 10 business days or (2) fails to provide information within 20 business days following an extension notice, the parent may then submit the written request for information to the Superintendent, along with a statement specifying the time frame of the denial or failure to provide information by the principal.

If the Superintendent denies or does not respond to the request for information within 10 business days, the parent may appeal the denial or lack of response to the Board no later than 20 business days from the date of the request to the Superintendent. The Board will place the parent's appeal on the agenda for the next Board meeting occurring more than three business days after submission of the appeal.

The information in this Section F will be posted on the school system's website along with the list of parents' legal rights for their child's education as described in G.S. 115C-76.25.

G. COMMUNITY SERVICES AVAILABLE

A variety of community services are available to provide parents and families of students in the school system with needed information, support, and resources. Parents are encouraged to utilize applicable community services.

H. REPORTING REQUIREMENTS

By September 15 of each year, the Superintendent or designee shall report to the State Board of Education parental involvement information as required by G.S. 115C-76.70.

MILITARY RECRUITERS/INSTITUTIONS OF HIGHER LEARNING REQUESTS

Section 9528 of the No Child Left Behind Act requires that each local education agency receiving assistance under this Act shall provide, on a request made by military recruiters or an institution of higher education, access to secondary school students names, addresses, and telephone listings. It further specifies that a secondary school student or the parent of the student may request that the student's name, address, and telephone listing not be released without prior written parental consent, and the local educational agency shall notify parents of the option to make a request and shall comply with any request.

Should you wish for your student's name, address and telephone listing NOT be released to military recruiters or institutions of higher learning, please make this request in writing to your child's principal within the first month of school.

GRIEVANCES, COMPLAINTS, and APPEALS (BOE Policy 1-18)

There is a Grievance/Complaint form included with this Policy in the on-line Board Policy Manual

The Board strives to resolve concerns and complaints of employees, students and parents whenever possible. To this end, the Board has provided opportunities for employees, students and parents to express their concerns through processes established in Board policies.

This policy provides employees, parents/guardians/custodians and students procedures for appeals of decisions made by a school official (teacher, administrator, or other support

personnel). 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.

Any parent, student, or employee 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.

Persons who have difficulty preparing appeals because of writing or language difficulties shall receive assistance upon request. The grievant may have a representative, including an attorney, at any stage 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. 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. All meetings and hearings conducted pursuant to this Policy will be private.

Unless another Policy or Administrative Guidelines to a Policy prescribes a process, appeals shall be governed by the following procedures:

A. Definitions

- 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.
- 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.
- Grievance (includes both complaint and appeals). 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 either Policy 3-7 Prohibition Against Unlawful Discrimination, Harassment, Bullying (Employees), or 4-7 Prohibition Against Unlawful Discrimination, Harassment, Bullying (Students).
- Grievant. The grievant is the parent, student or group of parents or students submitting the grievance/appeal/complaint.
- Official. The official is the school system employee hearing and responding to the grievant.

B. Filing - Whenever a person believes that s/he has been adversely affected by a decision of a school employee, the person may file a grievance/appeal as provided in this policy.

C. Form – A person who has a grievance must provide the following information in writing to the appropriate official designated at each level below: (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.

- D. Timeliness of Process - The number of days indicated at each step of the process should be considered a maximum, and every effort should be made to expedite the process.

A grievance/appeal 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/appeal 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/appeal 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, grievants 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.

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.

- E. School and/or Department Level Appeals – Appeals of decisions made at the school or department level should begin at that level. The school administration or director will conduct any investigation of the facts necessary and respond to such appeals within 10 calendar days of receiving notice of appeal. Even if the school administration or director is the employee whose decision or action is at issue, the grievant must submit the grievance first to that person in order for him/her 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 grievant may submit the grievance directly to the Superintendent or designee.
- F. Superintendent Level Appeals – If the matter is not resolved at the school or department level, the employee, parent/guardian/custodian and/or student may file an appeal with the Superintendent. Such appeals shall be made in writing and mailed or hand delivered to the Superintendent's office not later than 15 calendar days after the notice of the school or department's decision. The Superintendent will conduct any investigation of the facts necessary and respond to such appeals in writing, within 10 calendar days of receiving notice of appeal, unless further investigation is needed. In responding, the Superintendent will not disclose information about other students or employees that is

considered confidential by law.

- G. Board Level Appeals – If the matter is not resolved at the Superintendent’s level, the employee, parent/guardian/custodian and/or student may request an appeal to the Board of Education. Such appeals should be made in writing and mailed or hand-delivered to the Superintendent within 15 calendar days of being notified of the Superintendent’s decision. All hearings will be heard by Board panels, or two or more members, except when a full Board hearing is required by law. Where appropriate, Board panel decisions represent the full Board and as such are not appealable to the full Board. The Board will provide a written response within 30 days after receiving the grievance, unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

The Board of Education will hear appeals regarding:

1. The assignment of a long-term suspension (more than 10 days; more than 6 days for condensed academic terms) to or the expulsion of a student Article 27 of Chapter 115C of the North Carolina General Statutes. Parents/guardians/custodians and/or students may submit written documents to support their case and will have the opportunity to appear before the Board panel to present their case in closed session. Legal counsel may be present.

Expulsions hearings will be heard by the full Board in closed session. Parents/guardians/custodians and/or students may appear before the full Board to present their case, and legal counsel may be present.

2. School Assignment Decisions, G.S. 115C-369.

Appeals of school assignments will be considered by the Board in closed session. Parents/custodians/guardians and/or students may submit written documentation to support their case, and will have the opportunity to appear before the Board panel to present their case in closed session. Legal counsel may be present.

3. Loss of credit or retention due to number of absences – Union County Public Schools Attendance Policy 4-01(a), (b), (c).

Appeals of loss of credit or retention due to the number of absences will be considered by the full Board in closed session. Parents/guardians/custodians and/or students may submit written documentation or sworn affidavits to support their case, but they will not appear before the Board.

4. Driver’s license revocations, G.S. 20-11(N)(1).

Appeals of driver’s license revocations will be heard by the full Board in closed session. Parents/guardians/custodians and/or students may submit written documentation or sworn affidavits to support their case, but they will not appear before the Board.

5. The terms or conditions of employment or employment status of a school employee.
6. Any other decision that by statute specifically provides for a right of appeal to the

local Board of education and for which there is no other statutory appeal procedure.

7. Appeals of a decision of the Superintendent that alleges violations of a *specified* federal or state law, federal or state regulation, State Board of Education policy or procedure, or local Board policy or procedure.

The Board will not hear appeals regarding the following subjects except as covered by section 7. above:

- A student's grade in a course or on a test.
- A decision regarding participation in extra-curricular activities.
- A student's schedule or the teacher assigned to teach that class.
- The classification of a student's absences as lawful or unlawful.
- Participation in commencement or promotion exercises.
- Short Term Suspensions and any other disciplinary consequences which do not result in a removal from school.

In its sole discretion, the Board may choose to hear other appeals.

Resolution of Issues for Children of Military Families

The grievance procedure provided herein, may be utilized by parents or guardians who disagree with a decision pertaining to education records, enrollment or eligibility for enrollment, placement, attendance, extracurricular activities, or graduation of a child of a military family, or a rule (defined as a written statement by the Interstate Commission promulgated pursuant to Article XII of the Compact that is of general applicability, implements, interprets or prescribes a policy or provision of the Compact, or an organizational, procedural, or practice requirement of the Interstate Commission, and has the force and effect of rules promulgated under the Administrative Procedures Act as found in Chapter 150B of the North Carolina General Statutes, and includes the amendment, repeal, or suspension of an existing rule).

In addition, parents or guardians may seek informal resolution of such decisions at any time by contacting the office of the North Carolina Department of Public Instruction (NCDPI) Military Liaison or the North Carolina Commissioner of the North Carolina State Council for the Interstate Compact on Educational Opportunity for Military Children.

ATTENDANCE (BOE Policy 4-01)

The Board believes that 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. Students will be considered in attendance if present at

least half of the instructional day on-site in the school or at a place other than the school attending an authorized school-related activity. High School students must be present for at least 75 minutes of a 90-minute period to be considered present for a class. For athletics, high school students must be present for two of four classes to participate.

To be in attendance during remote instruction days (with the exception of the initial enrollment day), students must: (1) complete their daily assignments, either online or offline; and/or (2) have a daily check-in through two-way communication with (a) the homeroom teacher for grades K-5 or (b) for all other grade levels, each course teacher as scheduled. School officials shall communicate the attendance procedures to students and their families before the first day remote instruction begins.

B. Excused Absences

When a student must miss school, a written excuse signed by a parent or guardian must be presented to the school after the student returns from an absence. While notes from a physician will be considered at any time, an excuse from a parent will only be accepted within the same 6- or 9- week grading period as the absence. The Board reserves the right for the school administration, after consultation with the Superintendent or designee, to request additional documentation to excuse an absence. Absences will be coded as unexcused until the written excuse is received. Absences due to extended illnesses may also require a statement from a physician. For the purposes of this Policy, extended illnesses are those which result in absences in excess of five (5) consecutive school days or in excess of five (5) cumulative days within a single semester. 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 (illnesses includes but is not limited to physical, emotional, and mental health);
2. isolation order (including all versions: i.e. exclusion, isolation, quarantine);
3. death in the immediate family. For purposes of this Policy, immediate family will include parents/guardians, siblings and grandparents;
4. medical or dental appointment;
5. participation under subpoena as a witness or a party 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);
7. college visits (up to two per academic year in both the Junior and Senior year once the student provides verification of the visit) and scholarship interviews;
8. participation in a valid educational opportunity, such as travel, additional college visits or service as a legislative or Governor's page, with prior approval from the principal/designee;
9. pregnancy and related conditions or parenting, when medically necessary; or
10. a minimum of two days each academic year for visitation with the student's parent or

legal guardian, if the student is not identified as at risk of academic failure because of unexcused absences and the student's parent or legal guardian (a) is an active duty or inactive member of the uniformed services, 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.

All other absences are considered unexcused.

In the case of any absence the student will be expected to make up his/her work. 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. co-curricular, school sponsored extra-curricular and school sponsored athletic events that require early dismissal from school;
5. Career and Technical Education student organization activities approved in advance by the principal/designee; and
6. In-school suspensions.

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

D. Excessive Absences

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

In addition, for students experiencing homelessness, school administrators must consider issues related to the student's homelessness, such as a change of caregiver or nighttime residence, before taking disciplinary action or imposing other barriers to school

attendance based on excessive absences or tardies.

The principal shall notify parents and take all other steps required by G.S. 115C-378 for excessive absences. Students may be suspended for up to two days for attendance related absences pursuant to the Code of Student Conduct.

1. Elementary - Students in grades K-5 who are absent (excused, unexcused, or OSS) for 20 days or more in a single academic year may be retained;
2. Middle – Students in grades 6-8 who are absent (excused, unexcused, or OSS) for 15 days or more in a single academic year may be retained. For middle school students taking courses for high school credit, the high school attendance rules will apply to those courses; and
3. High – Students in grades 9-12 who are absent (excused, unexcused, or OSS) for 8 periods or more in a semester long course or 15 in a yearlong course may fail the course. Yearlong courses are defined as courses which meet on a daily basis for the entire school year.
 - a. Recovery: Students who have a chance to pass academically but are in danger of failing due to absences will be the target population for attendance recovery. Recovery will be aligned to the classes where the absences occurred and the student shall be engaged in meaningful academic activities in the subject area. Recovered absences will not change the attendance record and excessive absences will impact other opportunities including the ability to participate in co-curricular and extra-curricular activities. Each school shall develop an attendance recovery plan that will be reviewed and approved annually by the Office of School Performance.

E. Procedures for Excessive Absences and Attendance Violations

- **Three unexcused absences.** When a student has accumulated three unexcused absences, the principal or designee shall notify the parent/guardian/custodian of the absences.
- **Six unexcused absences.** When a student has accumulated six unexcused absences, the principal or designee shall notify the parent/guardian/custodian by mail that the student has accumulated this number of absences. The attendance counselor shall work with the student and his/her parent/guardian/custodian to analyze the causes of the absences and to develop a plan to eliminate the attendance problem.
- **Ten unexcused absences.** When a student has accumulated ten unexcused for any reason, the principal or designee shall have a conference with the student and his/her parent/guardian/custodian to discuss the accumulated absences, ensure that the proper notices have been received and determine if the parent has worked in good faith to implement the plan developed pursuant E. 2. above. Should the principal determine that there has not been a good faith effort on the part of the student and/or parent/guardian/custodian to comply with the attendance requirements, s/he shall notify both the district attorney and the director of the department of social services.²

² A parent or student may be subject to criminal charges or a juvenile petition for failing to meet these expectations.

F. Tardies/Early Sign-Outs

All tardies/early sign-outs will be addressed at the school level. Attendance in school for all classes the full time allotted for classes is essential for student success. As with absences, school staff will work with the family to develop a plan to address tardies and early sign-outs.

G. Retention Appeal

A parent/guardian/custodian may appeal a decision to retain a student to the school level committee according to the following criteria:

- a. The student has passed all academic requirements for promotion but has failed to meet the attendance requirement.
- b. Some absences were due to circumstances beyond the student's control.
- c. For High School students – the student must have participated in all recovery opportunities made available to him/her.

The school principal and/or the student's parent/guardian/custodian may appeal the decision of the school level attendance committee to a district level attendance committee.

Individual schools are required to develop programs (including recovery programs) to address the academic needs of students who may be failing due to excessive absenteeism. Participation in such programs will be considered by the school level attendance committee. In addition, principals need to take into consideration special situations. These plans must be submitted to the Office of School Performance and approved annually.

Principals would be able to promote a student who qualified academically, but has accumulated twenty or more absences during the school year if it serves the best interest of the student.

H. Exam Exemptions

High School students will not be required to take a teacher-made final exam in a course if the

- student has an average of 90 or above the week prior to the administration of the exam.

Teacher made tests are defined as tests designed and graded by a UCPS teacher of record for the purpose of assigning an exam grade to a student. Exam exemptions only apply to teacher made tests and are not available in courses which require the administration of an End of Course or state mandated final exams. Students enrolled in AP courses will still be required to take the AP exam. Students are expected to take all other assessments given at the school.

CHECKS

The district will gladly accept your personal check for fees, lunch and most other payments. However, due to the volume of uncollectible checks that the district receives, Union County

Public Schools has contracted with CHECKredi for the electronic collection of checks returned for insufficient funds (NSF). In the event your check is returned, your account will be debited electronically for the face amount and fees allowed by the state of North Carolina (currently \$25.00).

Please include the following on your check:

- Drivers License #
- Full Name
- Street Address
- Phone Numbers

If there are any questions, please send e-mail to finance@ucps.k12.nc.us

COMMUNICABLE DISEASES (BOE Policy 4-12)

The Board strives to provide a safe and orderly environment for all students and employees. The Board also strives to maintain a balance between the need to educate all eligible students, to protect students and employees' rights, and to control communicable diseases. Under certain circumstances, students with communicable diseases may pose a threat to the health and safety of other students and employees. Decisions regarding the educational status of students with communicable diseases will be made on a case-by-case basis in accordance with this policy. Nothing in this policy is intended to grant or confer any school attendance or education rights beyond those existing by law.

In accordance with the regulations established by the United States Department of Labor pursuant to the Occupational Safety and Health Bloodborne Pathogens Standard, Union County Public Schools shall have in effect a Bloodborne Pathogens Exposure Control Plan. The Plan, which is designed to eliminate or minimize exposure to infectious body fluids and body secretions, shall include specific precautions that must be taken when dealing with blood and other body fluids.

The care, referral, and evaluation of students that are suspected to have a blood or body fluid exposure at school/after school activities will be equal to the care given to employees with the exception that costs related to this care will be the responsibility of the family.

Under certain circumstances, students with communicable diseases may pose a threat to the health and safety of other students and staff. Decisions regarding the educational status of students with communicable diseases will be made on a case-by-case basis in accordance with this policy. Nothing in this policy is intended to grant or confer any school attendance or education rights beyond those existing by law. This policy shall be shared with school staff annually and with new employees as part of any initial orientation. New employees shall sign a statement verifying this policy has been shared with them.

A. Definition of Communicable Disease

A communicable disease is defined as an illness due to an infectious agent, or its toxic products, which is transmitted directly or indirectly to a person from an infected person or animal.

A “communicable condition” exists if a person is infected with a communicable agent but does not have symptoms.

A “reportable disease or condition” is defined as a communicable disease or condition declared to be dangerous to the public health and required by the N.C. Department of Health and Human Services to be reported after the disease or condition is reasonably suspected to exist.

B. Precautions

In order to prevent the spread of communicable diseases, guidelines for necessary health and safety precautions shall be distributed by the administration and followed by all school district employees. Employees are also required to follow the school system’s blood borne pathogens exposure control plan that contains universal precautions and specific work practice controls relating to the handling, disposal and cleanup of blood and other potentially infectious materials. Students should not be involved in the handling, disposal and cleanup of potentially infectious materials unless the student has been specifically trained in the handling of such materials and is qualified to perform first aid services. Faculty should take reasonable precautions to avoid allowing students to come in contact with these substances.

C. Curriculum

The school district will include health, hygiene and safety education in its curriculum. The curriculum will include age-appropriate information concerning safe health practices that will inhibit and prevent the spread of diseases, including HIV and AIDS.

D. Reporting and Notice Requirements

1. Principal’s Report to Health Department/Public Health and Superintendent

In accordance with G.S. 130A-136, school principals will report suspected cases of reportable diseases or conditions to the county health department. Such reports must be made in a manner consistent with the school system’s Family Educational Rights and Privacy Act (FERPA) obligations. Confidentiality of such reports is protected by law. School principals are presumed by law to be immune from liability for making such reports in good faith. Without releasing any information that would identify the student in violation of FERPA, the principal also must report suspected cases of reportable diseases or conditions to the Superintendent.

2. Privacy and Confidentiality of Affected Persons

- a. The local health director is responsible for determining whether and which school personnel will be informed of the identity of students with communicable diseases or conditions required to be reported.
- b. Any employee who is informed of or becomes aware of a student’s communicable disease or condition, whether reportable or not, shall respect and maintain that student’s right of privacy and the confidentiality of his or her records and may not share that information in a manner that violates FERPA.

- c. In addition, if the student has a disease or condition that is required to be reported to the local health director, employees who are informed of or become aware of the student's status may not share that information with anyone, including other school personnel, unless specifically permitted to do so by the health director, by written consent of the student's parent or guardian, or by other applicable state or federal laws or regulations.
 - d. Any documents relating to a student's reportable disease or condition, including HIV infection or AIDS, will be retained in a strictly confidential manner, such as in a locked cabinet separate from the student's other school records and medical records, and will be released or shared only as necessary to comply with this policy.
 - e. Employees who are informed of the student's reportable disease or condition will be provided appropriate information concerning necessary precautions and will be made aware of the strict confidentiality requirements. The release of confidential information or records relating to a student's reportable disease or condition, except as permitted by law, is a misdemeanor and may subject the employee to discipline up to and including dismissal.
3. Notification to Parent/Guardian of Exposure to Infectious Agent

Additionally, parents or guardians shall be notified in a timely manner when their child has potentially been exposed to an infectious agent, such as an instance of blood-to-blood contact, and will be encouraged to contact their private physician or the county health department for consultation.

4. Employee Reports of Communicable Diseases

In order to address the needs of the student within the school environment, school employees are required to notify the principal if they are aware or become aware of any student suffering from a communicable disease. Parents shall be encouraged to notify the principal as well.

5. Notice Relating to Students Who are Immunodeficient

Students who are immunodeficient face increased risk of severe complications from exposure to communicable diseases that appear in the school setting. Students and their parents or guardians are encouraged to inform the principal in the event a student suffers from any such immunodeficiency. If notified that a student suffers from such immunodeficiency, the principal should request that the notifying party provide information about what types of exposure might put the student at risk and what reasonable practices can be taken in the school setting to minimize risk to the student. Whenever possible, the principal of a school should notify the parents (or the student himself where appropriate) of an infected or immunodeficient student about the presence of chicken pox, influenza, meningococcus, measles or tuberculosis or other contagious disease occurring in the school that may represent a serious threat to the student's health. Students who are removed from school as a result of such conditions will be provided instruction in an appropriate alternative educational setting.

E. Education/School Attendance for Students with AIDS/HIV Infection

Students with AIDS and HIV infection will be permitted to attend school without special restrictions except in accordance with 10A N.C.A.C. 41A .0201-.0204 and this subsection.

1. Appointment of an Interdisciplinary Committee

When the local health director notifies the Superintendent that a student with AIDS or HIV infection may pose a significant risk for transmission, the Superintendent, in consultation with the local health director, shall appoint an interdisciplinary committee in accordance with state health regulations and procedures established by the Superintendent. The committee is to consult with the local health director regarding the risk of transmission and advise the Superintendent regarding the placement of the student. The committee shall include appropriate school system personnel, medical personnel and the student's parent and may include legal counsel. The parent may request additional participants as necessary to appropriately evaluate the risk. The health director shall be responsible for determining whether to add additional members that may be requested by the parents. The Superintendent is also to inform the Board whenever a committee has been formed and will advise the Board of the professional composition of the committee.

2. Determination of Educational Placement

The interdisciplinary committee will review each case individually in consultation with the local health director to determine (1) the degree to which the student's conduct or presence in school exposes others to possible transmission or other harm, and (2) what risk the school environment may pose to the infected student. If the local health director concludes that a significant risk of transmission exists in the student's current placement, the committee must determine whether an appropriate adjustment can be made to the student's school program to eliminate this risk. If that is not possible, the student shall be provided instruction in an appropriate alternative educational setting, which incorporates protective measures required by the local health director.

3. Referral for Special Education Services as Appropriate

If the administrative or instructional personnel on the committee determine that the student has limited strength, vitality or alertness due to a chronic or acute health problem that adversely affects the student's educational performance, they must refer the student for possible identification and placement as a student with special needs.

4. Confidentiality

All deliberations of the interdisciplinary committee will be kept strictly confidential and shared only as allowed by law. Any student records related to the deliberations of the committee will be retained in a locked cabinet separate from the student's other school and medical records.

Education/School Attendance for Students with Communicable Diseases other than Aids or HIV or Hepatitis B Infection

In some circumstances, students with communicable diseases or conditions may pose a threat to the health and safety of other students and school employees. In other cases, students may have only mild illness and be able to attend school and participate in all activities. Accordingly, decisions regarding the educational status of students with signs and symptoms of communicable disease will be made on a case-by-case basis with input from the students' health care provider, public health specialists, and the school nurse.

A student with an acute or chronic communicable disease who remains in school shall observe any protective procedures or other control measures recommended by the student's physician, the school nurse, or other relevant medical authority.

Students with a chronic communicable disease may be referred for special education services or a Section 504 plan of accommodation, as consistent with law.

A. Other Control Measures

School personnel shall implement measures to control the spread of communicable disease as directed by the state or local health department. In the case of emerging illnesses not addressed by state or local health department rules or guidance, school personnel shall implement control measures recommended by the CDC unless directed otherwise by the school nurse or other relevant medical authority.

BLACKBOARD CONNECT MESSAGES (district/school announcements)

Blackboard Connect is the district's telephone, email and text messaging system that will enable us to personally communicate with parents about emergency situations, school events, school closings, etc. Blackboard Connect sends messages to your family's home, work or cell phones. Essentially, a school principal can make one phone call that reaches all the families associated with his or her school within minutes. Furthermore, district leaders can make one phone call that reaches everyone in the entire school district within minutes. It is important that your school has your current phone number so that your family does not miss any important information. Early Dismissal and school closings will be announced through Blackboard, as well as posted on the district website, social media pages and local media.

COUNSELING CONFIDENTIALITY

The School Counselor and Confidentiality

The relationship between students and their school counselor requires an atmosphere of trust and confidence. However, students should be informed that exceptions to confidentiality exist in which school counselors must inform others of information they obtained in the counseling relationship. Breaches to confidentiality are necessary to prevent serious and foreseeable harm to students or others and to adhere to legal requirements, including state and local laws as well as school district policies. School counselors work to advocate for policies and practices that prioritize and protect student confidentiality, ensuring a safe and trusting environment for all students (ASCA Code of Ethics).

INTEGRITY AND CIVILITY (BOE Policy 4-24)

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

A. Prohibited Behavior

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

1. cheating, including the actual giving or receiving of any unauthorized assistance or the actual giving or receiving of an unfair advantage on any form of academic work;
2. plagiarizing, including copying the language, structure, idea, and/or thought of another person or of a work produced by artificial intelligence and representing it as one's own original work;
3. violating copyright laws, including the unauthorized reproduction, duplication, and/or use of printed or electronic work, computer software, or other copyrighted material;
4. cursing or using vulgar, abusive, or demeaning language toward another person; and
5. playing abusive or dangerous tricks or otherwise subjecting a student or an employee to personal indignity.

B. Consequences

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

STUDENT DISCIPLINE (BOE Policy 4-03)

The purpose of the Union County Public School System is to provide education for all students enrolled.

The Board of Education believes that self-discipline is the key element in a positive school climate. In order to foster and nurture self-discipline among students, schools shall implement programs, practices, and procedures designed to encourage and recognize positive and responsible student behavior. Such programs can be a part of or logical extensions of the schools' character education curriculum. In addition, schools shall provide regular staff development opportunities on such topics as positive discipline, recognition of bullying, conflict resolution, etc. Furthermore, schools shall develop intervention strategies to prevent bullying including bullying via electronic devices (including, but not limited to, phones, computers, pads, and other electronic media/devices).

These proactive measures on the part of schools will provide a balanced approach to the Union

County Public Schools' goal of expecting, encouraging, and enforcing acceptable student behavior in all schools, and further serve to promote the school District's core value of design in quality and prevention.

The welfare of the individual student and of the larger school community is best served when all disciplinary actions and procedures support a positive educational environment.

Code of Student Conduct

The Superintendent is responsible for developing a Code of Student Conduct and ensuring that it is disseminated annually. Input from teachers, school-based administrators, parents, and law enforcement agencies will be considered when the Code of Student Conduct is reviewed and/or revised. In addition, each school will establish and enforce reasonable regulations for student behavior not inconsistent with the infractions identified in the Code of Student Conduct.

Students shall be provided with access to a handbook containing Attendance Policy and Code of Student Conduct at the beginning of each school year. Paper copies are available upon request. A copy of the handbook will be placed on the district website and shall be available in the media center, the school office, school counselor's office, and other locations as designated by the principal.

Each student is required to return documentation (provided by school) verifying parents have received and read the Code of Student Conduct and the school shall maintain a copy of said documentation.

Students must comply with the Code of Student Conduct, and all school behavioral expectations, in the following circumstances:

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

Authority of School Personnel

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

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

school, on school grounds or at any school-sponsored activity.

Corporal Punishment

The Board prohibits corporal punishment, believing that other consequences are more appropriate and effective for teaching self-control. No principal, assistant principal, teacher, substitute teacher, any other school system employee, or volunteer may use corporal punishment to discipline any student. Corporal punishment is defined as the physical use of a hand, paddle, or other instrument to administer corrective discipline such as paddling, spanking, or otherwise striking a child.

School personnel may use reasonable force in the exercise of lawful authority to restrain or correct pupils and maintain order to prevent immediate threats of harm to person or property:

- a. To correct pupils;
- b. To quell a disturbance threatening injury to others;
- c. To obtain possession of weapons or other dangerous objects on the person, or within the control, of a student;
- d. For self-defense;
- e. For the protection of persons or property; or
- f. To maintain order on school property, in the classroom, or at a school related activity on or off school property.

Seclusion, Isolation, Restraint, and Training in Management of Student Behavior

The Board hereby adopts the Deborah Greenblatt Act (N.C.G.S. §115C-391.1) effective at the beginning of the 2006-2007 school year as policy. The Superintendent is directed to provide the necessary notices and copies of NCGS 115C-391.1 to all school personnel and to parents and guardians at the beginning of each school year. The Superintendent shall make known rules and guidelines to direct school personnel in the permissible use of seclusions and restraints and to provide for notices to parents and guardians of the specified incidents where prohibited procedures have been used.

CODE OF STUDENT CONDUCT 4-03 Administrative Guidelines

The Board, Superintendent, and staff are committed to establishing positive learning environments that ensure that all student have access to a quality education. The District recognizes that a key aspect of maintaining a healthy and safe environment is establishing order and maintaining discipline in our schools. This goal can only be achieved through the cooperative efforts of our school staff, students, parents/guardians and the community.

The District believes that developing strong relationships with families is the first step in establishing safe and healthy schools. The District desires to work collaboratively with families to establish positive relationships that aid in the development and achievement of all students.

The District is committed to eliminating disparity in school discipline with respect to its underserved populations in reducing the number of referrals, suspensions, and expulsions. The staff will engage in restorative practices that enhance school culture and improve discipline systems to address equity.

ALTERNATIVE MEANS OF CORRECTION

Each school is responsible for incorporating a Multi-Tier Systems of Support (MTSS) framework into its School Improvement Plan (SIP) to reduce referrals and suspensions through pro-active intervention, positive behavioral support, restorative practices, and other non-punitive approaches to discipline. MTSS includes a Positive Behavioral Interventions and Supports (PBIS) model of evidenced based practices to address student behavior.

Acknowledging that it is not always possible, where appropriate the District encourages alternatives to suspension and the implementation of progressive discipline approaches prior to removing a student from the educational setting. Classroom based strategies include, but are not limited to:

1. Reteach behavioral expectations;
2. Separate students;
3. Assign additional tasks;
4. Communicate with the parent/guardian;
5. Conference with the student and/or parent; and
6. Implement a behavioral contract and/or plan.

Parents/guardians should be notified if there is a pattern of misbehavior which could result in removal from the school environment. However, violations of the rules contained in these guidelines can result in suspension without prior parental notification when a pattern of misbehavior does not exist. Students who exhibit a pattern of misbehavior should be provided more intensive support and interventions. Appropriate school level strategies include, but are not limited to:

1. Conference with parent/guardian and/or student;
2. Implement a case management or counselling plan;
3. Convene an intervention team;
4. Assign after school detention and/or Saturday School;
5. Assign Social Restrictions;
6. In-school suspension; and
7. Short Term Out-of-school suspension.

When applying strategies that remove the student from the educational environment (i.e. full day ISS or OSS) or require attendance outside of normal school day (i.e. ASD or Saturday School) the school shall make a good faith effort to notify the parent prior to imposition of the consequence. For consequences that require immediate implementation (i.e. partial day ISS or conferences), the parent shall be notified as soon as possible and within 24 hours of the event. Parents may be responsible to provide transportation that may be required to carry out a consequence.

These are not the only rules of conduct which students are expected to follow. Additional school level rules/consequences will be set by the school (including but not limited to dress code, honor code and insubordination). There will also be rules for riding the bus. All students will be provided with access to these guidelines, and school level and transportation rules annually.

DEFINITIONS (unless specifically defined, the meaning will be the customary use of the word)

1. **Administration.** School level administrators, including the principal and assistant principals.
2. **Bans from School Property.** Except with prior, written permission of the site principal,

students who are suspended or expelled may not enter any property of Union County Public Schools during the term of suspension or expulsion. Failure to abide by this prohibition is trespassing and will be reported to law enforcement.

3. **Code of Student Conduct.** The behavioral guidelines adopted by the District. The Code of Student Conduct is published and made available to students on an annual basis. It is available on the District Website. A hard copy is available upon request to the principal.
4. **Disciplinary Reassignment.** A 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. A disciplinary reassignment may utilize a combination of online courses, direct teacher instruction and other computer-based alternatives for instruction. South Providence School is an example of a disciplinary reassignment approved location. A disciplinary reassignment is not a long-term suspension and does not require those due process procedures. The use of a disciplinary reassignment may occur prior to other forms of removal from the instructional environment.
5. **Elementary Students.** Students in grades Pre-K – 5.
6. **Expulsion.** The indefinite removal of a student from school enrollment for disciplinary purposes. Only the Board of Education can expel a student, over the age of 14, whose continued presence is a clear threat to the safety of staff and other students. **An expulsion may be considered for a violation of any of the rules set out below or for other conduct meeting this definition.**
7. **Extracurricular/co-curricular activity participation.** 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 crime (or what would be considered a criminal violation if the student were an adult) may be excluded from participation in extracurricular/ co-curricular activities.
8. **Long-term Suspension.** A disciplinary removal in excess of 10 days. Most suspensions will run until the end of the semester, however if the conduct occurs in the second quarter of first semester the suspension may run through the end of the school year. Additionally, if the conduct occurs in the second half of the second semester of the school year the suspension may run through the end of the first semester of the following year.
9. **Multiple Offense designations.** For offenses where different consequences are applied depending upon the number of violations, the offense is of the overall (numbered) rule. Additionally, the number of violations carries through one academic year.
10. **Parent.** Parent, legal guardians, custodians, and caretakers entitled to enroll the student in school.
11. **Parent/Student Conferences.** A meeting between the student, parent and administrator may be required for any length suspension.
12. **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.
13. **Restorative Practices.** 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. The following are some of the opportunities for Restorative Practices that are available within the District, not all programs are available at all school locations:
 - Multi-Tiered Systems of Support (MTSS);

- Foundations Training;
 - CHAMPS Training/Discipline in the Secondary Classroom: and
 - Social-Emotional Resources.
14. **School Authority.** The school has the authority to address any act that takes place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation or at any official school bus stop, through the use of the district Internet system or school provided technology, through the use of a personal digital device on campus, or off-campus activities that cause or are reasonably expected to cause a direct and immediate impact on the orderly and effective operations of the school or the safety of individuals.
 15. **School property.** The physical premises of all school campuses, bus stops, all vehicles under the control of the district (including but not limited to Yellow School and Activity Buses), and school sponsored curricular and extra-curricular activities, regardless of where they occur. *The administration may also impose consequences for conduct which occurs off campus if it has a direct and immediate effect on maintaining order and discipline in the schools.*
 16. **Secondary Students.** Students in middle and/or high school.
 17. **Short-term suspension.** The disciplinary removal of a student for 10 or fewer days.
 18. **Social Restrictions.** Preventing a student from attending a noninstructional school activity, including but not limited to field trips, dances, fundraising events, and promotion and graduation exercises. Students that are assigned an OSS at the time that the trip or activity is scheduled will be prohibited from attending or participating. Students that are assigned or served a long-term suspension at any time during the academic year, will be prohibited from attending or participating. Students that are assigned an OSS or multiple days of ISS during the semester of the trip or activity may be prohibited from attending or participating at the discretion of the principal. Social restrictions are available for any violation of the Code of Student Conduct or school-based rules contained in this student handbook. A principal may assign a social restriction instead of another consequence.
 19. **Suspension.** Unless otherwise noted any references to a suspension is an out of school suspension.
 20. Any references to Superintendent or Principal shall include that person's designee.

REPORTS TO OUTSIDE AUTHORITIES

1. **Law Enforcement** – Under North Carolina Law, principals are required to report to law enforcement when s/he has personal knowledge or actual notice that one of the following acts has occurred on school property: “assault resulting in serious personal injury, sexual assault, sexual offense, rape, kidnapping, indecent liberties with a minor, assault involving the use of a weapon, possession of a firearm in violation of the law, possession of a weapon in violation of the law, or possession of a controlled substance in violation of the law.” Additionally, any conduct which may be both a violation of these guidelines and law will be reported to the School Resource Officer (SRO). If a student is arrested consistent with this provision, school officials will notify the parent of the location where their child is taken by law enforcement officials.
2. **Department of Motor Vehicles (DMV)** – Under North Carolina Law, students who receive a long-term suspension for engaging in any of the following conduct will be reported to the DMV: possessing or selling alcoholic beverages or an illegal controlled substance on school property, bringing, possessing, or using on school property any weapon or firearm, and physically assaulting a teacher or other school personnel on school property.

PROHIBITED BEHAVIORS:

1. Abusive Language and Gestures
2. Aggressive Behavior
3. Arson/Use of Fire
4. Attendance (Truancy/Skipping/Unauthorized Location)
5. Bullying
6. Chronic Disruptive Behavior
7. Electronic Devices
8. False Alarms
9. Firearms and destructive devices
10. Hazing
11. Illegal/Unauthorized Substances
12. Insubordination
13. Misrepresentation
14. Nuisance Items
15. Persistently Dangerous Students
16. Sexual Behavior/Graphic Materials/Sexual Harassment
17. Student Dress
18. Act of Terror/Bomb Threats
19. Theft/Robbery
20. Trespassing/Breaking and Entering
21. Unauthorized Use of Technology
22. Weapons (not including firearms and explosives)
23. Vandalism

Principals will apply the appropriate rule in light of the conduct of the student. Principals have the discretion to determine if a violation of the rule, considering mitigating factors, is serious enough to warrant suspension and should use good judgment when applying these guidelines.

When considering the appropriate sanction for specific student conduct, the Principal should consider the following:

1. The student's age;
2. The student's mental capacity;
3. The student's intent;
4. The student's disciplinary history;
5. The student's academic history;
6. The potential benefits to the student of alternatives to suspension;
7. How the student's misconduct impacted others, including other students, staff members, and/or school visitors;
8. Whether the student displayed an appropriate attitude and gave respectful cooperation during the investigation and/or after the offense occurred;
9. What other consequence(s) the student may be experiencing outside of school; and
10. What action the student and/or the student's parent(s) have taken since the offense occurred.

Principals will avoid assigning the maximum consequence unless one of the following conditions exists:

1. The conduct resulted in a disruption to the educational environment;
2. The conduct posed a threat to the safety of that student or other persons present;
3. Progressive consequences have already been exhausted or are not appropriate under the

circumstances; or

4. In the Principal's professional judgment, no lesser consequence is appropriate.

When students are suspended for violations of these guidelines, these absences may affect academic standing, promotion and eligibility for co-curricular and extra-curricular activities including athletics. Please refer to Policy 4-01, Attendance, for further information.

For these prohibited behaviors, the following system-wide disciplinary actions shall be taken. In addition to any consequence enumerated below each behavior, students may be assigned social restrictions, may be referred to the school counselor, may be banned from school property, and/or a parent/student conference required:

1. **Abusive Language and Gestures:** Students will not use abusive, profane, or obscene, words, signs, gestures, or other acts toward or about any school employee, adult on campus or other student. This provision includes but is not limited to communication through written assignments and/or electronic technology where a connection to the school exists. The administration will also consider whether the conduct being investigated was also an act of bullying.
 - a. **Toward a school staff member or other adult on campus.**
 - **First Offense:**
 - **Elementary:** 0-3 day suspension.
 - **Secondary:** 0-10 day suspension.
 - **Second and subsequent Offenses:**
 - **Elementary:** 1-5 day suspension.
 - **Secondary:** 3-10 day suspension. For secondary students, after the second offense the administration may consider a recommendation for long-term suspension.
 - b. **Toward another student or between students.**
 - **First Offense:** (Elementary and Secondary) 0-3 day suspension.
 - **Second and subsequent Offenses:** (Elementary and Secondary) 1-5 day suspension.
2. **Aggressive Behavior:** Students will not engage in any form of aggressive behavior (physical or verbal) against any other student, staff member or other adult in the school, except when the behavior is an act of self-defense. All assaults must be reported to the principal.
 - a. **Physical violence directed toward any school employee or other adult in the school.**
 - **Elementary:** 0-10 day suspension.
 - **Secondary:** 10 day suspension. For secondary students, the administration may consider a recommendation for a long-term suspension. Upon returning from a long-term suspension, the student shall not be returned to the teacher's class unless the teacher consents.
 - b. **Physical Violence directed toward a student.** Violations include but are not limited to any assault, fight, or attempt to cause physical harm to a student(s) by another student(s).
 - **Elementary and Secondary**
 - **First Offense (where there were no serious injuries, multiple aggressors/participants or disruption to the academic day):** 0-10 day suspension.

- **Second and subsequent Offenses (where there were no serious injuries, multiple aggressors/participants or disruption to the academic day):** 1-10 day suspension. For secondary students, after the second offense the administration may consider a recommendation for a long-term suspension.
 - **For assaults which result in serious injury, those involving multiple aggressors or where disruption to the academic day results:** 10 day suspension. For secondary students, the administration may consider a recommendation for a long-term suspension.
- c. **Threats about or directed toward any other student, staff member or other adult in the school:** Any physical, verbal, or written threat (including but not limited to threatening gestures, or threats communicated via electronic technology and including threats made outside of school where a connection to the school and/or school work exists) directed toward or about any student, staff member or other adult which threatens force, violence, or disruption, or any sign or act which constitutes a threat of force, violence, or disruption. This includes threats and/or retaliation against a student who is a victim or a witness in a student disciplinary matter.
- **Elementary**
 1. **Threats toward staff members or other adults in the school:** 0-5 day suspension.
 2. **Threats toward students**
 - **First Offense:** 0-5 day suspension.
 - **Second and subsequent Offenses:** 1-5 day suspension.
 - **Secondary**
 1. **Threats toward staff members or other adults in the school:** 10 day suspension. For secondary students, the administration may consider a recommendation for long-term suspension, depending upon the severity of the threat.
 2. **Threats toward students**
 - **First Offense:** 1-10 day suspension.
 - **Second and subsequent Offenses:** 3-10 day suspension. For secondary students, after the second offense the administration may consider a recommendation for a long-term suspension, depending upon the severity of the threat.
- d. **Verbal Confrontation/Provocation** includes approaching another person in a confrontational, provocative or bullying manner. This includes attempts to intimidate or instigate another person to fight or commit other acts of physical aggression.
- **Elementary:** 0-5 day suspension.
 - **Secondary:** 0-10 day suspension. For secondary students, after the second offense the administration may consider a recommendation for a long-term suspension.
- e. **Extortion or blackmail** includes threats to take the property of another student through the threat of physical harm.
- **Elementary:** 0-5 day suspension.
 - **Secondary:** 0-10 day suspension. For secondary students, after the second offense the administration may consider a recommendation for a long-term suspension.
- f. **Behavior that incites a serious disruption to the academic environment** includes behavior which encourages other students to join in a potentially volatile situation, or

disrupts or has the potential to disrupt the school environment including a failure to disperse at the request of staff.

- **Elementary:** 0-5 day suspension.
- **Secondary:** 0-10 day suspension. For secondary students, after the second offense the administration may consider a recommendation for a long-term suspension.

3. **Arson/Use of 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 includes but is not limited to 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.

- **Elementary and Secondary:** 10 day suspension. For secondary students, the administration may consider a recommendation for a long-term suspension.

4. **Attendance:** Students will not leave the assigned area/school grounds without permission or commit other attendance violations (i.e. skipping class and truancy). Students must attend school and every class every day unless there is a lawful absence. Once at school students will remain on campus and in areas designated by school officials at all times. Violations of this rule include being in an unauthorized location within the school.

- **Elementary and Secondary:** 0-2 day suspension and principal discretion which may include additional consequences should the conduct violate other rules in this policy or the bus or school level rules. No more than 2 days of suspension can be assigned to a student for an attendance violation.

5. **Bullying:** Students will not bully another person on school property. Under North Carolina Law, bullying is “any pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication, that takes place on school property reasonably perceived as being motivated by any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation or mental, physical, developmental, or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics”. Bullying may include, but is not limited to, cyber bullying, verbal taunts, name-calling and put-downs, extortion of money or possessions, implied or stated threats and may be directed at the same or different individuals. This rule includes hate-motivated behavior (i.e. injuring or intimidating another due to the victim’s race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation or mental, physical, developmental, or sensory disability). Students who feel bullied, harassed or intimidated at school by an adult or another student or who witness such conduct should immediately report the conduct to an administrator or school counselor. Anonymous reports can also be made through the UCPS App or through the link on a district issued laptop.

Both the accused and victim will be referred to a school counselor.

- **Elementary and Secondary**
 - **First Offense:** 0-10 days suspension.
 - **Second and subsequent Offenses:** 3-10 day suspension. For secondary students, after the second offense the administration may consider a recommendation for long-term suspension.

6. **Chronic Disruptive Behavior:** Students will not engage in behavior which disrupts

classroom, school environment, or school activities. This rule does not include situations where the student poses a threat of injury to students or staff which may qualify the student for an alternative disciplinary program, including a disciplinary reassignment.

- **Elementary:** 0-5 day suspension.
- **Secondary:** 3-10 day suspension.

7. **Electronic Devices:**

a. **Possession and Use of Electronic Devices**

Prohibited uses of a cell, or other electronic devices such as a smart phone, are is defined to include, but is not limited to phone ringing, talking on phone, taking pictures, browsing, gaming and text messaging. Any smart watches (i.e. Apple watch) or electronic tracking devices (i.e. AngelSense) must have all recording/listening capabilities turned off or disabled except pursuant to an authorized instructional activity. High School students may use cell phones or electronic/media devices during non-instructional times, including class change and lunch, so long as the use is not disruptive to the school environment and the cell phone or electronic/media device is used in a safe and responsible manner.

The District is not responsible for theft, loss or damage to any cell phone or other electronic/media devices brought onto school property.

- **Elementary and Secondary**

- **First Offense:** Confiscate item and return to the student no later than at the end of the day and notify parent. If use of the electronic device results in violation of other behavioral rule (including but not limited to school based rules) further discipline may be applied.
- **Second and subsequent Offenses:** Confiscate item and return only to parents. Parent conference required and may include 1 day of in-school suspension, after school detention, or Saturday School. Additionally, the student may be prohibited from bringing the item to school for the remainder of the school year, except as authorized in writing by the principal.

Failure to obey the request of a school staff member to hand over a cell phone or other electronic device shall be considered insubordination.

b. **Social Media.**

Students will not use social media to break another rule of the Code of Student Conduct which interferes with the safety of students or staff, or causes a disruption on school grounds.

- **Elementary and Secondary:** 1-3 day suspension.

8. **False Alarms:** In the absence of an emergency, students will not call/dial 911, signal or set off an automatic signal indicating the existence of an emergency. This rule does not include accidental dialing 911.

- **Elementary and Secondary**

- **First Offense:** 1-10 day suspension.
- **Second Offense:** 3-10 day suspension. For secondary students, the administration may consider a recommendation for a long-term suspension.

9. **Firearms and explosive/destructive devices:** Students will not bring, possess (regardless of the manner received or the length of time possessed) or use a firearm or other explosive/destructive device on a school campus or at a school event wherever held as defined by North Carolina General Statutes § 14-269.2b. All firearms and explosives/destructive devices will be confiscated immediately and turned over to law enforcement.

A firearm includes but is not limited to a starter pistol, gun, rifle, pistol, shotgun, frame, receiver, firearm muffler or silencer (loaded or unloaded) or a destructive device. An explosive/destructive device includes but is not limited to an explosive, incendiary, poison gas, bomb, grenade, rocket with a propellant charge of more than 4 ounces, a missile with a charge of more than ¼ ounce, mine or similar device.

- **Elementary and Secondary:** A suspension of 365 days shall be imposed for violations of this rule pursuant to the Gun-Free Schools Act, 20 U.S.C. 7961. Upon recommendation of the Superintendent, the Board of Education may modify this consequence after a review of the facts and circumstances surrounding the incident and considering alternative educational options for the student.

No student may knowingly or willfully cause, encourage or aid any other student to possess, handle or use any of the weapons or weapon-like items listed herein (See Rules 9 and 23). A student who finds a weapon or weapon-like item, who witnesses another student or other person with such items, or becomes aware that another student or other person intends to possess, handle or use such items, must notify a teacher or principal immediately. Failure to do so may result in disciplinary action up to and including a maximum of 10 day suspension. The Superintendent and Board shall not impose a 365 day suspension if it is determined that the student took possession of, received or found the firearm or destructive device on campus, provided that the student delivered or reported the firearm or destructive device as soon as practicable to a law enforcement officer or a school employee and had no intent to use it in a harmful or threatening way.

10. **Hazing:** Students will not engage in hazing which is defined as “to subject another student to physical injury as part of an initiation, or as a prerequisite to membership, into any organized school group including any society, athletic team, fraternity or sorority, or other similar group.” For purposes of these guidelines, hazing may include annoying any student by playing tricks, frightening, scolding, beating or harassing, or subjecting to personal indignity. Per North Carolina General § 14-35 hazing is strictly forbidden on campus and at all off campus school events.

- **Elementary and Secondary:** 0-10 day suspension. For secondary students, after the second offense the administration may consider a recommendation for long-term suspension.
- Students convicted of the Class 2 misdemeanor for hazing may be recommended for expulsion.

11. **Illegal/Unauthorized Substances:** Students will not possess, use, be under the influence of, sell, deliver, manufacture, or distribute any of the following substances on school property. All substances will be immediately confiscated and reported to and provided to either to law enforcement or a parent, as appropriate

- narcotic drugs;

- hallucinogenic drugs;
- amphetamines;
- barbiturates;
- marijuana;
- synthetic stimulants, such as MDPV and mephedrone (e.g., “bath salts”), and synthetic cannabinoids (e.g., “Spice,” “K2”);
- any other controlled substance;
- any alcoholic beverage, malt beverage, fortified or unfortified wine, or other intoxicating liquor;
- any chemicals, substances, or products procured or used with the intention of bringing about a state of exhilaration or euphoria or of otherwise altering the student’s mood or behavior;
- any substance containing cannabidiol (CBD) or tetrahydrocannabinol (THC), regardless of whether it constitutes a controlled substance under state or federal law; or
- counterfeit (fake) substances.

a. **Over-the-Counter Medication:** Without proper medical authorization, students shall not transport over-the-counter medication to or from school or have such medication in their possession at any time without meeting conditions prescribed by the Board. All properly approved over-the-counter medication will be provided to the school nurse. Over-the-Counter medications include essential oils. CBD Oil may not be possessed without a prescription from a medical professional and a completed medical authorization form (see Rule 11b below for use, share/distribute, and possession of CBD Oil).

1. **Being under the influence:**

- **Elementary and Secondary:** 0-5 day suspension.
 - Required drug education class (failure to attend will result in additional days of suspension for insubordination).

2. **Possession:**

- **Elementary and Secondary:** 0-5 day suspension.
 - Drug education class will be assigned to students who also receive an out of school suspension (failure to attend will result in additional days of suspension for insubordination).

3. **Use at School:**

- **Elementary and Secondary:** 0-5 day suspension.
 - Drug education class will be assigned to students who also receive an out of school suspension (failure to attend will result in additional days of suspension for insubordination).

4. **Share/Sell/Distribute:**

- **Elementary and Secondary:** 1-5 day suspension. The administration may make a recommendation for a long-term suspension.
 - Required drug education class (failure to attend will result in additional days of suspension for insubordination).

b. **Prescription Medication** All prescription medication will be provided to the school nurse and properly stored, unless the student possesses properly approved self-carry documentation. Without proper medical authorization, students shall not transport

prescription medication to or from school or have such medication in their possession at any time without meeting conditions prescribed by the Board.

1. **Possession or use of prescription medication without proper authorization:** (Possession and use only; this does NOT include distribution). Upon arrival to school, the student must secure provide the medication immediately to a school staff member. Failing to do so is a violation of this rule.
 - **Elementary and Secondary:**
 - **First Offense:** 0-3 day suspension. Required drug education class (failure to attend will result in additional days of suspension for insubordination)
 - **Second Offense:** 0-5 day suspension. Required drug education class (failure to attend will result in additional days of suspension for insubordination)
 2. **Under the Influence of prescription medication without proper authorization**
 - **Elementary and Secondary:** 0-5 day suspension.
 - Drug education class will be assigned to students who also receive an out of school suspension (failure to attend will result in additional days of suspension for insubordination).
 - Suspension is not warranted when a student comes to campus under the influence when used in compliance with the directions of a valid prescription.
 3. **Share/Sell/Distribute:**
 - **Elementary and Secondary:** 10 day suspension. For secondary students, the administration may consider a recommendation for a long-term suspension.
 - Required drug education class (failure to attend will result in additional days of suspension for insubordination).
- c. **Alcohol** (Includes but is not limited to wine, beer, non-alcoholic beer, and energy drinks containing alcohol).
- **Under the influence, possession or use on school property, as defined above:**
 - **Elementary and Secondary:**
 - **First Offense:** 3-10 day suspension.
 - Required drug/alcohol education class (failure to attend will result in additional days of suspension for insubordination).
 - **Second and subsequent Offenses:** 10 day suspension. For secondary students, after the second offense the administration may consider a recommendation for a long-term suspension.
 - Required drug/alcohol education class (failure to attend will result in additional days of suspension for insubordination).
 - **Share/Sell/Distribute :**
 - **Elementary and Secondary:** 10 day suspension. For secondary students, the administration may consider a recommendation for a long-term suspension.
 - Required drug/alcohol education class (failure to attend will result in additional days of suspension for insubordination).
- d. **Tobacco Products:** Students will not possess, use, sell or distribute tobacco products or vape pens on school property (as defined above). For rolling papers, see drug paraphernalia below. All tobacco products, including but not limited to cigars, cigarettes,

vape, snuff, chew packets, and all lighted and smokeless tobacco and/or nicotine products are prohibited and will be confiscated. Nontobacco and aromatic smoking products, including but not limited to clove cigarettes, herbal cigarettes, and bidis, and electronic cigarettes, electronic cigarette liquid (e-juice) and smokeless nicotine products are also prohibited under this rule. If the preponderance of the evidence is that the vape pen contains an oil including THC Rule 11e below will apply.

- **Possession**
 - **Elementary and Secondary:**
 - **First Offense:** 1-6 day suspension and required Tobacco Education class. Failure to complete tobacco education class will result in additional days of suspension for insubordination.
 - **Second and subsequent Offenses:** 3-6 day suspension and required Tobacco Education class. Failure to complete tobacco education class will result in additional days of suspension for insubordination.
 - **Use**
 - **Secondary:**
 - **First Offense:** 1-10 day suspension. Failure to complete tobacco education class will result in additional days of suspension for insubordination. If the preponderance of the evidence is that the vape pen contains an oil including THC Rule 11e below will apply.
 - **Second and subsequent Offenses:** 5-10 day suspension and required Tobacco Education class. Failure to complete tobacco education class will result in additional days of suspension for insubordination. If the preponderance of the evidence is that the vape pen contains an oil including THC Rule 11e below will apply.
 - **Sell/Distribute** Of electronic cigarettes (including but not limited to vape pens and devices such as Juuls).
 - **First offense:** 3-10 day suspension and required Tobacco Education class. Failure to complete tobacco education class will result in additional days of suspension for insubordination. If the preponderance of the evidence is that the electronic cigarette contains an oil including THC Rule 11e below will apply.
 - **Second and subsequent offenses:** 10 day suspension and required Tobacco Education Class. Failure to complete tobacco education class will result in additional days of suspension for insubordination. If the preponderance of the evidence is that the vape pen contains an oil including THC Rule 11e below will apply.
- e. **Illegal Drugs, Counterfeit or Synthetic Drugs.** Including THC, vape pens which contain an oil including THC, huffing materials (including the misuse of inhalants), Drug Paraphernalia (including but not limited to rolling papers, bongs, pipes and scales) and the misuse of chemical/material (organic or otherwise) that causes or is purported to cause a hallucinogenic/mind altering effect or might bring about a state of exhilaration, euphoria or of otherwise altering student's mood or behavior.
- **Under the Influence, Use or Possession of Illegal Drugs, Counterfeit or Synthetic Drugs, Huffing materials/inhalants, or other Chemical/material (organic or otherwise)**

- **Elementary:** 0-10 day suspension.
- **Secondary:**
 - **First Offense:** 5-10 day suspension.
 - Required drug/alcohol education class (failure to attend may result in additional days of suspension for insubordination).
 - **Second and subsequent Offenses:** 10 day suspension. For secondary students, after the second offense the administration may make a recommendation for long-term suspension.
 - Required drug/alcohol education class (failure to attend may result in additional days of suspension for insubordination).
- **Possession of drug paraphernalia**
 - **Elementary:** 0-10 day suspension.
 - **Secondary:**
 - **First Offense:** 5-10 day suspension.
 - Required drug/alcohol education class (failure to attend may result in additional days of suspension for insubordination).
 - **Second and subsequent Offenses:** 10 day suspension. For secondary students, after the second offense the administration may make a recommendation for long-term suspension.
 - Required drug/alcohol education class (failure to attend may result in additional days of suspension for insubordination).
- **Share/Sell/Distribute (Actual or Attempt) or possession with intent to distribute of Illegal Drugs, Counterfeit or Synthetic Drugs, Huffing materials/inhalants, or other Chemical/material (organic or otherwise)** including the possession of a large quantity or of more than one individually wrapped package which will be considered evidence that the student intended to sell or distribute the substance.
 - **Elementary and Secondary:** 10 day suspension. For secondary students, the administration may make a recommendation for long-term suspension.
 - Required drug/alcohol education class (failure to attend may result in additional days of suspension for insubordination).
- **Share/Sell/Distribute (Actual or Attempt) of drug paraphernalia.**
 - **Elementary and Secondary:** 2-5 day suspension.
 - Required drug/alcohol education class (failure to attend may result in additional days of suspension for insubordination).

12. **Insubordination:** A student will obey the lawful direction of any authorized staff member or adult 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, and speaking to staff in an appropriate manner.

- Please see school level rules for the consequence.

13. **Misrepresentation:** A student will be honest and submit his/her own work.

a. Cheating: Violating rules of honesty and Honor Codes, including but not limited to:

1. cheating including the actual giving or receiving of any unauthorized assistance or the

- actual giving or receiving of an unfair advantage on any form of academic work;
2. plagiarizing, including copying the language, structure, idea, and/or thought of another person or of a work produced by artificial intelligence and representing it as one's own original work;
- b. **Altering Report Cards or notes:** Tampering with report cards, official passes, notes or other school documents in any manner, including changing grades or forging names to excuses is prohibited.
 - c. **False information:** Making false statements, written or oral, to anyone in authority is prohibited.
 - Please see school level rules for the consequence.
14. **Nuisance Items:** Students will not possess or use nuisance items including but not limited to: laser pointers, matches, cigarette lighters, empty shells, or other like items on school property as defined above. Nuisance items kept in locked private vehicles are exempt. No skateboards are allowed on campus at any time. All nuisance items will be immediately confiscated and returned to the parent where appropriate. Any nuisance item that results in property damage to the school system or individual will require restitution by the parents of the perpetrator. The District is not responsible for theft, loss or damage to any nuisance items brought onto school property.
- **Elementary and Secondary:**
 - **First Offense:** Confiscate item and return only to parents.
 - **Second and subsequent Offenses:** 1-5 days suspension.
15. **Persistently Dangerous Students:** Students, over the age of 14, will not engage in behavior that constitutes a clear threat to the safety of other students or employees as defined in North Carolina Law. Examples include, but are not limited to, multiple rule violations for assault, the sale or distribution of illegal drugs, gang related activities, possession of weapons and inappropriate sexual behavior. A single act may be so severe as to fall within this rule. This rule also applies to students who are registered sex offenders (who will be constantly supervised while on school property, if allowed to attend any educational program).
- Violation of this section may result in a disciplinary reassignment, long-term suspension, 365-day suspension, or expulsion dependent upon the severity of the offense.
16. **Sexual Behavior/Graphic Materials:** Students will not engage in any sexual activity or possess sexually graphic or violent materials on school property as defined above.
- a. **Indecent Exposure:** Students will not expose private body parts on school property.
 - **Elementary:**
 - **First Offense:** 0-3 day suspension.
 - **Second and subsequent Offenses:** 1-5 day suspension.
 - **Secondary:**
 - **First Offense:** 1-5 day suspension.
 - **Second and subsequent Offenses:** 5-10 day suspension. For secondary students, after the second offense the administration may consider a recommendation for a long-term suspension.
 - b. **Consensual Sexual Activity:** Students will not engage in consensual sexual activity on school property. Consensual means all parties are willing participants in the activity.

- **Elementary and Secondary:**
 - **First Offense:** 3-10 day suspension.
 - **Second and subsequent Offenses:** 5-10 day suspension. For secondary students, after the second offense the administration may consider a recommendation for a long-term suspension.
- c. **Sexual Assault/Battery:** Students will not engage or attempt to engage in sexual activity with another person by force, threat or fear.
- **Elementary and Secondary:** 5-10 day suspension. For secondary students, the administration may make a recommendation for long-term suspension. The principal will refer to school counselor and contact parent.
- d. **Possession of Pornographic, Profane and/or Violent Material:** Students will not possess, share, or access any pornographic, profane, sexually explicit or graphically violent materials, including but not limited to pictures, magazines, drawings, websites, email or text messages, images or sexually explicit or graphically violent materials (including documents or instructions concerning the creations and/or use of a weapon).
- **Elementary:** 0-3 day suspension.
 - **Secondary:**
 - **First Offense:** 3-5 day suspension.
 - **Second and subsequent Offenses:** 10 day suspension. For secondary students, after the second offense the administration may consider a recommendation for a long-term suspension.

Sexual Harassment: Students will not engage in behavior which sexually harasses another person on school property. 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: -

- 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;
- 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;
- "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30). See also Policy 4-7a Sexual Harassment (Students) available [here](#).
- **Elementary and Secondary:**
 - **First Offense:** 3-5 day suspension and counseling at the school level.
 - **Second and subsequent Offenses, when two or more students are engaged in this type of behavior against another person or when one student engages in this type of behavior against multiple persons:** 10 day suspension. For secondary students, the administration may consider a recommendation for a long-term suspension.

The UCPS Title IX Coordinator and law enforcement shall be notified.

17. **Student Dress:** A student will maintain personal attire that does not violate a reasonable, nondiscriminatory dress code adopted and publicized by the school; is not substantially disruptive; is not provocative or obscene; or does not endanger the health or safety of the student or others. This includes student clothing that materially and substantially disrupts classes or school activities, including but not limited to gang-related articles of clothing. Please see the dress code at your school.

- Please see school level rule for consequences.

18. **Act of Terror/Bomb Threats:** Students will not engage in any of the following:

- make, aide, conspire, and/or abet in making a terrorist threat or perpetrating a terrorist hoax against school district property by making a false report that a device, substance, or material designed to cause harmful or life-threatening illness or injury to another person is located on school property as defined above, or possessing, bringing onto school property, concealing, placing, disseminating, or displaying (or threatening any of the above) a device, machine, instrument, artifact, letter, package, material, or substance on school property as defined above with the intent to cause others to believe the device is a substance or material capable of causing harmful or life-threatening illness or injury to another person regardless of whether the student intends to or has the means to carry out the threat;
- threaten to commit on school property as defined above an act of terror that is likely to cause death, with the intent to cause a significant disruption to the instructional day or school-sponsored activity which actually causes such disruption (this includes but is not limited to making a bomb threat); or
- make a report, knowing or having reason to know the report is false, that there is about to occur or is occurring on school property as defined above an act of terror that is likely to cause serious injury or death, with the intent to cause a significant disruption to the instructional day or school-sponsored activity or which actually causes such disruption (this includes but is not limited to making a bomb threat);
- perpetrate a bomb hoax by concealing, placing, or displaying any device on school system property or at a school system event, so as to cause any person reasonably to believe the same to be a bomb or similar device intended to cause injury to persons or property; or
- threaten to commit an act of mass violence on school property or at a school system event, regardless of whether the student intends to or has the means to carry out the threat;
- make a report, knowing or having reason to know the report is false, that an act of mass violence is going to occur on school property or at a school system event;
- make a report, knowing or having reason to know the report is false, that a device, substance, or material designed to cause harmful or life threatening injury to another person is located on school system property or at a school system event;
- conceal, place, disseminate, or display on school system property or at a school system event any device, substance, or material, so as to cause a reasonable person to believe the same to be a weapon of mass destruction or to be intended to cause harmful or life-threatening illness or injury to another person;
- committing any of the above actions while on school property or at a school sponsored event, even if the threatened location is not school property; or
- Conspire to commit any of the above-described acts.
 - **Elementary and Secondary:** 10 day suspension. For secondary students, the administration may consider a recommendation for a long-term suspension.

No student may knowingly or willfully cause, encourage, or aid another student to make or engage in any of the activities defined under Rules 9 or 19 (False Alarm and Bomb Threats). Any student who becomes aware that another student or other person intends to violate either of these rules must notify a teacher or administrator immediately.

- Failure to do so may result in disciplinary action up to and including a maximum of 10 days of suspension.

19. **Theft/Robbery**: Students will not steal the property of the school, school employees, students or any other person. Theft is the taking of someone else's property and robbery requires the use of force or threat of violence. Theft will include the purchase of products from the school or school employees through the use of counterfeit funds.

- **Elementary**: 0-5 day suspension for theft and 3-10 for robbery.
- **Secondary**: 0-10 day suspension for theft and 5-10 days for robbery. For secondary students, after the second offense of theft or the first offense of robbery where violence is involved the administration may make a recommendation for a long-term suspension.

20. **Trespassing/Breaking and Entering**: A student will not enter school property or a school; facility without proper authority. This rule includes entering any school during a period of suspension.

- **Elementary**: 0-5 day suspension.
- **Secondary**: 0-10 day suspension. For secondary students, after the second offense the administration may make a recommendation for a long-term suspension.

21. **Unauthorized Use of Technology**: A student shall refrain from the inappropriate use of district owned technology or from using the district provided electronic communications and wireless connection network without proper authority. This includes authorized use of sign on/log in codes and unauthorized attempts to contact any district computer site from any computer. Violations of other rules through the unauthorized use of technology will be considered under both rules. Repeated violations of this rule may result in technology privileges being limited or removed.

- **Elementary**: 0-5 day suspension.
- **Secondary**: 0-10 day suspension.

22. **Weapons (not including firearms and destructive devices/explosives)**: Students will not possess, handle, use, or transmit, whether concealed or open, any weapon, or any instrument that reasonably looks like a weapon (including toys) or could be used as a weapon and any object thrown from a bus. All weapons will be confiscated immediately and turned over to law enforcement. Weapons include all of the following:

Knife, including a pocket knife, bowie knife, box cutters and other types of utility blades, switchblade, dirk, dagger or machete; slingshot; leaded cane; blackjack; metal knuckles or nun-chucks; BB gun; air rifle or air pistol; blowgun, stun gun or other electric shock weapon (i.e. taser); ice pick; defensive sprays; razor or razor blade (except solely for personal shaving); mace, pepper spray, and other personal defense spray, nuclear, biological, or chemical weapons of mass destruction as defined in G.S. 14-288.21(c); compound bow or other archery equipment; live ammunition (shotgun shells, bullets, etc.), not used for instructional purposes and under the supervision of school staff; fireworks; and any sharp pointed or edged instrument except unaltered nail files and clips and tools used solely for

preparation of food, instruction and maintenance.

This section does not apply to students who are members of the Reserve Officer Training Corps (ROTC) and who are required to carry arms or weapons in the discharge of their official class duties; nor does this apply to weapons used in school-approved instruction or ceremonies.

The school administration will consider if the student delivered or reported the firearm or destructive device/explosive as soon as practicable to a law enforcement officer or a school employee as a mitigating factor.

- **Possession:**
 - **Elementary:** Regardless of the manner in which received and the length of time the weapon is possessed: 0-10 day suspension.
 - **Secondary:** Regardless of the manner in which received and the length of time the weapon is possessed: 3-10 day suspension.
- **Use of weapon:**
 - **Elementary and Secondary:** 5-10 day suspension. For secondary students, the administration may consider a recommendation for a long-term suspension.

23. **Vandalism:** Students will not vandalize property owned by the school system, school staff or other students.

- **Elementary:** 0-5 day suspension.
- **Secondary:** 0-10 day suspension. For secondary students, after the second offense the administration may make a recommendation for a long-term suspension.

STUDENT DISCIPLINE RIGHTS AND PROCEDURES – Administrative Guidelines **(BOE Policy 4-03)**

The Board intends that student discipline policies, procedures, and practices be applied fairly, impartially, and consistently in accordance with law, without regard to a student's race, color, national origin, disability, gender, status as a Multilingual Learner, or other characteristic protected by federal law. The Superintendent's designee, the Assistant Superintendent for Student Support, is responsible for supervising the enforcement of the Code of Student Conduct to ensure that school disciplinary policies are uniformly and fairly applied throughout the school system.

As a part of this supervision the Assistant Superintendent for Student Support will evaluate whether: 1) disciplinary practices and approaches are consistent with Board policies; (2) disciplinary sanctions are consistent with the Code of Student Conduct; (3) routine misbehavior is handled consistently within each school as well as across the school system; (4) more extraordinary behavior situations are handled fairly and quickly to protect the welfare of students and employees in a manner that promotes learning and respect for others; (5) discipline policies are applied fairly and consistently to all students regardless of their race, color, national origin, disability, gender, status as Multilingual Learner, or other protected personal characteristic.

Consequences for Violations of the Code of Student Conduct

Violations of the Code of Student Conduct must be dealt with in accordance with Board Policy

and Administrative Guidelines.

Minor violations of the Code of Student Conduct are those less severe infractions involving a lower degree of dangerousness and harm. Minor violations of the Code of Student Conduct may result in disciplinary measures or responses up to and including short-term suspension. Multiple instances of minor violations may result in increased consequences, including long-term suspension.

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.

Short-Term Suspensions

A short-term suspension is the disciplinary removal of a student from attending his or her assigned school for up through 10 school days, or 6 days on a Condensed Academic Schedule. A short-term suspension does not include (1) the removal of a student from class by the classroom teacher, the principal, or other authorized school personnel for the remainder of the subject period or for less than one-half of the school day, (2) the changing of a student's location to another room or place on the school premises, or (3) a student's absence under N.C.G.S. 130A-440 (for failure to submit a school health assessment form within 30 days of entering school).

A student who is placed on a short-term suspension will not be permitted to be on school property or to take part in any school function during the period of suspension without prior written approval from the principal.

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

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

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

Pre-Suspension Rights of the Student

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

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

Student Rights During the Suspension

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

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

Notice to Parent or Guardian

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

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

Removal During the School Day

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

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

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

Long-Term Suspensions

A long-term suspension is the disciplinary exclusion of a student from attending his or her

assigned school for more than 10 school days, or 6 days on a Condensed Academic Schedule. Disciplinary reassignment of a student to a full-time educational program that meets the academic requirements of the standard course of study established by the State Board of Education and that provides the student with the opportunity to make timely progress toward graduation and grade promotion is not a long-term suspension requiring the due process procedures set out in this policy, nor is an absence under N.C.G.S. 130A-440 (for failure to submit a school health assessment form within 30 days of entering school).

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

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

Notice to the Student's Parent

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

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

Superintendent's Decision and Hearing Before the Board

The student or student's parent may request a hearing before the Board within three days of

receiving notice from the Superintendent's designee of the recommendation for long-term suspension, 365-day suspension, or expulsion. Any hearing held will follow the hearing procedures outlined in the Administrative Guidelines to Policy 1-18 Hearings Before the Board. So long as the request for a hearing is made within the time frame and the parent does not request a continuance of the hearing, a decision will be rendered before the long-term suspension is imposed.

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

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

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

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

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

The Superintendent's designee shall send notice of the decision via certified mail to the student and parent. The notice must include:

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

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

Alternative Education Services

The Superintendent's designee shall offer alternative education services to any student who receives a long-term or 365-day suspension unless the Superintendent provides a significant or important reason for declining to offer such services. Alternative education services are part-time or full-time programs that provide direct or computer-based instruction to allow the student to progress in one or more core academic courses.

The student may appeal to the Board the Superintendent's decision not to provide alternative education services, as permitted by G.S. 115C-45(c)(2). Any appeal to the Board must be made in writing within five days of receiving the Superintendent's decision. The Superintendent shall inform the Board Chairperson of the request for an appeal and arrange in a timely manner a hearing before a panel of the Board. In advance of the hearing, the Superintendent's designee shall provide to the student and parent and to the Board a written explanation for the denial of services along with any documents or other information supporting the decision. The hearing will be conducted pursuant to the Administrative Guidelines to Policy 1-18 Hearings Before the Board. The Board will provide to the student and parent and to the Superintendent written notice of its decision within 30 days of receiving the appeal.

365-Day Suspension

A 365-day suspension is the disciplinary exclusion of a student from attending his or her assigned school for 365 calendar days. The Superintendent may impose a 365-day suspension only for certain firearm and destructive device violations.

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

Expulsion

An expulsion is the indefinite exclusion of a student from school enrollment for disciplinary purposes. Upon the recommendation of the Superintendent, the Board may expel a student who is 14 years of age or older for certain types of misbehavior if the student's continued presence in school constitutes a clear threat to the safety of other students or employees. Additionally, a student who is a sex offender may be expelled if the student's continued presence in school constitutes a clear threat to the safety of other students or employees. During the expulsion, the student is not entitled to be present on educational property and is not considered a student of the school system.

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

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.

The student or parent may request a hearing within five days of receiving notice of the Superintendent's recommendation that the student be expelled. The hearing will be scheduled with the Board within five days of the Superintendent's receipt of the hearing request. The Superintendent shall notify the student and parent of the date, time, and place of the hearing. Any appeal of a long-term or 365-day suspension will be addressed in the same hearing.

If a hearing is not requested by the student or parent, the Superintendent shall submit written evidence to support his or her recommendation to the Board. The Board may elect to request a hearing or to request additional records and documents. When the Board decides to expel a student, the Board will document the basis for its determination that there is clear and convincing evidence that the student's behavior indicates that the student's continued presence in school constitutes a clear threat to the safety of other students or employees. The Board also will consider and make a written determination of whether alternative education services are to be provided to the expelled student. Regardless of whether the school system provides alternative education services, the Board expects school system administrators to work with other agencies to help the student and parent identify other types of services that may be of assistance to the student. The Board will send via certified mail to the student's parent a copy of the decision, notification of what information will be included in the student's official record, the procedure for expungement of this information under G.S. 115C-402, and notice of the right to petition for readmission pursuant to G.S. 115C-390.12.

Educational Services for Students with Disabilities During a Long-Term Suspension, 365-Day Suspension or Expulsion

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

CRIMINAL BEHAVIOR (BOE Policy 4-23)

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

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

A. STUDENTS CHARGED WITH OR CONVICTED OF CRIMINAL BEHAVIOR

The Superintendent and principal may take reasonable or legally required measures to preserve a safe, orderly environment when a student has been charged with or convicted of a serious crime, regardless of whether the alleged offense was committed on school grounds or was related to school activities. Depending upon the circumstances, including the nature of the crime or alleged crime, the child's age, and the publicity within the school community, reasonable or legally required efforts may include changing a student's classroom assignment or transferring the student to another school. Transfer to an alternative school may be made. The student will continue to be provided with

educational opportunities unless and until the student is found to have violated Board policy or school rules and is suspended or expelled in accordance with procedures established in Board policy.

B. REPORTING CRIMINAL BEHAVIOR

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

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

The principal or designee shall notify the Superintendent or designee in writing or by e-mail of any report made by the principal to law enforcement. Such notice must occur by the end of the workday in which the incident occurred, when reasonably possible, but not later than the end of the following workday. The Superintendent must inform the Board of any such reports.

In addition, the principal or designee must promptly notify the parents if a school system employee suspects that any criminal offense has been committed against the parents' child, including but not limited to any of the offenses required to be reported to law enforcement, regardless of where the offense allegedly occurred, unless the incident has been reported to law enforcement or the county child services agency and notification of the parents would impede the investigation. In determining whether the notification of parents would impede the investigation, law enforcement or child protective services should be consulted.

Certain crimes must be reported to the Department of Public Instruction in accordance with 16 N.C.A.C. 6E .0107.

PROHIBITION AGAINST RACISM, UNLAWFUL DISCRIMINATION, HARASSMENT, BULLYING (STUDENTS) (BOE Policy 4-07)

The Board believes that all employees and students should be free of racism, unlawful discrimination, including harassment and bullying, as a part of a safe, orderly and inviting working and learning environment. It commits itself to non-discrimination in all its educational and employment activities. The Board expressly prohibits racism, unlawful discrimination, harassment, or bullying however motivated, directed toward any person or group, including, but not limited acts reasonably perceived as being motivated by any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, sex (including pregnancy, childbirth, sexual orientation, and gender identity), socioeconomic status, academic status, a physical appearance, or mental, physical, developmental, or sensory disability, or by association with a person who has or is perceived to have one or more of these

characteristics.

The Board also prohibits retaliation against an employee or student who has exercised any rights made available through state or federal law, including prohibiting retaliation for reporting violations of this policy.

Any violation of this policy is considered as serious, school officials shall promptly take appropriate action to address the violation.

A. PROHIBITED BEHAVIORS

Students, school system employees, volunteers, and visitors are expected to behave in a civil and respectful manner. The Board expressly prohibits racism, unlawful discrimination, harassment, and bullying by students, employees, board members, volunteers, or visitors. "Visitors" include parents, 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.

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

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.

B. DEFINITIONS

For the purposes of this policy, the following definitions will apply:

1. Racism

Racism means any belief that race is the primary determinant of human traits and capacities and that racial differences produce an inherent superiority of a particular race.

2. Discrimination

Discrimination means any act or failure to act, whether intentional or unintentional, that unreasonably and unfavorably differentiates treatment of others based solely on their membership in a socially distinct group or category, such as race, ethnicity, sex, (including pregnancy, childbirth, sexual orientation, and gender identity), religion, age, or disability.

3. Harassment and Bullying

- a. Harassment or bullying behavior is deliberate conduct intended to harm another person or group of persons. Such conduct violates this policy when any pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication:
 - 1) places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property; or
 - 2) creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities, or benefits or by adversely altering the conditions of an employee's employment.

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

Harassment and bullying include, but are not limited to, behavior described above that is reasonably perceived as being motivated by any actual or perceived differentiating characteristic or motivated by an individual's association with a person who has or is perceived to have a differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, sex (including pregnancy, childbirth, sexual orientation, and gender identity), physical appearance, or mental, physical, developmental, or sensory disability. Examples of behavior that may constitute bullying or 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, lewd propositions, exclusion from peer groups, extortion of money or possessions, implied or stated threats, assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement, and visual insults, such as derogatory posters or cartoons. Harassment and bullying may occur through electronic means (“cyberbullying”), such as through the Internet, emailing, or text messaging, or by use of personal websites to support deliberate and repeated behavior intended to cause harm to persons or groups. Legitimate age-appropriate pedagogical techniques are not considered harassment or bullying.

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

Sexual harassment is a form of harassment that violates this policy. For a detailed definition and procedures to address complaints related to sexual harassment, refer to Policy 3-7a Sexual Harassment (Employees).

- b. Gender-based harassment is also a type of harassment. Gender-based harassment may include acts of verbal, nonverbal, or physical aggression, intimidation, or

hostility based on sex or sex-stereotyping but not involving conduct of a sexual nature.

C. REPORTING AND INVESTIGATING COMPLAINTS OF DISCRIMINATION, HARASSMENT, OR BULLYING

Any person who believes that he or she has been discriminated against, harassed, or bullied 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, harassment, or bullying, should inform a school official designated to receive such complaints, as described in policy 3-7b Discrimination, Harassment, and Bullying Complaint Procedure for Employees.

Any employee who has witnessed, or who has reliable information that another person may have been subjected to discrimination, harassment, or bullying in violation of this policy must report such conduct. Employees who observe an incident of harassment or bullying 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, harassment, or bullying 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.

D. RESPONDING TO OCCURRENCES OF DISCRIMINATION, HARASSMENT, OR BULLYING

1. Consequences for the Perpetrator

a. Disciplinary Consequences for Students

Students will be disciplined 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 violation may also be reported to law enforcement, as appropriate.

Incidents of misbehavior that do not rise to the level of discriminatory harassment or bullying may violate acceptable standards of student behavior, including, but not limited to, the expectation that students will demonstrate civility and integrity in their actions and interactions with others. The consequences for such behavior will be consistent with applicable Board policy and the Code of Student Conduct. 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. Disciplinary Consequences for Employees

Employees who violate this policy will be subject to disciplinary action up to, and including, dismissal. In addition, the violation may also be reported to law

enforcement, as appropriate. Nothing in this policy will preclude the school system from taking disciplinary action against an employee when the evidence does not establish racism, unlawful discrimination, harassment, or bullying, but the conduct otherwise violates Board policy or expected standards of employee behavior.

c. Consequences for Other Perpetrators

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

2. Consideration of Need for More Extensive Response

School administrators shall consider whether the misconduct warrants more than just a response at the individual level. Given the nature and severity of the misconduct, the administrators may determine that a classroom, school-wide, or school system-wide response is necessary. Such classroom, school-wide, or school system-wide responses may include additional staff training, harassment and bullying prevention programs, and other measures deemed appropriate by the Superintendent to address the behavior. The actions taken must be reasonably calculated to end the behavior, eliminate a hostile environment and its effects if one has been created, and prevent recurrence of the behavior.

3. Retaliation Prohibited

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

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

4. Investigations

All complaints shall be investigated beginning within 48 hours of receipt of complaints and shall be completed in a timely manner.

E. TRAINING AND PROGRAMS

The Board directs the Superintendent to establish training and other programs that are designed to prevent help eliminate racism, unlawful discrimination, harassment, and bullying and to foster an environment of understanding and respect for all members of the school community. Information about this policy and the related complaint procedure must be included in the training plan. As funds are available, the Board will provide additional training for students, employees, and volunteers who have significant contact

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

F. COORDINATORS

The Superintendent or his/her designee will publish the names, addresses, and phone numbers of the "Title IX Coordinator" (for sex discrimination), "Section 504 Coordinator" (for unlawful discrimination on the basis of disability), and the "ADA Coordinator" (also for unlawful discrimination on the basis of disability) in a manner intended to ensure that employees, applicants, students, parents, and other individuals who participate in school district's program are aware of the coordinators. The purpose of the coordinator positions is to provide additional protection of non-discrimination rights. The coordinator must either (1) implement a resolution to racism, unlawful discrimination, harassment, or bullying complaint, to the extent a resolution can be reached and the coordinator has the authority to implement corrective action or (2) notify the Superintendent that intervention by other school officials is required to resolve the situation.

G. RECORDS AND REPORTING

The Superintendent or his/ her designee shall maintain confidential records of complaints or reports of unlawful discrimination which identify the names of any individuals accused of unlawful discrimination and the resolution of such reports or complaints. The Superintendent also shall maintain records of training, corrective actions, and/or other steps taken by the district to help provide an environment free of racism, unlawful discrimination, harassment, and bullying.

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

H. DIVERSITY PROGRAMS

The Board is committed to promoting the worth and dignity of all individuals regardless of race, color, religion, national origin, sex, (including pregnancy, childbirth, sexual orientation, and gender identity), age or disability. The Board directs the Superintendent to establish training and other programs to help eliminate racism, unlawful discrimination, harassment, and bullying and to foster an environment of understanding and respect for all individuals.

I. EVALUATION

The Superintendent is required to evaluate the effectiveness of efforts to correct or prevent racism, unlawful discrimination, harassment, and bullying and will share these evaluations periodically with the Board.

NOTICE

The Superintendent is responsible for providing effective notice to students, parents, and employees of this policy and of the procedures for reporting and investigating complaints of discrimination, harassment, and bullying. The Superintendent must ensure that each school principal provides a copy of this policy and policy on complaints to students, employees, and parents or other responsible care givers at the beginning of each school year. In addition, both policies must be posted on the school system website, and copies of the policies must be readily available in the principal's office, the media center at each school, and the Superintendent's office. Notice of the policies must appear in all student and employee handbooks and in any school or school system publication that sets forth the comprehensive rules, procedures, and standards of conduct for students and employees.

RACISM, DISCRIMINATION, HARASSMENT AND BULLYING COMPLAINT PROCEDURE FOR STUDENTS (BOE Policy 4-07b)

The Board takes seriously all complaints of discrimination, harassment, and bullying. The process provided in this policy is designed for those individuals who believe that they may have been discriminated against, bullied, or harassed in violation of policy. Individuals who have witnessed or who have reliable information that another person has been subject to unlawful discrimination, harassment, or bullying also should use the process provided in this policy to report such violations to one of the school system officials listed below. For complaints related to Sexual Harassment, please see Policy 4-7a Sexual Harassment (Students).

Any report made through the process established in this policy may be made anonymously, except mandatory employee reports. The school system will ensure that institutional interests do not interfere with the impartiality of the process for investigating and resolving complaints established in this policy.

The process set forth in this policy does not apply to allegations regarding or related to the identification, evaluation, educational placement, or free appropriate public education of a student under Section 504 or the IDEA. Such allegations may be raised through the procedures described in the *Parents Rights Handbook* published by the NC Department of Public Instruction (for IDEA complaints).

A. Definitions

Accused harasser: the employee, student, or visitor alleged to have discriminated against, harassed, or bullied the complainant.

Complainant: the parent, student, or staff member reporting a complaint that the student was discriminated against, harassed, or bullied.

Days: the working days, exclusive of Saturdays, Sundays, vacation days or holidays, as set forth in the school calendar. In counting days, the first day will be the first full working day following receipt of the complaint. 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.

Investigator: the school official responsible for investigating and responding to the

complaint. The investigator must be a person free of actual or reasonably perceived conflicts of interest and biases for or against any party.

B. Timeliness of Process

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

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

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

C. General Requirements

1. No reprisals or disciplinary action of any kind will be taken by the Board or by an employee of the school district against any complainant or other student or employee on account of his/her participation in the investigation of a complaint filed and decided pursuant to this policy, unless the complainant or participating student or employee knows or has reason to believe the report is false or knowingly provides false information.
2. All meetings and hearings conducted pursuant to this policy will be private.
3. The Board and school district will consider request to hear complaints from a group, but the Board and officials have the discretion to respond to complainants individually.
4. The complainant or accused harasser may have a representative, including an attorney, at any stage of the complaint.
5. Should, in the judgment of the Superintendent or designee, the investigation or processing of any complaint require the absence of the complainant and/or representative from regular work assignments, such absences will be excused without loss of pay or benefits.

D. Process for Complaint

1. Reporting Complaint

REPORTING BY EMPLOYEES OR OTHER THIRD PARTIES

a. **Mandatory Reporting by School Employees and Board Members**

Any employee who witnessed or who has reliable information or reason to believe that a student or other individual may have been discriminated against, harassed, or bullied must report the offense immediately. Suspected violations of Policy 3-6 Staff-Student Relations, should be reported directly to the superintendent or

designee. An employee who does not promptly report possible discrimination, harassment, or bullying or similar violations of policy shall be subject to disciplinary action.

b. Reporting by Other Third Parties

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

c. Anonymous Reporting

Reports of discrimination, harassment, or bullying may be made anonymously (except mandatory reports by school employees) but formal disciplinary action may not be taken solely on the basis of an anonymous report.

REPORTS MADE BY ALLEGED VICTIMS OF DISCRIMINATION, HARASSMENT, OR BULLYING

a. Filing a Complaint

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

- i. the principal or assistant principal of the school at which either the alleged perpetrator or alleged victim attends or is employed;
- ii. an immediate supervisor if the individual making the complaint is an employee;
- iii. the assistant superintendent of human resources if the alleged perpetrator or alleged victim is an employee of the school system (or the superintendent if the assistant superintendent of human resources is the alleged perpetrator);
- iv. the Section 504 coordinator or the ADA coordinator for claims of discrimination on the basis of a disability; or
- v. for claims of other forms of prohibited discrimination, the applicable civil rights coordinator.
- vi. Complaints may also be filed with: Office for Civil Rights, US Department of Education, 4000 Maryland Avenue, SW, Washington, DC 20202-1475

2. Timelines for Filing a Complaint

A complaint must be filed as soon as possible, but no longer than 30 days after disclosure or discovery of the facts giving rise to the complaint. For a complaint submitted after 30 days which claims a violation, misapplication or misinterpretation of state or federal law, including discrimination, the Superintendent or designee will determine whether:

- the complaint will be investigated after considering factors such as the reason for the delay; the extent of the delay; the effect of the delay on the ability of the school district to investigate and respond to the complaint; and
- the investigation of the complaint is necessary to meet any legal obligations.

However, complainants should recognize that delays in reporting may significantly impair the ability of the school district to investigate and respond effectively to such complaints.

The investigator will explain the process of investigation to the complainant and inquire as to any proposed corrective action.

3. Informal Resolution

The Board acknowledges that many complaints may be addressed informally without a full investigation and/or hearing, through such methods as conferences or mediation. The Board encourages the use of informal procedures such as mediation to the extent possible in appropriate cases and when all parties voluntarily agree after receiving a full disclosure of the allegations and the option for formal resolution; however, mediation or other informal procedures will not be used to resolve complaints deemed inappropriate by the investigator or applicable civil rights coordinator. Informal procedures may be used only if the parties involved voluntarily agree.

If an informal process is used, the principal or other designated personnel must (1) notify the complainant that s/he has the option to end the informal process and begin formal procedures at any time and (2) make a copy of this policy and other relevant policies available to the complainant. Any informal process should be completed within a reasonable period of time, not to exceed 30 days unless special circumstances necessitate more time. If informal procedures fail to resolve the matter in a reasonable period of time or are inappropriate, or if the complainant requests formal procedures, the complaints will be investigated promptly, impartially, and thoroughly according to the procedures outlined in the remainder of this policy.

4. Investigation

- a. Upon receiving notification of a harassment complaint, the Superintendent, or designee will authorize and supervise the investigation of the complaint and/or investigate the complaint (hereinafter referred to as the investigator) regardless of the alleged victim's willingness to cooperate. The investigator will be assigned by the Superintendent, or designee, based on the specific type of complaint.
- b. The investigator will impartially, promptly, and thoroughly investigate the complaint. Failure to investigate and/or address claims of discrimination, harassment, and bullying will result in disciplinary action. The investigator will interview (1) the complainant; (2) the accused harasser; (3) individual identified as witnesses by the complainant or alleged harasser, and (4) any other persons the investigator has reason to believe may have relevant knowledge concerning the complaint.
- c. There shall be no face to face confrontations between complainant and accused harasser(s).
- d. The complaint and investigation will be kept confidential to the extent possible. Information will be shared only with individuals who need the information in order to investigate and address the complaint appropriately.
- e. The investigator will review the factual information gathered through the investigation to determine whether the alleged conduct constitutes discrimination,

harassment, or bullying, giving consideration to all factual information, the totality of the circumstances, including the nature of the conduct, and the context in which the alleged incidents occurred.

- f. The investigator will report to appropriate law enforcement if it appears that laws have been violated.
- g. The Superintendent's designee and investigator shall jointly assess the need for interim measures of support for either party and, as necessary, shall implement appropriate measures in a timely manner and monitor the effectiveness of the measures during the pendency of the investigation. Interim measures that restrict the ability of either party to discuss the investigation ("gag orders") may not be used.

5. Notice to the Complainant and Alleged Perpetrator

The investigator will make a written report of the findings of the investigation. The investigator will notify the complainant, in writing, of the outcome of the investigation within 15 days of receiving the complaint, unless additional time is necessary to conduct an impartial, thorough investigation.

- a. If required by federal law, information regarding specific disciplinary action imposed on the alleged perpetrator(s) will be given to the complainant, such as when the information relates directly to the complainant (e.g., an order requiring the perpetrator not to have contact with the complainant). School officials are encouraged to consult with the Superintendent and board attorney before releasing such information, however.
- b. The investigator will submit the full report and investigative findings to the Superintendent or designee. The report will specify:
 1. whether the complaint was substantiated;
 2. whether the accused offender violated relevant law or Board policy by his/her actions (regardless of whether the complaint as submitted is substantiated); and
 3. if the investigator determines that discrimination, harassment, or bullying has occurred, the investigator also will specify:
 - reasonable, timely, age appropriate effective corrective action intended to end the harassment;
 - if needed, reasonable steps to address the effects of the harassment on the complainant; and
 - if needed, reasonable steps to protect the complainant from retaliation as a result of communicating the complaint,

If the corrective steps involve actions outside the scope of the investigator's responsibilities, the Superintendent, or designee, also will be notified so that responsibility for the corrective steps can be delegated to the appropriate individual.

4. The accused harasser will be informed in writing of the results of the investigation in regard to whether the complaint was substantiated, whether the accused harasser violated Board policy or law (regardless of whether the complaint was substantiated), and what, if any, disciplinary actions or

consequences will be imposed upon the accused harasser in accordance with Board policy. The accused harasser may appeal any disciplinary action or consequences in accordance with the provisions below and law. The filing of an appeal by the alleged harasser does not preclude school officials from taking appropriate action to address the alleged harassment.

6. Appeal

- a. If the complainant or accused harasser is dissatisfied with the investigator's report, an appeal may be made in writing to the Superintendent. The appeal must be made in writing within five calendar days of receiving the investigator's report. The Superintendent may review the documents, conduct any further investigation necessary or take any other steps the Superintendent determines to be appropriate in order to respond to the complaint. The Superintendent will provide a written response within 10 calendar days after receiving the appeal, unless further investigation is necessary.
- b. If the complainant or accused harasser is dissatisfied with the Superintendent's response, an appeal of the decision may be made to the Board within five calendar days of receiving the Superintendent's response. The Board may review the documents, direct any further investigation be conducted before making a determination or take any other steps the Board determines to be appropriate in order to respond. The Board will hold a hearing in accordance with Board Policy 3-10 upon request of the complainant or accused harasser and at the Board's discretion. The Board will provide a written response within 30 calendar days after receiving the complaint, unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

E. Records

Records will be maintained as required by policy.

DRESS CODE

For student dress code, please refer to the school level student handbook.

FOOD ALLERGENS (BOE Policy 4-10)

The Union County Board of Education recognizes the increasing frequency and intensity of allergic reactions to foods by certain students and the impact these reactions may have on all children in the educational environment. While it is not possible for the district to eliminate totally the risk of exposure of students with life threatening allergies to certain foods, the Union County Public Schools (UCPS) will:

- Make reasonable efforts to promote and protect the health of children in school by providing food choices that are safe as well as nutritious; and
- provide environments that reduce the risk of ingestion or contact with foods that trigger allergic reactions for students with known life-threatening food allergies.

The Superintendent will adopt administrative guidelines for how the district will develop appropriate accommodations for students with life-threatening allergies to foods.

GANGS: PROHIBITION OF GANGS AND GANG ACTIVITIES (BOE Policy 4-03c)

I. Introduction:

One of the goals of the Union County Public Schools is to provide a safe, orderly, and caring learning environment for all students and staff. The Union County Public Schools have determined that gangs and gang-related activities materially and substantially interfere with the requirements of appropriate discipline in the operation of schools. Therefore, principals shall work with the school's Site-based Management Team to develop prevention and intervention strategies to discourage gangs and gang-related activities. Such strategies and interventions may include support groups, counseling programs, and extra-curricular activities, or other initiatives, as deemed appropriate by the Site-based Team.

No student shall commit any act that furthers gangs or gang-related activities.

II. Definitions:

- A. Gang: A gang is any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of criminal acts and/or violations of school policy and having a common name and/or common identifying signs, colors, or symbols.
- B. Gang Related Activity: any conduct that is prohibited by another Board policy and is engaged in by a student on behalf of an identified gang or as a result of the student's gang membership; or any conduct engaged in by a student to perpetuate, proliferate, or display the existence of any identified gang.

III. Conduct prohibited by this policy includes:

- 1. Wearing, possessing, distributing, displaying, or selling any clothing, jewelry, emblems, badges, symbols, signs or other items which indicate a student's membership or affiliation with a gang.
 - If the principal determines by a reasonable suspicion that any of the items indicated above are gang-related, the principal can ban the wearing or display of such items after giving verbal and written notice to students.
- 2. Communicating either verbally or non-verbally (gestures, handshakes, slogans, drawings, etc.), to convey membership or affiliation in a gang;
- 3. Tagging or otherwise defacing school or personal property with gang-related graffiti, symbols or slogans;
- 4. Extortion or requiring payment of anything of value for "protection", "insurance", or threats, intimidation or other gang-related activities involving any persons(s).
- 5. Inciting other students to intimidate or to act with physical violence upon any other person related to gang activity;

6. Soliciting others for gang membership; or
7. Committing any other illegal act or other violation of school district policies that relates to gang activity.

IV. Notice of Prohibited Activity

- Schools

The Superintendent or designee shall consult with law enforcement officials to obtain information about gang-related activities, including but not limited to: gang names, gang leaders, gang symbols and gang behaviors. This information shall be shared with principals. Principals shall notify faculty, parents, and students of the gangs, their symbols and behaviors prohibited by this policy.

V. Guidelines for Discipline

If gang-related activity is associated with another act of misconduct, evidence of gang activity shall be considered an aggravating factor and may result in a recommendation for long-term suspension, even for first offenses. In addition, law enforcement will be notified.

- a. For a first offense, a student will receive a warning the first time he/she violates this policy, unless the student also violates another provision of the Student Code of Conduct at the same time. Parent notification is required. School based interventions will be initiated at this time. In situations where a violation of this policy occurs in conjunction with a violation of another provision of the Student code of Conduct, the violation of this policy will be considered an aggravating factor.
- b. For a second offense of this policy, students will be suspended out of school for 3 – 5 days (2 – 3 days for Condensed Academic Terms) dependent upon the nature and severity of the violation. Parent notification is required with a warning that a third such violation will result in recommendation for long-term suspension.
- c. For a third violation/subsequent offense of this policy, students will be suspended out of school for 10 days (6 days for Condensed Academic Terms) and the principal may consider a recommendation for long-term suspension.

VI. Training for Staff

Union County Public Schools staff will receive training on how to recognize gangs, their symbols and activities at least annually or more often, as deemed appropriate by the Superintendent.

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

“HEALTHY SCHOOLS AND HEALTHY YOUTH”

Influenza:

What is it? Influenza is a contagious respiratory illness caused by influenza viruses and can be easily spread to others. Infection with flu viruses can result in illness ranging from mild to severe and to life-threatening complications.

What are the symptoms? Symptoms include fever (usually high), headache, extreme tiredness, dry cough, sore throat, runny or stuffy nose and muscle aches. Other symptoms such as nausea and vomiting, and diarrhea are much more common in children than adults.

How is it spread? Flu is spread when a person with the flu coughs, sneezes or speaks and sends the flu virus into the air. The virus enters the nose, throat or lungs of a person and multiplies.

Vaccine Information: The best way to prevent the flu is to get a flu shot. Vaccine against flu is available every year beginning in October through private physicians as well as the Union County Health Department at 704/296-4800, or by contacting the Centers for Disease Control and Prevention (CDC) at 1-800-232-2522 (English) or 1-800-232-0233 9Spanish or visiting <http://cdc.gov/vaccines/>.

Meningococcal Meningitis:

What is it? Meningococcal Meningitis is a form of bacteria meningitis. People sometimes refer to it as spinal meningitis. It is rare but potentially fatal bacterial infection that can cause severe swelling of the fluid around the brain and spinal cord, or a serious blood infection.

What are the symptoms? Symptoms can progress rapidly and may resemble the flu. They can include fever, severe headache, stiff neck, nausea, vomiting, confusion, sleepiness and sensitivity to light. Some people may develop a rash mainly on their arms and legs. Children with these symptoms should be checked by a doctor right away.

How is it spread? The disease is spread from person to person through the air or by contact with saliva, usually through close, personal contact with an infected person. The disease can be spread through coughing, sneezing, or shared items like a drinking glass.

Vaccine Information: A vaccine against the most common types of the disease is available through private physicians as well as the Union County Health Department at 704/296-4800, or by contacting the Centers for Disease Control and Prevention (CDC) at 1-800-232-2522 (English) or 1-800-232-0233 9Spanish or visiting <http://cdc.gov/vaccines/>.

Human Papilloma Virus (HPV):

What is it? Human Papilloma Virus (HPV) is a common virus that is spread from one person to another by close intimate contact. There are greater than 40 types of HPV that can cause infection and raise the risk of cervical cancer in women. HPV infection is most common in young women and men in their late teens and early 20's.

What are the symptoms? Some people will develop visible growths or bums in the genital areas but the virus can live in the body and cause no symptoms, which is why it is so easily spread. Most people who have HPV do not know they are infected.

How is it spread? HPV is spread through close intimate contact. Both males and females can get it – and pass it on without even realizing it.

Vaccine Information: A vaccine is now available that can protect females (ages 9-26) from four major types of HPV. Check with your health insurance provider to see if they will cover the cost of the vaccine. If you are uninsured, contact your local Department of Social Services

(DSS) to see if your child may qualify for HealthCheck/NC Health Choice insurance.

Cervical Cancer:

What is it? Cancer is a disease in which cells in the body grow out of control. Cancer is always named for the part of the body where it starts, even if it spreads to other body parts later. When cancer starts in the cervix, it is called cervical cancer. The cervix is the lower, narrow end of the uterus. The cervix connects the vagina (birth canal) to the upper part of the uterus.

What are the symptoms? Abnormal cervical cell changes rarely cause symptoms. But you may have symptoms if those cell changes grow into cervical cancer. Symptoms of cervical cancer may include: Bleeding from the vagina that is not normal, or a change in your menstrual cycle that you can't explain, bleeding or pain when something comes in contact with your cervix, such as during intercourse, vaginal discharge unassociated with menstruation that is tinged with blood.

How is it spread? The human papillomavirus (HPV) is the main cause of cervical cancer. HPV is a common virus that is passed from one person to another during sex. At least half of sexually active people will have HPV at some point in their lives, but few women will get cervical cancer.

Vaccine Information: a vaccine to prevent HPV infections are available. When cervical cancer is found early, it is highly treatable and associated with long survival and good quality of life.

Cervical Dysplasia:

What is it? Cervical dysplasia refers to abnormal changes in the cells on the surface of the cervix. The cervix is the lower part of the uterus (womb) that opens at the top of the vagina. The changes are not cancer. But they can lead to cancer of the cervix if not treated. Cervical dysplasia is most often seen in women ages 25 to 35, but can develop at any age.

What are the symptoms? There are usually no symptoms.

How is it spread? Most often, cervical dysplasia is caused by the human papilloma virus (HPV). HPV is a common virus that is spread through sexual contact. There are many different types of HPV. Some types lead to cervical dysplasia or cancer. The following may increase your risk of cervical dysplasia:

- Having sex before age 18
- Having a baby before age 16
- Having multiple sexual partners
- Having other illnesses or using medicines that suppress your immune system
- Smoking

Vaccine Information: Ask your health care provider about the HPV vaccine. Girls who receive this vaccine before they become sexually active reduce their chance of getting cervical cancer.

Additional information regarding these and other important health-related issues is available at the NC Department of Health and Human Services website at www.immunizenc.com, the Centers for Disease Control at www.cdc.gov, the Network for Immunization Information at www.immunizationinfo.org or by contacting the Union County Health Department at (704) 296-4800. If you do not have access to a computer, you may obtain this information from your child's school.

SCHOOL HEALTH EDUCATION PROGRAM

You have the right to opt-out of your child's participation in curricula related to:

- a) Prevention of sexually transmitted diseases, including Acquired Immune Deficiency Syndrome (AIDS);
- b) Avoidance of out-of-wedlock pregnancy; or
- c) Reproductive health and safety education.

A copy of the materials that will be used in these curricula will be available at your child's school. Please reach out to your child's principal to review the curricula.

STUDENT HEALTH SERVICES (BOE Policy 4-22)

A. STUDENT HEALTH SERVICES GENERALLY

The Board will provide health services to students as required by law. State law authorizes school employees to administer medication prescribed by a health care practitioner upon the written request of the parents; give emergency health care when reasonably apparent circumstances indicate that any delay would seriously worsen the physical condition or endanger the life of the student; and perform any other first aid or lifesaving technique in which training has been provided to school employees. A registered nurse will be available to provide assessment, care planning, and ongoing evaluation of students with special health care service needs in the school setting.

The Superintendent may develop procedures or delegate the development of procedures to each principal for providing these health services and meeting the Board requirements listed below.

1. The principal shall determine at the beginning of each school year prior to the beginning of classes, and thereafter as circumstances require, which employees will be selected to participate in the health services program. The principal shall inform his or her staff about which health services duties are delegated to which employees.
2. Any employee designated to provide health care services must receive appropriate training.
3. Health manuals prepared by the governing state agencies must be followed in developing appropriate procedures and for determining which tasks must be performed by registered nurses.
4. Procedures must be consistent with all related Board policies, including policy those related to communicable diseases and administering medication.
5. Procedures must be consistent with state and federal law for students with disabilities, including the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act. The Policies Governing Services for Children with Disabilities will be followed, as applicable.
6. Procedures must be consistent with guidelines adopted by the State Board of Education under G.S. 115C-12(31) to serve students with diabetes, including developing and implementing individual diabetes care plans for such students and providing information and training to school personnel to appropriately support and assist such students, in accordance with their individual diabetes care plans.

7. Written information maintained by the school or 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 (FERPA) and state confidentiality laws. Any employee who violates the confidentiality of the records may be subject to disciplinary action.
8. School personnel must obtain parental consent for medical services as required by law. Parents will be notified of their rights in accordance with policy.
9. Health professionals will be consulted in the development of health services. Opportunities also will be provided for input from staff, parents, and students on the health services provided.

B. SCHOOL SYSTEM MENTAL HEALTH PLAN

The Superintendent shall develop a school-based mental health plan that includes a mental health training program and suicide risk referral protocol that satisfies the requirements of State Board of Education Policy SHLT-003. The Superintendent shall submit the plan to the Board for approval and direct implementation of the plan within all applicable deadlines.

By September 15 of each year, the Superintendent shall report to the Department of Public Instruction on (1) the content of the school system's mental health plan, including the mental health training program and suicide risk referral protocol, and (2) the school system's prior school year compliance with the requirements of State Board of Education Policy SHLT-003. The Board will review the components of the school system's mental health plan at least every five years, starting August 1, 2025, and will update the mental health plan in accordance with any updated requirements by the State Board of Education.

STUDENT WELLNESS POLICY (BOE Policy 4-11)

For information concerning the District's student wellness policy please see Board Policy 4-11 *Student Wellness* available on the district website. For the district Lice Protocol, please see the Administrative Guidelines included with this policy.

INTEGRATED PEST MANAGEMENT (IPM)

Pests are significant problems for people and property both inside and outside the school buildings. IPM is a comprehensive approach that combines effective, economical, environmentally sound, and socially acceptable methods to prevent and solve pest problems. Pests will be managed to:

- Reduce any potential human health hazard or to protect against a significant threat to the public safety.
- Prevent loss or damage to school resources, structures or property.
- Prevent pests from spreading in the community, or to plant and animal populations beyond the school site.
- Enhances the quality of life for students, staff, and others.

The Schoolchildren’s Health Act and Union County Public Schools Board Policy (3-32) are both in place to help maintain and control pest problems as well as keeping all people in the school community safe from pest and pesticide applications.

The Schoolchildren’s Health Act and UCPS Board Policy 3-32 both require notification to be done for any chemical application made in or around schools. UCPS has a scheduled application of herbicide (weed killer) that can be applied once a month. It will always be the first full week of each month that any herbicide application will be made unless unwanted weather comes into play. At the bottom of this page you will see the school years herbicide application schedule. If weather doesn’t cooperate with this schedule then a 72-hour notice will be required before any application can be made. This 72-hour notification will also take place for fire ant treatments and any other unscheduled application of pesticides in or around school grounds. This notification will be done by a recorded phone message that parents, staff, and students will receive prior to application. If an emergency situation occurs then the application will take place and you will be notified after the application. All unscheduled applications will be taking place when either the students are not in the school or not in the area that needs to be treated.

The IPM Specialist for Union County Public Schools is Jared Collins. The IPM Specialist will also help teachers, students, staff members, and parents understand what Integrated Pest Management is and how it will be safer for people and the environment. You can contact Jared Collins, IPM Specialist, through e-mail at jared.collins@ucps.k12.nc.us or by calling the office at (704) 296-3160.

Herbicides may be applied at any time during the summer vacation period provided it doesn’t interfere with summer camps or other children’s activities.

Herbicide Application Schedule 2024-2025 School Year

August 5 - 16, 2024
September 2 – 13, 2024
October 7 - 11, 2024
November 4 - 15, 2024
December 2 - 13, 2024
January 6 - 17, 2025
February 3 - 14, 2025
March 3 - 14, 2025
April 7 - 11, 2025
May 5 - 16, 2025
June 2 – 13, 2025

INTERNET USE (BOE Policy 5-20 Computers, Networks, and Related Technologies)

ACCESS TO INFORMATION SYSTEMS/ACCEPTABLE USE

The Union County Board of Education recognizes that telecommunications and other new technologies change the ways that information may be accessed, communicated and transferred by members of society. These changes will alter instruction and student learning. The Board generally supports access by students to rich information resources along with the development by staff of appropriate skills to analyze and evaluate such resources. Electronic information research skills are now fundamental to preparation of citizens and future employees in the

Information Age. To enhance student learning and teaching, electronic resources will be used:

- To support the Union County Public Schools Curriculum and the North Carolina Standard Course of Study
- To provide additional information opportunities focusing on information retrieval, searching strategies, research skills and critical thinking
- To promote lifelong learning.

Students are responsible for appropriate behavior on school computers just as they are in a classroom or school hallway. Electronic communication in schools is public in nature. General school rules for behavior and communications apply as outlined in Board Policy. Computer resources are provided for students to conduct research and communicate with others. Access to computers and electronic resources will be provided to students who agree to act in a considerate and responsible manner.

Students will be allowed to use telecommunications and electronic information resources for academic purposes unless parents indicate in writing that they do not wish their children to have such access. Ultimately, parents and guardians are responsible for setting and conveying the standards that their children should follow when using information sources at home or at school.

Union County Public Schools are committed to the safety of children while using Internet resources. To this end, schools will engage the use of filtering software designed to prevent access to pornography, obscene content, and other materials that may be harmful to minors. During school, teachers will guide students toward appropriate materials. It is impossible to control all resources and the determined user may find controversial materials, racially insensitive content or information that may even be offensive to some. Although the school system provides software that blocks access to inappropriate content on the Internet, new sites appear daily.

Benefits to students of access to information resources, the practice of electronic research skills, and opportunities for collaboration far exceed the disadvantages of possibly accessing controversial materials. The system does not condone the use of such materials and takes all reasonable precautions to limit access to them by using software programs which may block them, by providing adult supervision, and by training students to use the service responsibly.

Computer storage areas may be treated as school lockers. Administrators may review files and communications to maintain system integrity and insure that users are acting responsibly. Users shall not expect that files stored on school equipment will be private.

Students and parents must be aware that access to electronic resources will be withdrawn from users who do not respect the rights of others or who do not follow the rules and regulations established by the Union County Public School System and the individual schools. Individuals who use the school's electronic resources to communicate information that is protected by law, such as student or staff confidential personnel or disciplinary information, copyrighted or protected material, may forfeit all rights to further use and be subject to disciplinary as well as legal action. Students gaining access to unauthorized files will be subject to disciplinary action up to suspension and/or legal action.

INTERNET SAFETY (BOE Policy 5-21)

A. Introduction

It is the policy of the Board to: (a) prevent user access via its technological resources to, or transmission of, inappropriate material on the Internet or through electronic mail or other forms of direct electronic communications; (b) prevent unauthorized access to the Internet and devices or programs connected to or accessible through the Internet; (c) prevent other unlawful online activity; (d) prevent unauthorized online disclosure, use or dissemination of personal identification information of minors; and (e) comply with the Children’s Internet Protection Act.

B. Definitions

1. Technology Protection Measure

The term “technology protection measure” means a specific technology that blocks or filters Internet access to visual depictions that are obscene, child pornography or harmful to minors.

2. Harmful to Minors

The term “harmful to minors” means any picture, image, graphic image file or other visual depiction that:

- a. taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex or excretion;
- b. depicts, describes or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts or a lewd exhibition of the genitals; and
- c. taken as a whole, lacks serious literary, artistic, political or scientific, or non-instructional value as to minors.

3. Child Pornography

The term “child pornography” means any visual depiction, including any photograph, film, video picture or computer or computer-generated image or picture, whether made or produced by electronic, mechanical or other means, of sexually explicit conduct, where:

- a. the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;
- b. such visual depiction is a digital image, computer image or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or
- c. such visual depiction has been created, adapted or modified to appear that an identifiable minor is engaging in sexually explicit conduct.

4. Sexual Act; Sexual Contact

The terms “sexual act” and “sexual contact” have the meanings given such terms in section 2246 of title 18, United States Code.

5. Minor

For purposes of this policy, the term “minor” means any individual who has not attained the age of 17 years.

C. Access to Inappropriate Material

To the extent practical, technology protection measures (or “Internet filters”) will be used to block or filter access to inappropriate information on the Internet and World Wide Web. Specifically, blocking will be applied to audio and visual depictions deemed obscene or to be child pornography or harmful to minors. Student access to other materials that are inappropriate to minors will also be restricted. The Board has determined that audio or visual materials that depict violence, nudity or graphic language that does not serve a legitimate pedagogical purpose are inappropriate for minors. The Superintendent, in conjunction with Technology Services, school technology, and media advisory committee, shall make a determination regarding what other matter or materials are inappropriate for minors. School system personnel may not restrict Internet access to ideas, perspectives or viewpoints if the restriction is motivated solely by disapproval of the viewpoints involved.

A student or employee must immediately notify the appropriate school official if the student or employee believes that a website or web content that is available to students through the school system's Internet access is obscene, constitutes child pornography, is "harmful to minors" as defined by CIPA, or is otherwise inappropriate for students. Students must notify a teacher or the school principal; employees must notify the superintendent or designee, including the Chief Technology Officer.

Due to the dynamic nature of the Internet, sometimes Internet websites and web material that should not be restricted are blocked by the Internet filter. A student or employee who believes that a website or web content has been improperly blocked by the school system's filter should bring the website to the attention of the principal. The principal shall confer with the Chief Technology Officer or Chief Academic Officer to determine whether the site or content should be unblocked. The principal shall notify the student or teacher promptly of the decision. The decision may be appealed through the school system's grievance procedure.

Subject to staff supervision, technology protection measures may be disabled during use by an adult for bona fide research or other lawful purposes.

D. Inappropriate Network Usage

All users of school system technological resources are expected to comply with the requirements established in Policy 5-20 Computers, Networks and Related Technologies. In particular, users are prohibited from: (a) attempting to gain unauthorized access, including “hacking”, and engaging in other similar unlawful activities; and (b) engaging in the unauthorized disclosure, use or dissemination of personal identifying information regarding minors.

E. Education, Supervision and Monitoring

To the extent practical, steps will be taken to promote the safety and security of users of the school system's online computer network, especially when they are using electronic mail, chat rooms, instant messaging and other forms of direct electronic communications. It is the responsibility of all school personnel to educate, supervise and monitor usage of the online computer network and access to the Internet in accordance with this policy, the Children's Internet Protection Act, the Neighborhood Children's Internet Protection Act and the Protecting Children in the 21st Century Act.

Procedures for the disabling or otherwise modifying any technology protection measures are the responsibility of the Chief Technology Officer or designated representatives.

The Chief Technology Officer or designated representatives shall provide age-appropriate training for students who use the school system's Internet services. The training provided will be designed to promote the school system's commitment to educating students in digital literacy and citizenship, including:

1. the standards and acceptable use of Internet services as set forth in Policy 5-20 Computers, Networks and Related Technologies;
2. student safety with regard to safety on the Internet, appropriate behavior while online, including behavior on social networking websites and in chat rooms, and cyberbullying awareness and response; and
3. compliance with the E-rate requirements of the Children's Internet Protection Act.
4. Following receipt of this training, the student must acknowledge that he or she received the training, understood it and will follow the provisions of Policy 5-20 Computers, Networks and Related Technologies.

The Superintendent shall develop any regulations needed to implement this policy and shall submit any certifications necessary to demonstrate compliance with this policy.

MEDICATION (BOE Policy 4-06 Administration of Medicines)

PART I

- A. The Board discourages the use and administration of medication at school or at school-sponsored events and outings but realizes that sometimes it is necessary for the health of the student.
- B. 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 Part II, 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, except in the limited circumstances described below.

All medications that can be given outside school hours without adversely affecting the health of the student should not be administered at school during school hours. Reasonable efforts should be made by the parent or guardian to obtain physician permission to adjust the dosages of medication prescribed so it can be given at home before and/or after school hours.

- C. Pursuant to N.C. Gen. Stat. § 115C-375.1, the Board of Education authorizes teachers, substitute teachers, student teachers, instructional assistants, school secretaries and office personnel, guidance counselors, assistant principals, and principals to administer medications prescribed by a health care provider upon written request of a parent or guardian. Each principal will designate the person(s) responsible for giving medication at his/her school. The person(s) will receive annual training in safe, accurate medication administration procedures with the school nurse.

Students who are at risk for a medical emergency will have an Individual Health Plan on file in their cumulative folder with a copy kept in an accessible, central location, describing the nature of the problem and the intervention and equipment needed to manage such an emergency. The Individual Health Plan must be provided to and should be signed by the parent/guardian. All other supervisory personnel will be advised of the contents and implementation of the plan.

Please note that this provision only applies to administration of medications while in the District. If medication must be provided on field trip situations the school nurse should be consulted prior to finalizing the trip.

- D. When medication is to be administered in school, school personnel shall communicate with the student's parent or guardian about its administration at school and explain the Board's policy and its procedures for the administration of medications at school.
- E. The responsibilities of the parent or guardian are:
1. Obtain and return to school a medication consent form signed by the health care provider and parent/guardian for all medications to be administered at the school (including prescription and over the counter).
 2. Medication shall be hand-delivered by the parent/guardian to the school in the original prescription bottle or the original over the counter packaging.
- F. No medication may be administered by school personnel to students without the written authorization of the student's parents or guardian and a health care provider. However, oral approval may be accepted in an emergency, if:
1. It is determined to be in the best interests of the child;
 2. The oral authorization is witnessed by two school employees;
 3. A written record of the date, time, medication name, dosage, and frequency with the signatures of the witnesses, shall be made on the medication log; and
 4. A written authorization is provided by the parent or guardian and a health care provider within 24 hours.
- G. A locked storage area will be provided at each school for the storage of medication. Exceptions may be made for medication requiring refrigeration. A staff member

appointed by the principal shall be responsible for the security and administration of medication. An alternative person shall be identified to fill in when needed.

- H. A daily medication log shall be maintained by the trained designated individual for each student receiving medication. The individual shall record on the log the name of medication, date, dosage, and time of each administration. The log also shall reflect whether or not the medication was prescribed and whether it was "as scheduled" or "as needed". All controlled tablets/capsules received at school for students will be counted and the number will be recorded. School staff that are called upon to administer medication in unusual circumstances (ie. during testing, field trips, etc.) should meet with the nurse for instruction in handling medications before the specific event occurs.
- I. All notes, forms and individual student logs will be kept together in the student's Individual Health Record. Short-term medication logs will be kept at the school for a period of three (3) years.
- J. The school nurse will review the medication log and forms authorizing the administration of the medications at school periodically and will serve as a consultant to the school.
- K. Change in dosage of medication can be made with a written note or fax from the health care provider. Consent Forms sent by fax are acceptable.
- L. It is the intent of this policy to discourage students from bringing prescription and non-prescription drugs to school and administering such drugs to themselves without the assistance of school officials. Neither the Board of Education nor any of its employees are responsible for the improper self-administration of non-prescription or prescription drugs at school.
- M. Except as permitted by this policy, no student can possess, use, sell, deliver, manufacture, or transmit any drug or counterfeit drug prohibited by Board policy, nor be under the influence of any drug in violation of policy. No medications will be sent home with children (exception: emergency medicines, i.e. epi pen, inhaler).
- N. The school, its personnel and the Board shall assume no liability for complications or side effects of medication when administered in accordance with the instructions provided by the parent/guardian and health care provider. The Board of Education further reserves the right for itself and its employees to refuse to administer medications when, in the opinion of the Superintendent in consultation with school nursing personnel, there is a substantial risk of harm to the student or others if medication is administered by school personnel. Such situations include but are not limited to non-FDA approved treatments and medications, "off-label" prescriptions (i.e., used of FDA-approved treatments and medications which are not FDA approved), treatments that cannot safely be delegated to non-licensed personnel, and treatments that require monitoring and/or lifesaving equipment.
- O. The administration, including by parents, school employees, substitute teachers, 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.

PART II.

Students who are at risk for medical emergencies, such as those with diabetes, asthma, or severe allergies, must have a health care plan developed for them to address emergency administration of medication.

A student with certain health conditions like diabetes, asthma or a student subject to anaphylactic reactions due to an allergy, may possess and self-administer asthma or another prescribed medication on school property during the school day, at school-sponsored activities, or while in transport to or from school or school-sponsored events as provided by N.C. Gen. Stat. § 115C-375.2 and this policy. As used in this policy, "medication" means a medicine prescribed for the treatment of diabetes, asthma or anaphylactic reactions and includes insulin or a source of glucose, a prescribed asthma inhaler or epinephrine auto-injector.

- A. Pursuant to state law and this policy, the student's parent or guardian is required to provide to the school:
1. Written authorization from the student's parent or guardian for the student to possess and self-administer medication.
 2. A written statement from the student's health care practitioner verifying that the student has diabetes, asthma or an allergy that could result in an anaphylactic reaction, and that the health care practitioner prescribed 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.
 3. A written statement from the student's health care practitioner who prescribed the medication that 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 device that is necessary to administer the medication.
 4. A written treatment plan and written emergency protocol formulated by the health care practitioner who prescribed the medicine for managing the student's diabetes, asthma or anaphylaxis episodes and for medication use by the student.
 5. A statement provided by the school and signed by the student's parent or guardian acknowledging that the Union County Public Schools and its employees and agents are not liable for an injury arising from a student's possession and self-administration of asthma medication.
 6. Any other items necessary to comply with State and federal laws.
- B. The student must demonstrate to the school nurse, or the nurse's designee, the skill level necessary to use the medication and any device that is necessary to administer the medication.
- C. The student's parent or guardian shall provide to the school backup asthma medication that shall be kept at the student's school in a location to which the student has immediate access in the event of an emergency.
- D. Information provided to a school by the student's parent or guardian shall be kept on file at the student's school in a location easily accessible in the event of an emergency.

- E. If a student uses medication prescribed for the student in a manner other than as prescribed and in violation of the Board's policies and administrative guidelines, a school administrator may impose on the student disciplinary action according to the Board's student discipline policies. A school administrator may not impose disciplinary action that limits or restricts the student's immediate access to the medication.
- F. The requirement that permission granted for a student to possess and self-administer medication shall be effective the current school year and must be renewed annually.
- G. Pursuant to N.C. Gen. Stat, § 115C-375.2, no local Board of Education, nor its members, employees, designees, agents, or volunteers, shall be liable in civil damages to any party for any act authorized by this subsection, or for any omission relating to that act, unless that act or omission amounts to gross negligence, wanton conduct, or intentional wrongdoing.
- H. Written information maintained by the school or school personnel regarding a student's medical 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.
- I. Students with special needs will be afforded all rights provided by federal and state law as enumerated in the Procedures Governing Programs and Services for Children with Special Needs. Students with disabilities also will be accorded all rights provided by anti-discrimination laws, including Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.

SECLUSION AND RESTRAINT

Board Policy 4-03 *Student Discipline* adopts NCGS 115C-391.1 below. The full Policy is available beginning on page 34.

PERMISSIBLE USE OF SECLUSION AND RESTRAINT (N.C.G.S. 115C-391.1)

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

B. The following definitions apply in this section:

1. “Assistive technology device” means any item, piece of equipment, or product system that is used to increase, maintain, or improve the functional capacities of a child with a disability.
2. “Aversive procedures” means a systematic physical or sensory intervention program for modifying the behavior of a student with a disability which causes or reasonably may be expected to cause one or more of the following:
 - a. Significant physical harm, such as tissue damage, physical illness, or death.
 - b. Serious, foreseeable long-term psychological impairment.
 - c. Obvious repulsion on the part of observers who cannot reconcile extreme procedures with acceptable, standard practice, for example: electric shock applied to the body; extremely loud auditory stimuli; forcible introduction of foul substances to the mouth, eyes, ears, nose, or skin; placement in a tub of cold water or shower; slapping, pinching, hitting, or pulling hair; blindfolding or other forms of visual blocking; unreasonable withholding of meals; eating one’s own vomit; or denial of reasonable access to toileting facilities.
3. “Behavioral intervention” means the implementation of strategies to address behavior that is dangerous, disruptive, or otherwise impedes the learning of a student or others.
4. “IEP” means a student’s Individualized Education Plan.
5. “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.
6. “Law enforcement officer” means a sworn law enforcement officer with the power to arrest.
7. “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.
8. “Physical restraint” means the use of physical force to restrict the free movement of all or a portion of a student’s body.
9. “School personnel” means:
 - a. Employees of a local board of education
 - b. Any person working on school grounds or at a school function under a contract or written agreement with the public school system to provide educational or related services to students.
 - c. Any person working on school grounds or at a school function for another agency providing educational or related services to students.
10. “Seclusion” means the confinement of a student alone in an enclosed space from which the student is:
 - a. Physically prevented from leaving by locking hardware or other means.
 - b. Not capable of leaving due to physical or intellectual incapacity.
11. “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.

C. Physical Restraint:

1. Physical restraint of student by school personnel shall be considered a reasonable use of force when used in the following circumstances:
 - a. As reasonably needed to obtain possession of a weapon or other dangerous objects on a person or within the control of a person.
 - b. As reasonably needed to maintain order or prevent or break up a fight.

- c. As reasonably needed for self-defense.
 - d. As reasonably needed to ensure the safety of any student, school employee, volunteer, or other person present, to teach a skill, to calm or comfort a student, or to prevent self-injurious behavior.
 - e. As reasonably needed to escort a student safely from one area to another.
 - f. If used as provided for in a student's IEP or Section 504 plan or behavior intervention plan.
 - g. As reasonably needed to prevent imminent destruction to school or another person's property.
2. Except as set forth in subdivision (1) of this subsection, physical restraint of students shall not be considered a reasonable use of force, and its use is prohibited.
 3. Physical restraint shall not be considered a reasonable use of force when used solely as a disciplinary consequence.
 4. Nothing in this subsection shall be construed to prevent the use of force by law enforcement officers in the lawful exercise of their law enforcement duties.

D. Mechanical Restraint:

1. Mechanical restraint of students by school personnel is permissible only in the following circumstances:
 - a. When properly used as an assistive technology device included in the student's IEP or Section 504 plan or behavior intervention plan or as otherwise prescribed for the student by a medical or related service provider.
 - b. When using seat belts or other safety restraints to secure students during transportation.
 - c. As reasonably needed to obtain possession of a weapon or other dangerous objects on a person or within the control of a person.
 - d. As reasonably needed for self-defense.
 - e. As reasonably needed to ensure the safety of any student, school employee, volunteer, or other person present.
2. Except as set forth in subdivision (1) of this subsection, mechanical restraint, including the tying, taping, or strapping down of a student, shall not be considered a reasonable use of force, and its use is prohibited.
3. Nothing in this subsection shall be construed to prevent the use of mechanical restraint devices such as handcuffs by law enforcement officers in the lawful exercise of their law enforcement duties.

E. Seclusion:

1. Seclusion of students by school personnel may be used in the following circumstances:
 - a. As reasonably needed to respond to a person in control of a weapon or other dangerous object.
 - b. As reasonably needed to maintain order or prevent or break up a fight.
 - c. As reasonably needed for self-defense.
 - d. 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.
 - e. When used as specified in the student's IEP, Section 504 plan, or behavior intervention plan; and
 1. The student is monitored while in seclusion by an adult in close proximity

who is able to see and hear the student at all times.

2. 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 or Section 504 plan.
 3. The space in which the student is confined has been approved for such use by the local education agency.
 4. The space is appropriately lighted.
 5. The space is appropriately ventilated and heated and cooled.
 6. The space is free of objects that unreasonably expose the student or others to harm.
2. Except as set forth in subdivision (1) of this subsection, the use of seclusion is not considered reasonable force, and its use is not permitted.
 3. Seclusion shall not be considered a reasonable use of force when used solely as a disciplinary consequence.
 4. Nothing in this subsection shall be construed to prevent the use of seclusion by law enforcement officers in the lawful exercise of their law enforcement duties.
- F. Isolation - Isolation is permitted as a behavior management technique provided that:
1. The space used for isolation is appropriately lighted, ventilated, and heated or cooled.
 2. The duration of the isolation is reasonable in light of the purpose of the isolation.
 3. The student is reasonably monitored while in isolation.
 4. The isolation space is free of objects that unreasonably expose the student or others to harm.
- G. Time-Out – Nothing in this section is intended to prohibit or regulate the use of time-out as defined in this section.
- H. Aversive Procedures – The use of aversive procedures as defined in this section is prohibited in public schools.
- I. Nothing in this section modifies the rights of school personnel to use reasonable force as permitted under G.S. 115C-390 or modifies the rules and procedures governing discipline under G.S. 115C-391(a).
- J. Notice, Reporting, and Documentation
1. Notice of procedures – Each local board of education shall provide copies of this section and all local board policies developed to implement this section to school personnel and parents or guardians at the beginning of each school year.
 2. Notice of specified incidents:
 - a. School personnel shall promptly notify the principal or principal's designee of:
 1. Any use of aversive procedures.
 2. Any prohibited use of mechanical restraint.
 3. Any use of physical restraint resulting in observable physical injury to a student.
 4. Any prohibited use of seclusion or seclusion that exceeds 10 minutes or the amount of time specified on a student's behavior intervention plan.
 - b. When a principal or principal's designee has personal knowledge or actual notice of any of the events described in this subdivision, the principal or principal's designee shall promptly notify the student's parent or guardian and will provide

the name of a school employee the parent or guardian can contact regarding the incident.

3. As used in subdivision (2) of this subsection, “promptly notify” means by the end of the workday during which the incident occurred when reasonably possible, but in no event later than the end of following workday.
 4. The parent or guardian of the student shall be provided with a written incident report for any incident reported under this section within a reasonable period of time, but in no event later than 30 days after the incident. The written incident report shall include:
 - 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.
 - d. The name of a school employee the parent or guardian can contact regarding the incident.
 5. No local board of education or employee of a local board of education shall discharge, threaten, or otherwise retaliate against another employee of the board regarding that employee’s compensation, terms, conditions, location, or privileges of employment because the employee makes a report alleging a prohibited use of physical restraint, mechanical restraint, aversive procedure, or seclusion, unless the employee knew or should have known that the report was false.
- K. Nothing in this section shall be construed to create a private cause of action against any local board of education, its agents or employees, or any institutions of teacher education or their agents or employees or to create a criminal offense.

SEXUAL HARASSMENT (STUDENTS) (BOE Policy 4-07a)

** for information regarding the sexual harassment grievance process for students, please consult Board Policy 4-07a AG Title IX Sexual Harassment Grievance Process*

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 school system does not discriminate on the basis of sex (including pregnancy, childbirth, sexual orientation, and gender identity) in its education programs or activities and is required by Title IX of the Education Amendments Act of 1972 and federal regulations to not discriminate in such a manner. This requirement extends to admission and employment. The Board will not tolerate 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 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, have witnessed, or have reliable information that another person has been subjected to sexual harassment prohibited by this policy should use the process provided below.

The Board also provides a grievance process 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. Affected individuals are encouraged to report sexual harassment in accordance with the process below before filing a formal complaint to initiate the grievance process.

A. **Prohibited Behavior**

The Board expressly prohibits sexual harassment by students, employees, Board members, volunteers, or visitors. “Visitors” includes, but is not limited to, parents, family members, community members, 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;

Sexual assault. A sexual assault is any one of the following offenses:

- a. Rape is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - b. Statutory rape is sexual intercourse with a child 15 years of age or younger and the perpetrator is at least 12 years old and more than four years older than the victim.
 - c. Fondling is the touching of another person’s genitalia, anus, buttocks, or breasts without the consent of the victim for purposes of sexual gratification.
 - d. Incest is sexual intercourse between: (i) grandparent and grandchild; (ii) parent and child/stepchild/legally adopted child; (iii) siblings of half or full blood; or (iv) uncle or aunt and nephew or niece.
4. dating violence (violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship is determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.);

5. domestic violence (violence committed by: a current or former spouse or intimate partner of the victim; a person with whom the victim shares a child in common; a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; a person who is the parent or child of the victim, including others acting in loco parentis to a minor child; a person who is the grandparent or grandchild of the victim; a person who is a current or former member of the victim's household; a person who is of the opposite sex of, and lives or has lived with, the victim; or a person who is of the opposite sex of, and is or was in a dating relationship with, the victim.); or
6. stalking (engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for personal safety or the safety of others or suffer substantial emotional distress).
 - a. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by an action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
 - b. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
 - c. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Consent. Where lack of consent is an element of the offense, the following definition applies: Consent is informed, freely and affirmatively given through mutually understandable words or actions that indicate a willingness to participate in the sexual activity. Consent can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply consent. Consent to one type of sexual activity does not amount to consent to another type of activity. Prior consent or sexual relations with the same person do not imply future consent. The fact that both people are in a relationship does not, by itself, establish consent. A person cannot consent if they are unconscious, asleep, or impaired to the extent that they do not understand what is going on. Minors under the age of 16 are incapable of giving consent to sexual activity with a person more than four years older than the minor. Consent may never be given by mentally disabled persons if their disability was reasonably knowable to a sexual partner who is not mentally disabled. Consent between parties engaging in sexual activity does not prevent the school system from taking disciplinary action against the parties for violation of any other board policy.

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. 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 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 below in the 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 is the process for investigating and reaching a final determination of responsibility for a formal complaint of sexual harassment.
6. **Title IX Coordinator.** The Title IX coordinator is a school official/administrator 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.

7. **Supportive Measures.** Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the school system’s education program and activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the school system’s educational environment, or deter sexual harassment.

Supportive measures available to the parties include, but are not limited to, counseling, mental health services referral, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring, and other similar measures determined by school officials to be necessary to protect the safety or educational or employment activities of a party.

8. **Days.** Days are calendar days unless specified otherwise.
9. **Student(s).** “Student(s)” means the student and/or the student’s parent or legal guardian unless the context clearly indicates otherwise. When the complainant or respondent is a student, references to those terms also include the student’s parent or legal guardian unless the context clearly indicates otherwise.
10. **Actual Knowledge.** “Actual knowledge” means a school employee has notice of sexual harassment or allegations of sexual harassment.

C. **Reporting Sexual Harassment**

1. **Student Reports**

Any student who believes he or she is a victim of sexual harassment occurring in the school system’s education programs or activities is encouraged to report the matter to the student’s principal or to the Title IX coordinator. Reports may also be made to a teacher, counselor, assistant principal, teacher assistant, or any other school employee. Students may also report sexual harassment through the tip line, but school officials may be limited in their ability to respond if the report is anonymous and does not identify the complainant.

2. **Mandatory Reporting by School Employees and Board Members**

Any employee or member of the Board 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 Superintendent or 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.

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. 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.

D. School Officials' Response to Actual Knowledge of Sexual Harassment

As required to meet the school system's obligations under Title IX, school officials shall respond promptly and impartially to actual knowledge of alleged sexual harassment in a

manner that is not deliberately indifferent. A response that is not deliberately indifferent is one that is not clearly unreasonable in light of the known circumstances and includes, at a minimum, the provision of supportive measures to the complainant, as described in this section.

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

1. Title IX Coordinator Initiates Interactive Process with Complainant

Upon receiving a report of alleged sexual harassment, the Title IX coordinator shall promptly contact the complainant and the complainant's parent or guardian confidentially. This contact must occur within five (5) 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 Assistant Superintendent for Human Resources.

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 below;
 - 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;
- 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.

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 below. 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. 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, if consistent with state law and in accordance with any applicable requirements of state law. Placing an employee on leave during the pendency of the grievance process is not an emergency removal.

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

the removal.

6. Supportive Measures

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

E. Grievance Process for Formal Complaints

The Superintendent shall develop administrative guidelines establishing a grievance process for formal complaints of sexual harassment under this policy. These administrative guidelines shall also provide an informal resolution process for complainants who seek an alternate means of resolution to their complaint.

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

F. 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. Complaints alleging retaliation are to be treated as claims of sex discrimination.

G. 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

SOCIAL MEDIA (BOE Policy 5-22)

The Board recognizes the importance of incorporating current technology tools, including new methods of electronic communication, into the classroom to enhance student learning. It further recognizes the importance of employees, students, and parents engaging, learning, collaborating, and sharing in digital environments as part of 21st Century learning. The Board strives to ensure that electronic communication tools incorporated into the school curriculum are used responsibly and safely. As practicable, the Board will provide access to secure social media tools and approved technologies for use during instructional time and for school-sponsored activities in accordance with policy.

The Board understands that employees may engage in the use of social media during their personal time. School employees who use social media for personal purposes must be mindful that they are responsible for their public conduct even when not acting in their capacities as school system employees. All school employees, including student teachers and independent contractors, shall comply with the requirements of this policy when using electronic social media for personal purposes. In addition, all school employees must comply with all Board Policy when communicating with individual students through other electronic means, such as through voice, email, or text-messaging.

The Board is committed to ensuring that all stakeholders who utilize social media technology for professional purposes, including staff and students, do so in a safe and responsible manner.

1. Definitions

- a. **Social Media.** Social media is any form of online publication or presence that allows interactive communication, including, but not limited to, social networks, blogs, Internet websites, Internet forums, and wikis. Examples of social media include, but are not limited to, Snapchat, Instagram, Facebook, Twitter, YouTube, Google+, and Flickr.
- b. **Professional Social Media.** Professional social media is a work-related or professional social media activity where the employee identifies their profession, work responsibilities, and could include the use of district names/logos/brand. This includes platforms such as LinkedIn. As this form of social media is maintained personally, it follows the same rules as Personal Social Media.
- c. **Personal Social Media.** Personal social media use is a non-work-related social media activity. Personal social media activity is as a private citizen and cannot reference employment with the District in any manner.
- d. **District Social Media Platform.** District Social Media is any social media page, feed, or entry formally maintained by the District, school, department, or class for official purposes. It includes sites and/or services such as Facebook; Twitter; Snapchat; Instagram; YouTube; and similar applications.

2. District Social Media Use

- a. All individuals wishing to have authoring access to district social media sites must obtain written approval from the Superintendent or designee (the designee may include a principal, director, or department head as appropriate). Approval for

- authoring access shall be available only to District employees. Volunteers, visitors, parents and/or students shall not be granted permission to directly author, make changes to, be provided with usernames/passwords, or communicate via district social media accounts.
- b. Communication on a district social media space should be handled in the same manner as communication in a classroom and/or workplace. The same standards expected in UCPS professional settings are expected on professional social media sites.
 - c. All such communication must be consistent with the educational objectives of the District and cannot be used for personal or non-District purposes.
 - d. Employees shall exercise caution, sound judgment, and common sense when using professional social media sites.
 - e. District social media communication must be in compliance with existing UCPS policies and applicable laws, including, but not limited to, prohibitions on the disclosure of confidential information and prohibitions on the use of harassing, obscene, discriminatory, defamatory or threatening language. Additionally, licensed employees conform to the Standards of Professional Conduct for North Carolina Educators.
 - f. No personally identifiable student information may be posted by employees on social media sites (including but not limited to district, professional, and personal social media accounts) without permission from the parent/guardian.
 - g. The Board reserves the right to direct the removal of postings and/or disable a page, of professional social media sites that do not adhere to the law or do not reasonably align with the goals of the district without prior notice to the poster.
 - h. The District's social media sites may not be used for commercial, religious, political, or for-profit activities and/or communication. The District's social media entries and communications are prohibited from including links to third-party sites with a commercial, political, and/or religious purpose. Links to sites selling products; advertising goods and/or services; and/or containing language, images and/or materials that are in violation of District policy are strictly prohibited.
 - i. A post, or comment, that contains vulgar, profane, or racist words; is discriminatory, harassing, threatening; is a violation of privacy; or is a violation of this Policy will be deleted in its entirety without notice to the poster/commenter.
 - j. Communication with students shall only occur through district social media sites and shall follow these guidelines:
 1. District social media sites that are school-based should be designed to address reasonable instructional, educational, or extra-curricular program matters;
 2. Each school year, schools will notify parents about the district social media activities their children may participate in.
 3. Employees using district social media have no expectation of privacy with regard to their use of such media. The district will regularly monitor district social media sites to protect the school community.

3. Personal Social Media Use

The Board recognizes that some employees may choose to post personal information on the Internet through personal websites, blogs, chat rooms, uploading content, or by making comments on other websites or blogs. The Board values the employees' creativity and honors the interest in engaging in these forms of personal expression on their own time, should they choose to do so. However, problems can arise when a person

posting identifies or appears to be associated with the district, or when a person posting violates the rights of the district, or the rights of its employees.

Employee speech engaged in as a private citizen may be protected by the First Amendment. However, when an employee makes statements in the course of employment or related to his/her job duties, the employee's speech is not subject to First Amendment protection. Furthermore, the First Amendment does not protect employee speech that constitutes a true threat; fighting words; call to illegal action; obscenity; child pornography; defamation; perjury; plagiarism; solicitation to commit a crime; or blackmail.

a. Limitations on Personal Social Media

1. Employees are prohibited from utilizing their personal social media accounts for official school purposes, without written permission from the employee's supervisor. For example, permission is required prior to communicating assignments to students; providing directions or instructions to an athletic team; posting or communicating cancellation and other status updates regarding school-sponsored events; communicating to students regarding classwork or assignments, etc. Employees are also prohibited from posting any activities that they have access to as an employee to their personal social media accounts, without removing personally identifiable information or obtaining written permission from the supervisor and the parent/guardian.
2. Employees shall not post confidential information about students, employees, or school system business. Employees shall not post images of District facilities, staff, students, volunteers or parents without written authorization from persons with authority to grant such a release.
3. Employees shall not use the district's logo or other copyrighted material of the system on a personal social media site without express, written consent from the Assistant Superintendent for Communications and Community Relations.
4. Employees shall not access social media accounts for individual or personal use during school and work hours. Furthermore, employees shall not use District devices to access social media accounts for individual or personal use.

b. Communication with UCPS Students

In order to maintain a professional and appropriate relationship with students, employees shall not communicate with students who are currently enrolled in schools on personal social media sites. UCPS employees' communication with UCPS students via personal social media is subject to the following exceptions: (a) communication with relatives or friends and (b) if an emergency situation requires such communication, in which case the employee should notify his/her supervisor of the contact as soon as possible. Employees shall not knowingly allow students access to their personal social media sites that discuss or portray sex, nudity, alcohol, or drug use or other behaviors associated with the employees' private lives that would be inappropriate to discuss with a student at school.

4. Any postings, on district, professional or personal social media sites, of the following nature are prohibited:

- Creates a harassing, demeaning, or hostile working environment for any employee.

- Disrupts the smooth and orderly flow of work, or the delivery of services to the staff or students.
- Harms the goodwill and reputation of staff, students or the community at large.
- Erodes the public’s confidence in the district.
- Involves any kind of criminal activity or harms the rights of others, may result in criminal prosecution or civil liability to those harmed, or both.

5. Consequences

The District shall monitor online activities of employees who access the Internet using school technological resources. Additionally, the Superintendent or designee may periodically conduct public Internet searches to determine if an employee has engaged in conduct that violates this policy. Any employee who has been found by the Superintendent to have violated this policy may be subject to disciplinary action, up to and including dismissal.

6. Social Media Use Agreement

The Superintendent will ensure that staff receives a copy of this policy annually and that a Social Media Use Agreement is included in the Internet Use Agreement.

SURVEYS OF STUDENTS (BOE Policy 4-15)

The Board will ensure that all notification and other requirements of the Protection of Pupil Rights Amendment are met, including all legal requirements regarding the surveying of students. Any student survey, except one for a class assignment, will be reviewed by the Director of Accountability and Research, and provided to the Board, prior to distribution.

A. Definitions

1. Parent - parent includes a guardian or an individual acting as a parent in the absence of a parent or guardian. If the parents of a student are separated or divorced, both parents have access to the student’s records as provided in this policy, unless the school district has been provided with evidence that there is a court order, state statute, or legally binding document that specifically revokes these rights.
2. Eligible student – is a student who has reached 18 years of age or is attending an institution of postsecondary education. The rights afforded to parents under this policy transfer to an eligible student. However, parents may still have access to the records as long as the student is “dependent” (i.e., claimed by the parent for federal income tax purposes). Eligible students wishing to prevent access to records by their parents must furnish to the principal/designee information verifying that the student is not a dependent of his/her parents. If a parent of a student who is at least 18 and no longer attending a school within the district wishes to inspect and review the student’s records, he/she must provide information verifying that the student is a dependent for federal income tax purposes.

B. Surveys Involving Protected Topics

Definition of Protected Topic Survey

For purposes of this policy, the following are considered a protected topics:

1. political affiliations or beliefs of the student or the student's parent;
2. mental or psychological problems of the student or the student's family;
3. sex behavior or attitudes;
4. illegal, antisocial, self-incriminating and/or demeaning behavior;
5. critical appraisals of other individuals with whom respondents have close family relationships;
6. legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers;
7. religious practices, affiliations, or beliefs of the student's parent; or
8. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

For purposes of this policy, a "protected topic survey" is any survey, analysis, or evaluation that reveals information concerning any of the protected topics.

C. Rules Regarding Protected Topic Surveys

- **Parental Notification**

Parents will be informed by the school at the beginning of the year of any survey instrument being distributed to students of which they are aware, however at the very least no fewer than ten-10 days in advance. Such notification will include information regarding students' rights in not answering questions related to the eight-(8) above items and safeguards to protect student privacy should the survey instrument include any of those items. Collection, disclosure, or use of directory information of students and/or parents will not be for purposes of marketing or selling beyond the school community (i.e. PTSA, Booster Clubs, Student Council, etc.). At least 10 days prior to the administration of a protected topic survey, parents and eligible students (students who are 18 years of age or older or who are emancipated minors) will be provided the opportunity to review both electronically and in person the process for providing consent to participate in the protected topic survey and the full text of the protected topic survey.

- **Protection of Student Privacy**

The school system will take measures to protect the identification and privacy of students participating in any protected topic survey. These measures may include limiting access to completed surveys and to survey results, as allowed by law.

- **Parental Consent**

Before a student is required to participate in any protected topic survey, analysis, or evaluation that reveals information concerning a protected topic, the parent or eligible student must provide prior written or electronic consent.

- **Other Surveys Created by a Third Party**

Parents and eligible students have the right, upon request, to inspect any survey created by a third party before the survey is administered or distributed to a student.

D. Well-Being Questionnaires and Health Screening Forms

Before any student well-being questionnaire or health screening form is administered to students in kindergarten through third grade, the principal or designee shall provide parents with a copy of the questionnaire or form and shall inform parents of the means for parents to consent to the use of the questionnaire or form for their children. If a well-being questionnaire or health screening form falls under the definition of a protected topic survey, all rules for protected topic surveys apply.

E. Collection of Student Data for Marketing Purposes

The school system generally will not collect, disclose or use personal student information for the purpose of marketing or selling the information or otherwise providing the information to others for that purpose. However, in the event the Board approves a collection, disclosure, or use of personal student information for one of those purposes, the school system will (1) notify parents at the beginning of each school year of the specific or approximate dates of such collection, disclosure, or use, (2) allow parents to inspect any instrument used to collect the information before the instrument is administered or distributed to a student, and (3) offer the parent the opportunity to opt in to the collection, disclosure, or use of the student's personal information. The preceding rules for the collection, disclosure, and use of personal student information do not apply if the school system collects, discloses, or uses personal information from students for the exclusive purpose of developing, evaluating, or providing educational products or services for or to students or educational institutions, such as the following:

1. college or other postsecondary education recruitment or military recruitment;
2. book clubs, magazines and programs providing access to low-cost literary products;
3. curriculum and instructional material used by elementary schools and secondary schools;
4. tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;
5. the sale by students of products or services to raise funds for school-related or education-related activities; and
6. student recognition programs.

TOBACCO POLICY (BOE Policy 3-05a)

The Board promotes the health and safety of all students and staff and the cleanliness of all school facilities. The Board believes that the use of tobacco products on school grounds, in school buildings and facilities, in or on any other school property owned or operated by the Board, or at school-related or school-sponsored events is detrimental to the health and safety of students, staff, and school visitors. The use of tobacco products is a health, safety, and environmental hazard for students, employees, visitors, and school facilities. In order to promote positive role models in schools and provide a healthy learning and working environment, the Board adopts the following policy.

No one is permitted to use any tobacco product at any time including non-school hours - in any building, property, or vehicle owned, leased, rented or contracted by the school district; on

school grounds, athletic grounds, or parking lots; or at any school-sponsored event off campus. Signs will be posted on all school campuses forbidding the use of tobacco products at any time, by any person, on school grounds. This prohibition pertains to all persons on school property, including but not limited to students, employees and other persons performing services or activities on behalf of the district, volunteers, contractors, visitors and parents.

Tobacco products may be displayed for a legitimate instructional or pedagogical purpose, conducted or supervised by a staff member. The activity may not include smoking (using cigarettes, electronic cigarettes, vaping, etc.), chewing or otherwise ingesting the tobacco product.

The Superintendent, or designee, will consult with the Union County Health Department and other appropriate organizations to provide employees with information about support systems and programs to encourage employees to abstain from the use of tobacco products. The District may, from time to time, provide free non-smoking programs and services to employees of the school system after the regular school day.

The Board strongly encourages students and staff to participate in school and community programs designed to prevent and cure tobacco addiction (see below).

For purposes of this policy, “tobacco product” is defined as any product that contains or is made or derived from tobacco and is intended for human consumption, to include cigarettes, all lighted and smokeless tobacco products, as well as electronic or smokeless cigarettes, vaporizers, and other electronic smoking devices even if they do not contain tobacco or nicotine, cigars, pipes, chewing tobacco, snuff, and any other items containing or reasonably resembling tobacco or tobacco products. “Tobacco use” includes smoking, chewing, dipping, or any other use of tobacco products.

Students and employees who violate this policy are subject to disciplinary action (see cross-references below for applicable policies). All newly hired employees will receive a copy and explanation of this policy. The policy will be reviewed with all employees on a yearly basis.

SCHOOL TOBACCO EDUCATION PROGRAM

Tobacco Education Program

The Tobacco Education Program is part of a comprehensive approach to preventing and reducing tobacco use in our school system. It helps make students aware that smoking or chewing tobacco has dire consequences and that tobacco use is the leading preventable cause of death in our country.

Pursuant to the North Carolina Child Care Rules, we are required to inform you of the following: “Children shall be in a smoke free and tobacco free environment. Smoking and the use of any product containing, made or derived from tobacco, including e-cigarettes, cigars, little cigars, smokeless tobacco, and hookah, shall not be permitted on the premises of the child care center, in vehicles used to transport children, or during any off premise activities. All smoking materials shall be kept in locked storage. For child care centers in an occupied residence that are licensed for 3 to 12 children when any preschool-age children are in care, or for 3 to 15 children when only school-age children are in care, the premises shall be smoke free and tobacco free during operating hours.”