



# **Policies for Students in Grades K - 5**

**2015 – 2016**

<b>Policy</b>	<b>Title</b>
1710/4021/7230	Prohibition Against Discrimination, Harassment and Bullying
1720/4015/7225	Discrimination, Harassment and Bullying Complaint Procedure
3225/7320	Acceptable Use/Internet Safety Policy
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# **PROHIBITION AGAINST DISCRIMINATION, HARASSMENT AND BULLYING**

*Policy Code: 1710/4021/7230*

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The board acknowledges the dignity and worth of all students and employees and strives to create a safe, orderly, caring and inviting school environment to facilitate student learning and achievement. The board will not tolerate any form of unlawful discrimination, harassment or bullying in any of its educational or employment activities.

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

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

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

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

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

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

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

### **2. Retaliation**

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

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

## **B. APPLICATION OF POLICY**

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

This policy applies to behavior that takes place:

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

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4. during any school-sponsored activity or extracurricular activity;
5. at any time or place when the individual is subject to the authority of school personnel; and
6. at any time or place when the behavior has a direct and immediate effect on maintaining order and discipline in the schools.

## C. DEFINITIONS

For purposes of this policy, the following definitions apply:

### 1. Discrimination

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

### 2. Harassment and Bullying

- a. Harassment or bullying behavior is any pattern of gestures or written, electronic or verbal communications, or any physical act or any threatening communication that:
  - (1) places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property; or

- (2) creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities or benefits. "Hostile environment" means that the victim subjectively views the conduct as harassment or bullying and that the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is harassment or bullying. A hostile environment may be created through pervasive or persistent misbehavior or a single incident, if sufficiently severe.

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

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

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

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

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

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

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

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

## **E. TRAINING AND PROGRAMS**

The board directs the superintendent to establish training and other programs that are designed to help eliminate unlawful discrimination, harassment and bullying and to foster an environment of

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understanding and respect for all members of the school community. Information about this policy and the related complaint procedure must be included in the training plan.

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

## F. NOTICE

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

## G. COORDINATORS

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

## H. RECORDS AND REPORTING

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

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

## I. EVALUATION

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

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 *et seq.*; Americans With Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.*, 34 C.F.R. pt. 100; Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.*, 29 C.F.R. pt. 1604; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; *Racial Incidents and Harassment Against Students at Educational Institutions*;

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*Investigative Guidance*, U.S. Department of Education, Office for Civil Rights (1994); *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties*, U.S. Department of Education, Office for Civil Rights (2001); *Oncala v. Sundowner Offshore Services*, 523 U.S. 75 (1998); G.S. 115C-335.5, -407.9 through -407.12; 126-16; State Board of Education Policy HRS-A-007

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

Adopted: August 29, 2005

Revised: March 15, 2010

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

## **A. DEFINITIONS**

### **1. Alleged Perpetrator**

The alleged perpetrator is the individual alleged to have discriminated against, harassed or bullied the complainant.

### **2. Complaint**

A complaint is an oral or written notification made by a person who believes he or she is the victim of unlawful discrimination, harassment or bullying.

### **3. Complainant**

The complainant is the individual complaining of being discriminated against, harassed or bullied.

### **4. Days**

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

### **5. Investigative Report**

The investigative report is a written account of the findings of the investigation conducted in response to a complaint.

### **6. Investigator**

The investigator is the school official responsible for investigating and responding to the complaint.

### **7. Report**

A report is an oral or written notification that an individual, other than the reporter, is a suspected perpetrator or victim of unlawful discrimination harassment or bullying.



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

### **1. Mandatory Reporting by School Employees**

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

### **2. Reporting by Other Third Parties**

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

### **3. Anonymous Reporting**

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

### **4. Investigation of Reports**

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

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

### **1. Filing a Complaint**

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

- a. the principal or assistant principal of the school at which either the alleged perpetrator or alleged victim attends or is employed;
- b. an immediate supervisor if the individual making the complaint is an employee;
- c. the 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);

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- d. the Title IX coordinator for claims of sex discrimination or sexual harassment; or
- e. the Section 504 coordinator or the ADA coordinator for claims of discrimination on the basis of a disability.

## **2. Time Period for Filing a Complaint**

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

## **3. Informal Resolution**

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

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

### **1. Initiating the Investigation**

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

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

## **2. Conducting the Investigation**

- a. The investigator is responsible for determining whether the alleged act(s) constitutes a violation of policy 1710/4021/7230. In so doing, the investigator shall impartially, promptly and thoroughly investigate the complaint. The investigator shall interview (1) the complainant; (2) the alleged perpetrator(s); and (3) any other individuals, including other possible victims, who may have relevant information.
- b. Information may be shared only with individuals who need the information in order to investigate and address the complaint appropriately. Any requests by the

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complainant for confidentiality shall be evaluated within the context of the legal responsibilities of the school system. Any complaints withdrawn to protect confidentiality must be recorded in accordance with policy 1710/4021/7230.

- c. The investigator shall review the factual information gathered through the investigation to determine whether the alleged conduct constitutes discrimination, harassment or bullying, giving consideration to all factual and maturity of the complainant and alleged perpetrator(s), and any other relevant circumstances.

### **3. Investigative Report**

- a. The investigator shall submit a written investigative report to the superintendent and, as applicable, to the Title IX, Section 504 or ADA coordinator.
- b. The investigator shall notify the complainant of the results of the investigation within 15 days of receiving the complaint, unless additional time is necessary to conduct an impartial, thorough investigation. The investigator shall specify whether the complaint was substantiated and, if so, shall also specify:
  - i. reasonable, timely, age-appropriate, corrective action intended to end the discrimination, harassment or bullying and prevent it from recurring;
  - ii. as needed, reasonable steps to address the effects of the discrimination, harassment or bullying on the complainant; and
  - iii. as needed, reasonable steps to protect the complainant from retaliation as a result of communicating the complaint.
- c. Information regarding specific disciplinary action imposed on the alleged perpetrator(s) will not be given to the complainant unless the information relates directly to the complainant (e.g., an order requiring the perpetrator not to have contact with the complainant).
- d. If the investigator determines that the complaint was substantiated, the perpetrator(s) shall be subject to discipline or other corrective steps, as described in policy 1710/4021/7230. If the corrective steps involve actions outside the scope of the investigator's authority, the superintendent will be notified so that responsibility for taking the corrective steps may be delegated to the appropriate individual.
- e. Each alleged perpetrator will be provided with a written summary of the results of the investigation in regard to whether the complaint was substantiated, whether the alleged perpetrator violated relevant law or board policies by his or her actions, and what, if any, disciplinary actions or consequences will be imposed upon the perpetrator in accordance with information, the context in which the alleged incidents occurred, the age and maturity of the complainant and alleged perpetrator(s), and any other relevant circumstances.

### **4. Appeal of Investigative Report**

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- a. If the complainant is dissatisfied with the investigative report, he or she may appeal the decision to the superintendent (unless the alleged perpetrator is the assistant superintendent for human resources or the superintendent, in which cases the complainant may appeal directly to the board in accordance with the procedure described in subsection E.4.b below). The appeal must be submitted in writing within five days of receiving the investigative report. The superintendent may review the documents, conduct any further investigation necessary or take any other steps the superintendent determines to be appropriate in order to respond to the complaint. The superintendent shall provide a written response within 10 days after receiving the appeal, unless further investigation is needed.
- b. If the complainant is dissatisfied with the superintendent's response, he or she may appeal the decision to the board within five days of receiving the superintendent's response. The board will review the documents, direct that further investigation be conducted if necessary and take any other steps that the board determines to be appropriate in order to respond to the complaint. Upon request of the complainant, the board will hold a hearing pursuant to policy 2500, Hearings Before the Board. The board will provide a written response within 30 days after receiving the appeal, unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

## **E. TIMELINESS OF PROCESS**

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

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

## **F. GENERAL REQUIREMENTS**

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

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

## G. RECORDS

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

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 *et seq.*; Americans With Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.*, 34 C.F.R. pt. 100; Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.*, 29 C.F.R. pt. 1604; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; *Racial Incidents and Harassment Against Students at Educational Institutions: Investigative Guidance*, U.S. Department of Education, Office for Civil Rights (1994); *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties*, U.S. Department of Education, Office for Civil Rights (2001); *Gebser v. Lago Vista Independent School District*, 524 U.S. 274, (1998); *Davis v. Monroe County Board of Education*, 526 U.S. 629 (1999); G.S. 115C-407.10; State Board of Education Policy HRS-A-007

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

Adopted: March 15, 2010

The Internet/School Network provides a unique opportunity to enhance global instruction, appeal to different learning styles, and meet the educational goals of the Wilkes County Board of Education. Through the Internet/School Network, users can observe events as they occur around the world, interact with others on a variety of subjects, and acquire access to current, varied, and in-depth information.

The Internet should be used in teaching the North Carolina Essential Standards and in meeting the educational goals of the Board of Education. Teachers will integrate the Internet into their curriculum.

#### REQUIREMENTS FOR USE OF THE INTERNET AND SCHOOL NETWORK

The use of the Internet is a privilege, not a right. Inappropriate use of the Internet may result in limitation or cancellation of user privileges and appropriate disciplinary action. Before using the Internet, all students shall receive training about appropriate on-line behavior. Such training shall include cyber bullying, interacting with others on social networking websites and in chat rooms, and cyber bullying awareness and response.

Users of the Internet, including staff and students, must comply with the following requirements.

- The Internet/School Network is provided primarily for school-related purposes. No right of privacy exists in any communication on the Internet or the School Network. The school district monitors and archives employee e-mail messages for 3 years in compliance with Board of Education policies, applicable laws, and regulations. Electronic information is subject to inspection or deletion by authorized members of the Technology Department.
- Students/Staff must meet all standards of expected online behavior and comply with all Board of Education policies, applicable laws, and regulations.
- All staff will model and promote ethical use of technology.
- Teachers will educate students in using appropriate online behavior including Internet safety while using social networking sites and chat rooms as well as the dangers of cyber bullying.
- No person may use school equipment, software, or email for personal gain, profit, or to promote a political position. Wilkes County Schools does not support the advertisement of any product or the promotion of any political agenda via electronic communications. It is the responsibility of school administrators to address such violations (see consequences section).
- No user of the Internet, electronic device, and/or any storage device may engage in creating, requesting or transmitting offensive, fraudulent, pornographic, harassing, obscene, or vulgar images or documents. Messages with derogatory or inflammatory remarks concerning religion, ethnicity, national origin, sexual preference, etc. will not be transmitted or posted.

- Users will not participate in cyber bullying.
- Users will not create or transmit chain letters via e-mail.
- All laws and Board of Education policies apply for all users, including those relating to copyright/trademarks, confidential information and public records. Information electronically transmitted or stored is subject to the same copyright laws as govern non-electronic data. The intellectual property of others will be granted the respect afforded copyrighted materials.
- Teachers will supervise and monitor students' use of computers and other technologies.
- Including children under their care before and after school hours and on teacher workdays.
- Accessing programs and websites not appropriate for educational use are prohibited. Students will not participate in Internet instant message activities, visit chat rooms, access personal e-mail accounts (unless it is a curriculum-related requirement) or participate in any activity that may cause harm to themselves or others.
- Teachers and students may use age appropriate Web 2.0 tools for collaboration. Teachers are responsible for reviewing websites' terms of use for age restrictions, and compliance with the Children's Online Privacy Protection Act for students under age 13. (See the Web 2.0 Policy 3223)
- Users will not attempt to gain unauthorized access to programs, websites, network file space, or computer equipment. Attempting to disable or circumvent system filtering software is prohibited. Promoting, advocating, or participating in hacking is strictly prohibited. It is the responsibility of the principal to enforce these policies (see consequences section).
- Users will not maliciously attempt to harm or destroy hardware, software, data, or transmit computer viruses or other malware.
- Unauthorized release, use, and/or distribution of personal information is prohibited. Passwords and other personal information will not be shared or posted in a conspicuous location. Users will not attempt to log in to any system or software using credentials other than their own.
- Users will not change settings on school equipment unless authorized by the Technology Department.
- Disrupting the network is prohibited.
- Users will not download or upload software or files unless authorized by the Director of Technology.



- Users will not save to the network in unauthorized locations. Locations will be designated by Wilkes County Schools' Network Engineer.
- Personal laptops, computers, or iPads, may not be on school premises without written permission from the Director of Technology. Wilkes County Schools cannot ensure personal computers are free from viruses and malware. In order to protect computers, systems, and networks belonging to Wilkes County Schools from harm, no personal computer use of any kind will be allowed for students and/or staff. Wilkes County Schools cannot ensure compliance with the federal Child Internet Protection Act (CIPA) for personal computers; therefore, personal computer use will not be allowed for students, faculty, or staff.
- Opinions expressed as representing the view of the school district must receive prior approval by the superintendent or his or her designee.
- Wilkes County Schools is not responsible for individual employee maintained web pages or contents. Employees must follow all Board of Education policies for school web pages.

#### RESTRICTED MATERIAL

All users are responsible for appropriate use of technology. Parents, students, and employees should be aware that the school district monitors use of computers. Before a student may use the Internet, the legal parent/guardian should be aware of the possibility that the student could obtain access to inappropriate material. The school district only supports individual students using filtered, e-mail accounts and age appropriate Web 2.0 tools for instructional purposes. The school district has established technology measures that protect against Internet access by both adults and minors to visual depictions that are obscene, child pornography, or, with respect to the use of computers by minors, harmful to minors. The Board of Education shall enforce the operation of these technology measures.

In the event a legal parent/guardian chooses not to allow their child to participate in web based activities, it is the responsibility of the parent to notify the school principal in writing annually. Permission is not necessary for student participation in required online testing.

The Board of Education is aware that information is available on the Internet that is not related to the curriculum. The Board of Education also is aware that the Internet offers information and opportunities to communicate on subjects that are not suitable for school-age children. Filtering software is used to guard against accidental or intentional access to inappropriate Internet locations. It should be understood that no filtering software is 100% effective. The school district will take reasonable precautions to prevent students from having access to inappropriate materials which do not serve legitimate pedagogical concerns. These inappropriate materials include but are not limited to violence, nudity, obscenity, prejudice, or graphic language. The system does not condone the use of controversial or offensive materials. The school district will not limit access to the Internet solely for the purpose of restricting political ideas or social perspectives. The user is ultimately responsible for his or her activity on the Internet. Teacher supervision is required when students are using computers and other technologies.

Confidential student information will be handled according to the guidelines set forth by the

Family Educational Rights and Privacy Act (FERPA). If sensitive electronic data is housed online or electronically, great care will be taken to prohibit unauthorized viewing, editing or duplication of files electronically or otherwise.

All school system employees and students will follow the guidelines set forth in the Children's Internet Protection Act (CIPA), the Neighborhood Children's Internet Protection Act (NCIPA) and the Broadband Data Improvement Act (BDIA).

## CONSEQUENCES

Student offenses will result in one or more of the following at the discretion of school administrators

- Notification to legal parent/guardian
- Financial compensation for damages
- Limitation or loss of user privileges
- Suspension or other disciplinary action as deemed appropriate by the school administrator
- Appropriate authorities will be notified of illegal activities
- For any act of student vandalism, appropriate disciplinary action will be taken in accordance with the policies of the Board of Education. Appropriate law enforcement authorities may be notified. Students will be held financially responsible for damage repair or replacement costs.

Employee offenses will result in one or more of the following at the discretion of school or district officials

- Private consultation with school or district officials
- Letter of reprimand placed in personnel folder
- Financial compensation for damages
- Limitation or loss of user privileges
- Any other disciplinary action deemed appropriate by school officials
- Appropriate authorities will be notified of illegal activities
- For any act of staff vandalism, appropriate disciplinary action will be taken in accordance with the policies of the Board of Education. Appropriate law enforcement authorities may be notified. Staff will be held financially responsible for damage repair or replacement costs.

## CONTRACTS

All students and staff must electronically accept the Requirements for the Use of the Internet and School Network within the Acceptable Use/Internet Safety policy online before gaining access to the Internet. The Acceptable Use/Internet Safety policy will be included annually in the student policy handbook and electronic employee policies.

Legal References: U.S. Const. amends. I; 17 U.S.C. 100 et seq.; Electronic Communications Privacy Act, 18 U.S.C. 2510-2522; Family Educational Rights and Privacy Act, 20 U.S.C.

## **ACCEPTABLE USE/INTERNET SAFETY**

*Policy Code: 3225/7320*

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1232g; G.S. 115C-391, -325(e), PL 106-554, SBE EEO-C-018, SB 991, 2004, GS 115c-98, GS 115c-398, GS 115c-106

Cross References: Curriculum and Instructional Guides (policy 3115), Technology in the Educational Program (policy 3220), Copyright Complaint (policy 3230/7330), Standards of Expected Student Behavior (policy 4310), Public Records (policy 5070), Staff Responsibilities (policy 7300), Student Records (policy 4700), Web 2.0 (3223), Hardware (3221), Software (3222)

Adopted: May 17, 2004

Revised: November 7, 2005, July 7, 2008, June 7, 2010, January 31, 2011, December 5, 2011, June 16, 2014, June 1, 2015

Pediculosis or head lice are insects that live on humans and are easily passed from one to another when there is direct contact. Students can quickly pick up head lice from each other regardless of personal hygiene. Lice eggs, called nits, are seen as tiny white objects that are “glued” to the hair and cannot be brushed off.

Due to the favorable environment for lice transmission in the school setting, students may be screened by members of the school staff for head lice infestation at any time during the school year. Students found to have lice and/or their nits are to be excluded from school until treatment has been provided and nits have been removed from the hair. The absences accrued from exclusion due to lice infestation shall be excused for the day the lice were discovered and the following day (if needed).

### **PROCEDURES FOR IMPLEMENTING WILKES COUNTY’S POLICY REGARDING PEDICULOSIS (HEAD LICE)**

TO REDUCE THE SPREAD OF PEDICULOSIS IN THE CLASSROOM, THE FOLLOWING MEASURES ARE RECOMMENDED:

1. Classroom discussion concerning personal hygiene should include caution to students against borrowing other people’s clothing, brushes, combs or other objects.
2. Examination of any student suspected of infestation is necessary to avoid possible spreading.
3. All siblings and classmates of infested students should be screened for infestation.
4. All infested students will be excluded from school until they are treated. To exclude:
  - a) A school staff member will notify the parent/guardian of the situation and that they need to pick their child(ren) up;
  - b) The principal and/or the assistant principal will be notified;
  - c) When the parent picks the child up, he/she will be given the exclusion letter and the treatment checklist;
  - d) In the event a parent/guardian cannot be reached by phone or home visit, the child will be sent home at the usual time and in the usual manner with the above mentioned documents.
5. Parents and students should be informed about lice, the symptoms of their presence, how to get rid of them, and how to prevent reinfestation.
6. The cleanliness of the school is an important element in preventing the spread of infestations once lice have been discovered. All upholstered furniture, rugs, and floors must be vacuumed. Earphones and headsets should also be cleaned.
7. The practice of hanging coats, hats and book bags together on hooks or in a common area or container should be discontinued. These items should be kept at desks or placed in individual plastic bags to prevent the transfer of lice from one item to another.
8. Students who are excluded from school due to head lice infestation will not be allowed to return without the parent checklist and the box top indicating the type of treatment obtained.

9. The school staff will reexamine the child on his/her return to school and again in one week.
10. Students who return with nits (eggs) remaining in the hair after treatment may be excluded again until the hair is nit free. A second letter of exclusion and the checklist will be sent home at this time. Refer to #4. **A note from the doctor or emergency room will not guarantee that your child will be readmitted to school. School staff will make the final decision that your child is lice/nit-free on the day they return to school.**
11. The absences accrued from exclusion due to lice infestation shall be excused for the day the lice were discovered and the following day (if needed).

**PARENT CHECKLIST FOR RE-ADMISSION OF CHILD TO SCHOOL  
FOLLOWING THE TREATMENT FOR HEAD LICE**

**PEDICULOSIS (HEAD LICE)**

Policy Code: **4231**

Yes\_\_\_ No\_\_\_ 1. My child, was treated for head lice with on (date) \_\_\_\_\_ .

(Many lice products require a second treatment in seven to ten days in order to completely work. I have read all the directions on the product and followed them exactly.)

Yes\_\_\_ No\_\_\_ 2. As a precaution, everyone in the family has been treated for head lice.

Yes\_\_\_ No\_\_\_ 3. I have notified my child’s baby-sitter, or others (such as grandparents or friends) where my child(ren) has stayed.

Yes\_\_\_ No\_\_\_ 4. I have checked my child’s hair carefully and removed all nits (eggs).

Yes\_\_\_ No\_\_\_ 5. I have soaked combs, brushes, etc. in hot water for ten minutes and have instructed my child not to share these, hats, or other articles which come in contact with the head.

Yes\_\_\_ No\_\_\_ 6. I have vacuumed my carpets, upholstery, pillows, and mattresses.

Yes\_\_\_ No\_\_\_ 7. I have machine washed (in hot water) and dried all clothing and bed linens that have been in contact with family members in the past three days.

Yes\_\_\_ No\_\_\_ 8. I have placed any stuffed animals, bedspreads, leather coats, etc. that cannot be washed, in a tightly closed plastic bag and will leave them there for ten days.

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

Date\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Adopted: April 23, 1996

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

**A. PRINCIPLES**

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

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

**B. COMMUNICATION OF POLICIES**

Board policies related to student behavior are codified mainly in the 4300 series. The superintendent shall incorporate information from such policies into a Code of Student Conduct that notifies students of the behavior expected of them, conduct that may subject them to discipline and the range of disciplinary measures that may be used by school officials. At the discretion of the superintendent, the Code of Student Conduct may include additional rules needed to implement the board's student behavior policies. Each school shall create a student behavior management plan that will elaborate further on processes for addressing student misbehavior and the use of intervention strategies and consequences (see policy 4302, School Plan for Management of Student Behavior). The Code of Student Conduct must incorporate by reference any additional student behavior standards, prohibited conduct or disciplinary measures identified in individual school behavior plans

developed in accordance with policy 4302, provided such measures are consistent with law and board policy. The Code of Student Conduct must not impose mandatory long-term suspension or expulsion for specific violations unless otherwise provided in state or federal law.

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

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

**C. APPLICABILITY**

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

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

**D. CONSEQUENCES FOR VIOLATIONS**

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

1. Minor Violations



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

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

- a. parental involvement, such as conferences;
- b. isolation or time-out for short periods of time;
- c. behavior improvement agreements;
- d. instruction in conflict resolution and anger management;
- e. peer mediation;
- f. individual or small group sessions with the school counselor;
- g. academic intervention;
- h. in-school suspension;
- i. detention before and/or after school or on Saturday;
- j. community service;
- k. exclusion from graduation ceremonies;
- l. exclusion from extracurricular activities;
- m. suspension from bus privileges; and
- n. placement in an alternative school.

The parent or guardian is responsible for transportation that may be required to carry out a consequence.

## 2. Serious Violations

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

**E. ENFORCEMENT**

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

Legal References: G.S. 115C-47, -276(r), -288, -307, -390.1, -390.2

Cross References: Goals and Objectives of the Educational Program (policy 3000), Counseling Program (policy 3610), Domicile or Residence Requirements (policy 4120), Student Behavior policies (4300 series)

Adopted: June 16, 2014

Revised: August 3, 2015

# SCHOOL PLAN FOR MANAGEMENT OF STUDENT BEHAVIOR

Policy Code: **4302**

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Each school must have a plan for managing student behavior which incorporates effective strategies consistent with the purpose and principles established in Wilkes County Board of Education policy 4300, Student Behavior Policies. Schools are encouraged to seek positive, innovative and constructive methods of correcting and managing student behavior in an effort to avoid repeated misbehavior and suspension.

## COMPONENTS OF THE PLAN

The plan should address (1) the process by which student behavior will be addressed, including any use of a disciplinary committee and the means by which students at risk of repeated disruptive or disorderly conduct are identified, assessed, and assisted; (2) positive behavioral interventions and possible consequences that will be used; and (3) parental involvement strategies.

## POSSIBLE CONSEQUENCES

Consequences for violating Board of Education policies or school standards or rules may include, but are not limited to, the following:

- parental involvement;
- isolation or time-out for short periods of time;
- behavior improvement agreements;
- individual or small group sessions with the school counselor;
- in-school suspension;
- detention before and/or after school or on Saturday;
- community service;
- exclusion from extracurricular activities;
- suspension from bus privileges;
- placement in an alternative school;
- out-of-school suspension or expulsion;

The parent or guardian is responsible for transportation as may be required to carry out the consequence.

Believing that other forms of discipline are more appropriate with children of all ages, the Wilkes County Board of Education prohibits the use of corporal punishment. 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 all forms of physical punishment, including, but not limited to, spanking, paddling or slapping.

School personnel may use reasonable force to control behavior or to remove a person from the scene in those situations when necessary:

1. To quell a disturbance threatening injury to others.
2. To obtain possession of weapons or other dangerous objects on the person, or

# SCHOOL PLAN FOR MANAGEMENT OF STUDENT BEHAVIOR

Policy Code: **4302**

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- within the control, of a student.
- 3. For self-defense.
- 4. For protection of persons or property.
- 5. To maintain order on school property, in the classroom, or at a school-related activity on or off school property.

Removal from the classroom for a long period of time, including in-school or out-of-school suspension should be avoided unless necessary to ensure a safe, orderly environment that is conducive to learning. The principal is authorized to remove students in accordance with Board of Education policies for anti-social or criminal conduct or for other behavior that interferes with a safe, orderly environment.

## PARENTAL INVOLVEMENT

The behavior management plan should identify when parents will be notified or involved in issues related to their child's behavior. (See Board of Education policy 4341, Parental Involvement in Student Behavior Issues.)

## PROCESS FOR DEVELOPING AND EVALUATING THE PLAN

Principals are encouraged to use a team approach for developing and evaluating the school's plan to manage student behavior. On at least an annual basis, the plan should be evaluated based upon data on disciplinary actions taken and the impact on student academic performance. Principals will report on at least an annual basis to the superintendent and the Board of Education on the effectiveness of the plan in minimizing classroom disruptions, referrals to the principal's office and use of out-of-school suspension. The report also will address the plan's effect on academic performance.

The superintendent also is encouraged to consider, develop and propose new and alternative discipline programs to the Board of Education.

Legal References: GAS 115C-47, -288, -307, -391, -397.1

Cross References: Alternative Learning Programs (policy 3470/4305), Student Behavior Policies (policy 4300), Criminal Behavior (policy 4335), Parental Involvement in Student Behavior Issues (policy 4341)

Adopted: May 17, 2004

Revised: June 7, 2010, January 31, 2011, September 6, 2011, August 3, 2015

# STUDENT POSSESSION AND USE OF WIRELESS COMMUNICATIONS DEVICES AND OTHER ELECTRONIC EQUIPMENT

Policy Code: **4304**

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**I. Purpose.** This policy addresses the possession and use of cellular telephones and other wireless communication devices by students at school and at school functions and events. Its purpose is to prevent disruption of, or interference with, the educational environment.

**II. Definitions.** For purposes of this policy the following definitions shall apply.

- A. “Wireless communications device” means a handheld electronic device having the ability to receive and/or transmit voice, text, or data messages or otherwise deliver a communication without a cable connection, including but not limited to cellular telephones, digital wireless phones, radio-/walkie-talkies, telephone pagers, PDA (personal digital assistants with wireless communications capabilities) phones, or RIM (research in motion) wireless devices.
- B. “Camera phone” means any cellular telephone or other wireless communications device capable of taking photographs.
- C. “Regular school hours” means the time from the beginning of the student instructional day to the end of the student instructional day.

**III. Restrictions.**

Except as permitted by this policy, no student shall use, display, transmit or have in the "on" position on school property (including classroom, bathroom, hallway, gymnasium or cafeteria) any wireless communication device or personal entertainment device. Wireless communication devices such as PDA's and laptop computers may be used by students for instructional purposes under the supervision of school staff and as approved by the principal or his/her designee.

- A. Students may bring cellular telephones or other wireless communications devices on school property; however, these devices are not to be seen or heard at any time during the school day except as approved by the principal or his/her designee.
- B. Camera phones may not be used to take photographs in rest rooms, locker rooms, or any other setting with an expectation of privacy.
- C. Students may not possess or use portable radios, tape recorders, tape/CD/DVD players, MP3/4 players, electronic games, or other similar electronic devices on school property during the regular instructional school hours except as approved by the principal or his/her designee.
- D. The Wilkes County Board of Education shall not be responsible for theft,

# **STUDENT POSSESSION AND USE OF WIRELESS COMMUNICATIONS DEVICES AND OTHER ELECTRONIC EQUIPMENT**

*Policy Code:* **4304**

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loss, or damage to a student's personal electronic equipment (including cell phones) brought on any school campus or to any school event. Students are solely responsible for any loss or damage to cellular telephones, other wireless communication devices, or electronic equipment.

#### **IV. Consequences.** Penalties for the violation of this policy are set as follows:

Devices will be confiscated. Parents may pick up the device from the school office on the last day of school each week between 2:00 pm and 4:00 pm.

Legal Reference: G.S. 115C-36, -391

Adopted: June 10, 2009

Revised: June 4, 2012, September 8, 2014

The Wilkes County Board of Education is committed to creating safe, orderly, clean and inviting schools for all students and staff. The Board of Education also supports state laws that prohibit the selling or distribution of tobacco products to minors and federal law prohibiting smoking in all school buildings.

### PROHIBITED BEHAVIOR

In support of the Board of Education's commitments and state and federal law, students are prohibited from using or possessing any tobacco product or electronic cigarette. An electronic cigarette is defined as a cigarette-shaped device containing a nicotine-based liquid that is vaporized and inhaled, used to simulate the experience of smoking tobacco (1) in any school building, school vehicle or on the school grounds at any time; (2) at any school-related activity, including athletic events; or (3) at any time when the student is subject to the supervision of school personnel, including school trips.

### CONSEQUENCES

Consequences for engaging in prohibited behavior will be provided in accordance with the school's student behavior management plan (see policy 4302, School Plan for Management of Student Behavior). In providing consequences for violation of the policy, school officials are encouraged to identify programs or opportunities for students to gain a greater understanding of the health hazards for the tobacco user and the impact of tobacco use on efforts to provide a safe, orderly, clean and inviting school environment.

### CONSEQUENCES FOR STUDENTS IN K-5 SCHOOLS

Parents will be notified when each offense occurs and asked to attend a conference with the principal or designee before any student returns to the classroom.

**1<sup>st</sup> Offense:** Any of the following: Withholding free time or other privileges, assigning after-school penalties or other punishments as deemed appropriate by the principal. Appropriate tobacco education and/or counseling will be provided.

**2<sup>nd</sup> Offense:** Any of the following: Withholding free time or other privileges, assigning after-school penalties or other punishments as deemed appropriate by the principal. Appropriate tobacco education and/or counseling will be provided.

**3<sup>rd</sup> Offense:** Out-of-school suspension for up to three (3) days.

**4<sup>th</sup> Offense and Each Subsequent Offense:** Out of school suspension for up to five (5) days.

### CONSEQUENCES FOR HIGH SCHOOL AND MIDDLE HIGH STUDENTS

Parents will be notified when each offense occurs and asked to attend a conference with the principal or designee before any student returns to the classroom.

## TOBACCO PRODUCTS

Policy Code: **4320**

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- 1<sup>st</sup> Offense:** Out-of-school suspension for up to three (3) days with appropriate tobacco education and/or counseling after returning to school.
- 2<sup>nd</sup> Offense:** Out-of-school suspension for up to three (3) days with appropriate tobacco education and/or counseling after returning to school.
- 3<sup>rd</sup> Offense:** Out-of-school suspension for up to five (5) days.
- 4<sup>th</sup> Offense and Each Subsequent Offense:** Out-of-school suspension for up to ten days.

Legal References: 20 U.S.C.A.

~~3160815G~~ 4714288, -307, -391

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

Adopted: May 13, 1987

Revised: August 8, 1988; September 25, 1990; November 14, 1994; May 17, 2004; December 2, 2013



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

**A. PROHIBITED BEHAVIOR**

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

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

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

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

**B. CONSEQUENCES**

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

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

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

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

Adopted: June 16, 2014

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

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

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

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

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

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

**B. STUDENT RIGHTS DURING THE SUSPENSION**

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

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

**C. NOTICE TO PARENT OR GUARDIAN**

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

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

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

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

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

Adopted: June 16, 2014

Revised: August 3, 2015

# **LONG-TERM SUSPENSION, 365-DAY SUSPENSION, EXPULSION**

*Policy Code: 4353*

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## **A. DEFINITIONS**

### **1. Superintendent**

For purposes of this policy, superintendent includes the superintendent and the superintendent's designee.

### **2. Principal**

For purposes of this policy, principal includes the principal and the principal's designee.

### **3. Long-Term Suspension**

A long-term suspension is the disciplinary exclusion of a student from attending his or her assigned school for more than 10 school days. Disciplinary reassignment of a student to a full-time educational program that meets the academic requirements of the standard course of study established by the State Board of Education and that provides the student with the opportunity to make timely progress toward graduation and grade promotion is not a long-term suspension requiring the due process procedures set out in this policy.

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

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

### **4. 365-Day Suspension**

A 365-day suspension is the disciplinary exclusion of a student from attending his or her assigned school for 365 calendar days. The superintendent may impose a 365-day suspension only for certain firearm and destructive device violations, as defined in policy 4335, Criminal Behavior.

5. Expulsion

An expulsion is the indefinite exclusion of a student from school enrollment for disciplinary purposes. Upon the recommendation of the superintendent, the board may expel a student who is 14 years of age or older for certain types of misbehavior as provided in policy 4325, Drugs and Alcohol, policy 4335, Criminal Behavior, if the student's continued presence in school constitutes a clear threat to the safety of other students or employees. Additionally, a student who is subject to policy 4260, Student Sex Offenders, may be expelled if the student's continued presence in school constitutes a clear threat to the safety of other students or employees. During the expulsion, the student is not entitled to be present on educational property and is not considered a student of the school system.

**B. DETERMINATION OF APPROPRIATE CONSEQUENCE**

1. Principal's Recommendation

The principal may impose a short-term suspension or any other consequence that is consistent with policy 4351, Short-Term Suspension, policy 4302, School Plan for Management of Student Behavior, and the Code of Student Conduct. If the principal determines that a suspension of more than 10 days (either long-term or 365-day) or an expulsion is an appropriate consequence, the principal shall propose the disciplinary penalty based upon a review of the student's culpability and dangerousness and the harm caused by the student, plus any other mitigating or aggravating factors the principal finds relevant.

- a. Culpability of Student – In assessing the culpability of the student for his or her behavior, the principal may consider criteria such as:
  - 1) the student's age;
  - 2) the student's ability to form the intent to cause the harm that occurred or could have occurred; and
  - 3) evidence of the student's intent when engaging in the conduct.
- b. Dangerousness of the Student – In assessing the dangerousness of the student, the principal may consider criteria such as:
  - 1) the student's disciplinary or criminal record related to anti-social behavior or drugs and alcohol;
  - 2) whether a weapon was involved in the incident and if a weapon was involved, whether the student had the ability to inflict serious injury

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- or death with the weapon;
- 3) evidence of the student’s ability to cause the harm that was intended or that occurred; and
  - 4) whether the student is subject to policy 4260, Student Sex Offenders.
- c. Harm Caused by the Student – In assessing the severity of the harm caused by the student, the principal may consider criteria such as whether any of the following occurred:
- 1) someone was physically injured or killed;
  - 2) someone was directly threatened or property was extorted through the use of a weapon;
  - 3) someone was directly harmed, either emotionally or psychologically;
  - 4) educational property or others’ personal property was damaged; or
  - 5) students, school employees or parents were aware of the presence of a weapon or of dangerous behavior on the part of the perpetrator.

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

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

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

2. Notice to the Student’s Parent

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

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

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

### 3. Superintendent's Decision

The student or student's parent may request a hearing before the superintendent



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

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

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

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

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

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

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

- a. the basis of the decision, with reference to any policies or rules that the student violated;
- b. notice of what information will be included in the student's official record pursuant to G.S. 115C-402;
- c. notice of the student's right to appeal the decision and the procedures for such appeal;

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- d. if the decision is to suspend the student for 365 days, notice of the student's right to petition the board for readmission under G.S. 115C-390.12;
- e. if applicable, notice that the superintendent or designee is recommending to the board that the student be expelled and any required notifications related to the expulsion if the student did not already receive such notice from the principal or designee; and
- f. if the student is to be suspended, notice of the superintendent's or designee's decision on whether to offer alternative education services to the student during the period of suspension, and, as applicable, a description of the services to be offered or the reason justifying the superintendent's or designee's decision to deny such services.

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

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

The student may appeal to the board the superintendent's decision not to provide alternative education services, as permitted by G.S. 115C-45(c)(1). Any appeal to the board must be made in writing within five days of receiving the superintendent's decision. The superintendent shall inform the board chairperson of the request for an appeal and arrange in a timely manner a hearing before the board. In advance of the hearing, the superintendent shall provide to the student and parent and to the board a written explanation for the denial of services along with any documents or other information supporting the decision. The hearing will be conducted pursuant to policy 2500, Hearings Before the Board. The board will provide to the student and parent and to the superintendent written notice of its decision within 30 days of receiving the appeal.

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

4. Hearings Before the Board
  - a. Long-Term or 365-Day Suspensions

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

b. Expulsions

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

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

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

**C. Educational Services for Students with Disabilities During Long-Term Suspension,**

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## **365-Day Suspension or Expulsion**

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

### **D. REDUCING SUSPENSION AND EXPULSION RATES**

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

Legal References: U.S. Const. amend. XIV, § 1; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; N.C. Const. art. I, § 19; G.S. 14-208.18; 115C art. 9; 115C-45(c)(2), -47(55), -276(r), -288, -390.1, -390.2, -390.7, -390.8, -390.9, -390.10, -390.11, -390.12, -402; State Board of Education Policy GCS-D-000; *Policies Governing Services for Children with Disabilities*

Cross References: Hearings Before the Board (policy 2500), Alternative Learning Programs/Schools (policy 3470/4305), Student Sex Offenders (policy 4260), School Plan for Management of Student Behavior (policy 4302), Drugs and Alcohol (policy 4325), Criminal Behavior (policy 4335), School-Level Investigations (policy 4340), Student Discipline Records (policy 4345), Short-Term Suspension (policy 4351), Student Discipline Hearing Procedures (policy 4370)

Adopted: June 16, 2014

Revised: August 3, 2015

The Board of Education believes there is no substitute for the uninterrupted personal contact between students and teachers in the classroom environment where learning experiences are carefully planned by the teachers. Classroom attendance and participation is an integral part of the school experience. Regular attendance also develops patterns of behavior essential to success in later life, both personal and business. Even though students may make up work missed because of absences, they may never be able to replace the educational, cultural and social contacts they would have experienced through face to face instruction and class participation. Accordingly, the Wilkes County Board of Education expects each student to attend every class.

This policy contains the following three distinct provisions:

- A. Compulsory Attendance Requirements.
- B. Support to Students with Excessive Absences.
- C. The Wilkes County Board of Education's Attendance Requirements for Promotion to the Next Grade.

#### **A. COMPULSORY ATTENDANCE REQUIREMENTS**

North Carolina General Statute 115C-378 provides that "Every parent, guardian or other person in this State having charge or control of a child between the ages of seven and sixteen years shall cause such child to attend school continuously for a period equal to the time which the public school to which the child is assigned shall be in session. Every parent, guardian, or other person in this State having charge or control of a child under age seven who is enrolled in a public school in grades kindergarten through two shall also cause such child to attend school continuously for a period equal to the time which the public school to which the child is assigned shall be in session unless the child has withdrawn from school. No person shall encourage, entice, or counsel any such child to be unlawfully absent from school. The parent, guardian or custodian of a child shall notify the school of the reason for each known absence of the child, in accordance with local school policy..." North Carolina General Statute 115C-380 provides for a criminal penalty for any parent, guardian or other person violating the provision of the *State Compulsory Attendance Laws*. The *State Compulsory Attendance Laws* shall be strictly observed by the Wilkes County Board of Education. They are appended to this Policy for easy review.

#### **TERMS**

**ATTENDANCE** -To be considered in attendance, a student must be present in the school for at least one-half of the school day or at a place other than the school with the approval of the [principal](#) to attend an authorized school activity (school related absence).

**EXCUSED ABSENCES** - The Wilkes County Board of Education shall excuse the temporary absence of a student upon showing of satisfactory evidence of one of the following bases:

1. Illness or injury prevents the student from being physically able to attend school or the local health officer or the State Board of Health orders the isolation of the student.
2. The student is absent due to the death of a member of the immediate family of the child.

3. The student has a medical or dental appointment or such an appointment which has been approved in advance by the [principal](#).
4. The student is a party to or is under subpoena as a witness in the proceedings of a court or administrative tribunal.
5. The student has obtained prior approval by the [principal](#) to be absent due to the observance of an event required or suggested by the religion of the student or the student's parents.
6. The student obtains prior approval (by the [principal](#)) to take advantage of a valid educational opportunity, such as travel. Educational Travel is unexcused until class assignments are made up to the satisfaction of the teacher. Educational travel absences will be included in the maximum number of allowed absences per year as defined below\*.

**INVOLUNTARY SUSPENSIONS** - The absence of a student which results from suspension, out of school, for misconduct pursuant to the provisions of N.C.G.S. 115C-391, shall not be considered an unexcused absence for the purposes of the *Compulsory Attendance Law*. However, such an absence shall be treated as an unexcused absence for purposes of makeup work time and co-curricular activity eligibility. Middle School (6-8) students may be required to attend Alternative Learning Program (ALP) in order to be considered for promotion.

#### **SCHOOL RELATED ABSENCES -**

The Wilkes County Board of Education shall excuse the temporary absence of a student from school when that student is at a place other than the school with the approval of the [principal](#) to attend an authorized school activity.

It is the intention of the Wilkes County Board of Education that classes missed for authorized school activities as outlined above is kept to an absolute minimum through close scrutiny of the [principal](#). School related activities shall not be counted or coded as absences from either class or school. However, students shall follow the same procedure for makeup work as they do for other excused absences.

**TARDY** - Each instance when a student is late for a class or checks out early three (3) unexcused tardies to school shall constitute one unexcused absence for the purpose of this policy. This will be monitored by the classroom teacher and/or principal designee.

#### **NOTIFICATION OF EXCESSIVE ABSENCES**

The laws require that the school notify parents of excessive unexcused absences under the conditions that follow. It is the responsibility of the parent(s)/guardian(s) to update the school with a current mailing address at all times.

1. After the third unexcused absence:
  - a. The [principal](#) or his designee shall notify the parent/guardian by mail.

- b. If unable to contact the parent/guardian, the **principal** shall refer the matter to a school social worker or his designee for immediate investigation.
2. After six unexcused absences, the **principal** or his designee shall notify the parent/guardian of the student's excessive number of unexcused absences from school.
  - a. Notification of the parent shall be by mail and shall state that the parent may be in violation of the *North Carolina Compulsory Attendance Law* and may be prosecuted if the absences cannot be justified under established attendance policies (see G.S. 115C-378).
  - b. A copy of the notice will be directed to the school social worker, or other appropriate school personnel, who will work with the student and family to remedy the problem (see G.S.115C-378).
3. If a student accumulates 10 unexcused absences in a school year, the student's parent/guardian shall be notified by mail of the student's excessive number of unexcused absences. The **principal** shall also review any reports or investigation prepared pursuant to G.S. 115C-378 through 115C-381 and shall confer with the student and his parent/guardian if possible to determine whether the parent/guardian received notification pursuant to the requirements of the *Compulsory Attendance Law* and made a good faith effort to comply with the law. If the **principal** determines that the parent/guardian has not, he shall notify the district attorney's office, and/or the Department of Juvenile Justice, and/or the Director of Social Services.

## **B. PROVIDING SUPPORT TO STUDENT WITH EXCESSIVE ABSENCES**

The **principal** and his staff shall take appropriate action to help prevent excessive absences. Parents shall be notified of their child's absences, as above outlined. Parent(s)/guardian(s) will also be notified when a child accumulates ten (10) total absences. Where appropriate, the **principal** and/or his staff may require parent(s) or guardian(s) to attend a school based attendance meeting. School personnel shall work with the student's family in an attempt to eliminate the problem, counsel, and recommend other appropriate resources as needed.

## **C. THE WILKES COUNTY BOARD OF EDUCATION'S ATTENDANCE REQUIREMENTS FOR PROMOTION TO THE NEXT GRADE**

**EXCUSED ABSENCES** - A note is required for each excused absence within three (3) days of returning to school. When a child accumulates 10 or more absences, the principal will determine if the parent(s) or guardian(s) will be required to attend a school-based attendance meeting to develop a plan to improve attendance. A doctor's note may be required for future absences to be considered excused.

**UNEXCUSED ABSENCES** - For every unexcused absence, the student shall immediately meet with each teacher of every class missed and shall make up all work to the satisfaction of the teacher of the class missed. A note is required for every absence within three (3) days of returning to school.

### **LOSS OF OPPORTUNITY TO BE PROMOTED TO THE NEXT GRADE**

Irrespective of how absences are coded, if the parent(s) or guardian(s) of a student in grades K-8 who does not comply with the requirement of attending a school-based attendance meeting, committee/principal requirements, and the student does not comply with the requirement of completing the makeup work to the satisfaction of the teacher as above outlined, the student may not be promoted, pending appeal as described herein below.

### **APPEAL PROCESS**

Any student who is denied the opportunity to be promoted to the next grade due to inadequate attendance as provided for herein shall have a right to appeal to the school's attendance committee. The procedure for appeal shall be as follows:

1. Each school shall have an attendance committee which shall include an administrator, a teacher, the school social worker, the counselor and such additional members as may be appointed at the sole and complete discretion of the school **principal**.
2. The attendance committee shall meet as needed.
3. When a student has accumulated ten (10) absences, the student and his parent/guardian shall be notified, in writing that the student may be denied the opportunity to be promoted to the next grade, unless the student makes up all work and the parent(s)/guardian(s) attend a school-based attendance meeting as set out hereinabove. The written notice shall advise the student and his parent/guardian that he may appeal the denial of the opportunity to be promoted to the next grade to the school's attendance committee by submitting a request for appeal to the **principal** five (5) school days within receipt of the notification referred to hereinabove. A parent conference can be requested by the parent or school. The failure of the school to provide this notification shall not negate the policy.
4. Any appeal to the attendance committee must be submitted, in writing, to the **principal** not later than five (5) school days after the student and his parent/guardian receive notice pursuant to paragraph 3 above. The notice of and request for appeal must state the reason the student should be allowed the opportunity to be promoted to the next grade without making up work and parent(s)/guardian(s) compliance with meeting requirements. Written documents in support of the student's statement may be attached to the notice of and request for appeal.
5. Upon receiving an appeal from the student and or parent/guardian, the attendance committee shall meet and review the written records submitted by the school and by the student and his parent/guardian. If the committee's decision is in favor of the student,



the student and his parent/guardian shall be so notified. If the committee determines that it cannot decide the matter in the student's favor based upon the written records, the committee shall arrange a time for a hearing at the convenience of the committee members and the student, which hearing shall be no more than ten (10) school days after the committee makes that determination.

6. The attendance committee can decide to:
  - a. allow the student the opportunity to be promoted to the next grade upon the completion of a designated amount of make-up time and/or completion of appropriate work to compensate for loss of instruction, or other activities as established by the committee;
  - b. deny the student the opportunity to be promoted to the next grade
7. If the decision of the attendance committee is adverse to the student, the student and his parent/guardian shall have five (5) days from the date of notification of the committee's decision to appeal the decision to the superintendent or his designee.

**EXCEPTIONAL CHILDREN -** Those students identified and classified as Exceptional Children who appeal loss of opportunity to be promoted to the next grade for failure to comply with this Policy shall first have their appeal data reviewed by their school's Exceptional Children's School Based Committee.

**ADDENDUM -** The [principal](#) will have the option to require a doctor's excuse when a student has had excessive absences. Doctor notes will be accepted at the [Principal's](#) discretion.

Legal References: G.S. 115C-378, 380, 391; 16 NCAC 6D .0103

Cross References: Curriculum Development (policy 3100), Graduation Requirements (policy 3460)

Adopted: August 9, 1993

Revised: July, 1994, May 17, 2004, May 7, 2007, January 7, 2008, June 4, 2012

All student records will be accurate current and maintained with appropriate measures of security and confidentiality. The **principal** is responsible for meeting all legal requirements pertaining to the maintenance, review and release of records retained at the school.

#### A. ANNUAL NOTIFICATION OF RIGHTS

The **principal** is responsible for providing eligible students and parents with annual notification of their rights under the Family Educational Rights and Privacy Act (FERPA). The notice must contain all information required by federal law and regulations. The school district does not have to individually notify parents or eligible students of their rights, but must provide the notice in a manner reasonably likely to inform the parents and eligible students of their rights. Effective notice must be provided to parents or eligible students who are disabled or whose primary or home language is not English.

#### B. REVIEW, RELEASE OF RECORDS TO PARENT, GUARDIAN OR ELIGIBLE STUDENT

A parent, guardian or eligible student (one who is at least 18 years old or is married) will be allowed access to the student's records upon proper request. A formal review of a student's complete records will be conducted only in the presence of the **principal** or his or her designee. School personnel will not destroy any educational records if there is an outstanding request to inspect or review the records.

A parent, guardian or eligible student has the right to challenge an item in the student record believed to be inaccurate or inappropriate. The **principal** will examine a request to amend a student record item and respond in writing to the person who challenges the item. Subsequent steps, if necessary, will follow the student grievance procedures as provided in Board of Education policy 1740/4010, Student and Parent Grievance Procedure.

#### C. RELEASE OF RECORDS TO OTHERS

Student records will be released promptly when a student transfers to another school, and in other circumstances specifically permitted by law. Written permission by a parent, guardian or eligible student is required for the release of a student's records in any other circumstance.

Directory information on students may be utilized by the school district, individual schools or organizations, after providing proper notice and the opportunity to object to the parent, guardian or eligible student (Board of Education policy 1310/4002, Parental Involvement). The following information is considered to be directory information:

- student's name;
- address;
- telephone listing;
- date and place of birth;
- participation in officially recognized activities and sports;
- weight and height of members of athletic team;
- dates of attendance;
- diplomas, certification and awards received;
- most recent previous school or education at institution attended by the student; and

- 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.

Decisions to provide directory information to outside organizations must be approved by the superintendent or his or her designee. If information is to be provided to outside organizations, parents, guardians and eligible students should be notified of this potential use. The school district is not to discriminate between requests for directory information from organizations that are similar in purpose. If directory information is made available to persons or organizations which make students aware of occupational or educational options, the school district will provide access on the same basis to recruiters of the military forces of the State or United States for the purpose of informing students of educational and career opportunities available in the military.

Students with recognized exceptionalities will be accorded all rights in regards to their records as provided by state and federal law, including the Individuals with Disabilities Act.

Records cannot be withheld from a valid request by a parent, eligible student or school for any reason, including in order to collect fines assessed to the parent or student.

#### D. SURVEYS, EVALUATION

No student will be required, as a part of any applicable program, to submit to a survey, analysis or evaluation that reveals information concerning:

- political affiliations;
- mental and psychological problems potentially embarrassing to the student or the student's family;
- sex behavior and attitudes;
- illegal, antisocial, self-incriminating and demeaning behavior;
- critical appraisals of other individuals with whom respondents have close family relationships;
- legally recognized privileged and comparable relationships, such as those of lawyers, physicians and ministers; or
- income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, h, 34 C.F.R. pt. 99; Individuals with Disabilities Education Act, 20 U.S.C. § 1411 et. seq.; G.S. 115C-47(26), -114, -402

Cross References: Student and Parent Grievance Procedure (policy 1740/4010), Parental Involvement (policy 1310/4002), Disciplinary Action for Exceptional Children/Disabled Students (policy 4307), Student Discipline Records (policy 4345)

Adopted: January 9, 2006

The Wilkes County Board of Education recognizes that students may need to take medication during school hours. The school district will administer drugs or medication prescribed by a doctor upon the written request of the parents. A physician's signature is required on the Physician's Authorization of Medication for a Student at School form, which details the name of the drug, dosage, and time interval for the medication that the student is to receive. Under no circumstances are any drugs to be administered that have not been prescribed by a physician and with respect to which parental permission has not been obtained. Contraindications for administering of medicine must be clearly stated by the physician. To minimize disruptions to the school day, medicines should be taken at home rather than at school whenever feasible. The school district is not required to administer any medication that could be taken at home.

Following the WCS medical advisor's protocol, the school nurse is permitted to administer over-the-counter medication to a student with parental permission. For emergencies arising from an unidentified allergic reaction, the school will follow the system medical advisor's protocol regarding school nurse administering epinephrine.

The school will assume no responsibility for students who self-medicate or for the transportation of medication to or from school. Students who self-medicate must follow the administrative rules regarding self-medication procedures or risk possible violation of the Drug, Alcohol, and Tobacco provisions of Student Behavior Policy.

*Each school must establish rules on the administration of prescription and non-prescription drugs. These rules must be made available to all students and parents each school year. All school plans must conform to the following requirements:*

1. The health and welfare of the student must be of paramount concern in all decisions regarding the administration of medicine.
2. 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.
3. No student can possess, use or transmit any drug or counterfeit drug prohibited by Board of Education policy 4325, Narcotics, Alcoholic Beverages and Stimulant Drugs.
4. School personnel will administer medicine from a centralized location and medicines maintained by the school district for a student will be kept in a locked and secure place.
5. Any school personnel who will be administering medicines will receive appropriate training.
6. School personnel may administer only drugs clearly prescribed or intended for the student. Medication that has been prescribed by the physician must be brought to school in a container appropriately labeled by the pharmacy or by the physician. Medication should

be delivered to the main office of the school by the parent. They should not be carried on the bus. If school personnel have concerns regarding the appropriateness of a drug or dosage for a student, a confirmation should be obtained from the student's doctor or another doctor prior to administering the medicine or allowing a student to self-administer a medicine.

7. Any student requiring medication for asthma or subject to anaphylactic reaction, or both, or who is diabetic *should be allowed to self-administer their medication during the school day, at school-sponsored activities, or while on the bus or other school property.* “Asthma medication” means a medicine prescribed for the treatment of asthma or anaphylactic reactions and includes a prescribed asthma inhaler or epinephrine auto-injector. A) *The parent/guardian will provide written authorization for the student to possess and self-administer the asthma medication, or medication for diabetes.* B) *The licensed health care provider will provide a written statement verifying that the student has asthma or an allergy that could result in an anaphylactic reaction, or both, or has diabetes. The licensed health care provider prescribes the medication for use at school. The licensed health care provider provides a written statement that the student understands, has been instructed in self-administration of the medication, and demonstrates the skill level necessary to use the medication and device necessary to administer the medication. The licensed health care provider formulates a written treatment plan and emergency protocol for managing the student's asthma or anaphylaxis episode or diabetes and for medication use by the student.* C) *The parent will supply backup medication to be kept at the student's school in a location to which the student has immediate access in the event of an asthma or anaphylaxis emergency.* D) *The student must demonstrate to the school nurse the skill level necessary to use the diabetes or asthma medication and any device that is necessary to administer the medication.*
8. The person(s) who have been designated by the principal to provide for the security of the medications and for the administration of the medication to the student shall maintain records of the administration as follows:
  - the date and time when the medication is first administered to the student (and each subsequent administration) under the authorized agreement and the name of the drug, dosage, and route; and
  - the date when the medication is discontinued.

Medication that is administered only “as needed” is to be recorded each time it is given. The person administering the medicine should record the date, time, and route of administration.

9. The school nurse who serves the school will coordinate this program under the direction of the principal. The nurse will review the documentation of medications administered on a periodic basis so that each individual student is effectively monitored. *The school nurse will conduct an on-site audit of all medications administered at school and related documentation. These audits will be conducted at least once each school year. Documentation of the audit results will be shared with the school's principal. Additional*

*audits will be conducted as deemed necessary by the school nurse.* 10. Although efforts should be made not to disrupt instructional time, a parent has the right to administer medicines to his or her child at any time while the child is on school property.

11. *Any incident/error in administering medication, including but not limited to, incorrect student, incorrect medication, incorrect dose, or incorrect time must be reported to the parent/guardian and principal immediately for appropriate action. A written incident report must be completed for each medication incident/error and attached to the Medication Log.*
12. *A student's prescribed medication(s) will be taken on field trips unless otherwise instructed by the parent/guardian prior to the field trip.*
13. 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 and state confidentiality laws. Any employee who violates the confidentiality of the records may be subject to disciplinary action.

Legal References: Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq.; Americans with Disabilities Act, 42 U.S.C. 12101; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794; G.S. 115C-36, -307(c), GS115C-375.2

Cross References: Parental Involvement (policy 1310/4002), Narcotics, Alcoholic Beverages and Stimulant Drugs (policy 4325)

Adopted: July 26, 2005

The Wilkes County Board of Education recognizes the use of tobacco products is a health, safety, and environmental hazard for students, employees, visitors, and school facilities. The Board believes that the use of tobacco products on school grounds, in school buildings and facilities, on school property or at school-related or school sponsored events is harmful to the health and safety of students, staff, and visitors. The Board acknowledges that adult employees and visitors serve as role models for students. The Board recognizes that it has a responsibility to promote positive role models in schools and promote a healthy learning and working environment, free from unwanted smoke and tobacco use for the students, employees, and visitors on the school campus. Finally the Board recognizes that it has a legal authority and obligation pursuant to G.S. 115C-407 *Policy Prohibiting Tobacco Use in School Buildings* as well as the federal *Pro-Children's Act, Title X of Public Law 103-227* and the *No Child Left Behind Act*.

#### TOBACCO USE PROHIBITED

No students, staff members, or school visitors may be permitted to use tobacco products or electronic cigarettes of any kind on school property at any time. This will include athletic fields and parking lots owned, leased, rented, or chartered by the Wilkes County Board of Education. This will also include any school-sponsored or school-related event on campus or off campus in view of the general public or any or all persons of student age.

In addition, school district employees, school volunteers, or other persons performing services on behalf of the school district are also prohibited from using tobacco products at any time while on duty either on or off school grounds in the presence of students.

Further, no student is permitted to possess a tobacco product while in any school building, while on school grounds or property or at any school-sponsored or school-related event or at any other time that students are under the authority of school personnel.

Tobacco products may be included in instructional or research activities in public school buildings if the activity is conducted or supervised by the faculty member overseeing the instruction or research and the activity does not include smoking, chewing, or otherwise ingesting the tobacco product.

#### DEFINITION OF TOBACCO PRODUCTS, TOBACCO USE, AND ELECTRONIC CIGARETTE

For the purposes of this policy, "tobacco product" is defined to include cigarettes, cigars, blunts, bidis, pipes, chewing tobacco, snuff and any other items containing tobacco. "Tobacco use" includes smoking, chewing, dipping, or any other use of tobacco products. An electronic cigarette is defined as a cigarette-shaped device containing nicotine-based liquid that is vaporized and inhaled, used to simulate the experience of smoking tobacco.

#### SIGNAGE

Signs will be posted in a manner and location that adequately notify students, staff, and visitors of/about the tobacco-free schools policy.

#### ENFORCEMENT FOR STUDENTS

Consequences for engaging in the prohibited behavior will be provided in accordance with the school's student behavior management plan. Students who violate the school district's tobacco use policy will be referred to the counselor, an in-school cessation program provided or other health or counseling services for all offenses for health information, counseling, and referral. The administration will consult with appropriate health organizations in order to provide student violators with access to up-to-date information on the consequences of tobacco use, offer techniques that students can use to stop tobacco use at school, and provide referrals to local youth tobacco cessation programs. Parents/guardians will be notified of all violations and actions taken by the school. The school may also use community service as part of the consequences.

#### ENFORCEMENT FOR STAFF

Staff will be notified of all consequences relating to the violation of the tobacco-free schools policy. Consequences for employees who violate the tobacco use policy will be in accordance with personnel policies and may include verbal warning and written reprimands. Consequences will be consistent throughout the Wilkes County School System.

#### ENFORCEMENT FOR VISITORS

Visitors using tobacco products will be asked to follow school policy.

#### OPPORTUNITIES FOR CESSATION

The administration will consult with the health department or other appropriate health organizations to provide students and employees with information and access to support systems, programs, and services to encourage them to abstain from the use of tobacco products.

#### PREVENTION EDUCATION

The administration will consult with appropriate health organizations to identify and provide programs or opportunities for students to gain a greater understanding of the health hazards of tobacco use and the impact of tobacco use as it relates to providing a safe, orderly, clean, and inviting school environment. The administration will insure, per G.S. 115C-81.a3.11, that the State Mandated Curriculum for grades K-9 will be taught using sequential, age appropriate, current, accurate, evidenced-based curricula and a skills-based approach (involving students in active "hands on" learning experiences).

#### PROCEDURES FOR IMPLEMENTATION

The administration will develop a plan for communicating this policy which will include information in student and employee handbooks, announcements at school-sponsored or school-related events, and appropriate signage in buildings and around campus. Enforcement procedures, which identify consequences for students, staff and visitors who violate the policy, will be communicated to all students, staff, and parents.

Legal References: P.L. 103-227; 20 U.S.C. 6081-6084; Pro-Children Act of 1994; G.S. 115C-407(18)



Cross References:

Adopted: March 6, 2006

Revised: April 4, 2011, December 2, 2013

## Grading Procedures

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An evaluation system of students' academic performance is necessary to help ensure that all students are succeeding within the framework of the educational goals and objectives of the Board of Education.

It shall be the policy of this Board of Education that no student shall receive an average lower than 50 for reporting purposes. Students shall receive grades according to the following system:

Grades K-3

- 4-Exceeds grade level expectations
- 3-Meets grade level expectations
- 2-Approaches grade level expectations
- 1-Does not meet expectations

Grades 4-5

(Numerical Grade Issued)

- S- Satisfactory
- N-Needs Improvement
- U-Unsatisfactory

A (superior)	90-100
B (above average)	80-89
C (average)	70-79
D (below average)	60-69
F (unsatisfactory)	59-50

# **NON-DISCRIMINATION STATEMENT**

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## **Public Notice**

In compliance with federal laws, Wilkes County Schools administers all locally operated educational programs, employment activities and admissions without discrimination because of race, religion, national or ethnic origin, color, age, marital status, pregnancy, military service, disability, or gender, except where exemption is appropriate and allowed by law. Questions or concerns should be directed to:

Dr. Westley Wood, Executive Director of Personnel  
Chris Skabo, Title IX Coordinator  
Tracee McManus, Director of Exceptional Children, ADA  
Dr. Joe Bullis, Title 1, ESL/Title III  
Anna Lankford, Associate Superintendent, Title II  
Dr. Donna Cotton, Director of Secondary Education, CTE, Vocational Programs  
April Marr, 504 Coordinator

Wilkes County Schools  
613 Cherry Street  
North Wilkesboro, NC 28659  
Phone: (336) 667-1121

## **Declaración Sobre la Discriminación**

### **Aviso Público**

De acuerdo con las leyes federales todos los programas educativos locales y toda actividad de empleo del sistema escolar del condado de Wilkes se administra sin discriminación en base a la raza, la religión, el origen nacional o étnico, el color, la edad, el estatus marital, estado de embarazo, servicio militar, discapacidad o género, excepto cuando la exención sea la apropiada o permitida por ley. Cualquier pregunta o preocupación puede ser dirigida a:

Dr. Westley Wood, Director Ejecutivo de Recursos Humanos  
Chris Skabo, Coordinador de Título IX  
Tracee McManus, Directora Ejecutiva del Programa de Enseñanza Especiales, ADA  
Dr. Joe Bullis, Título 1, ESL/Título III  
Anna Lankford, Superintendente Adjunto, Título II  
Dr. Donna Cotton, Director del CTE, Programas Vocacionales  
April Marr, Coordinador de la Sección 504

Wilkes County Schools  
613 Cherry Street  
North Wilkesboro, NC 28659  
Teléfono: (336) 667-1121

**CONTRACTS - RETURN THIS SHEET TO SCHOOL**

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**I have received and reviewed Wilkes County Schools’ Policies for Students in Grades K – 5.**

\_\_\_\_\_  
Parent’s Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Student’s Name