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## ***Policy 4220: Student Code of Conduct***

The purpose of this code is to promote a healthy learning environment and to help students develop as responsible citizens. Teachers and administrators are encouraged to use positive disciplinary measures to the extent possible. Further, they should be familiar with and use a continuum of disciplinary actions, reserving more serious measures for more serious behaviors. It is important, however, for all students and staff members to understand that violent, disrespectful, or disruptive behavior is unacceptable. This code is based on the General Statutes of North Carolina. Students who violate these policies will be subject to disciplinary action by school officials.

General Statute 115C-307 states “that it shall be the duty of all teachers, including student teachers, substitute teachers, voluntary teachers, and teacher assistants when given authority over some part of the school program by the principal or supervising teacher, to maintain good order and discipline in their respective schools.” The principal is further authorized by G.S. 115C-288 “to exercise discipline over the pupils of the school” and to “assign duties to teachers with regard to the general well-being and medical care of students.”

Students are expected to demonstrate respect for themselves and others, as reflected in their dress, decorum, and interactions with school personnel and other students. They are further expected to demonstrate responsible citizenship by working cooperatively with the staff to promote a positive climate in the school.

The following rules prohibit certain behaviors by students and subject those who violate them to disciplinary actions, including the possibility of suspension or expulsion. In addition, note that specific behaviors that are against the law may also lead to prosecution within the legal system. To the extent the Student Code of Conduct is in conflict with North Carolina or Federal law, then the provisions of North Carolina or Federal law will control and supercede such inconsistent provisions, if any, of the Student Code of Conduct.

### ***4220.1 Definitions***

**Alternative Setting**—Part or full-time programs providing direct or computer-based instruction in a setting other than the student’s assigned school that allow a student to progress in one or more core courses.

**Day or Days**—school days excluding teacher workdays, holidays, vacation days and weekends, unless otherwise specified.

**Parent**—includes the natural parent, legal custodian, legal guardian or other caregiver adult who is acting in the place of a parent and is entitled under state law to enroll the student in school.

**Principal** – when used in this policy, the term “principal” may include another administrator or teacher to whom the principal has designated authority.

**Serious Physical Injury** – any significant or aggravated bodily injury, including but not limited to broken bone(s), loss or chipping of teeth, loss or impairment of vision, loss of consciousness, internal injuries, scarring or other disfigurement, significant bleeding, lacerations resulting in sutures, significant bruising, severe or prolonged pain, any injury requiring hospitalization for any period of time, and/or any injury resulting in medical treatment beyond simple first aid procedures.

**Superintendent** – the Superintendent or the Superintendent’s designee.

### ***4220.2 Scope***

1. All students shall comply with the Student Code of Conduct of the Alamance-Burlington School System, state and federal laws, school board policies, and local school rules governing student behavior and conduct. This code applies to any student who is on educational property, which includes any school building or bus, school campus, grounds, recreational area, athletic field, or other property under the control of the board of education. Students may also be disciplined for conduct that occurs off educational property that violates this Code of Conduct if the conduct 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.

2. School-based administrators are authorized to handle any incident that is not covered or mentioned in this handbook in a timely and appropriate manner. This code is not intended to restrict in any way the authority of principals to make such rules, not inconsistent with this code, as they are authorized by law to make for the government and operation of their respective schools, or with the authority of teachers to make such rules, not inconsistent with this code, as they are authorized by law to make for their respective classes. Principals will notify students of any school rules that may result in out-of-school suspension.

### **4220.3 Discipline Measures**

A suggested range of consequences is listed under each Rule. Principals have discretion to impose punishment outside the suggested range. In selecting a disciplinary consequence, principals may consider the presence of aggravating or mitigating circumstances, such as:

- The student's age;
- The student's intent;
- The student's disciplinary history, including number of infractions and prior discipline for the same violation;
- The student's academic history;
- Whether the conduct caused a threat to safety;
- Whether school property or personal property was damaged;
- Whether the conduct caused a substantial disruption of the educational environment;
- Whether a weapon was involved and whether any injury resulted.

Long-term suspensions are reserved for serious violations of the Code of Conduct that either threaten the safety of students, staff, or school visitors or threaten to substantially disrupt the educational environment. Students receiving services under an IEP or 504 plan will be disciplined in accordance with state and federal laws pertaining to children with disabilities.

#### ***The following is a non-exclusive list of consequences for violating the Student Code of Conduct:***

**Conference with Parents** - Parents are encouraged to set up an appointment with any teacher, counselor or administrator to discuss their child's progress or problems. In the case of serious or repeated violations of school rules, an administrator shall schedule a parent conference to discuss the child's behavior.

**Confiscation** - Any student's property that disrupts the learning environment may be removed from that student's possession. In the case of non-threatening property, the parent may reclaim the property when attending a conference with a school official. Any property that may cause a threat to any person or school property may be turned over to law enforcement officials.

**Restitution** - The replacement of or payment for any property taken, damaged or destroyed.

**After-School Detention (ASD)** - Any teacher or principal may detain a student before or after regular school hours for violation of the Student Code of Conduct. Parents should be notified 24 hours in advance.

**Removal from the Classroom** - Any student may be removed from regular class activities for any portion of a school day, if necessary to maintain order and safety or to conduct an investigation of a school discipline matter, as long as he/she is placed under the supervision of an adult.

**Suspension from Extracurricular Activities/Loss of Privileges** - A student may be suspended from participating in any or all extracurricular activities including graduation exercises for violation of the Student Code of Conduct. Principals, teachers and/or their designees may withdraw specific school privileges from students who exhibit inappropriate behaviors.

**Removal from School Provided Transportation** - Students who violate the Code of Conduct may be prohibited from riding the bus or other school provided transportation for any period of time up to the remainder of the school year.

**In-School Suspension (ISS)** - In-school suspension is provided as an alternative environment for certain infractions of the Student Code of Conduct. The student is counted as present and is required to complete assignments developed by his/her regular teachers. Credit is given for this work. A student will not be allowed to participate in or attend any extracurricular activities during the period of in-school suspension. ISS is not considered a short-term suspension.

**Out-of-School Suspension (OSS)** - A student may be suspended from attendance at school for violations of the Student Code of Conduct. A student will not be permitted on any school grounds or allowed to participate in or attend any extracurricular activities during the period of out-of-school suspension.

- *Short-term suspension is for 10 days or less.*

- *Long-term suspension is for more than 10 days and up to the end of the school year, except that if the conduct leading to the long-term suspension occurs in the final quarter of the school year, the suspension may be extended up to and including the first semester of the following school year.*

- *365-day suspension is used for special circumstances defined by state law.*

**Expulsion** - The Board of Education may, upon recommendation of the Superintendent and Principal, permanently expel from the Alamance-Burlington Schools any student 14 years of age or older whose behavior indicates that the student's continued presence in the school constitutes a clear threat to the safety of other students or employees. 3

## ***Court Referral / Involvement of Law Enforcement Agencies***

**Alternatives to Discipline** - In addition to the range of disciplinary measures listed above, students may be referred to one or more alternative services or programs, as determined by school officials.

**Referral to the Student Assistance Team** - Students who exhibit chronic and persistent discipline problems may be referred to this team for development of strategies to address the problem.

**Referral to Alternative Program** - Students may be referred to educational services provided by the system or another provider in a setting other than the student's school assignment. If a student is reassigned to the alternative program for disciplinary reasons, the program will be a full-time program that meets the academic requirements of the North Carolina Common Core Standards and provides the student with the opportunity to make timely progress toward grade promotion and graduation.

**Alternative to Suspension Program** - Students suspended for three to ten days (short-term suspension) may receive a recommendation for this program. Parents must provide transportation.

**Teen Court** - An alternative for certain offenses offered through Alamance County Dispute Settlement and Youth Services, Inc.

## ***4220.4 Rules of Student Conduct***

The following rules for conduct apply to all students and violation of the rules will result in the disciplinary consequences described. The Principal is granted the authority to exercise good judgment and apply a greater or lesser consequence than those stated.

### **Rule 1: Noncompliance with Directives from Principals, Teachers and Other School Personnel**

Students shall comply with classroom rules and the directives of all school personnel at all times while a student is under the authority of school personnel.

#### **Consequences**

*Elementary* - Ranging from in-school disciplinary action up to 3 days OSS

*Middle School* - Ranging from in-school disciplinary action up to 10 days OSS

*High School* - Ranging from in-school disciplinary action up to 10 days OSS

### **Rule 2: Dress Code**

The appearance of any young person is primarily the responsibility of that individual and his/her parents. Each student is expected to maintain an appearance that is neither distracting to other students nor disruptive to the educational environment and healthy climate of the schools.

**Headwear:** No hats, bandannas or other types of headgear or sunglasses may be worn in the building.

**Clothing:** Student dress and grooming should meet minimum standards of hygiene and be presentable for the educational environment. No clothing may be worn which is provocative, revealing, profane, vulgar or obscene; which endangers the health or safety of the student or others; or which might reasonably be expected to cause substantial disruption or material interference with school activities.

Examples of prohibited dress or appearance include, but are not limited to, exposed undergarments; sagging pants; excessively short or tight garments; bare midriff shirts; strapless shirts; attire with messages or illustrations that are lewd, indecent or vulgar or that advertise any kind of product or service not permitted by law to minors; see-through clothing; attire that exposes cleavage; any adornment such as chains or spikes that could reasonably be perceived as a weapon; and any symbols, styles or attire associated with intimidation, violence, or violent groups about which students at a particular school have been notified. Individual schools may adopt more specific dress codes, consistent with this policy. Reasonable accommodations shall be made on the basis of religious beliefs or medical conditions. For a first offense, students will be given a warning and required to change clothes.

#### **Consequences**

*Elementary* - In-school disciplinary action

*Middle School* - Ranging from in-school disciplinary action up to 3 days OSS

*High School* - Ranging from in-school disciplinary action up to 3 days OSS

### **Rule 3: Integrity**

Students shall not cheat, lie, plagiarize, falsify notes or other documents, or provide false information to school officials with regard to any report card, attendance matter, grades or progress reports, discipline matters or any other school business. Students should also refer to the **Internet Acceptable Use Policy** for rules governing integrity and the use of electronic resources.

*Cheating* is producing academic work by means of dishonesty or deceit.

*Plagiarism* is copying the language, structure, or idea of another and representing it as one's own work.

*Falsification* is the verbal or written statement of any untruth, including forged signatures or other forgeries.

#### **Consequences**

*Elementary* - In-school disciplinary action and possible zero on assignment

*Middle School* - Ranging from in-school disciplinary action up to 5 days OSS and possible zero on assignment

*High School* - Ranging from in-school disciplinary action up to 10 days OSS and possible zero on assignment

### **Rule 4: Trespassing**

No student shall be on the campus of any school except the one to which the student is assigned during the school day without the knowledge and consent of the officials of that school. Students who loiter at any school after the close of the school day will be considered trespassers. If the student does not leave when instructed to do so, he/she may be prosecuted. A student under suspension from school is trespassing if he/she appears on the property of any school or at any school sponsored activity during the suspension period without the express permission of the principal.

#### **Consequences**

*Elementary* - Ranging from in-school disciplinary action up to 1 day OSS

*Middle School* - Ranging from in-school disciplinary action up to 10 days OSS. Law enforcement may be contacted.

*High School* - Ranging from in-school disciplinary action up to 10 days OSS. Law enforcement may be contacted.

### **Rule 5: Attendance**

Every student is expected to be in full-time attendance in his/her assigned classes and to arrive at class on time, except in instances of absences considered excusable under state and local board policy.

#### **Consequences**

*Elementary* - In-school disciplinary action

*Middle School* - Truant from school/specific classes- Ranging from in-school disciplinary action up to 2 days OSS

*High School* - Truant from school/specific classes- Ranging from in-school disciplinary action up to 2 days OSS

### **Rule 6: Inappropriate Interpersonal Behavior**

Students shall conduct their personal and social relationships according to acceptable community standards. Inappropriate public displays of affection or other sexual conduct are not allowed.

#### **Consequences**

*Elementary* - In-school disciplinary action

*Middle School* - Ranging from in-school disciplinary action up to 10 days OSS

*High School* - Ranging from in-school disciplinary action up to 10 days OSS

### **Rule 7: Use of Tobacco Products**

Students shall not use or possess any tobacco product at any time in any building, facility, or vehicle owned, leased, rented or chartered by the Alamance-Burlington Schools, on any school grounds and property – including athletic fields and parking lots – owned leased, rented or chartered by the Alamance-Burlington Schools, or at any school-sponsored or school-related event on-campus or off-campus or at any other time when students are subject to the authority of school personnel. See also *Board Policy 4290*. Administrators are encouraged to provide students with information about the negative health effects of tobacco use and opportunities for treatment of tobacco addiction.

## **Rule 7: Use of Tobacco Products - Continued**

### **Consequences**

- Elementary - Confiscation. Ranging from in-school disciplinary action up to 1 day OSS. Referral for counseling.*
- Middle School - Confiscation. Ranging from in-school disciplinary action up to 2 days OSS. Referral for counseling where appropriate.*
- High School - Confiscation. Ranging from in-school disciplinary action up to 5 days OSS. Referral for counseling where appropriate.*

## **Rule 8: Electronic Devices**

Except as permitted by this policy, no student shall use, display, transmit or have in the “on” position on school property or any wireless communication device or personal entertainment device, including but not necessarily limited to, cell phones, pagers, two-way radios, CD/ MP3 players, and electronic games, or any laser pointer or similar devices during the instructional day. All electronic devices used or possessed in violation of this policy will be confiscated and a parent is required to attend a conference in order to gain possession of the item. In the event of multiple violations of this policy, the principal may prohibit the student from possessing the device on school premises. This rule does not apply to personal vehicles.

### **Consequences**

- Elementary - In-school disciplinary action and confiscation of device.*
- Middle School - Confiscation of device, ranging from in-school disciplinary action up to 5 days OSS.*
- High School - Confiscation of device, ranging from in-school disciplinary action up to 5 days OSS.*

## **Rule 9: Bus Misbehavior**

Students, at all times while riding a school bus or other school-owned or operated vehicle, shall observe the directives of the driver and/or vehicle safety monitor. The following conduct is specifically prohibited and may result in revocation of school system provided transportation privileges: delaying the bus schedule, refusing to obey the driver’s instructions, tampering with or willfully damaging the school vehicle, getting off at an unauthorized stop, distracting the driver’s attention by participating in disruptive behavior while the vehicle is in operation, throwing objects from the bus, failing to observe and obey safety regulations, willfully trespassing on a school-owned or operated vehicle or violating any other Code of Conduct rule while on the school bus. If a violation of this code also violates other rules, consequences in addition to those listed below may be implemented.

### **Consequences**

- Elementary - In-school disciplinary action, short-term or long-term removal from school transportation, and/or OSS.*
- Middle School - In-school disciplinary action, short-term or long-term removal from school transportation, and/or OSS.*
- High School - In-school disciplinary action, short-term or long-term removal from school transportation, and/or OSS.*

## **Rule 10: Bullying and Harassment**

Students shall not engage in bullying or harassment of other students.

Bullying means the repeated intimidation of others by the real or threatened infliction of physical, verbal, written, electronically transmitted or emotional abuse or through attacks on the property of another. Bullying may include, but is not limited to, verbal taunts, name-calling and put-downs, extortion of money or possessions, implied or stated threats, and exclusion from peer groups.

Harassment means any offensive verbal, nonverbal, or physical conduct that is sufficiently severe, persistent, or pervasive to interfere with a student’s ability to participate in or benefit from an educational program or activity.

Any student who believes that he or she has been bullied or harassed in violation of this policy should report such behavior immediately to a teacher, counselor or administrator at his/her school. Retaliation against any person who reports harassment or bullying is prohibited.

### **Consequences**

- Elementary - Ranging from in-school disciplinary action up to 5 days OSS. Law enforcement may be contacted.*
- Middle School - Ranging from in-school disciplinary action up to 10 days OSS. Law enforcement may be contacted.*
- High School - Ranging from in-school disciplinary action up to 10 days OSS. Law enforcement may be contacted.*

## **Rule 11: Threats, False Threats and Acts of Terror**

**A. Threats** - No student shall make any threat through written or verbal language, sign, or act which conveys a serious expression of intent to cause harm or violence. Furthermore, no student shall make a false threat of harm or violence, even in jest, which causes or is reasonably likely to cause fear or a disruption to school activities.

## **Rule 11: Threats, False Threats and Acts of Terror - Continued**

**B. Bomb Threats** - No student shall make or participate in making a bomb threat, defined as a report made by any means of communication to any person or group of persons, knowing the report is false, that there is located on educational property or at a school-sponsored curricular or extracurricular activity off educational property any device designed to destroy or damage property by explosion, blasting, or burning, or who, with intent to perpetrate a hoax, conceals, places, or displays any device, machine, instrument or artifact on educational property or at a school-sponsored curricular or extracurricular activity, so as to cause any person reasonably to believe the same to be a bomb or other device capable of causing injury to persons or property.

**C. Acts of Terror** - No student shall make a report that he or she knows or should know is false, that any device, substance or material designed to cause harmful or life threatening illness or injury to another person, is located on school property or at the site of a school activity.

No student shall, with intent to perpetrate a hoax, conceal, place, disseminate or display on school property or at the site of a school activity any device, machine, instrument, artifact, letter, package, material, or substance, so as to cause a reasonable person to believe the same to be a substance or material capable of causing harmful or life-threatening illness or injury to another person.

No student shall threaten to commit an act of terror on school property or at the site of a school activity that is designed to cause, or is likely to cause, serious injury or death to another person, when the threat is intended to cause, or actually causes, a significant disruption to the instructional day or a school-sponsored activity.

No student shall make a report that he or she knows is false, that an act of terror designed to cause, or likely to cause, serious injury or death to another person on school property or at the site of a school-sponsored activity is imminent, when that report is intended to cause, or actually causes, a significant disruption to the instructional day or a school-sponsored activity.

No student shall aid, abet, and/or conspire to commit any of the acts described in this section.

### **Consequences**

*Elementary* - In-school disciplinary action up to 5 days OSS.

*Middle School* - In-school disciplinary action up to 10 days OSS and recommendation for long-term suspension.

*High School* - In-school disciplinary action up to 10 days OSS and recommendation for long-term suspension.

## **Rule 12: Profane, Obscene, Abusive or Disrespectful Language or Acts**

Students shall not curse or use vulgar, obscene, profane, or seriously disrespectful language or gestures at school, during school activities, or with school personnel.

### **Consequences**

*Elementary* - In-school disciplinary action up to 5 days OSS.

*Middle School* - In-school disciplinary action up to 10 days OSS.

*High School* - In-school disciplinary action up to 10 days OSS.

## **Rule 13: Gambling**

Students shall not engage in any form of games of chance or gambling for money and/or objects of value.

### **Consequences**

*Elementary* - In-school disciplinary action up to 1 day OSS.

*Middle School* - In-school disciplinary action up to 3 days OSS.

*High School* - In-school disciplinary action up to 5 days OSS.

## **Rule 14: Sexual Harassment**

Students shall not engage in sexual harassment as defined in *Policy 4130*.

### **Consequences**

*Elementary* - Up to 5 days OSS

*Middle School* - Up to 10 days OSS and recommendation for long-term suspension. Law enforcement may be contacted.

*High School* - Up to 10 days OSS and recommendation for long-term suspension. Law enforcement may be contacted.

## **Rule 15: Hazing**

Students shall not engage in hazing or aid or abet any other student in the commission of this offense. Hazing means subjecting another student to physical injury as part of an initiation, or as a prerequisite to membership in any organized school group, including any society, athletic team, or other similar group.

### **Consequences**

*Elementary* - Ranging from in-school disciplinary action up to 3 days OSS. Law enforcement may be contacted.

*Middle School* - Ranging from in-school disciplinary action up to 10 days OSS. Law enforcement may be contacted.

*High School* - Ranging from in-school disciplinary action up to 10 days OSS. Law enforcement may be contacted.

## **Rule 16: Unjustified Activation of a Fire or Other Alarm System**

Students shall not activate any fire or other alarm system unless authorized to do so by school employees or unless there are reasonable grounds to believe that an actual emergency situation exists.

### **Consequences**

*Elementary* - Up to 10 days OSS. Law enforcement may be contacted.

*Middle School* - Up to 10 days OSS and/or long-term suspension. Law enforcement will be contacted.

*High School* - Up to 10 days OSS and/or long-term suspension. Law enforcement will be contacted.

## **Rule 17: Fighting and Physical Aggression**

Students shall not engage in fighting or physical aggression toward others, including but not limited to:

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

Students may use force in self-defense only to the extent necessary to get free from the attacker and notify a teacher or administrator. A student who exceeds reasonable force may be disciplined even if he or she did not instigate the fight. Students who instigate fights will be subject to the same consequences under this policy as those who directly engage in fighting.

### **Consequences**

*Elementary* - Up to 10 days OSS. Law enforcement may be contacted.

*Middle School* - Short-term suspension if no serious physical injury results, up to 10 days OSS and/or long-term suspension. Law enforcement may be contacted.

*High School* - Short-term suspension if no serious physical injury results, up to 10 days OSS and/or long-term suspension. Law enforcement may be contacted.

## **Rule 18: Assault on an Adult**

Students shall not cause or attempt to cause bodily harm to teachers, administrators, or other adults. In any case of physical assault by a student on a teacher, administrator or other adult, law enforcement may be contacted.

Any violation of this rule which involves the use of a firearm or destructive device may result in 365-day suspension where permitted by law. Serious violations of this policy may result in recommendation for expulsion where the student's continued presence in the school constitutes a clear threat to the safety of other students or employees.

If a teacher is assaulted or injured by a student and as a consequence that student is long term suspended, reassigned to an alternative program, or expelled, the student shall not be returned to that teacher's classroom without the teacher's consent.

### **Consequences**

*Elementary* - Up to 10 days OSS. Law enforcement may be contacted.

*Middle School* - Short-term suspension up to 10 days OSS and/or long-term suspension. Law enforcement may be contacted.

*High School* - Short-term suspension up to 10 days OSS and/or long-term suspension. Law enforcement may be contacted.

## **Rule 19: Assault on a Student**

Students shall not cause or attempt to cause serious physical injury of any kind to another student. In any case of physical assault resulting in serious injury to another student, law enforcement will be contacted.

Any violation of this rule which involves the use of a weapon or other dangerous instrument shall result in at least a long-term suspension and may result in 365-day suspension where permitted by law. Serious violations of this policy may result in recommendation for expulsion where the student's continued presence in the school constitutes a clear threat to the safety of other students or employees.

### **Consequences**

*Elementary* - Up to 10 days OSS.

*Middle School* - Short-term suspension up to 10 days OSS and/or long-term suspension. Law enforcement may be contacted.

*High School* - Short-term suspension up to 10 days OSS and/or long-term suspension. Law enforcement may be contacted.

## **Rule 20: Extortion**

Students shall not extort through verbal, written or physical threats, coercion, or intimidation anything of value from any other student or school employee.

### **Consequences**

*Elementary* - Restitution where appropriate. Up to 10 days OSS. Law enforcement may be contacted.

*Middle School* - Restitution where appropriate, OSS up to 10 days and/or long-term suspension. Law enforcement may be contacted.

*High School* - Restitution where appropriate, OSS up to 10 days and/or long-term suspension. Law enforcement may be contacted.

## **Rule 21: Theft or Destruction of School or Personal Property**

Students shall not steal or attempt to steal or knowingly be in possession of stolen property. Students shall not vandalize or damage or attempt to damage school property or property belonging to others.

### **Consequences**

*Elementary* - Restitution where appropriate. Up to 10 days OSS. Law enforcement may be contacted.

*Middle School* - Restitution where appropriate. OSS up to 10 days and/or long-term suspension. Law enforcement may be contacted.

*High School* - Restitution where appropriate. OSS up to 10 days and/or long-term suspension. Law enforcement may be contacted.

## **Rule 22: Possession of a Weapon, Firearm, Dangerous Instrument or Destructive Device**

Students shall not possess or conceal or transport any weapon, firearm, dangerous instrument or destructive device.

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

**Weapon:** any firearm, BB gun, stun gun, mace/pepper spray, air rifle, air pistol, ammunition, power loads, fireworks, knife, slingshot, leaded cane, blackjack, metallic knuckles, razors, razor blades (except cartridge razors used solely for personal shaving), boxcutter and any sharp-pointed or edged instrument except instructional supplies unaltered nail files and clips and tools used solely for preparation of food, instruction, and maintenance.

**Dangerous instrument:** any object or substance that is possessed, handled, transmitted, or used for the purpose of causing or attempting to cause physical injury.

**Firearm:** any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, the frame or receiver of any such weapon, or any firearm muffler or firearm silencer. The definition of firearm under this rule does not include an inoperable antique firearm, a BB gun, stun gun, air rifle, or air pistol.

**Destructive Device:** an explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge or more than one-quarter ounce, mine, or similar device.

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

A student shall not be found in violation of this policy if it is determined that the student took or received the weapon, firearm or destructive device from another person at school or found the weapon, firearm or destructive device at school, provided that the student delivered or reported the device as soon as practicable to a law enforcement officer or a school employee and had no intent to use such device in a harmful or threatening way.

Any student who brings onto school property or possesses a firearm or destructive device shall be recommended for a 365-day suspension.

Any student age 14 or older who possesses, handles or transmits a firearm or destructive device on school property may be expelled.

### **Consequences**

*Elementary* - Confiscate item. Short-term or long-term suspension (up to 365 days for firearm/destructive device). Law enforcement will be contacted in the case of a firearm, destructive device or weapon and may be contacted in the case of a dangerous instrument.

*Middle School* - Confiscate item. Short-term or long-term suspension (up to 365 days for firearm/destructive device). Law enforcement will be contacted in the case of a firearm, destructive device or weapon and may be contacted in the case of a dangerous instrument.

*High School* - Confiscate item. Short-term or long-term suspension (up to 365 days for firearm/destructive device). Law enforcement will be contacted in the case of a firearm, destructive device or weapon and may be contacted in the case of a dangerous instrument.

## Rule 23: Narcotics, Alcoholic Beverages, Controlled Substances, Chemicals, and Drug Paraphernalia

No student shall possess, use, distribute, sell, possess with intent to distribute or sell, or conspire or attempt to distribute or sell, or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid, other controlled substance, any alcoholic or other intoxicating beverage, drug paraphernalia, counterfeit substance, any unauthorized prescription drug, or any other chemicals or products with the intention of bringing about a state of exhilaration, euphoria, or of otherwise altering the student's mood or behavior.

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

- 1. Possess:** Having the power or intent to control a prohibited substance and shall include, but is not necessarily limited to the possession of a prohibited substance in a student's automobile, locker, book-bag, or desk, or on a student's person.
- 2. Use:** The consumption, injection, inhalation or absorption of a prohibited substance into a student's body by any means.
- 3. Under the influence:** The use of any prohibited substance at any time or place when the prohibited substance would influence a student's mood, behavior, or learning to any degree.
- 4. Sell:** The exchange of a prohibited substance for money, property, or any other benefit or item of value.
- 5. Distribute:** To give, share, or pass a prohibited substance.
- 6. Possess with intent to distribute/sell:** Intent to distribute or sell may be determined from the amount of the prohibited substance found, the manner in which it was packaged, the presence of packaging materials such as scales, baggies or other containers, or from statement or actions of student that demonstrate an intent to distribute or sell.
- 7. Counterfeit Substance:** Any substance that is described or presented with the intention of deceiving another into believing that it is a substance prohibited under this policy.
- 8. Unauthorized Prescription Drug:** Any drug or medication that has not been prescribed for the student.

### Consequences

*Except as noted below, the first violation of this policy by a student in grades 6-12 shall result in the short-term suspension of the student from the school system for the remainder of the school year.*

- 1. When a first infraction does not involve the distribution, sale, possession with intent to distribute or sell, or conspiracy or attempt to distribute or sell a substance prohibited by this policy, an alternative to long-term suspension shall be offered. This alternative shall be offered only one time to students during their school career unless an exception is made by the Superintendent. The alternative shall consist of a 10-day suspension and shall also require participation in a corrective education and/or counseling program. The program shall be designed by the Superintendent and agreed to in writing by the parent, guardian, student, and school principal. Parents, guardians, and students shall be provided information by school authorities concerning approved alternative programs. Failure to meet any requirements of the alternative program reactivates the long-term suspension.*
- 2. Any student who is fourteen (14) years of age or older and who distributes, sells, possesses with intent to sell, or conspires to distribute or sell any schedule I or schedule II controlled substance as defined by the North Carolina Controlled Substances Act may be expelled.*
- 3. The proper use of a drug authorized by valid medical prescription from a legally authorized health care provider shall not be considered a violation of this rule when the drug is taken by the person for whom the drug was prescribed.*
- 4. The first violation of this policy by a student in grades K-12 that is in possession of a prohibited substance and a weapon or dangerous instrument shall result in at least a long-term suspension and may result in suspension for 365 days or expulsion where permitted by law.*

**Note:** *Schedule I substances include, among other types, opiates; hallucinogenics such as LSD, psilocybin, and peyote; and GHB. Schedule II includes cocaine, opium, morphine, methadone, codeine, hydrocodone, oxycontin, cocaine, methamphetamine, PCP, ritalin, concerta, and other compounds.*

## Rule 24: Violations of North Carolina Criminal Statutes

Students shall not violate any criminal statute or local ordinance or commit any act which could result in criminal prosecution or juvenile proceedings not covered elsewhere in these rules.

### Consequences

**Elementary** - Short-term suspension or long-term suspension for maximum allowed. Law enforcement will be contacted.

**Middle School** - Short-term suspension or long-term suspension for maximum allowed. Law enforcement will be contacted.

**10 High School** - Short-term suspension or long-term suspension for maximum allowed. Law enforcement will be contacted.

## **Rule 25: Gang and Gang Related Activities**

The ABSS does not support or condone gang membership or gang activity. The Superintendent/designee shall regularly consult with law enforcement officials to identify gang-related items, symbols and behaviors, and provide each principal with this information. Each principal shall maintain this updated list in the main office of each school.

No student shall commit any act that furthers gangs or gang-related activities. A gang is any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of criminal acts, or the purposeful violation of any ABSS policy, and having a common name or common identifying sign, colors or symbols. Conduct prohibited by this policy includes:

- A. Wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, emblems, badges, symbols, signs, visible tattoos and body markings, or other items, or being in possession of literature that shows affiliation with a gang, or is evidence of membership or affiliation in any gang or that promotes gang affiliation;
- B. Communicating either verbally or non-verbally (gestures, handshakes, slogans, drawings, etc.), to convey membership affiliation in any gang or that promotes gang affiliation;
- C. Tagging or otherwise defacing school or personal property with gang or gang-related symbols or slogans;
- D. Requiring payment of protection, money or insurance, or otherwise intimidating or threatening any person related to gang activity;
- E. Inciting other students to intimidate or to act with physical violence upon any other person related to gang activity;
- F. Soliciting others for gang membership;
- G. Conspiring to commit/committing any violation of this policy or committing or conspiring to commit any other illegal act or other violation of school district policies that relates to gang activity.

Before being suspended for a first offense of wearing gang-related attire (when not involved in any other kind of gang-related activity or behavior), a student may receive a warning and be allowed to immediately change or remove the attire if the school administration determines that the student did not intend the attire to show gang affiliation.

### **Consequences**

*Elementary* - Ranging from in-school disciplinary action up to 5 days OSS. Law enforcement may be contacted.

*Middle School* - Ranging from in-school disciplinary action up to 10 days OSS with possible recommendation for long-term suspension. Law enforcement may be contacted.

*High School* - Ranging from in-school disciplinary action up to 10 days OSS with possible recommendation for long-term suspension. Law enforcement may be contacted.

## **Rule 26: Aiding and Abetting**

No student shall aid or abet another student in violating any rule in the Student Code of Conduct. To aid or abet means to help, assist or facilitate the violation of any rule.

### **Consequences**

*Elementary* - In-school disciplinary action or OSS, depending on nature of the violation.

*Middle School* - In-school disciplinary action or OSS up to long-term suspension, depending on nature of the violation.

*High School* - In-school disciplinary action or OSS up to long-term suspension, depending on nature of the violation.

Legal Ref: G.S. 115C-288(g); 115C-390.1-.12; 115C-407.

Adopted: February 23, 2009

Revised: August 8, 2011

## **Policy 4230: Due Process**

**Definitions:** the definitions of terms contained in Policy 4220 apply to this policy as well.

### **I. Short-Term Suspensions**

Before imposing a short-term suspension, the Principal must provide the student the opportunity for an informal hearing with the Principal. The student must be informed of the charges and the basis for the accusations either verbally or in writing and must be given the opportunity to make statements in his or her defense or to explain any mitigating circumstances. There is an exception to the hearing requirement if the student's presence at school creates a direct and immediate threat to the safety of other students or staff, or substantially disrupts or interferes with the education of other students or the maintenance of discipline at the school. In such cases, the informal hearing may be delayed and the student immediately removed from campus, but as soon as practicable after the threat has passed the student shall be provided with the notice and informal hearing.

## ***Policy 4230: Continued***

A student is not entitled to appeal the Principal's decision to impose a short-term suspension to the Superintendent or the Board of Education.

When a student is suspended for a period of 10 days or less, the Principal or designee shall give notice to the student's parent or guardian of the student's suspension by telephone, facsimile, e-mail, or any other method reasonably designed to achieve actual notice. This notice shall include the reason for the suspension and description of the alleged conduct on which it is based, and shall be given by the end of the workday if reasonably possible and no later than two days after the suspension is imposed. If English is the second language of the parent, the notice shall be provided in the parent's primary language if foreign language resources are readily available.

### **The short-term suspension notice shall inform the parent that the student has the following rights/opportunities:**

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 the assignment; and
3. The opportunity to take any quarterly, semester, or grading period examinations missed during the suspension period.

## **II. Long-Term Suspensions**

1. Parents will be notified of the Principal's recommendation to the Superintendent to long-term suspend the student and of their appeal rights under this policy by certified mail, telephone, facsimile, e-mail, or any other method reasonably designed to achieve actual notice. This notice shall be provided to the parent by the end of the workday during which the suspension was recommended when reasonably possible, or as soon thereafter as is practicable. A copy of the notice shall be sent to the Superintendent.

### **This notice shall contain:**

- a) A description of the incident leading to the recommendation for suspension including any aggravating or mitigating factors considered by the Principal;
- b) The rule or policy violated;
- c) The process for appealing the recommendation, including applicable deadlines;
- d) The hearing procedures;
- e) Notice that the parent is permitted to retain an attorney to represent the student in the hearing process or to bring one non-attorney advocate to assist in the presentation of the student's appeal;
- f) Notice that the parent has a right to review the student's educational records prior to the hearing;
- g) A copy of this policy; and
- h) A statement of what information will be in the student's official record, and reference to the Board's policy regarding expungement of discipline records under G.S. 115C-402.

If school personnel are aware that the parent's first language is not English and foreign language resources are readily available, this notice shall be provided in both English and the parent's primary language.

2. Parents shall, within three school days, give written notice to the Assistant Superintendent for Administrative Services of their intention to appeal the Principal's recommendation.
3. Upon notification of appeal, the assistant superintendent shall convene a central office appeals committee to hear the appeal, set the date and time for the hearing, and give notification of the appeals hearing date and time to all parties involved. The hearing must be scheduled on or before the tenth day of suspension. If the parent/guardian requests a postponement of the hearing or submits a late appeal, the hearing will be scheduled but the student shall not have the right to return to school pending the hearing.
4. The student or parent must notify the assistant superintendent at least two days prior to the hearing date if the student intends to bring an attorney or advocate.
5. The hearing shall be conducted in private according to the following procedures:
  - a) The student has the right to be present, accompanied by his or her parents and an advocate or attorney as permitted under this policy.
  - b) Prior to the hearing, the student, parent, or student's representative has the right to review the student's educational records and any audio or video recordings of the incident and any evidence supporting the suspension that may be presented at the hearing, to the extent consistent with federal and state student records laws and regulations. School officials are not required to release names or other identifying information of witnesses to the student or student's representative if such identification could create a safety risk for the witness.

## ***Policy 4230: Continued***

- c) The appeals committee may consider the testimony of any witness, including hearsay or other evidence of a kind commonly relied on by reasonably prudent persons in the conduct of serious affairs.
- d) In presenting evidence, the Principal or other representative of the school shall present first the witnesses and documentary evidence against the student.
- e) The student or his or her representative may present his or her evidence, including any documents and witnesses he or she may have related to the suspension or any aggravating or mitigating factors.
- f) Both the Principal or school representative and the pupil or his or her representative may question the witnesses presented by the other side. The appeals committee may also question witnesses and has the power to limit questioning by any person if such questioning is unproductively lengthy, repetitive or irrelevant.
- g) The Assistant Superintendent shall provide for the making of a tape recording of any information orally presented at the hearing and shall maintain a record of any tangible evidence submitted. The parent may also make his or her own recording of the hearing.

6. The central office appeals committee, after hearing all the evidence and witnesses, will determine the relevant facts and the credibility of witnesses based on the evidence presented at the hearing. The committee will reach a decision by simple majority based solely on the evidence presented at the hearing and will draft a written decision that includes the provisions of the Code of Conduct it finds were violated. The committee may (a) affirm the suspension recommended by the Principal if it is consistent with Board policy and appropriate under the circumstances; (b) recommend another appropriate penalty authorized by board policy; or (c) recommend that no penalty be imposed.

7. The committee will notify the Superintendent of its factual determination and recommendation. The Superintendent will review the committee's decision and make a final decision regarding the imposition of a long-term suspension. The Superintendent must adopt the panel's factual determinations unless they are not supported by substantial evidence in the record. The Superintendent will issue a written notice of the final decision to the student/parents on or before the tenth day of suspension. If the Superintendent imposes a long-term suspension, the notice will include a reference to the policy or rule(s) violated; notice of what information will be included in the student's official record; and notice of the student's right to appeal to the Board of Education and the procedures for such appeal.

8. If the Superintendent imposes a long-term suspension and the student wishes to appeal, the student must give written notice to the Superintendent of their his or her intention to appeal the Superintendent's recommendation to the Board of Education within three days of receiving the Superintendent's notice.

9. The Board's consideration of these appeals will take place in closed session. Evidence will be limited to the written record unless the Board determines that additional information is necessary. The school administrator may make a statement of his or her reasons for recommending long-term suspension, and the student or his/her representative may make a statement in his/her defense. The Board may place reasonable time limits on the hearing. The Board may affirm, reverse, or modify the decision of the Superintendent.

*The decision of the Board of Education is subject to judicial review in accordance with Article 4 of Chapter 150B of the General Statutes.*

### **III. 365-Day Suspension for Firearms/Destructive Devices**

The procedures for appeal of long-term suspension above shall apply in cases involving the possession or use of a firearm or explosive except as follows: The hearing panel shall only decide whether the student committed the violation and not what length of discipline is appropriate. Upon receipt of the hearing panel's decision, the Superintendent will review the case and may impose the 365-day suspension or modify the 365-day suspension on a case-by-case basis. If the Superintendent imposes a 365-day suspension, the student and parent shall be notified of the Superintendent's decision and of the right to petition the Board for readmission after 180 calendar days from the first date of the 365 day suspension, following the procedures in this policy. The Superintendent will also notify the student and parents regarding whether admission to the alternative school will be offered during the term of the suspension.

### **IV. Expulsions**

1. The Superintendent and Principal may recommend to the Board that a student be expelled if the student's behavior indicates that his or her continued presence in the school constitutes a clear threat to the safety of other students or employees. The Board's decision to expel shall be based on clear and convincing evidence. Prior to ordering the expulsion of a student pursuant to this subsection, the Board shall consider whether there is an alternative program offered by the district that may provide educational services for the student who is subject to expulsion.

2. Prior to the expulsion of any student, the Board shall conduct a hearing to determine whether the student's continued presence in school constitutes a clear threat to the safety of other students or school staff. The student shall be given reasonable notice of the recommendation for expulsion and of the time and place of the scheduled hearing.

3. The decision of the Board under this provision is final, subject only to judicial review in accordance with Article 4 of Chapter 150B of the General Statutes.

## **V. Alternative Education Services**

Students who are long-term suspended shall be offered alternative education services unless the superintendent determines that a significant or important reason exists to deny entrance to the alternative program. Depending on the circumstances, the following may constitute significant or important reasons for denying entrance to the alternative program:

- The student exhibits violent behavior;
- The student poses a threat to staff or other students;
- The student substantially disrupts the learning process;
- The student is otherwise engaged in serious misconduct that makes the provision of alternative educational services not feasible;
- Educationally appropriate alternative education services are not available for this student within the Alamance-Burlington School System due to limited resources;
- The student failed to comply with reasonable conditions for admittance into the alternative program.

If the Superintendent determines that a significant or important reason exists for denying alternative program admittance to a long-term suspended student, the Superintendent will notify the student's parent or guardian of this determination in writing along with the decision to uphold the recommendation for long-term. The decision to deny entrance to the alternative education program is appealable to the Board of Education utilizing the board-appeal procedure of the Student Parent Grievance Policy.

A student may be administratively reassigned to an alternative education program for disciplinary reasons as an alternative to long-term suspension, if the program is a fulltime program that meets the academic requirements of the North Carolina Standard Course of Study and provides the student with the opportunity to make timely progress toward grade promotion and graduation. Such administrative reassignments may be recommended by the principal and must be approved by the Superintendent.

## **VI. Petitions for Readmission**

All students suspended for 365 days or expelled may, after 180 calendar days from the date of the beginning of the student's suspension or expulsion, request in writing readmission to the school system. A decision on readmission shall be issued within 30 days of the written request. If a student is readmitted under this policy, the Board and the Superintendent have the right to assign the student to any program within the school system and to place reasonable conditions on the readmission.

### **1. Process for 365-day suspended students:**

- a) The student/parent must make their request in writing to the Superintendent's office.
- b) The Superintendent or designee shall consider and decide on requests for readmission. The Superintendent will determine whether the student's presence no longer constitutes a threat to the safety of other students or staff.
- c) The Superintendent or designee shall offer the student an opportunity for an in-person meeting prior to making a determination. The student/parent shall be given written notice of the Superintendent's decision, the right to appeal to the Board, and the appeal process.
- d) The Superintendent's decision not to readmit the student may be appealed to the Board. The Superintendent shall notify the parents of the right to appeal.

### **2. Process for expelled students:**

- a) The student/parent must make the request in writing to the Superintendent's office.
- b) The Superintendent shall review the request and make a recommendation to the Board. The Board shall consider all petitions for readmission of expelled students, together with the recommendation of the superintendent on the matter, and shall rule on the request for readmission. The Board shall consider the petition based on the records submitted by the student and the response by the administration and shall allow the parties to be heard by a hearing panel of the Board. The Board will determine, based on the information submitted, whether the student's presence in school no longer constitutes a clear threat to the safety of other students or staff.
- c) The student/parent will be given written notice of the Board's final decision.
- d) An expelled student may subsequently request readmission not more often than every six months. The Board is not required to consider any subsequent readmission request filed sooner than six months after the previous request was filed.

LEGAL REF: N.C.G.S. 115C-391390.1 – 390.1; 115C-402.

ADOPTED: February 23, 2009

REVISED: January 25, 2010

14 REVISED: August 8, 2011

## ***Policy 4240: Search and Seizure***

To maintain order and discipline in the schools and to protect the safety and welfare of students and school personnel, school authorities may search a student, student lockers or student motor vehicles under the circumstances outlined below and may seize any illegal, unauthorized, or contraband materials discovered in the search. As used in this policy, the term “unauthorized” means any item dangerous to the health or safety of students or school personnel; any item disruptive of any lawful function, mission or process of the school; or any item described as unauthorized in school rules available beforehand to the student. A student’s failure to permit reasonable searches and seizures as provided in this policy will be considered a violation of the expected standard of behavior and will be considered grounds for disciplinary action. This policy does not apply to investigations independently conducted by law enforcement officials or to investigations conducted exclusively for the purpose of criminal prosecution. Reasonable suspicion that a student has unauthorized or illegal materials is generally required before an individual will be singled out for a search. Reasonable suspicion is not required if a student freely, voluntarily and knowingly consents and agrees to the search of his or her person or personal effects.

### ***4240.1 Personal Searches***

A student’s person and/or personal effects (e.g., purse, book bag, etc.) may be searched whenever a school authority has reasonable suspicion that the student is in possession of illegal or unauthorized materials. If a frisk or pat-down search of a student’s person is conducted, it will be conducted in private by a school official of the same sex and with an adult witness of the same sex present. If a school official has reasonable suspicion that the student has on his or her person an item imminently dangerous to the student or to others, a more intrusive search of the student’s person may be conducted. Such a search may only be conducted in private by a school official of the same sex with an adult witness of the same sex present, and only upon the prior approval of the Superintendent or designee, unless the health or safety of students will be endangered by the delay which might be caused by following these procedures. The student’s parent or guardian shall be notified of the search and any items impounded.

### ***4240.2 Locker Searches***

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

### ***4240.3 Motor Vehicle Searches***

Students are permitted to park on school premises as a matter of privilege, not of right. The school retains authority to conduct routine patrols of student parking lots and inspections of the exteriors of student vehicles on school property. The interiors of student vehicles may be inspected whenever a school authority has reasonable suspicion that illegal or unauthorized materials are contained inside. Exterior patrols and inspections, including canine searches, may be conducted without notice, without student consent, and without a search warrant.

### ***4240.4 Use of Metal Detectors***

A metal detector can be used to search a student’s person and/or personal effects whenever a school official has reasonable suspicion to believe that the student is in possession of a weapon. The search must be conducted by a school official. The search will be conducted in private, when feasible. A school is authorized to conduct general searches of students and their personal effects with a metal detector before a student can gain entry to the school campus or any school-sponsored extracurricular activity if the checks are done in a minimally-intrusive, non-discriminatory manner (e.g., on all students in a randomly selected class; on every third individual entering an extracurricular event). The search must be conducted in accordance with procedures established by the Superintendent or designee. Prior to initiating general searches, the school must substantiate to the Superintendent the need for general searches based upon a pattern or expectation of violence or disruption. This policy serves as written notice to students and parents that general searches may be conducted at any time or date. Any search conducted pursuant to this policy must be conducted by a school official. Metal detector checks of groups of individuals may not be used to single out a particular individual or a category of individuals.

### ***4240.5 Canine Searches***

School officials are authorized to use trained dogs with established reliability and accuracy for detecting the presence of contraband materials. Each dog must be supervised by an authorized and qualified trainer who shall be responsible for the dog’s actions. An indication by the dog that contraband is present on school property or in an automobile parked on school property shall be a reasonable basis for a further search by school officials. A dog may not be used to search students.

## **4240.6 Seizure of Illegal Materials**

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

## **4240.7 School Computers and Email Accounts**

School computers and any data they contain and school-issued email accounts remain under control of the school and are subject to inspection at any time.

LEGAL REF: G.S. 115C-36; U.S. Const. Amend. IV.

CROSS REFERENCE: Policy 4290, Student Chemical and Substance Abuse

## **Policy 4260: Student Acceptable Use of Technology**

Acceptable Use is defined by educational, ethical and legal use of materials obtained when using the Internet and other electronic resources.

### **Purpose**

ABSS district equipment, network accounts, Internet and E-mail access are provided to support the Standard Course of Study as appropriate to all ABSS students for use of instructional applications including but not limited to the following: Media Resources and Online Card Catalog; Online Resources; Online Instruction; Computer Skills Testing; and other applications as they apply to the Standard Course of Study.

### **Privilege**

Use of these resources is a privilege and entails responsibility.

Support of these resources for curriculum is a joint responsibility of students, teachers, parents and employees of ABSS. Appropriate bibliographic citations must be given for all information obtained through electronic networks. To ensure stability of the network and availability of resources, frivolous activities should be avoided. Staff members should enforce acceptable use of resources and report any violations to the school administrator. The violation will be addressed according to the school's code of conduct and may result in termination of network access.

### **Unacceptable Network Use (Netiquette)**

- ★ Distributing account information to others
- ★ Attempting to gain access to another person's accounts, files, equipment and other network resources
- ★ Accessing or downloading materials that are unacceptable in a school setting, including pornographic, obscene, graphically violent, or vulgar images, sounds, music, language, video or other materials
- ★ Harassment, sexual harassment, bullying, intimidation or hazing as defined in the Student Code of Conduct
- ★ Vandalism (purposeful damage to resources)
- ★ Unauthorized distribution of copyrighted materials or information
- ★ Use of district resources for commercial, non-instructive purposes
- ★ Downloading or use of unauthorized software
- ★ Other violations of the Student Code of Conduct

Disciplinary action for violations of the Acceptable Use policy will be consistent with the Student Code of Conduct. Violations may also result in revocation of network access or email privileges and/or suspension of access to ABSS computers. This policy does not limit the authority of the school system, where permitted by law, to discipline students for conduct involving non-school-owned technology resources that violates the Student Code of Conduct or is otherwise likely to disrupt the school environment.

### **Safety**

- ★ All Internet access is filtered.
- ★ E-mail correspondence is not private and will be monitored by the instructor.
- ★ Students must report account violations to their instructor.
- ★ Never give out personal information.

### **Student E-mail**

- ★ ABSS students will be assigned individual e-mail accounts.
- ★ The district regulates default settings that determine the recommended features students have access to, which may include email, message boards, educational chat rooms, blogs, and digital storage lockers. School administrators have the ability to modify features to accommodate instructional needs.
- ★ All email messages and postings will be filtered for inappropriate words and images. Any messages determined to be questionable will be diverted to the student's school administrator for review.
- ★ Consequences for misuse of email will be determined by the Student Code of Conduct, relevant school rules, and this Acceptable Use Policy.

## ***Policy 4270: Reports to Law Enforcement***

Principals may contact law enforcement to report suspected violations of North Carolina criminal statutes. A Principal must contact law enforcement immediately if he or she has personal knowledge, a reasonable belief or actual notice that an act has occurred on school property involving the following offenses:

- Assault resulting in serious personal injury
- Sexual assault
- Sexual offense
- Rape
- Kidnapping
- Indecent liberties with a minor
- Assault involving the use of a weapon
- Possession of a weapon or firearm in violation of the law
- Possession of a controlled substance in violation of the law

The Principal or Principal's designee shall notify the parents or guardians of any students alleged to be victims of acts reported to law enforcement under this policy. The Principal or Principal's designee shall also notify the Superintendent or the Superintendent's designee in writing or by e-mail regarding any report made to law enforcement under this policy. This notification shall occur by the end of the workday in which the incident occurred when reasonably possible and no later than the end of the following workday. The Superintendent shall provide this information to the Board of Education at least twice per year.

LEGAL REF: N.C.G.S. 115C-288

Adopted: January 25, 2010

Revised: June 25, 2012

## ***Policy 4290: Alcohol-free and Drug-free Schools and Drug Testing***

Illegal drugs and alcohol are strictly prohibited on school property, buses or at school-sponsored activities or trips by students, employees of the school system or any other individuals associated with such school activities.

To improve the health and safety of students and to prevent and deter illegal drug, students who participate in extracurricular activities will be subject to random drug testing. The Board has determined that this policy is necessary in light of the documented sale, possession and use of illegal drugs by Alamance-Burlington students, evidenced by parent and teacher surveys and undercover law enforcement operations. This drug testing will be carried out according to written procedures promulgated by the Superintendent. Confirmed positive drug tests may result in the suspension of a student's privilege to participate in extracurricular activities, but will result in no other disciplinary action and will not be shared with law enforcement.

### ***Regulation 4290-R Random Drug Testing Procedure for Extracurricular Activities***

Adopted: April 25, 2005

#### **Coverage**

1. Eligible Student: Any high school student who is a current participant in any extracurricular activity, including school-sponsored and student-initiated clubs; or any student whose parent enrolls his/her children for participation in the random drug testing program.
2. Drugs: The drugs prohibited by this policy include any substance listed or referred to in North Carolina General Statutes sections 90-89 through 90-94, unless used as prescribed by a physician. Prohibited substances specifically include, but are not limited to, cocaine, opiates, marijuana, amphetamines, methamphetamines, barbiturates, PCP, LSD or other hallucinogenic compounds.

#### **Testing Procedure**

1. Prior Consent: The student and his/her parent and/or guardian shall sign a written consent to drug testing before the student participates (including try-outs) in an extracurricular activity. If the student is voluntarily participating in the random drug testing program, prior consent must be obtained before the student can participate.
2. Test Frequency: Random drug tests may be conducted throughout the period of participation.
3. Student Selection: The Central Office administration shall arrange for a method of student selection that ensures that students are selected at random.
4. Sample Collection and Testing: The Central Office administration shall contract with an authorized drug test administrator for sample collection, sample testing including maintenance of a split sample, and test verification by a medical review officer (MRO). Sample collection shall take place under reasonable and sanitary conditions, and shall maintain student privacy and dignity. Any contested positive result shall

## ***Regulation 4290-R Random Drug Testing Procedure for Extracurricular Activities- Continued***

be confirmed by a scientifically valid confirmatory test, at the expense of the school system. The student shall be suspended from participation until confirmatory test results are provided to the school.

### **Confidentiality**

All records of individual student drug tests shall be confidential student records. The records shall be maintained in files separate from discipline records and other student records.

Legal References: Vernonia School District v. Acton, 515 U.S. 646 (1995); Board of Education v. Earls, 536 U.S. 822 (2002).

### **Consequences**

*If the drug test result is positive and confirmed by the MRO, the following action will be taken:*

#### **1. First Confirmed “Positive” Result**

- a. The MRO will notify the student and the student’s parent or guardian of the positive test result and will give the student and the student’s parent or guardian an opportunity to explain the positive result. If the MRO concludes that the student has no verified explanation for the positive result, other than illicit drug use, the principal will be notified, and the next two steps will apply.
- b. The student and the student’s parent or guardian will receive information regarding drug-use counseling and prevention.
- c. The student may not participate in any extracurricular activity for three school months. The student will be allowed to participate after the suspension period, contingent on the student’s participating in a drug assistance program and receiving a negative drug test result prior to resuming participation. The student will also be required to submit to periodic unannounced drug testing for a period of one calendar year.

#### **2. Second Confirmed “Positive” Result**

- a. The MRO will notify the student and the student’s parent or guardian of the positive test result and will give the student and the student’s parent or guardian an opportunity to explain the positive result. If the MRO concludes that the student has no verified explanation for the positive result, other than illicit drug use, the principal will be notified, and the next two steps will apply.
- b. The student and the student’s parent or guardian will receive information regarding drug-use counseling and prevention.
- c. The student may not participate in any extracurricular activity for one calendar year. The student will be allowed to participate after the suspension period, contingent on the student’s participating in a drug assistance program, receiving a negative drug test result prior to resuming participation and submitting to periodic, unannounced drug testing for the remainder of his/her high school career.

#### **3. Third Confirmed “Positive” Result**

- a. The MRO will notify the student and the student’s parent or guardian of the positive test result and will give the student and the student’s parent or guardian an opportunity to explain the positive result. If the MRO concludes that the student has no verified explanation for the positive result, other than illicit drug use, the principal will be notified, and the next two steps will apply.
- b. The student and the student’s parent or guardian will receive information regarding drug-use counseling and prevention.
- c. The student will not be permitted to participate in any extracurricular activity for the remainder of the student’s high school career.

4. No consequences other than those outlined above shall result from a confirmed positive test when associated with random testing procedures. Evidence of a positive random test result shall not be the basis of any other student disciplinary action. School employees shall not notify law enforcement officials of test results.
5. Nothing in this policy shall prevent the principal or a coach or advisor from excluding a student from participation on a team or club for conduct in violation of the code of student conduct, school rules, team rules or criminal law.
6. If a student refuses to comply with the conditions outlined in this policy, the student’s privilege to participate in extracurricular activities will be denied or suspended until the student is in full compliance with this policy for the remainder of the school year.

Legal References: Vernonia School District v. Acton, 515 U.S. 646 (1995); Board of Education v. Earls, 536 U.S. 822 (2002).

## ***Policy 4600: Student and Parent Grievances***

A student, parent, or guardian may initiate the grievance procedure to appeal any final decision of school personnel within the school system, except as provided in section 1 below. Grievances that involve an alleged violation of board policy or state or federal law or regulation by a final administrative decision may be appealed to the Alamance-Burlington Schools Board of Education. All other grievances may be appealed to the Superintendent or designee but are appealable to the Board only in its discretion as outlined below.

1. This policy does not apply in the case of long-term suspension or expulsion where the provisions of the Due Process Policy apply or in the case of alleged sexual harassment where the provisions of the Sexual Harassment Policy apply.

2. **Step I – Principal Conference** – A student, parent, or guardian wishing to invoke the grievance procedure shall make a written request for a conference with the principal to discuss the grievance and seek resolution. The request shall state in detail the basis for the grievance, name the specific policy, rule or law believed to have been violated, and specify the relief being sought. The following additional guidelines shall be observed in Step I.

A. No grievance will be heard unless it has been filed in writing within thirty (30) calendar days after the act or condition giving rise to the grievance and states with particularity the basis for the grievance, the policy, regulation and procedure, rule or law believed to have been violated, and the remedy being sought.

B. The principal shall grant the conference within five (5) school days following receipt of the request. The principal will state in writing his/her position on the question to the student or parent within five (5) school days following the conference.

C. Only the parent, guardian, or someone acting in loco parentis shall be permitted to join or represent the student in the conference with the principal.

3. **Step II – Appeal to Superintendent or Designee** – If the grievance is not resolved at Step I, the student, parent, or guardian may appeal the principal’s decision in writing to the Superintendent. The appeal must be made within five (5) school days following receipt of the principal’s written response in “B” of Step I. The Superintendent or designee shall review the grievance within five (5) school days following receipt of the appeal. If the Superintendent or designee determines that additional time is needed to develop the factual record, the grievance may be put on hold for fifteen (15) additional days (or longer if by mutual agreement) to allow time for investigation. A written response shall be made to the student, parent, guardian, and principal from the Superintendent or designee within ten (10) school days following the review.

4. **Step III – Appeal to Board of Education** – If the grievance is not resolved at Step II, and it involves an alleged violation of state or local board policy or state or federal law or state rule by a final administrative decision, it may be appealed in writing to the Board of Education. This written appeal must be made within ten (10) school days following the written response from the Superintendent at Step II. The Board’s consideration of these appeals will take place in closed session and will be limited to the written record unless the board determines that additional information is necessary. The Board may affirm, reverse, or modify the decision of the Superintendent. The Level Two decision will be reversed if the Board determines that there has been a material violation of board policy or state or federal law or regulation, or that the decision is unsupported by substantial evidence in view of the entire record as submitted. The Board shall offer a final written decision within thirty (30) days.

5. A grievant who is not entitled to appeal to the Board may seek discretionary review by the Board by submitting a written appeal to the Superintendent’s office within ten (10) school days following the written response from the Superintendent at Step II. The Chair and Vice-Chair of the Board shall review the request and notify the grievant within ten (10) school days from receipt of the request whether the Board will consider the grievance. If the Chair and Vice-Chair do not agree on whether to grant the request, a Board hearing will be allowed. The procedures outlined in section 4 above will be followed in any discretionary review granted under this section.

### **General Provisions**

6. The Superintendent shall disseminate this policy to students at the beginning of each school year.

7. If the school administration fails to comply with the time periods or other procedures outlined in this policy, the grievant may advance the grievance to the next level. If the grievant fails to comply with the time periods or other procedures outlined in this policy, including failure to appear at a scheduled hearing, the grievant waives any further rights of appeal and the grievance will be considered resolved.

8. The grievance may be voluntarily withdrawn at any level. Once a grievance is withdrawn it cannot be re-opened. If at any time during the grievance process the school system grants the grievant the relief requested, the grievance shall be terminated at that time.

LEGAL REF: Title IX of the Education Amendments of 1972; G.S. 115C-45(c)

CROSS REFERENCE: Policy 4130, Sexual Harassment; Policy 4230, Due Process

REVISED: APRIL 27, 2009

# Alamance-Burlington School System Parental Notices

## **Powers and Duties of the Principal (G.S. 115C-288)**

To Discipline Students and to Assign Duties to Teachers with Regard to the Discipline, General Well-Being and Medical Care of Students--The Principal shall have authority to exercise discipline over the pupils of the school pursuant to policies adopted by the local Board of Education as prescribed by G.S. 115C-391(a). The Principal shall use reasonable force to discipline students and shall assign duties to teachers with regard to the general well-being and the medical care of students pursuant to the provisions of G.S. 115C-390 and 115C-307. The Principal may also suspend or dismiss pupils pursuant to provisions of G.S. 115C-391.

## **Duties of Teachers (G.S. 115C-307 (a))**

To Maintain Order and Discipline--It shall be the duty of all teachers, including student teachers and teacher assistants, when given authority over some part of the school program by the principal and supervising teacher, to maintain good order and discipline in their respective schools.

## **School Personnel May Use Reasonable Force (G.S. 115C-390)**

Except as restricted or prohibited by rules adopted by the local board of education, principals, teachers, substitute teachers, voluntary teachers, teacher assistants and student teachers in the public schools of this state may use reasonable force in the exercise of lawful authority to restrain or correct pupils and maintain order.

## **North Carolina High School Athletic Association Eligibility Regulation**

Any student subject to the NCHSAA eight-semester rule who (1) is convicted of a crime classified as a felony under North Carolina or federal law or (2) is adjudicated delinquent for an offense that would be a felony if committed by an adult is not eligible to participate in the North Carolina High School Athletic Association sports program.

**a.** A student transferring from one member school to another member school within the same LEA must sit out 365 days for athletic participation. The LEA may create criteria for immediate athletic eligibility for transfers within the LEA.

**b.** A student transferring from one member school in one LEA to another member school in a different LEA must sit out 365 days for athletic participation. Exceptions for immediate athletic eligibility for transfers from one LEA to a different LEA will be heard by a special NCHSAA transfer committee.

## **School Calendars**

School calendars are developed by a committee and approved by the Alamance-Burlington Board of Education. Since the Board has no way of predicting weather, mechanical failures, major epidemics of sickness, etc., the school calendar is subject to change after the school year begins. Parents and students should be aware of this fact when making vacation plans during the school year. The school system realizes that reservations, airline tickets and other arrangements must be made in advance, but it must reserve the right to change the school calendar whenever necessary to protect the integrity of the school year. School calendar guidelines are mandated by the State of North Carolina.

## **Inspection of Student Records**

School records contain attendance data, grading and promotion data, immunization data and other factual information deemed appropriate by the Board of Education. The parents of a student, or a student who is 18 years of age, may examine his/her records. The school principal should be contacted to arrange a time to review records.

## **Students with Disabilities**

The Alamance-Burlington School System mandates that every student receive a free and appropriate education. Some students may have physical or mental disabling conditions that substantially limit their ability to learn and participate in school activities. If a student or parent believes the student has a disability, the student's principal should be contacted. Further assistance can be obtained from the Executive Director of Exceptional Children and AIG or the Director of Student Support Services at 336.570.6060.

## **Health Curriculum**

The state health curriculum, The Framework for Healthful Living Education/Healthy Youth Act of 2009, includes state guidelines for teaching abstinence and is available for review in the Administrative Offices on Vaughn Road. Parents interested in reading the Framework may contact the Assistant Superintendent of School Improvement at 336.570.6060 to arrange a time.

## **Garrett's Law**

Senate Bill 444, referred to as "Garrett's Law", mandates that, at the beginning of every school year, local Boards of Education shall ensure that schools provide parents and guardians with information about meningococcal meningitis, influenza, and their vaccines. In addition, information about Human Papillomavirus (HPV) and the HPV vaccine is also required. The HPV vaccine is available for females and may prevent certain diseases and cancers. Copies of this information are available for review in the office at your child's school, or in the Administrative Offices on Vaughn Rd.

## Dental Screenings

As part of the regular school preventive programs, the public health dental hygienist will conduct dental screenings for all kindergarten and fifth graders. Students in other grades will be screened by the dental hygienist upon request by the school nurse. The screenings will be conducted using non-latex gloves, masks, flashlights and tongue depressors. A letter will be sent home to the parent(s) or guardian of each child with findings. Parents who do not wish to have their child screened must send a written note to the child's teacher prior to the screening.

## Annual School Health Screenings

Each year the Alamance-Burlington School System conducts student health screenings to better serve the students in Alamance County. Hearing and vision screenings are conducted by trained and certified staff members. Blood pressure screening and Body Mass Index (BMI) may be conducted for special populations in the schools. Parent/guardians and/or school staff may request a screening at any time. The screenings are performed at selected grade levels and parent/guardians may contact their child's school for specific screening dates and times. Hearing screening is conducted for grades Pre K, K, 1, 3 & 5. Vision screening is conducted for grades 1, 3, 5, 7 & 9. Parent/guardians shall be notified in writing if a student fails health screening and may need additional evaluation and/or follow up care. Parents/guardians who do not wish to have their child screened must send a written note to the child's teacher prior to the screening.

## Student Transfer Information

All transfer requests, including alternative calendar schools, will be accepted from April 1 through May 1 for the following year. The Alamance-Burlington Board of Education may revoke a student's transfer during the school year or deny a request to transfer based on absences, tardies or a violation or violations of the system's Student Code of Conduct. For information regarding student athletes, refer to Alamance-Burlington School Board Policy 4010 Section H Student Transfers and Reassignment.

## Student Enrollment/Transfers/Change of Address

Students are assigned to schools based upon the addresses of their parents/legal guardians. Parents/legal guardians should keep their addresses and contact information up to date at the schools. If the parents/legal guardians move outside of the school zone and wish for their children to remain in their current schools, then they should contact the Office of School Assignment at 336-570-6060 within 15 calendar days of a residence change. Transfer requests for other reasons are accepted beginning on April 1 and must be submitted not later than May 1. For details on enrollment and transfer policies, please visit [www.abss.k12.nc.us](http://www.abss.k12.nc.us) and under Quick Links for Parents, click on Enrollment and Transfer Information.

## Nondiscrimination in Enrollment

It is the ongoing policy of the Alamance-Burlington School System to practice nondiscriminatory procedures in registering and/or enrolling students in classes. All courses are open to every student without regard to sex, race, color, religion, national origin, or handicapping condition.

## Free and Reduced Meal Benefits for Students

Parents/families earning at or below current Income Eligibility Guidelines are encouraged to contact the Alamance-Burlington Child Nutrition office at (336) 438-4090 for help completing a school meal application. The Child Nutrition office will process all applications and issue an eligibility determination by letter.

**Your child's approval is not complete until you receive the letter.**

If a family is currently receiving **Food and Nutritional Services** (FNS formerly food stamps) **Supplemental Nutrition Assistance Program** (SNAP) benefits **or has court documented custody of a foster child**, those children automatically qualify for free school meals. **Please contact the Child Nutrition office to determine if it is necessary to complete an application.**

USDA Regulations state that any students enrolled in ABSS (Year Round and Traditional Students) are to receive a copy of the Free & Reduced Application each year on the opening day of school. Year Round (July 22, 2013) Traditional (August 26, 2013)

- Year round students: Free & Reduced applications are to be approved by **September 3, 2013** for meal benefits to continue. Beginning on September 4th, any student without a new application for school year 2013- 2014 will return to paid and require money each day.

- Traditional students: Free & Reduced Applications are to be approved by **October 7, 2013** for meal benefit to continue. Starting October 8th any student without a new application for school year 2013-2014 is returned to paid and require money each day.

Parents may apply for school meal benefits at any time throughout the school year by submitting an application directly to the Child Nutrition office or to the child's school. Your child's school or the Child Nutrition office will provide an application upon request.

## **Dropout Prevention/Driver's License Legislation**

North Carolina has legislation reflecting a coordinated statewide effort to motivate and encourage students to complete their high school education. The law requires the revocation of the student's driving permit or license if the student does not maintain adequate academic progress or drops out of school. Adequate academic progress is defined as passing three (3) out of four (4) classes in a block schedule school. The law became effective August 1, 1998 and applies to all North Carolina students under the age of 18 who are eligible for a driving permit or license.

Legislation requires a student to present a Driving Eligibility Certificate, issued by the school and good for 30 days, to the Department of Motor Vehicles to obtain a permit or license.

The Driving Eligibility Certificate will only be issued to students making adequate academic progress. Students who do not meet the academic progress requirements will be reported to the Department of Motor Vehicles and their permit or license will be revoked. There is a provision for a request for a review of the student's situation based on hardship considerations. Students may regain academic eligibility at the end of each semester.

## **Lose Control, Lose Your License Legislation**

Students given an expulsion/suspension for more than 10 consecutive days for one of the three reasons listed below are subject to having their permit/license suspended for up to one calendar year.

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

Students who are least 14 years old or who are rising 8<sup>th</sup> graders are subject to this law. This law applies to all students, even to those exempted under Dropout Prevention/Driver's License Legislation. Unlike the Dropout Prevention/Driver's License Legislation law that ends when a student turns 18 years old, the "Lose Control" law does not stop at age 18 nor does it stop when the student graduates.

Students who may lose their permit/license under this legislation may be eligible to regain the permit/license after a six-month period by displaying exemplary behavior in an alternative educational setting or having successfully completed a school district approved drug or alcohol treatment counseling program.

## **Student Directory Information**

The Alamance-Burlington Board of Education designates the following as directory information: student's name, participation in officially recognized school activities and sports, weight and height of members of athletic teams, dates of attendance, the most recent previous educational agency attended by the student, and eligibility for academic recognition. Each year the school system will publish a list of what is designated directory information that will be released publicly when the information is requested or needed. Parents, guardians or eligible students may refuse to allow the release of directory information by notifying the school in writing within (10) days of publication of this policy in the Student Code of Conduct.

Pursuant to federal law, names, addresses and telephone listings of secondary school students shall be released to military recruiters and institutions of higher education upon request. Parents or eligible students may request that this information not be released without prior written consent by the parent or eligible student. Annually, parents and eligible students will be notified of the opportunity to make such a request.

If the request is made, then the school system shall comply with the request and shall not release the name, address and telephone listing of the student without prior written consent. Parents, guardians or eligible students may make this request by notifying the school in writing within (10) days of publication of this policy in the Student Code of Conduct.

It is school system procedure not to require parent permission for students to be photographed, videotaped and/or interviewed by system employees or media on routine school topics and activities for public information, instructional and promotional purposes. Parent permission must be given, however, to photograph, videotape and/or interview exceptional children if they will be identified as exceptional children. Parents, guardians or eligible students may request not to be photographed, videotaped and/or interviewed by notifying the school in writing within (10) days of publication of this policy in the Student Code of Conduct.

(Detach from book and return this signed form to your child's school.)

## To be completed by all students and parents/guardians

I have received a copy of the Alamance-Burlington School System Student Code of Conduct. I understand that all students are expected to abide by these rules. I also understand that principals and teachers may develop rules that are necessary for the efficient operation of school, and such rules may not be included in this publication.

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Student Signature

Date

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Parent/Guardian Signature

Date

## Photo/Video Release Consent

At various times during the year, representatives from the Alamance-Burlington School System Public Information Office, the news media, and others request permission to film, photograph, or videotape school activities, student work, and/or students. Materials may be used in publications, teacher training, presentations to professional and community groups, and/or newspaper and television stories. In addition, individual schools or the Alamance-Burlington School System may use photographs and samples of student work in a web site home page.

**Yes, I DO** consent to the taking and use of pictures of my child and/or his/her work as set forth above.

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Student Name

Date

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Parent/Guardian Signature

Date

**No, I DO NOT** consent to the taking and use of pictures of my child and/or his/her work as set forth above.

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Student Name

Date

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Parent/Guardian Signature

Date