



DURHAM
PUBLIC SCHOOLS

**Parent/Student Handbook
2017-2018**

www.dpsnc.net
(919) 560-2000

DPS expects all employees, students and other members of the school community to conduct themselves in an appropriate manner with concern and respect for all members of the school community. Discrimination and harassment on the basis of race, sex, religion, creed, disability, national origin or language minority status will not be tolerated.

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Core Beliefs and Commitments of the DPS Board of Education

Beliefs

- All children have talents, skills and unique abilities.
- All children want to pursue their goals and dreams.
- All children can succeed in their pursuits: college, the workplace and community engagement.
- Schools have a large effect on what and how well children learn and on eliminating achievement gaps.
- School districts can be high-performing, excellent organizations.
- Schools succeed when the entire community comes together around the needs of every child and every family.
- All children benefit from being educated in a socioeconomically, ethnically and racially diverse environment.

Commitments

- Our children will be challenged to achieve at their highest capacity.
- Our school district will ensure that all of our children have at least one year of growth for one year of schooling.
- Our school district will diminish achievement gaps based on race, ethnicity and socioeconomic status until they are extinguished.
- Our schools will be filled with high-quality, competent and caring teachers, principals and staff.

- Our schools will be safe, orderly and clean.
- Our schools will involve family members and caregivers in the education of their children.
- Our school leaders will collaborate with the Durham community.
- Our school district will steadily and significantly increase its high school completion rate.
- Our school district will have the financial resources to give every child an excellent education, will operate with fiscal efficiency and accountability to the public and will be a high-performing organization.

Nondiscrimination Policies

In compliance with federal law, including the provisions of Title IX of the Education Amendment of 1972, Durham Public Schools does not discriminate on the basis of race, color, national origin, sex, disability or age in its programs, activities and hiring. The following person has been designated to handle inquiries regarding the nondiscrimination policies:

Larry McDonald, Executive Director of Athletics Health and Physical Education
511 Cleveland St
Durham, NC 27702

In collaboration with our community and parents, the mission of Durham Public Schools is to provide all students with an outstanding education that motivates them to reach their full potential and enables them to discover their interests and talents, pursue their goals and dreams, and succeed in college, in the workforce and as engaged citizens.

Message from the Superintendent

Dear Durham Public Schools students and families:

Welcome to the 2017-18 school year, and to your school community. We're excited that you have joined us.

The teachers and staff of Durham Public Schools proudly stand for academic excellence for every child from every walk of life. We are committed to helping every student succeed. We are here for you, and we will continue to support you throughout the school year.

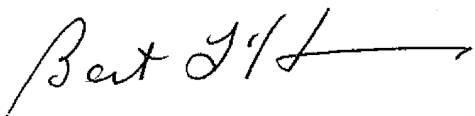
Please take a moment to review this Parent/Student Handbook. It contains important information that will help you prepare for school, including emergency preparedness, testing guidelines and board policies. The handbook has been updated with important new information for the year. We encourage you to use it along with the resources and guidelines you received from your school.

We also hope that you will stay involved with your school throughout the year. The more ways you engage with your school, the more student achievement and family satisfaction rise. So please participate in or support extracurricular activities, volunteer at school, or join student and parent organizations such as the PTA. You are welcome here.

DPS has several ways to keep you informed about district initiatives and school activities. We encourage you to visit our website at www.dpsnc.net, watch us on YouTube, like us on Facebook and follow us on Twitter for updates.

Thank you for choosing Durham Public Schools.

Sincerely,

A handwritten signature in black ink, reading "Bert L'Homme". The signature is fluid and cursive, with a long horizontal stroke at the end.

Dr. Bert L'Homme

Superintendent

Important General Information for Parents

Parent Engagement and Education

Parent/Teacher Partnerships and Groups

Parents are encouraged to communicate with their child's teacher(s) on a regular basis. DPS also encourages parents to get involved with their child's school by serving on the PTA and/ or the Site-Based Decision Making team. Both are active in our schools.

DPS Family Academy

Family Academy and Title I Offices are committed to increasing student achievement and supporting Durham Public Schools families and school communities by providing the very best possible family engagement resources. Partnering with parents, teachers, instructional leaders, Academic Services, and Student Services helps us to provide a variety of free Signature Classes that are linked to learning. These dynamic free classes are offered in varied school locations. For additional information contact 919-560-3816 or visit www.dpsnc.net and click "Programs and Services" and "Student and Family Support".

Services for Families of English Learners

The ESL Resource Center welcomes culturally and linguistically diverse families and facilitates language services within Durham Public Schools. The purpose of the ESL Resource Center is to provide a level playing field by offering language services and orientation to our schools in addition to appropriate placement of ELs. We want the students and their families to be aware of our resources to help children become socially and academically successful by bridging the language barrier. We provide interpreting and translation services in multiple languages.

Exceptional Children (EC) Program Services

State and federal legislation requires districts to provide special education and related services, at no cost to the parents, to students who are found eligible and in need of such services. Eligibility for EC services is determined by school teams based on established state criteria for referrals, evaluations and eligibility determinations. Each eligible and identified student will have an Individualized Education Program (IEP) that is reviewed and revised periodically, but not less than annually. The special education and

related service needs of each student are determined on an individualized basis by the student's IEP team.

Services for Academically and/or Intellectually Gifted (AIG) Students

NC General Assembly, requires each school district to submit a plan detailing implementation of the law requirements. The 2017-18 school year will operate under the current local AIG plan for 2016-19. The plan includes how to identify students who need additional services; what types of programs will be offered; how parents/guardians will be involved in the process; any special training staff may need; and how the plan will be evaluated (Policy 3410). Questions regarding AIG identification and services should be directed to AIG Specialists at each of our elementary and middle schools and Advanced Academics Lead teachers in high schools.

Emergencies and Parent Notifications

Durham Public Schools works closely with emergency management, law enforcement, public health and other officials at the local, county, state and federal levels to develop and strengthen school plans for handling emergencies. Each school has an Emergency Preparedness Plan which includes guidelines on how to respond to severe weather, fire, chemical related incidents, terrorist attacks and security related incidents during school and business hours. All schools have emergency and crisis response teams that are an integral part of the schools' emergency management plans.

Durham Public Schools transmits crisis/emergency messages when necessary using the following media, detailed below.

- District website at www.dpsnc.net
- Local radio and television station broadcasts
- Phone Notification System (robo calls, emails and text messages)
- Facebook: www.facebook.com/DurhamPublicSchools
- Twitter: [@DurhamPublicSch](https://twitter.com/DurhamPublicSch)
- Parent Hotline 919-560-9129

In order to ensure that you are receiving emergency messages, make sure your contact information is correct in your child's PowerSchool record by updating it at your child's school. This information includes your home and emergency phone numbers, home address, special medical needs and emergency pick-up information. You may also include your cell phone number to receive text messages and your email address to get notifications that way.

Talk to your child about emergencies, and encourage your child to follow directions given by school personnel.

In the event of an emergency, stay calm and follow the instructions communicated via the media and/or your child's school. Our first priority is keeping students safe.

Contact your child's school or the Risk Management Services Office, (919) 560-3829, for additional information. Information is online at www.dpsnc.net.

Weather Closures and Delays

Any weather-related closures or delays will be communicated to parents as quickly as possible. The same methods used for emergency notifications will be utilized for closure notifications, too. The quickest way to see closures is to follow the district's Twitter feed @DurhamPublicSch or Facebook page facebook.com/DurhamPublicSchools. Local TV stations will also share the information on their broadcasts and web pages.

Board Policies

In the next section, key policies are highlighted for your convenience. For a complete listing of all Durham Public School Board Policies, use this link:

www.dpsnc.net/pages/Durham_Public_Schools/District/About_DPS/District_Policies.

Volunteering in Schools

All persons who volunteer are required to complete the volunteer registration process prior to beginning their volunteer activity. Criminal background checks shall be required of all volunteers ages 18 years or older participating in programs that are sponsored or co-sponsored by Durham Public Schools. Volunteer records will be subject to review and monitoring for updated information regarding eligibility. Volunteers whose prior history, including criminal history, demonstrates a risk to the safety or well-being of students will be denied participation in volunteer activities.

Frequently Asked Questions

1. Why must I have a criminal background check to participate in volunteer activities at my child's school?

The safety of all students in Durham Public Schools is our first priority. While we encourage, appreciate and celebrate parental involvement in your child's school, it's important that we avoid any situation in which a volunteer might compromise student safety.

2. In previous years, I volunteered at my child's school Book Fair and in the classroom. I didn't need a background check. Why do I need one this year?

Several years ago, DPS offered three "tiers" of volunteer participation. Unfortunately, it was impossible for schools to track volunteers closely enough to ensure that volunteers cleared for a lower tier activity without a background check did not participate in higher-tier activities. The elimination of tiers will ensure that all parents and all situations are treated consistently.

3. Last year, I chaperoned two field trips without a background check. Why has the policy changed?

The policy has not changed; the complexity of monitoring the tier information led to inconsistent application of the background check for field trips and similar activities. Background checks have always been a requirement for field trips to ensure student safety.

4. Does this mean I can't be involved with the school without a background check?

Not at all. We value your participation in your child's school. Take advantage of open houses, curriculum nights, book fairs, beautification days, athletic associations, booster clubs, school performances and parent-teacher conferences. Talk with your child's teachers, especially if you have questions or concerns about his/her performance of class rules and expectations. Parents and guardians are strongly encouraged to be involved with your school's parent-teacher association.

5. What's the difference between volunteering and parent involvement?

Volunteering takes involvement to another level in activities with potential contact with students. Individuals are defined as volunteers if participating in activities in which all students are not under the supervision of their parents/guardians. For instance, if a book fair takes place during the school day and the teacher brings the class to the fair, volunteers would have to possess an approved background check. A book fair in the

evening in which students are accompanied by parents would not require volunteers with approved background checks.

6. I don't want to be a chaperone on a field trip – I simply want to go along to accompany my child. Can I do this without submitting a volunteer application form?

We understand your interest in accompanying your own child. However, any adult on a field trip is going to be potentially involved with other children. Teachers cannot monitor which parents on the trip are cleared and which are not. For the safety of your child and all children, it's important that any adult on a field trip be cleared as an approved volunteer.

7. Isn't it my right to be able to accompany my child?

We understand how you might feel this way. Field trips and similar educational opportunities are school activities that are provided for your child, and there's no requirement for you to participate in order for him/her to take part. However, accompanying your child on a field trip is a volunteer activity.

8. If I can't accompany my child, is he/she required to participate?

No. You may choose for your child not to participate in the field trip but please remember that field trips are planned as part of the overall educational program of the school and the district attendance policy is in effect.

9. If I choose to provide my own transportation to the site of the field trip or activity so that I can keep an eye on my child, and I'm in a public space, how can the school system prevent me from being there?

Of course you have every right to be in a public place. As long as you keep a distance from the school group and don't interact with them there will be no problem. If you try to engage with the group, however, you will be asked to "sign out" your child from the group just as you "sign out" from school and cannot "sign in" at the end of the field trip for transportation back to school.

10. I paid to go on the field trip. What happens to my money if I am not cleared to go on the trip?

The decision to refund a person for a field trip is a site-based decision made by the principal and is typically addressed in the individual school's handbook.

11. What if I don't have a social security number?

The volunteer application form requires either a social security number or a US I-94 VISA number. If an applicant does not have either of the items listed, please see the school principal for an alternative volunteer application.

12. What if I don't have a driver's license?

The driver's license and/or state identification number are not required; however they are requested as additional items of identification for the background check only.

13. Is there an age limit to be a volunteer in DPS?

You must be at least 18 years old to submit a DPS volunteer application. Individuals under age 18 may volunteer with the permission of the school principal and with parental consent.

14. How long does the background check process take?

The normal processing time is 7–10 business days. The process may take longer in high volume months such as September, October, January and May. The background check is a national check and some states may take longer to process requests.

15. How do I sign up to be a volunteer?

You may go online to the DPS website and fill out the electronic application form at <http://www.dpsnc.net> If you do not have access to the on-line application, you may use a paper application which takes longer to process.

16. If I have additional questions whom should I contact?

You should first contact the school volunteer coordinator or school principal.

Student Fees

DPS strives to offer its instructional programs without charging fees. Fees, however, are necessary on occasion. Before any fee is charged, it must be approved by the Board of Education.

Special school activities requiring costs to students that might prevent some students from participating are prohibited. No student will be prevented from participating because of an inability to pay. Fees may be waived or reduced in accordance with established procedure. Policy 3065

Permission Forms and Other Required Forms

A section on the DPS Website includes forms, in English and Spanish, which parents need to complete for various school activities.

College, Universities, or Institutions of Higher Learning Opt-Out Form 9-12 Grades

The school district receives funds from the federal government under the *No Child Left Behind Act of 2001*. These funds are used in a variety of ways to provide additional help to students in greatest academic need. The law also requires that districts receiving these funds must, upon request, provide to colleges, universities and institutions of higher learning, access to the names, addresses and telephone listings of secondary students. The student's name, address and telephone number will be released upon request, unless the parent/guardian or eligible student objects in writing by completing the College, Universities, or Institutions of Higher Learning Opt-Out Form. This form must be completed each school year.

Student Directory Information Opt-Out Form PreK-12 Grades

Under the Federal Educational and Privacy Rights Act, parents, guardians or eligible students have the right to opt-out of the disclosures authorized by directory policies. Written permission from the parent or eligible student is not required for the release of information that is designated as student directory information by the Board of Education. Student directory information will be released upon request, unless the parent/guardian or eligible student objects in writing by completing the Student Directory Information Opt-Out Form. This form must be completed each school year.

School Health Assessment Form K-12 Grades

As of the 2016-17 school year and in compliance with North Carolina House Bill 13, all children entering NC public schools for the first time must submit proof of a health assessment to the principal on the first day of the child's attendance within 30 calendar days. The health assessment must have been completed within 12 months prior to the date the child would have first been eligible for initial entry into the public schools.

Military Recruiter Opt-Out Form 11-12 Grades

No Child Left Behind requires that names, addresses and telephone listings of secondary school students be released to military recruiters upon request, unless a parent/guardian or eligible student objects in writing by completing the Military Recruiter Opt-Out Form. This form must be completed each school year.

Notification of Possible Media Visits (photo release form)

Parents who do NOT want to allow the media (including DPS Public Affairs) to take photos or make video recordings of their child while they're at school must submit a form that the school will keep on file. If parents do not submit such a form, their children may be photographed. To access the form, please go to the school office, download it at www.dpsnc.net or download the enrollment packet, which includes the form, [here](#).

Notification of Rights under FERPA

(Refer to DPS Policies 4200-4209)

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

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

Parents, legal guardians or eligible students should submit to the school principal a written request that identifies the records they wish to inspect. The school official will make arrangements for access and notify the parent, legal guardian or eligible student of the time and place where the record may be inspected.

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

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

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

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the school board. A school official also may include a volunteer or contractor outside of the school who performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student or other volunteer assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities.

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

The school may also disclose education records without consent to financial aid organizations, if the release is in connection with a student's application for receipt of financial aid, or to appropriate persons in connection with an emergency, if the release of the information is necessary to protect the health or safety of the student or other persons.

The school district may also disclose directory information without consent, unless the parent/guardian specifically objects in writing annually to its release. The following

information is considered to be directory information: student's name, parents'/guardians' names, student's age, student's photograph, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received and most recent previous educational agency or institution attended by the student.

In addition, 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.

4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school district to comply with the requirements of FERPA.

The name and address of the Office that administers FERPA are:

Family Policy Compliance Office

U.S. Department of Education 400 Maryland Avenue, SW Washington, DC 20202

Student Attendance Requirements

Attendance at school is essential if a student expects to do well. Regular attendance is necessary for successful completion of required class work and promotion to the next grade. Moreover, attendance and participation in class are integral parts of the teaching-learning process, and regular attendance develops patterns of behavior essential to successful personal, social and professional life.

Every parent/guardian or other person residing within the Durham Public Schools district having charge or control of a child between the ages of 7 and 16 years, or a child younger than seven if enrolled in school, shall cause such child to attend school continuously for a period equal to the time which the Durham Public Schools shall be in session. No person shall encourage, entice, or counsel any such child to be unlawfully absent from school. The parent/guardian or custodian of a child shall notify the school of the reason for each known absence of the child.

Minimum Attendance Requirement

A student is considered absent from school when the student is not present for at least half of the school day, whether the absence is excused or unexcused. A student is absent from a class if the student misses more than half the class period, whether the absence is excused or unexcused. Absences resulting from participation in

school-sponsored activities will not count against the minimum attendance requirement. This policy does not limit a teacher or principal from imposing disciplinary sanctions for students who miss portions of the school day or a class without excuse.

A student who is absent from school shall within three days of returning to school furnish a written excuse from the student's parent/guardian, custodian or doctor stating the dates and reason for the absences. After five consecutive or 10 accumulated absences in a semester, the principal may require a written doctor's excuse for any additional absences attributed to illness.

When a student has been absent from class or school 10 times in a semester or 20 times in a school year, whether excused or unexcused, the principal or designee shall notify the parent/ guardian or custodian of the absences in writing. The notice shall include a warning of the possible consequences of additional absences and/or a copy of this policy. In addition, excessive unexcused absences may violate the compulsory attendance law and may result in disciplinary action as provided under Policy 4301 Student Code of Conduct. Policy 4100

Attendance Incentive: Exam Exemption

High school students may be exempt from their non-state-mandated (teacher made) final exams if they meet one of the following conditions, detailed below.

For 90 day courses:

- Have an "A" average and no more than three absences. Have a "B" average and no more than two absences.

For 180 day courses:

- Have an "A" average and no more than six absences.
- Have a "B" average and no more than four absences.

Any absences (lawful or unlawful) count toward the limit for exam exemption except school sponsored field trips, school approved activities and religious holidays.

Students who are exempt from an exam may elect to take the exam. The grade will only count if it improves the student's overall grade. Policy 4106

Signing Students Out of School

Parents/guardians are the only people allowed to take a student from school. Prior arrangements with the principal, however, may allow for others to do so. Policy 4108

Transferring to a Different School

Students who wish to transfer from their assigned school into another school, other than a magnet school, may request one of the following types of transfer: 1) hardship transfer, 2) child care transfer, 3) transfer out of year-round into traditional, 4) transfer into year-round, or 5) transfer from special assignment, as outlined in this policy. The student capacity of a school, the number of students at a grade level, and local or state class size guidelines may be used as factors in considering approval or denial of student transfer requests.

Transfer students must present no discipline problems and maintain good attendance and passing grades. A transfer may be denied or revoked if these conditions are not met or if a request contains false information.

Students living in a year-round elementary school's attendance zone who would prefer to attend a school on the traditional calendar may request an assignment to a designated partner traditional school.

A transfer to a year-round school is considered only if all applicants from within the school's region have been assigned and space is available.

The Superintendent or his designee can assign a student to another school if he determines such a move is in the best interest of the student or the school.

If a student's transfer request is denied, parents may appeal first to the Superintendent's designee, then to the Board of Education. Appeals must be submitted by a parent/guardian in writing within five days of notification of denial.

If a transfer is granted, transportation is the responsibility of the student or family. The principal does have discretion, however, to assign a student to an established bus, provided space is available, and the bus stop is within the school's attendance zone Policy 4132.

Immediate Transfer when Criminal Charges are Pending

Whenever a student is charged with a criminal offense, either as a juvenile or an adult, the Superintendent or designee, based upon a review of the allegations associated with the arrest or criminal charges and an informal meeting with the student and parent/guardian, shall have the authority to effect an immediate involuntary transfer to another school or to a full-time alternative education program if the Superintendent or designee, based upon a preponderance of the evidence, is of the opinion that the peace, health, safety or welfare of the students or staff of the Durham Public Schools may be disturbed by maintaining the student in his or her current placement. The program to which the student is transferred will be a full-time program that provides the standard course of study and permits the student to continue to make timely progress toward grade promotion and graduation. The student's parent/guardian may subsequently request a hearing to review the involuntary transfer pursuant to Policy 4132.

A student may also face suspension or expulsion for the behavior which led to the criminal charges, consistent with Policy 4301, Code of Student Conduct, and 4303, Disciplinary Procedures.

Access to Student Records

In compliance with state and federal law, DPS maintains a permanent record on every student. The record includes files, documents, computer data and photographs that contain information about the student. They do not include records created by individual teachers or administrators that are not shared with anyone else.

Generally, a student's record will contain basic information, such as his/her birth certificate, immunization, attendance, standardized test results, grades and promotion information. Any suspension longer than 10 days is also part of a student's record, but this information is removed after graduation. Information in the record relating to special education services and evaluations is kept in a separate confidential file for each child evaluated for or receiving special education services, including services for the academically and intellectually gifted.

Parents/guardians have the right to inspect and review their child's record. If separated or divorced, both parents have this right, unless there is a court order that states otherwise.

When a student turns 18 years old or gets married and no longer lives with his/her parents, he/she has the same rights as a parent or guardian regarding his/her records.

High schools provide up to three transcripts to colleges or universities upon a student's request, as well as a copy for the graduate, at no cost. A fee may be charged for additional copies based on the rate charged for copies of public records.

Parents/guardians may challenge any item in their child's record if they believe the information is inaccurate, inappropriate or otherwise violates their child's rights. Challenges must be submitted in writing to the principal. If the principal denies the request, you may appeal through the Student Grievance Procedure.

"Directory information" may be released upon request. This includes the student's name, age, photograph, participation in officially recognized activities and sports, weight and height of athletic teams, degrees and awards and educational institution most recently attended. Military and college recruiters also can be given telephone numbers and addresses. Parents/guardians who object to the release of this information may submit their objection in writing ANNUALLY. The objection will be placed with the student's record, and no such information will be released. Copies of student records are forwarded to other K-12 schools where students seek to enroll.

Authorized school, state or federal educational institution personnel, persons acting under court order, financial aid organizations, accrediting organizations and appropriate personnel acting in connection with an emergency may have access to more information within legitimate guidelines. Information from the student's record may be provided to the Durham County Department of Social Services, for instance, if child abuse or neglect is suspected.

Confidential records for students with disabilities and students who are referred for testing for disabilities are destroyed five years after the student is determined to be ineligible or exits from Durham Public Schools. Records may contain information useful in applications for social security benefits or special assistance as your student continues his education.

To request a copy of the complete record within five years after your student exits from the program, please use the online request form found on the Durham Public Schools website's Records page, www.dpsnc.net. Or you may write to the Records Center, Durham Public Schools, P.O. Box 30002, Durham, NC 27702.

Please include the student's name, current phone number and date of birth. The request must be signed by the former student, if he is 18 years or older, or his legal guardian. Policies 4200, 4201, 4202, 4203, 4204, 4205, 4206, 4207, and 4420.

Health, Wellness and Safety Information

Student Insurance Coverage

Durham Public Schools provides supplemental insurance coverage for injuries that occur during the hours and days when school is in session and while students are participating in school-sponsored and supervised student activities on or off the school premises. These student activities include interscholastic athletics, intramural sports, physical education classes and sponsored group travel.

An accident under this coverage is defined as an unexpected, sudden and definable event, which is the direct cause of a bodily injury, independent of any illness, prior injury or congenital predisposition. Payments for those medical/dental expenses incurred from an accident would be covered only in excess of any other insurance plans.

This coverage is designed to pick up eligible balances left by any other plans and, only if other coverage or plan is available, to pay the medical/dental expenses incurred to the limits stated within the policy. Student Accident Claim Forms are available at each school and require completion by the student's school and the parent or guardian. Once the claim form is completed, the parent or guardian is responsible for filing the accident claim with the insurance carrier. Durham Public Schools does not accept or deny accident claims that are submitted by parent or guardian.

Catastrophic Insurance Coverage

Durham Public Schools provides catastrophic insurance coverage for all middle and high school students and coaches participating as a team member in any interscholastic competition sanctioned by the NC High School Athletic Association, including practices, game related activities and related travel. Coverage is provided for related medical expenses in excess of \$25,000 up to \$1 million.

Voluntary Accident and Dental Insurance

Additional information related to a 24-hour voluntary student accident and dental insurance plans will be made available at your child's school or may be found on our website.

Medication Policies

DPS strongly discourages administering medication (even over-the-counter) to students during the school day if it can be avoided. If a student chooses to self-administer medication, Durham Public Schools will assume no responsibility.

If it is necessary for a school official to administer medication to a student, the parent/guardian must supply prescription medication to the school and complete a “Request for Medication to be Given During School Hours” form, which requires a doctor’s signature. Some of our schools have Wellness Centers, which have their own specific guidelines for the dissemination and administering of medication. Refer to Policy 4400.

Child Health Assessment and Prevention Program (CHAPP)

The Child Health Assessment and Prevention Program (CHAPP) is an innovative care delivery model provided for children residing in Durham County, by the Durham County Department of Public Health in partnership with Durham Public Schools and Duke Medicine. CHAPP is located in five elementary schools in Durham.

This convenient program allows parents to bring their well children who are in need of a regular checkup, kindergarten health assessment, shots, dental fluoride, hearing, vision and other screenings to detect any health problems.

By appointment, CHAPP will see any Durham Public School students and their siblings, from birth to age 18 at these school-based clinics.

Call one of these elementary school locations for to schedule an appointment.

Glenn	(919) 560-2211
Oak Grove	(919) 560-2327
Merrick Moore	(919) 287-4184
EK Powe	(919) 287-4185
George Watts	(919) 560-2555

For more information, visit www.dconc.gov/CHAPP

Text-A-Tip

Text-A-Tip is available to our students and school community to anonymously report suspicious behavior and prevent crime. Text-A-Tip information will be distributed through the schools and available on our [district website](#).

School Visitors

Parents/guardians are welcome to visit any school. In order to ensure safety and avoid disrupting school activities, we have established the following guidelines:

- Visitors must check in at the school office.
- Principals may prohibit or discourage visits when students are being tested and other times when visits may disrupt school activities.
- Parents/guardians who wish to discuss a student's progress should request a meeting in advance to be held outside regular school hours.
- Anyone who disrupts school operations, damages school property or poses a risk to the students, staff or the school may be asked to leave school property. A principal has the authority to prohibit such persons from attending school events or coming on school property.

In order to ensure that campuses are safe and orderly, the Superintendent or principals may establish additional rules consistent with this policy. Policy 2025

Bullying and Harassment

It is the priority of the Durham Public Schools Board of Education to provide every student and employee in the school system with a safe and orderly learning environment. To this end, the Board specifically prohibits harassing or bullying behavior at all levels: between students, between employees and students, between peers or coworkers, between supervisors and subordinates or between non-employees/volunteers and employees and/or students. This policy is in addition to Policy 4410/5125 – Sexual Harassment.

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

The Board specifically prohibits reprisal or retaliation against any individual who makes a complaint or reports an incident of harassing or bullying behavior or who participates in an investigation or grievance proceeding initiated under this policy. Reprisal or retaliation against any individual who reports an act of harassment or bullying may result in disciplinary action being taken, up to and including dismissal in the case of employees, or up to and including long-term suspension or expulsion in certain cases for students.

Definition of Harassment and Bullying

1. As used in this policy, bullying or harassing behavior is any repeated, systematic pattern of gestures or written, electronic or verbal communications, or any physical act or any threatening communication on school property; at any school sponsored function; on a school bus; or as otherwise stated in Board Policy 4301 – Student Code of Conduct, and that:
 - a. *Places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property; or*
 - b. *Creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities or benefits. A hostile environment means that the victim subjectively views the conduct as bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior.*
2. Bullying or harassing behavior includes, but is not limited to, acts reasonably perceived as being motivated by any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics.

Reporting Bullying and Harassing Behavior

1. 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.
2. Any employee who believes that he or she has been bullied or harassed in violation of this policy should report such behavior to their immediate supervisor and/or the assistant superintendent of human resources or designee.

3. A school employee who witnessed or has reliable information that a student or school employee has been subject to any act of bullying or harassing behavior shall report the incident as follows:
 - a. *To the principal in the case of a student; or*
 - b. *To the immediate supervisor of the alleged bully or harasser and/or the Assistant Superintendent of Human Resources.*
 - c. *Failure to make such a report may subject the employee to disciplinary action.*
4. Any person may report an act of bullying or harassment anonymously. However, formal disciplinary action may not be taken solely on the basis of an anonymous report.

Investigation of Bullying and Harassment Reports

1. All complaints of bullying or harassing behavior made by students shall be promptly and thoroughly investigated by the principal or designee. If the alleged bully or harasser is an employee, the principal will determine if a referral to Human Resources is warranted.
2. All complaints of bullying or harassment made by employees shall be promptly reported to their immediate supervisor and/or the assistant superintendent of human resources. The investigation shall be conducted by the assistant superintendent of human resources or designee.
3. If the individual required to investigate a complaint made under this policy is the alleged bully or harasser, the investigation shall be conducted by an appropriate school system administrator as designated by the superintendent. If the alleged perpetrator is the superintendent, the Board attorney is the investigator. In such cases, whoever receives a complaint of bullying or harassment shall immediately notify the assistant superintendent of human resources, who shall immediately notify the Board chair. The Board chair shall direct the Board attorney to respond to the complaint and investigate. If the alleged perpetrator is a member of the Board, the Board attorney is the investigator. In such cases, whoever receives a complaint of bullying or harassment shall notify the superintendent who shall direct the Board attorney to respond to the complaint and investigate. Unless the Board chair is the alleged perpetrator, the superintendent shall also notify the Board chair of the complaint.

4. If at any time during the investigation the school official investigating a student's allegation of bullying or harassment receives information alleging the bullying or harassment was based on sex or gender, the school official shall notify the Title IX Coordinator. In such cases, the procedures outlined in Board Policy 4410/5125 – Sexual Harassment shall be followed. Further, in any case of alleged bullying or harassment, the school system shall notify any other appropriate person or entity if required by law or Board Policy 5215 – Reporting Information to External Agencies.

Disciplinary Action

1. The actions taken in response to evidence of bullying or harassing behavior should be reasonably calculated to end any bullying or harassing, eliminate a hostile environment if one has been created and prevent harassment from occurring again. In addition to taking disciplinary action as necessary, the principal or other school official shall take appropriate remedial action to address the conduct fully.
2. Violations of this policy shall be considered misconduct and will result in disciplinary action up to and including long-term suspension or expulsion in the case of students and disciplinary action up to and including dismissal in the case of employees.
3. This policy may not be construed to allow school officials to punish student expression or speech based on an undifferentiated fear or apprehension of disturbance or out of a desire to avoid the discomfort and unpleasantness that may accompany an unpopular viewpoint.
4. Nothing in this policy precludes the school system from taking disciplinary action against a student or employee where the evidence does not establish harassment but the conduct otherwise fails to satisfy the school system's high expectations for appropriate conduct.

Regulations and Procedures

The Superintendent shall develop regulations and procedures for implementation of this policy. Policy 4411

Sexual Harassment

All employees and students are entitled to work and study in school-related environments that are free of sexual harassment. To this end, the Board prohibits employees and students from engaging in sexual harassment and advises employees and students that when evidence of sexual harassment is established, disciplinary action may be taken, up to and including dismissal (for employees) and suspension (for students).

4410.1/5125.1

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- A. Submission to the conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, academic progress, or completion of school-related activity; or
- B. Submission to or rejection of such conduct is used as the basis for employment decisions affecting such an individual, or, in the case of a student, submission to or rejection of such conduct is used in evaluating the student's performance or affecting the student's opportunities within a course of study or other school-related activity; or
- C. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or a student's educational performance, or creating an intimidating, hostile, or offensive environment.

4410.2/5125.2

Examples of sexual harassment include, but are not limited to, deliberate, unwelcome touching; suggestions or demands for sexual involvement accompanied by implied or overt promises or threats; pressure for sexual activity; continued or repeated offensive sexual flirtations, advances or propositions; continued or repeated verbal remarks about an individual's body; sexually degrading words used toward an individual or to describe an individual; or the display in the workplace or school setting of sexually suggestive objects or pictures.

A hostile environment exists if the conduct of a sexual nature is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from the educational program or creates a hostile or abusive educational or work environment.

Sexual harassment does not include personal compliments welcomed by the recipient or social interactions or relations freely entered into by an employee or prospective

employee or appropriate social interactions between students that do not violate the Code of Student Conduct. In the case of consensual relations between students, there may be reason to question the consensual nature of the conduct if one or both of the students are very young or there is a large age disparity between the students.

4410.3/5125.3

It is possible for sexual harassment to occur at various levels: between peers or coworkers, between supervisors and subordinates, between employees and students, between students, or imposed by non-employees on employees and/or students.

4410.4/5125.4

Romantic or sexual advances toward students by employees or romantic or sexual relationships between school system employees and students are never appropriate, whether they are consensual or non-consensual or otherwise outside the definition of sexual harassment. Such relationships are prohibited. Employees engaging in inappropriate relationships with students, or who fail to report such relationships to the Superintendent, will be subject to disciplinary action, up to and including dismissal.

4410.5/5125.5

All complaints of sexual harassment shall be promptly and thoroughly investigated. A student does not have to report an incident of harassment to trigger an investigation if a school official knows or, in the exercise of reasonable care, should have known about the harassment. Suspected sexual harassment shall be investigated according to the following procedures:

- A. All complaints and investigations of sexual harassment shall be confidential. Information shall be given only to those individuals who need to have access to it in order to investigate appropriately and address the complaint.
- B. A student who believes that he/she has suffered sexual harassment may report the matter in writing to the school principal. Written complaints may also be made to the assistant superintendent for student services for cases of student to student harassment and to the assistant superintendent for administrative services for complaints of harassment by a school employee. Any teacher or other school employee who receives from a student a report (oral or written) of alleged sexual harassment shall immediately report the same to the school principal, and the principal shall promptly inform the Superintendent of the allegations. Failure by the employee to do so may subject the employee to disciplinary action. If the student's school principal is the alleged offender, such report by the student or by other school

employees shall be made to the Superintendent or assistant superintendent for administrative services.

- C. An employee who believes that he/she has suffered sexual harassment may report the matter in writing to the assistant superintendent for administrative services. However, any school employee who occupies an organizationally superior position relative to an employee who receives from such employee a report, whether oral or written, of alleged sexual harassment shall promptly report the same to the Superintendent or the assistant superintendent for administrative services. Failure by such employee to do so may subject the employee to disciplinary action. If the assistant superintendent for administrative services is the alleged offender, such report shall be made to the Superintendent.
- D. In any case involving alleged sexual harassment by the Superintendent, reports shall be made to any member of the Board.
- E. Claims of sexual harassment shall be promptly and thoroughly investigated, and appropriate action shall be taken. The actions taken should be reasonably calculated to end any harassment, eliminate a hostile environment if one has been created, and prevent harassment from occurring again. Violations shall be deemed to be serious disciplinary infractions. In the case of students, the Student Code of Conduct outlines the range of disciplinary consequences.
- F. No employee or student will be subject to negative action in retaliation for reporting alleged sexual harassment in accordance with this policy. Such retaliation is against the law and is prohibited by this policy.
- G. The Superintendent may establish such guidelines and additional procedures as he/she deems necessary for the purpose of implementation of this policy.
- H. The Superintendent shall recommend and the Board shall approve the appointment of a member of the central office staff to coordinate compliance with Title IX of the Education Amendments of 1972 and this policy.
- I. Anyone who has brought a complaint under this policy and is not satisfied with the results of the investigation may file a formal grievance with the Title IX coordinator, and the results of this review may be appealed to the Board.

4410.6/5125.6

The Superintendent or designee shall ensure that copies of this policy are distributed to employees and students.

Legal Reference: G.S.115C-36; Title VII of the Civil Rights Act of 1964, as amended; Titles VI and IX of the Education Amendments of 1972.

Adopted Effective: July 1, 1999

Weapons and Alcohol

In order to ensure the health and safety of students and staff, DPS strictly prohibits unauthorized weapons and alcoholic beverages on school property. Anyone who unlawfully brings or possesses a weapon on school property or encourages someone else to bring a weapon onto school property (i.e. school building, campus, buses, recreational area or athletic field) will be reported to law enforcement authorities. Individuals with a concealed handgun permit must store such weapons in accordance with G.S. 14-269.2 while on school property. Policies 2200 and 2205

Use of Tobacco Products

Students may not possess, display or use any tobacco product at any time on school premises, including school vehicles, or while participating in school-sponsored events. Employees or visitors are not permitted under any circumstances to use tobacco products in or on the grounds of any facility owned or leased or contracted for by Durham Public Schools. (Policy 2210).

Internet Acceptable Use

The Internet is an invaluable source of information for students and staff. The computer networks at school are provided for students for educational purposes. Students are given the privilege to use the Internet along with the responsibility of using it properly. Using the Information and Technology Essential Standards, students will be taught safe, ethical and responsible uses of technological resources. Students who do not follow the district's guidelines may have their Internet and email privileges revoked and be subject to other disciplinary actions ([Policy 3225](#)).

School Nutrition Information

Breakfast & Lunch Program

Menus are distributed on a monthly basis. Menus also are available on our website [here](#).

For the 2017-18 school year, school meal prices will be:

Meal	Reduced	K-5	6-12	Adults	Milk
Breakfast	Free	Free	Free	\$2.00	\$0.50
Lunch	\$0.40	\$2.90	\$2.90	\$3.75	\$0.50

Durham Public Schools is proud to feature Universal Free Breakfast. All students can receive breakfast at no charge regardless of meal status. "Breakfast is on Us."

Durham Public Schools participates in the National School Breakfast and Lunch Program, a federally assisted meal program that provides nutritionally balanced, low-cost or free lunches to students. Students may qualify for free and/or reduced meals by completing a new application for the 2017-18 school year. Applications are available by contacting School Nutrition Services at (919) 560-2370, the school office or on the DPS website.

Guidelines for Bringing Food to a Class (During the School Day)

Except for permissible celebrations, staff doesn't serve any food or beverages to students during school hours or at school-sponsored events that couldn't be served in the school cafeteria. Food-based activities are included in the classroom only when the use of food is a necessary part of an instructional objective. DPS does not use food as a reward or a punishment unless documented for a particular student's Individualized Education Plan (IEP).

Birthdays & Special Occasions: DPS officials recommend these alternatives to providing food for your child's birthday or special occasions.

- Donate (and read aloud) a birthday book to your child's class
- Come enjoy lunch with your child
- Bring a big card or picture frame matting for classmates to sign
- Lead the class in a craft or recess game related to your child's birthplace or interest

If you choose to provide snacks for your child's class please adhere to the following guidelines:

- Foods approved in advance by the principal peelable whole fruits or vegetables.
- Pre-washed unpeelable whole fruits or vegetable, bottled water.
- Pre-packaged or restaurant/catering foods that meet all applicable food safety and sanitation requirements.
- No soft drinks or sweetened beverages, water is encouraged.

Suggestions:

- Almonds, pumpkins seeds, sunflower kernels
- Fresh or dried fruit and vegetables
- Whole grain pretzels, popcorn, low-sugar granola bars, cereal bars, fruit bars, animal crackers, graham crackers, trail mix
- Yogurt cups or cheese sticks

Fundraising & After-school Programs

No food is to be served or sold to students from midnight until 30 minutes after the dismissal bell. Snacks provided during afterschool and summer programs meet DPS nutrition standards.

School Stores & Vending Machines

Elementary schools

- Do not have stores that sell food to students.
- Do not have vending machines that are accessible to students.

Middle & high school vending machines

- Operate 30 minutes after the dismissal bell.
- Stock only snack items that meet the Smart Snack standards of the USDA Healthy Hunger Free Act of 2010.
- Sells beverages that are low-fat or nonfat milk, water, 100% juice with no added sweeteners and sports drinks with 100 calories or fewer.

Academic Information

Before and After-School Care

DPS Community Education offers licensed before- and after-school programs at most elementary schools. Most of the programs have earned the state's highest star rating: five stars.

Programs offer:

- Enriching and recreational activities
- Time for homework
- Trained staff and state licensed; many Five Star-rated programs
- Safe and nurturing environment
- Convenient and close connection with schools
- Project-based clubs
- Snack provided

Encore! middle school afterschool programs are offered based on funding availability.

For more information and/or questions please call (919) 560-3816 or visit our website at www.dpsnc.net/afterschool.

Pledge of Allegiance

State law and board policy require that each school include a daily recitation of the Pledge of Allegiance to the flag. The school shall not compel any person to stand, salute the flag or recite the Pledge of Allegiance, but each person shall maintain proper decorum while others participate.

Textbooks

Durham Public Schools provides textbooks on loan to students. Students are expected to return textbooks in good condition. Textbooks are to be returned at the end of the school year/ course or when a student withdraws from school. Fees will be charged for books not returned, lost and/or damaged.

Teaching and Testing

All teachers have access to the state curriculum known as the North Carolina Standard Course of Study. DPS teachers are provided with curriculum support documents that support instruction.

Local Assessments

2017-18 local assessments may measure mastery of skills and/or the North Carolina Standards. Teachers will use the results to plan corrective instruction and enrichment opportunities for students.

All children served in DPS Exceptional Children (EC) and Title I Preschool programs will be assessed by the Creative Curriculum Gold ongoing formative assessment system. Additional EC progress reporting is determined through Individual Education Program (IEP) goals.

Final Examinations in High School

The Board of Education requires that a final examination be given at the end of each course earning credit toward high school graduation. End of Course tests and NC Final Exams count as the final exam. Final exams in courses without a state assessment should be a valid reflection of the student's mastery of course content. Exams should be cumulative in nature and test material and skills taught during the period covered by the exam. Policy 3230

State Testing, Grades 3-8

Students in grade 3 take the Beginning-of-Grade 3 (BOG3) English Language Arts/Reading Assessment during the first 11-15 days of the school year. This test is referred to as the BOG3 and consists of multiple choice items. It is designed to give a baseline assessment of a student's English Language Arts/ Reading skills. Students in grades 3 – 8 take an English Language Arts/Reading and a Mathematics test the last ten days of the school year. Additionally, students in grades 5 and 8 will take a Science test.

These tests are referred to as End-of-Grade (EOG) tests. They include multiple choice, open-ended response, gridded response, items that permit multiple correct answers as well as technology enhanced items for online testing.

Testing accommodations are available for students with disabilities as well as for some students who are English Language Learners (ELLs). The need for accommodations

must be documented in the student's Individualized Education Plan (IEP), Limited English Proficient (LEP) Plan, or Section 504 Plan.

State Testing, End-of-Course (EOC) Tests

EOCs are designed to assess student competencies in the following subject areas: Biology, English II and NC Math 1 (formerly called Algebra I/Integrated Math I). These assessments will be administered within the final five days of a semester course or the final ten days of a yearlong course.

Testing accommodations are available for students with disabilities as well as for some students who are English Language Learners (ELLs). The need for accommodations must be documented in the student's Individualized Education Plan (IEP), Limited English Proficient (LEP) Plan, or Section 504 Plan.

State Testing, ACT PLAN/ACT/WorkKeys

The Pre-ACT Assessment will be given to every 10th grader in October. The Pre-ACT assessment provides information for sophomores to explore career/training options, to measure their current academic development and to make plans for the remaining years of high school.

The ACT College Admissions Assessment will be given to every 11th grader during the second semester. Students may submit their scores to colleges and universities for admissions consideration. The ACT provides information for juniors to understand what courses would provide a more rigorous high school course plan and identify career areas that align with their interests.

The ACT WorkKeys Assessment will be administered to seniors who complete the four course Career and Technical Education sequence. The ACT WorkKeys measures skills and abilities such as reading, math, listening, locating information and teamwork – skills that are critical to job success. Students will receive a National Career Readiness Certificate that they can submit to a potential employer as evidence of their skills.

PSAT/SAT

Juniors may choose to take the PSAT in Fall 2017. Juniors who take the PSAT may qualify for various National Merit Scholarships. Students who plan to attend college may opt to take the SAT as a junior or senior at a time scheduled by the student. The SAT is offered on several Saturdays. A fee is charged, but some students are eligible to have

their fees waived. Please contact your student's guidance counselor or the College Board at www.collegeboard.org for more information.

eLearning Program

The objectives of the DPS eLearning Program are to:

1. support each high school in achieving the Durham Public Schools Cohort Graduation Rate goal of 90% or better;
2. offer an instructional alternative for at-risk students;
3. address the needs of transfer students with alternative schedules that do not align to new school (i.e., out-of-state transfers, students receiving homebound/hospital services, and students entering school during the school year from dropout status); and
4. provide accelerated learning opportunities that may not be possible to incorporate in the regular school schedule or may not be offered at the student's base school.

DPS eLearners are expected to be:

- responsible and committed;
- technologically literate;
- goal-orientated and self-motivated; and
- engaged in course-selection and progress with the ELA, school counselor, and their parents/guardians.

Students and parents are required to sign an eLearning contract before enrollment in an online course. For more information, please see the [DPS eLearning website](#) or contact the guidance counselor or principal at your student's school.

Grading System and Philosophy

The policy of the Board of Education is to strive for a consistent and just evaluation of each student in the Durham Public Schools. To ensure the effectiveness of this policy, the Board of Education endorses these beliefs and best practices.

- Students' grades should reflect their academic achievement.
- While attendance and behavior may influence a student's learning, they should be reported separately, not included in the student's grade.
- Teachers should compare each student's performance against pre-set standards, not against the performance of other students.

- For missing work, teachers should provide specific make-up assignment(s) for demonstrating the targeted learning.
- Teachers should provide students and their parents with a clear explanation of their grading practices including the weighting of formative and summative assessments and rubrics as appropriate.

All assessments and assignments, including teacher-made tests should be aligned with the North Carolina Standard Course of Study and be designed to assess student achievement accurately. Policy 3200

Minimum Grade Threshold (Middle and High School)

In yearlong courses, for first, second, and third-quarter grades, no student will receive lower than a 50. There is no set minimum for fourth-quarter or final grades. For semester courses, the first-quarter grade will be no lower than a 50; there is no set minimum for second quarter or final grade. Policy 3200.4

Credit for High School Courses

For high school level courses, a student shall receive credit toward graduation for courses in which the student earns an average of 60 or above. The student's final grade in all courses shall be determined by calculating 80% of the grade as the course average with the final exam counting 20% towards the final grade (End of Course Test/North Carolina Final Exam). This policy applies to all courses earning credit toward high school graduation. Policy 3200.5

Credit by Demonstrated Mastery

State Board Policy GCS-M-001.13, Course for Credit, Credit by Demonstrated Mastery (CDM) specifically offers NC students the opportunity to personalize and accelerate their learning by earning course credit through a demonstration of mastery of course material. CDM is available for high school students as well as middle school students for high school courses. The State Board of Education defines "mastery" as a student's command of course material at a level that demonstrates a deep understanding of the content standards and the ability to apply his or her knowledge of the material. "Credit by Demonstrated Mastery" is the process by which LEAs shall, based upon a body-of-evidence, award a student credit in a particular course without requiring the student to complete classroom instruction for a certain amount of seat time. This body-of-evidence involves two phases: Phase 1 includes a summative assessment which is comprehensive of the course standards, and Phase 2 includes a performance task or creation of an artifact which demonstrates mastery. There are three CDM

windows in Durham Public Schools: Fall, Spring, and Summer. You can find more information at www.dpsnc.net or by contacting the Office of Advanced Academics.

Report Cards and Promotion Standards

Teachers distribute progress reports to let parents know about their child's strengths/weaknesses. Report cards are issued no later than seven days after the end of the grading period.

Promotion Standards, K-8

Students in grades kindergarten through grade 8 are required to meet promotion standards which include demonstrated grade level proficiency on local assessments, standardized tests, report cards and/or student work. A variety of methods are used to determine a student's progress.

If a student appears likely to be retained, then the parent/guardian of the student shall receive at least two (2) notices. The first notice may be a conference; the second notice must be in writing and must be provided by the end of the third quarter. The principal's office must provide in writing an official notice of retention to the parent/guardian by the last day of school.

Read to Achieve

The state's Read to Achieve program, a part of the Excellent Public Schools Act, is designed to ensure that every student reads at or above grade level by the end of the third grade. Third grade students are given multiple opportunities, through various means to show reading proficiency.

If your child does not show reading proficiency on the End-of-Grade (EOG) Reading test, you may choose to enroll him or her in a Summer Reading Camp. Non-proficient students can move to the fourth grade, but will have a "reading retained" label and will receive additional reading support in the classroom. They will also have opportunities during the fourth grade year to have the label removed.

Students who do not show reading proficiency on the End-of-Grade (EOG) test can move to fourth grade without the "reading retained" label by qualifying for a Good Cause Exemption(GCE) such as:

- Limited English Proficient students with less than two years of English as a Second Language program Students with disabilities.
- Students who demonstrate reading proficiency through an approved alternative assessment.

- Students who demonstrate reading proficiency through a student reading portfolio.
- Students that have received reading intervention and previously been retained more than once in kindergarten, first, second or third grades.

Graduation Requirements

Ninth graders entering high school in 2009 and later must pass the Future-Ready Core course of study as defined by the State Board of Education. A listing of the requirements for the Future-Ready Core course of study is available in the student services office of each middle and high school and posted on the DPS website.

Future Ready Core students must earn a total of 28 units as specified in their course of study to graduate. At Durham School of the Arts and The School for Creative Studies, students must earn a total of 24 units.

Students who meet specific eligibility criteria and have the approval of a school-level team, the principal and the superintendent or his/her designee may participate in the General Diploma program. General Diploma students must meet North Carolina graduation requirements. A listing of the requirements for the General Diploma is available in the student services office of each high school.

The Occupational Course of Study is available for those students with disabilities who are specifically identified for this program. Policy 3235.1

School Accountability

NC READY Accountability Program

READY is the name of the new North Carolina accountability initiative, formerly known as the ABC's of Public Education. READY is not an acronym. READY is a goal – to prepare our students for college, careers and adulthood. The READY accountability model provides a picture of how well students are learning the curriculum and identifies where improvements are needed. The READY program sets growth and performance standards for each elementary, middle and high school. More information regarding the READY accountability model can be found at <http://www.ncpublicschools.org>.

Services for Exceptional Children

In compliance with state and federal regulations, Durham Public Schools offers a free, appropriate public education to every enrolled student with a disability (between the ages of three and twenty-one) who is eligible and in need of special education and related services. A parent or guardian who believes his/her child has a disability may request assistance through the Multi-Tiered System of Support (MTSS) team in the child's school. Children who might have a disability are entitled to an evaluation provided at no charge by the school district. The multidisciplinary team will use the evaluation results to determine eligibility for special education services under federal and state regulations. We strongly encourage and solicit parent involvement during all portions of the process. Regardless of the level of participation, parents/ guardians will receive notification of the evaluation results. Schools must obtain informed consent before conducting an initial evaluation and before the initial provision of special education and related services to the child.

If the IEP team determines that the student is eligible and in need of special education services, an Individualized Education Program (IEP) will be designed to meet his/her unique needs. The student will be served in the least restrictive environment based on his/her IEP. Least restrictive environment means that, to the maximum extent appropriate, children with disabilities shall be educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature of the disability is such that education in the regular classes with the use of supplementary aids and services cannot be achieved satisfactorily (NC 1500-2.21). Parents/guardians will

receive advance notice in writing if there is a proposed change regarding their child's identification, evaluation or placement. Policy 3400

More information on the rights of students with special needs and their parents can be found in the N.C. Department of Public Instruction Handbook on Parent's Rights, available from any school.

Services for Students with Disabilities under Section 504 of the Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act prohibit discrimination against any individual on the basis of disability. A disability is defined as a physical or mental impairment that substantially limits one or more major life activities such as seeing, hearing, breathing, walking, learning, communicating, or the operation of a major bodily function (e.g., cardiovascular, endocrine, or immune systems). A student with a disability may be eligible for protections from discrimination at school, as well as at school-sponsored events. If a student currently has or has had a Health Care Plan for a medical condition that may limit a major life activity, your student may qualify for protections that allow equal access to the educational environment.

Each school has a Section 504 contact person who is trained to coordinate such services. Requests for eligibility determination and accommodations under Section 504 should be directed to the school-based Section 504 Coordinator or a School Administrator. A copy of the rights available to students and their parents under Section 504 is available from the school-based Section 504 Coordinator or from the District Section 504 Coordinator (560-2000 X 21042). Policy 3405

Services for Academically and/or Intellectually Gifted (AIG) Students

Article 9B, enacted in 1996 by the NC General Assembly, requires each school district to submit a plan detailing implementation of the law requirements. The 2017-18 school year will operate under the current local AIG plan for 2016-2019. The plan, developed by a team of district staff, parents/guardians, teachers and community representatives, includes how to identify students who need additional services; what types of programs will be offered; how parents/guardians will be involved in the process; any special training staff may need; and how the plan will be evaluated. Policy 3410

The district AIG plan is submitted every three years to the Board of Education and state for approval. Each school is required to adhere to it. Each school, K-8, has an AIG Specialist who is trained to coordinate AIG services and implement Differentiated Education Plans for AIG identified students. Requests for nominations or other inquiries should be directed to the AIG School-Based Committee at your child's individual school.

Services for English Learners

States, districts and schools are required to provide core language instruction educational programs and services for students identified as English Learners (ELs).. The Home Language Survey and a parent guardian interview would qualify as basic criteria to assess the student for English Language Proficiency. This requirement is established based on Title VI of the Civil Rights Act of 1964, and its implementing regulations. Districts that receive Title III funds are required to develop and submit a detailed instructional plan outlining language development services for students who are identified as English Learners. The plan *Title III Sec. 3116 (6)(d)(2)* lays out language support services to level the playing field for ELs by making content accessible for students to become successful in the mainstream classroom. It is submitted annually to the state for approval and each school is required to adhere to the Language Instructional Education Plan approved by the state.

Each school has one or more highly qualified ESL teacher who will provide language instruction appropriate to the level of language proficiency of the student.

School Discipline: Climate and Prevention

Code of Student Conduct

The Superintendent charged a Task Force comprised of members across the community including parents, leaders from law enforcement, the justice system, faith community, higher education, as well as principals, teachers and district personnel to revise the Code of Student Conduct board policies. The Task Force worked from January 2015 – January 2016. Members researched best practices from school districts within and beyond North Carolina. The Task Force adopted three foundational principles to guide policy revisions: equity, transparency and consistency, and the Task Force adopted the 2014 US DOE publication “Guiding Principles: A Resource Guide for Improving School Climate and Discipline.” This publication calls for districts to:

- take deliberate steps to create the positive school climate that can help prevent and change inappropriate behaviors. Such steps include training staff, engaging families and community partners and deploying resources to help students develop the social-emotional and conflict resolution skills needed to avoid and de-escalate problems;
- ensure that clear, appropriate, and consistent expectations and consequences are in place to prevent and address misbehavior;
- understand their civil rights obligations and strive to ensure fairness and equity for all students;
- provide programmatic interventions to support positive behavior and learning. Interventions may include the following: opportunities to participate in peer mediation, conflict resolution, counseling, student/parent/teacher/ conference, and/or other restorative practices.

The Durham Public Schools Board of Education unanimously approved the revised policies 4300 and 4301 in February 2016 (**See Appendix**).

BOE Policy 4300-School Discipline: Climate and Prevention has three goals: (1) to provide clearly defined rights and responsibilities for all stakeholders involved in teaching and learning: the student, parent/family, teacher/staff, principal and superintendent. (2) to describe graduated programmatic interventions that can occur within the school so the student can remain in an educational environment whenever possible, and (3) to set the expectation that school will take deliberate steps to engage parents/families in the intervention and disciplinary process.

BOE Policy 4301-Code of Student Conduct is divided into two major sections (4301 Elementary and 4301 Secondary) in order to ensure that developmentally appropriate interventions and consequences are in place. In addition, as a result of multiple inputs from community and school groups, the rule violations language has been clarified and simplified to ensure students, families and school personnel can readily understand and abide by the Code.

Policy 4301- Elementary has infractions organized in Levels I-IV and **Policy 4301- Secondary** has infractions organized in Levels I-V. The Levels indicate the severity of each violation and the type of intervention and/or consequence. At each Level, there are recommendations around *Program and In-School Intervention* options, as well as *Guidelines for Disciplinary Responses*. School administrators must take into

consideration both aggravating and mitigating factors when determining disciplinary consequences and these factors are recorded in the Notice of Suspension.

At Level I for both Elementary and Secondary there are five Rule Infractions that may not result in an out-of-school suspension: Plagiarism, Electronic Devices, Student Dress Code, Minor Disruptive Behavior and Attendance.

Policy 4303 – *Suspension and Expulsion* delineates the rules and procedures to be followed for in-school, short-term, long term and emergency suspensions. In addition, in 4303.6, **Suspension of Children with Disabilities**, rules and procedures are outlined that are in accordance with the Individuals with Disabilities Education Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1973 (Section 504) (**See Appendix**).

Contact information:

If you have questions about a specific situation at your child's school, please contact your school's principal. At the district level, the Discipline Supervisor ensures that the implementation of the District's policies concerning discipline is fair and equitable.

Discipline Supervisor
Elizabeth V. J. Shearer, M.Ed.
Executive Director, Student Support Services
808 Bacon Street
Durham, NC 27703
919-287-4193/Elizabeth.Shearer@dpsnc.net

Maintenance of Discipline Data

The Superintendent shall maintain data on each student suspended, or expelled, or reassigned for disciplinary purposes, including the race, gender and age of each student, the school attended, the duration of each suspension, whether an alternative education was considered or provided for each student and whether a student had multiple suspensions. The Superintendent shall report this data to the Board of Education annually. Policy 4303

Student Searches

While Durham Public Schools respects and upholds student's rights to privacy, there are some situations that may warrant a student search.

Students and their personal effects (e.g. purse, bookbag) may be searched if a school authority has reason to believe they may possess illegal, stolen or unauthorized

materials. A pat-down search may be conducted in private by a school official of the same sex with an adult witness of the same sex present. A more intrusive search may be conducted in cases when a school official reasonably suspects that a student is concealing an item posing imminent danger. This type of search may only be conducted with the Superintendent's approval, unless the delay to follow procedure threatens the health and safety of students.

Locker searches are different. Student lockers are school property and remain at all times under control of the school. School officials reserve the right to conduct locker searches at any time without notice, student consent or search warrants. This includes breaking the lock if necessary.

DPS retains authority to conduct routine patrols of student parking lots and inspections of the exteriors of student automobiles on school property without notice, student consent or search warrant. The interiors of student cars on school property may be searched whenever school officials have reason to believe they contain illegal or unauthorized materials.

Again, to ensure the safety and protection of our students, Durham Public Schools does occasionally employ the use of metal detectors. A school official will use a hand-held detector if he/she has reason to believe a student is in possession of an illegal or unauthorized metal object. If there is evidence to believe a general problem with school weapons exists, officials may conduct broad metal-detector checks on groups of students without prior reasonable suspicion. Such checks will be done in a minimally intrusive, nondiscriminatory manner, and will not be used to single out a particular student or category of students.

School computers are property of the school and can be inspected at any time. Policy 4320

Seclusion and Restraint

School personnel may use reasonable restraint or seclusion techniques with students. Principals shall notify parents of any prohibited use of seclusion, restraint or aversive techniques. Refer to Policy 4326.

School Bus Transportation

Riding the Bus

Durham Public Schools provides transportation in accordance with state law. Riding the bus is a privilege. Misconduct may result in a student losing his/her privilege to ride the bus. Principals are responsible for school bus discipline. Students are not allowed to ride a bus other than the one to which they are assigned unless they have permission from the principal. Students with disabilities ride regular school buses when possible. A student will be assigned to special transportation when the student's IEP team determines that the child cannot ride the regular school bus. A student may also be transported by special transportation if he/she is assigned to a program that is not offered in the home school. Policy 6400.

To request transportation service, please visit your school's main office. The PowerSchool Data Manager can assist with processing the request.

To track your child's bus and to receive alerts when the bus is close to your bus stop or when it arrives at school, access our ["Here Comes The Bus" app](#) on the DPS website under the Transportation tab.

Remember that bus stops are designed and located to serve multiple students when at all possible. Students may be required to walk up to ½ mile to access a bus stop, although many stops are much closer than that. State law allows students to walk up to 1 mile to reach bus stops, so DPS' practice is much more generous than what the law allows. Parents are encouraged to escort their child to/from the bus stop and to provide supervision while students are the bus stop.

Managing student behavior while students are being transported is critical to providing a comfortable and safe ride to school for all students. The bus conduct rubric governs school bus discipline, is aligned with School Board Policy and ensures consistent application of disciplinary action for school bus riders. This document is available from your school upon request.

Unauthorized Boarding of the Bus

G.S. 115C-245(b) states that the driver "shall have complete authority over and responsibility for the operation of the bus and the maintaining of good order and conduct

upon the bus.” Further, any person boarding the bus after being told not to by the driver is guilty of a Class 1 misdemeanor according to G.S. 14-132.2.

How to Contact Us

Contact Information

Find phone numbers and email addresses of people who can help you by searching our [online directory](#).

Find individual schools by clicking the “schools” icon at the top of our webpage.

Appendix

Policy 4300 School Discipline: Climate and Prevention

4300.1 Philosophy

Durham Public Schools is committed to providing all students with an outstanding education that motivates them to reach their full potential and enables them to discover their interests and talents, pursue their goals and dreams, and succeed in college, in the workforce and as engaged citizens.

In its 2014 publication “Guiding Principles: A Resource Guide for Improving School Climate and Discipline,” the U.S. Department of Education calls for districts to:

- take deliberate steps to create the positive school climate that can help prevent and change inappropriate behaviors. Such steps include training staff, engaging families and community partners and deploying resources to help students develop the social-emotional and conflict resolution skills needed to avoid and de-escalate problems;
- ensure that clear, appropriate, and consistent expectations and consequences are in place to prevent and address misbehavior;
- understand their civil rights obligations and strive to ensure fairness and equity for all students;
- provide programmatic interventions to support positive behavior and learning. Interventions may include the following: opportunities to participate in peer mediation, conflict resolution, counseling, student/parent/teacher/ conference, and/or other restorative practices.

4300.2 Students

Students have the right to participate in the teaching and learning opportunities at school within a safe and orderly environment. Students are expected to behave appropriately, cooperatively, and responsibly in school and are accountable for their own decisions and conduct. Students will have the opportunity to engage with teachers, school administration and family if behavior is inappropriate in order to learn and practice acceptable standards of behavior.

4300.3 Parents/Families

Parents/families are encouraged to participate in discussions on promoting a positive school climate and how they can help prevent and change inappropriate behaviors. Parents/families are invited to partner with teachers and staff on effective strategies for correcting misbehavior within the parameters of the Code of Student Conduct and all other applicable policies and procedures. Parents/families will be provided information about the Code of Student Conduct and the due process rights of students and will be encouraged to support schools when programmatic interventions are instituted to support positive behavior and learning.

4300.4 Teachers and Staff

Every teacher is expected to teach and implement clear, age-appropriate, consistent, expectations and consequences aligned with school-wide rules and board policy. Teachers and staff are expected to communicate these expectations with the parents/guardian. When there is a concern with a student's behavior, teachers/staff should communicate with the parent/guardian as appropriate and are encouraged to involve the parent/guardian in addressing the problem behavior.

According to G.S.115C-307(a), teachers have a responsibility to maintain order and discipline: "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." A teacher may not suspend a student from school nor may he/she permanently remove a child from a classroom. A teacher should report serious misconduct to the principal or designee for appropriate disciplinary action.

The responsibility for appropriately supervising and monitoring each student's conduct should be assumed by all teachers and staff of the school. Teachers and staff are obligated to accept this responsibility wherever they are in the classroom, halls, restrooms, and auditorium, on the playground or at school-sponsored events.

4300.5 Principal

The principal will establish and maintain a positive school climate based on the principles of fairness, accountability and restorative practices. In order to maintain a positive climate that supports safety, order and student achievement, the principal will clearly communicate school rules, standards, and procedures in accordance with Policy 2475-School Rules and will promote the following goals on an ongoing basis:

- that all students, families, faculty and staff will understand what constitutes positive behavior;
- that all students will understand the Code of Student Conduct and other behavioral expectations;
- that all students will be supported if they begin to struggle with behavior.

The principal shall have authority to exercise discipline over the students in the school. A principal may choose to delegate to an individual or group the authority to make or review disciplinary decisions, but the final responsibility for making or recommending those decisions shall rest with the principal.

When there is a violation of board policies, the Student Code of Conduct, or other rules and standards around inappropriate behavior, principals will communicate with parents/guardians regarding the violation of the Code of Student Conduct and both the in-school options and disciplinary response.

In the event a disciplinary consequence is warranted, schools are committed, to the extent feasible, to implementing programmatic interventions that can occur within the school so the student can remain in an educational environment.

Examples of Programmatic Interventions			
Parent-student-school conference	Behavior contracts	Counseling	Behavior monitoring, self-charting, feedback
Change in schedule or classes	Restitution, community service	Loss of privileges	In-school suspension
Social-emotional skills, strategies to cool down and return to class	Referral to school Multi-Tiered System of Support School Team	Negotiation/ Problem solving approaches	Lunch, afterschool, or Saturday detention
Peer Mediation	Mini-courses, modules for additional support, Skill-building group	Conflict Resolution	Referral to community resource

When in-school intervention and/or disciplinary action is not sufficient or appropriate given the severity or frequency of the behavior, or other relevant considerations, the student may be removed from school pursuant to Policy 4303-Suspension and Expulsion.

4300.6 Superintendent

The Superintendent is authorized to take reasonable measures to support positive school climates, programmatic interventions, and procedures for students. Programmatic interventions and procedures will support a safe and orderly school and give clear expectations for appropriate behavior. Evidence-based interventions will be implemented consistently within all schools to ensure fairness. Restoration and accountability are key components in establishing procedures for maintaining positive school climate.

The Superintendent will also take reasonable measures to inform staff, students, parents/guardians, and other stakeholders in the school community of this policy and the Code of Student Conduct and to solicit community input in their periodic review. Both this policy and the Code of Student Conduct will be distributed annually in the Durham Public Schools Student/Parent Handbook.

Cross Reference: School Rules (policy 2475); Code of Student Conduct – Elementary Schools (policy 4301); Code of Student Conduct – Middle and High Schools (policy 4301).

Legal Reference: G.S.115C-307, -390.1, -390.2, United States Department of Justice and United States Department of Education, Dear Colleague Letter on Nondiscriminatory Administration of School Discipline (January 8, 2014).

Revised Effective: July 1, 2016

Code of Student Conduct - Elementary Schools

Policy Code: 4301 Philosophy and Goals

In collaboration with our community and parents, the mission of the Durham Public Schools is to provide all students with an outstanding education that motivates them to reach their full potential and enables them to discover their interests and talents, pursue their goals and dreams, and succeed in college, in the workforce, and as engaged citizens.

To ensure the success of our mission, it is vital that everyone supports students with positive behavior. At the beginning of each year, principals ensure that students are aware of what constitutes positive behavior, how students will be supported if they begin to struggle with behavior, and that students are aware of school rules. In the event a disciplinary consequence is needed to redirect the behavior, schools will strive to implement consequences that can occur in school so that the student can remain in an educational environment.

In its 2014 publication “Guiding Principles: A Resource Guide for Improving School Climate and Discipline,” the U.S. Department of Education offers three guiding principles to ensure safe and supportive school environments for effective teaching and learning to take place in schools:

Principle 1: Climate and Prevention.

Schools that foster positive school climates can help to engage all students in learning by preventing problem behaviors and intervening effectively to support struggling and at-risk students.

Principle 2: Expectations and Consequences.

Schools that have discipline policies or codes with clear, appropriate, and consistently applied expectations and consequences will help students improve behavior, increase engagement, and boost achievement.

Principle 3: Equity and Continuous Improvement.

Schools that build staff capacity and continuously evaluate the school's discipline policies and practices are more likely to ensure fairness and equity and promote achievement for all students.

The Board recognizes the importance of school employees working with parents and guardians to help students learn and practice acceptable standards of behavior. School employees are encouraged to work with parents and guardians to participate in discussions on effective strategies for correcting misbehavior.

Applicability of Code

All students shall comply with the Code of Student Conduct while 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.

Determining Interventions and Consequences for Misbehavior

Most student misconduct does not require the student to be removed from the educational environment. Before imposing any out-of-school suspension, principals should consider whether in-school interventions and/or in-school disciplinary consequences are appropriate and sufficient under the circumstances. In-school interventions and disciplinary consequences are designed to address misconduct and empower students to make better choices. Such interventions and consequences may include, for example: behavior contracts, peer mediation, in-school suspension, conflict resolution, detention, restitution, loss of privileges, school or community service, and/or other restorative practices. When, in the judgment of the school principal, a student's behavior cannot be appropriately and sufficiently addressed through non-disciplinary interventions and/or in-school disciplinary consequences, the principal is authorized, but not required, to impose a short-term suspension or, for more serious violations of the Code of Conduct, to recommend a long-term suspension, provided the short-term suspension or recommended long-term suspension is consistent with this policy.

Suspensions of greater than ten days are reserved for serious misconduct which either threatens the safety of others within the school or threatens to substantially disrupt the educational environment.

In determining the appropriate consequence for a violation of this Code, principals shall consider all aggravating or mitigating circumstances they deem relevant. Aggravating factors are factors that increase the seriousness of a disciplinary violation and warrant increased consequences. Mitigating factors are factors that decrease the seriousness of a disciplinary violation and warrant decreased consequences. Examples of aggravating or mitigating circumstances that may be considered include but are not limited to:

- 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.

The Student Code of Conduct rules are leveled, indicating the severity of each violation and the type of intervention and/or consequence. Students may also receive in-school interventions and/or in-school disciplinary consequences for violation of any school-specific rules, provided students and parents are provided prior written notice of such rules (and the consequences for violating them), the rules are published on the school website and/or available for inspection at the school's main office, and the rules are not in conflict with this or any other Board policy or state or federal law.

Level I – Level I is the least serious category of disciplinary rules. It is divided into Level I.A, Level I.B, and Level 1.C.

Level I.A rule violations may result in in-school interventions and/or in-school disciplinary consequences only; they may not result in out-of-school suspension.

Level I.B. rule violations should generally result in only in-school interventions and/or in-school disciplinary consequences. If, however, a student refuses to participate in the in-school interventions or engages in persistent violations of a Level I.B rule, or if other

aggravating factor(s) are present, an out-of-school suspension of no more than two (2) days is possible.

Level I.C rule violations should also generally result in in-school interventions and/or in-school disciplinary consequences. If, however, a student refuses to participate in the in-school interventions or engages in persistent violations of a Level I.C rule, or if other aggravating factor(s) are present, an out-of-school suspension of no more than five (5) days is possible.

Level II – Level II rule violations involve more serious misconduct that may warrant in-school interventions, in-school disciplinary consequences, and/or short-term suspension of up to ten (10) days.

Level III – Level III rule violations are more severe in nature and generally support short-term suspension. Principals may use in-school interventions and/or in-school discipline consequences without suspending based on mitigating factor(s). In rare cases, principals may recommend a long-term suspension of more than ten (10) days based on the presence of multiple or particularly serious aggravating factor(s). Any long-term suspension recommendation is subject to the appeal procedure contained in Policy 4303.

Level IV – Level IV rule violations involve “firearms” or “destructive devices” as defined by statute and compromise the safety and welfare of students and staff. Principals are required by North Carolina law to recommend a 365 day suspension for any Level IV rule violation.

Code of Conduct Rules and Consequences

Level I – In-School Interventions and/or In-School Discipline / Possible Short-Term Suspension in Some Cases

Note: Level I is divided into Level I.A, Level I.B, and Level I.C. Out-of-school suspension is not an option for Level I.A violations. The maximum possible suspension for any Level I.B rule violation is two (2) days. The maximum possible suspension for any Level I.C rule violation is five (5) days.

Level 1.A – In-School Interventions and/or In-School Discipline Only / No Out-of-School Suspension

Rule I.A-1 Plagiarism. Plagiarism is prohibited. Plagiarism includes the copying of the language, structure, idea and/or thought of another and representing it as one's own original work.

Rule I.A-2 Electronic Devices. Unless specifically authorized by a teacher or school administrator, students shall not use, display, or have in the “on” position any personal electronic communication or entertainment device, including cell phones, pagers, music players, electronic games, or similar items, during instructional time or mandatory school assemblies and activities.

Any device possessed or used in violation of this policy may be confiscated and held for return to the student’s parent or guardian.

Laser pointers and other electronic devices that could damage eyesight or otherwise cause physical harm are specifically covered by this policy. Depending on the circumstances, such items may also constitute “weapons” under Rule III-3, and the student may be disciplined accordingly.

Students shall be personally and solely responsible for the security of their electronic devices or personal technology devices. Durham Public Schools is not responsible for any electronic devices or personal technology devices that are lost, stolen or damaged while on school property or at school events.

Rule I.A-3 Student Dress Code: The primary goal of Durham Public Schools is to provide a safe learning environment where all students are able to achieve at their highest potential. The personal appearance of every student is an important component of establishing a safe environment for optimal learning and respect for one another.

Students are expected to adhere to standards of dress and appearance that are compatible with an effective learning environment. In support of these goals and expectations the Board establishes the following dress code for students:

- a. Students are prohibited from wearing clothing, jewelry, book bags, or other articles of personal appearance which:
 1. depict profanity, vulgarity, obscenity, or violence;
 2. promote use or abuse of tobacco, drugs, or alcohol;
 3. create a threat to the health or safety of the student or others;
 4. are prohibited under the Gangs and Gang Activities Policy (III-7);
 5. are reasonably likely to create a substantial and material disruption to the educational process or to the operation of the school, including but not limited to items that are reasonably expected to intimidate other students on the basis of race (for example the Confederate battle flag, swastika, and Ku Klux Klan or KKK), color, national origin, sex, gender identity, sexual orientation, disability, age, or religious affiliation.
- b. The following specific items are also not permitted:
 1. clothing worn in such a manner so as to reveal underwear, cleavage, or bare skin between the upper chest and mid-thigh;
 2. bare feet, bedroom slippers;
 3. spaghetti straps, strapless tops, halter tops;
 4. see-through, mesh garments;
 5. trousers, slacks, shorts worn below hip level;
 6. clothing that is excessively baggy or tight;
 7. skirts and shorts shorter than mid-thigh;
 8. sunglasses worn inside school building;
 9. hats, caps, hoods, sweat bands and bandanas or other head wear worn inside school building; and
 10. any other article of appearance that is physically revealing or provocative.
- c. If a student's dress or appearance violates this dress code, the principal or principal's designee may require the student to change his or her dress or appearance. A second or repeated violation of this policy may result in disciplinary action.
- d. This policy does not apply to school sanctioned uniforms and costumes approved by the principal for athletic, choral, band or dramatic performances.

- e. The principal may make reasonable accommodations to this rule for religious, cultural, educational, or medical reasons so long as the clothing in question is not prohibited under (a.1) through (a.5) of this rule:
1. depict profanity, vulgarity, obscenity, or violence;
 2. promote use or abuse of tobacco, drugs, or alcohol;
 3. create a threat to the health or safety of the student or others;
 4. are prohibited under the Gangs and Gang Activities Policy (III-7);
 5. are reasonably likely to create a substantial and material disruption to the educational process or to the operation of the school.

Rule I.A-4 Minor Disruptive Behavior. Students shall not interrupt or interfere with teaching, learning, or the orderly conduct of school activities. Minor disruptions may include, for example, running in the halls, making excessive noise, leaving a classroom or mandatory school event without permission, or being in unauthorized areas of the school. Any disruptive behavior that threatens the safety of students, staff, or others in the school environment may be considered “serious” disruptive behavior and subject to more serious consequences under Rule I.C-15.

Rule I.A-5 Attendance. Students shall attend school regularly. Students shall be considered truant and subject to discipline whenever they are absent from class or school without valid excuse.

In-School Interventions and/or In-School Discipline/Possible Suspension of up to 2 Days with Aggravating Factors

Rule I.B-6 Cheating. Cheating is prohibited. Cheating includes the actual giving or receiving of any unauthorized aid or assistance or the actual giving or receiving of unfair advantage on any form of academic work.

Rule I.B-7 Falsification. Falsification is prohibited. Falsification includes the verbal or written statement of any untruth.

Rule I.B-8 Gambling. Students shall not participate in any unauthorized games of chance in which money or other items of value may be won or lost.

In-School Interventions and/or In-School Discipline/Possible Suspension of up to 5 Days with Aggravating Factors

Rule I.C-9 Inappropriate Language. Cursing or use of vulgar, profane or obscene language is prohibited.

Rule I.C-10 Non-Compliance with Directions. Students shall comply with all reasonable directions of principals, teachers, substitute teachers, student teachers, teacher assistants, bus drivers, and all other school personnel who are authorized to give such directions.

Rule I.C-11 Disrespect of Others. Students shall not engage in taunting, name-calling, humiliation, or other disrespectful words or conduct that mistreat staff, students, or others and interfere with a peaceful and safe environment. If sufficiently serious, disrespectful words and conduct may also be subject to consequences under Rule II-1 (Threat/False Threat), Rule II-2 (Bullying and Harassment), or Rule II-3 (Sexual Assault or Harassment).

Rule I.C-12 Disruptive or Indecent Images, Literature or Illustrations. The possession or distribution of images, literature or illustrations that are vulgar, indecent or obscene or that significantly disrupt the educational process is prohibited. Students who receive such items electronically but promptly report them to a teacher or administrator and do not otherwise share or transmit them will not be in violation of this rule, Rule II-3 (Sexual Assault or Harassment), or Rule II-11 (Sexting).

Rule I.C-13 Use of Tobacco. Students shall not possess, smoke, or use tobacco products at school, on a school bus, at any school-related activity, or on school grounds at any time. For purposes of this policy, "tobacco products" include cigarettes, e-cigarettes, pipes, cigars, chewing tobacco, snuff, and any other items containing or reasonably resembling tobacco or nicotine. The first violation of this policy will result in a warning to the student and conference with the student's parent/guardian or custodian in person or by telephone. Every effort should be made to hold the conference within three days of the violation. Further violation of this policy may result in disciplinary action.

Rule I.C-14 Misconduct on a School Vehicle. While riding a school bus or other school vehicle, students shall observe the directives of the school bus driver. The following conduct is specifically prohibited:

- a. Delaying the bus schedule;
- b. Refusing to obey the driver's instructions;
- c. Tampering with or willfully damaging the school vehicle;
- d. Getting off at an undesignated stop;
- e. Failing to observe established safety rules and regulations;
- f. Willfully trespassing upon a school bus; and
- g. Any other physical or verbal disturbance that interrupts or interferes with the safe and orderly operation of the vehicle.

Violations of this rule may result in removal from school transportation as well as other disciplinary consequences available under this policy. Students are responsible for complying with the entire Code of Student Conduct and are also subject to consequences for other rule violations for misconduct occurring on a school bus or other school vehicle.

Rule I.C-15 Serious Disruptive Behavior. Students shall not interrupt or interfere with teaching, learning, or the orderly conduct of school activities in any manner that threatens the safety of students, staff, or others in the school environment. Serious disruptive behavior may include, for example, throwing objects or engaging in horseplay that could reasonably result in physical injury. Disruptive behavior that does not threaten the safety of others may be subject to consequences under Rule I.A-4.

Level II – In-School Consequences or Short-Term Suspension/Possible Long-Term Suspension in Rare Cases with Multiple or Particularly Serious Aggravating Factors

Rule II-1 Threat/False Threat. No student shall make any threat by means of speech, writing, act, or conduct that 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 II-2 Bullying and Harassment. No student shall engage in bullying or harassment as defined under Board Policy 4411, Bullying and Harassment.

Rule II-3 Sexual Assault or Harassment. No student shall engage in any conduct prohibited by Board Policy 4410, Sexual Assault or Harassment.

Rule II-4 Fighting/Physical Aggression. No student may intentionally hit, shove, scratch, bite, block the passage of, or throw objects at a student or other person. No student shall take any action or make any comments or written messages intended to cause others to fight or which might reasonably be expected to result in a fight.

A student who is attacked may use reasonable force in self-defense, but only to the extent necessary to get free from the attack and notify proper school authorities. A student who exceeds reasonable force may be disciplined even though someone else provoked the fight.

Rule II-5 Hazing. No group or individual shall require a student to wear abnormal dress, play abusive or ridiculous tricks on him/her, frighten, scold, swear, harass or subject him/her to personal indignity.

Rule II-6 Theft or Damage to Property. No student may steal or attempt to steal or knowingly be in possession of stolen property or intentionally damage or attempt to damage any school property or private property while under school jurisdiction.

Rule II-7 False Fire Alarms. No student shall set off, attempt to set off, or aid and abet anyone in setting off a fire alarm at school.

Rule II-8 Trespassing. No student may be on the campus of another school in the Durham Public Schools during the school day without the knowledge and consent of the officials of the school she/he is visiting. Students who remain after school or come on any school campus after the school day or while school is closed without permission will be considered trespassers. Any student who has been suspended from school shall be considered trespassing if she/he appears on any school property during the suspension period without the express permission of the principal.

Rule II-9 Misuse of Technology. Individual users of school-provided Internet service and technology devices (on school property and/or through the Learning Environment Extension Program) or users of personal technology devices on school property pursuant to a Bring Your Device to School program are expected to abide by Durham Public Schools Policy 3225, Technology Responsible Use. Violations of that policy may include, among other things:

- a. Sending or displaying vulgar, obscene, crude, or threatening messages or pictures;
- b. Using obscene language;
- c. Harassing others;
- d. Damaging computers, computer systems, software, or computer networks;
- e. Using another's ID/password;
- f. Using technology resources to violate any state or federal law.

In the event a student engages in any of these activities or otherwise violates Policy 3040, his/her access privileges may be revoked and other disciplinary measures may result.

Rule II-10 Failure to Report a Weapon, Dangerous Instrument, Firearm, or Destructive Device. The safety of students and staff is the school system's highest priority. Students therefore have an affirmative obligation to report as soon as possible to a teacher, school administrator, or other school employee if they become aware that another person has or intends to bring to school property any weapon, dangerous instrument, firearm, or destructive device, as those terms are defined in Rules III-3 and IV-1. Depending on the relevant circumstances and any aggravating or mitigating factors, such failure to report may result in disciplinary consequences including out-of-school suspension.

Rule II-11 Sexting. Students shall not transmit any sexually explicit messages or any nude, partially nude, sexually explicit, or sexually suggestive photographs, video recordings, or other visual depictions of themselves or others. Students are reminded that, in addition to violating this Code of Student Conduct, the transmission of such images or messages to, among, or depicting minors may cause grave psychological or emotional harm and may violate state or federal child pornography laws, even when sent or received consensually. Depending on the circumstances, the transmission of such images or messages may also constitute sexual harassment under Rule II-3 and Policy 4410. Students who receive such images or messages electronically but promptly report them to a teacher or administrator and do not otherwise share or transmit them will not

be in violation of this rule, Rule II-3 (Sexual Assault or Harassment) or Rule I.C-12 (Disruptive or Indecent Images, Literature or Illustrations).

Rule II-12 Indecent Exposure/Sexual Behavior. No student shall engage in behavior, whether consensual or non-consensual, which is lewd, overly affectionate, or of a sexual nature.

Rule II-13 Arson. Starting a fire or attempting to start a fire on school property is prohibited unless specifically authorized by school officials.

Level III – Short Term Suspension/Possible In-School Interventions or In-School Discipline with Mitigating Factor(s)/Possible Long-Term Suspension based on Aggravating Factor(s)

Rule III-1 Assault. No student may cause or attempt to cause serious physical injury to any other student, school employee, or other person. For the purposes of this policy, “serious physical injury” refers to such injuries as 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 stitches, 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. Whether a student intended to cause serious physical injury may be inferred from the relevant circumstances.

Rule III-2 Coercion or Extortion. No student may use force or violence or threat of force or violence to obtain money, property, or personal services from another student, school employee, or other person.

Rule III-3 Weapons and Dangerous Instruments Other than Firearms and Destructive Devices. No student shall possess, handle, conceal, brandish, or transmit any weapon or dangerous instrument at school or school events or at any other time when such conduct has or is reasonably likely 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. For purposes of this policy, a “weapon” or “dangerous instrument” is any of the following:

- a. Any gun, pistol, or rifle that does not meet the technical definition of “firearm” under Rule IV-1, including any BB gun, stun gun, air rifle, air pistol, or inoperable antique firearm;
- b. Gunpowder, bullets, or ammunition
- c. Fireworks, firecrackers, or other explosive devices that do not meet the technical definition of “destructive devices” under Rule IV-1.
- d. Any knife of any kind regardless of size;
- e. Mace or pepper spray;
- f. Metallic knuckles;
- g. Tasers or other electric shock devices;
- h. Razors or razor blades (except for safety razors designed and used only for personal shaving);
- i. Slingshots;
- j. Darts or blowguns;
- k. Blackjacks, billy clubs, or leaded canes;
- l. Ice picks;
- m. Box cutters or other sharp pointed or edged instruments except instructional supplies, unaltered nail files, and clips or tools used solely for preparation of food, instruction, and maintenance;
- n. Copies or replications of weapons that could reasonably be perceived to be real weapons; and
- o. Any other item that is possessed, handled, concealed, brandished, or transmitted for the purpose of causing, attempting to cause, or threatening physical injury

A student who in any way encourages another student to bring weapons to school also endangers the safety of others. No student shall knowingly or willfully cause, encourage, or aid any other student to possess, handle, or transmit any of the weapons or facsimiles of weapons listed above. This section shall not apply to students who are members of the Reserve Officer Training Corps and who are carrying arms or weapons in the discharge of their official class duties; nor does this section apply to weapons used in school-approved instruction or ceremonies. The principal must give prior approval for these exceptions to apply.

Rule III-4 Bomb Threat. No student shall make or aid and abet anyone in making a false report concerning the existence of a bomb or any other dangerous object on school premises or at the site of school activities. No student shall with the intent to perpetrate a hoax conceal, place or display on school property or the site of school activities any device or artifact so as to cause any person reasonably to believe the same to be a bomb or other destructive device.

Rule III-5 Controlled Substances and Drug Paraphernalia. No student shall possess, use, transmit, conspire to transmit, or be under the influence of any controlled substance or drug paraphernalia. For purposes of this policy, “controlled substance” includes any narcotic, hallucinogenic drug, amphetamine, barbiturate, marijuana, synthetic cannabinoid, anabolic steroid, alcoholic beverage, or other substance used or possessed with the intention of bringing about a state of exhilaration or euphoria or of otherwise altering the student's mood, perceptions, or behavior.

No student shall possess or transmit any counterfeit controlled substance that reasonably resembles or is held out to be an actual controlled substance. No student shall be at school with the odor of alcohol or illicit drugs about their person.

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 and in the manner in which the drug was prescribed.

For any violation of this policy that involves only possession, use, and/or being under the influence of a controlled substance or drug paraphernalia, principals shall not recommend long-term suspension without offering an alternative such as drug education and counseling. Successful completion of the alternative program shall result in deactivation of the long-term suspension recommendation. Failure to successfully complete the alternative program may result in reactivation of the long-term suspension recommendation. If mitigating factors are present, the principal may, but is not required to, offer an alternative to long-term suspension for second or subsequent infractions of this policy.

Rule III-6. Threats, Hoaxes, and Other Acts of Terror.

- a. No student shall make a report that he or she knows or should know is false, that any device, substance, or material designed to cause harmful or life-threatening illness or injury to another person, is located on school property or at the site of a school activity.
- b. No student shall, with the intent to perpetrate a hoax, conceal, place, disseminate or display on school property or at the site of a school activity any device, machine, instrument, artifact, letter, package, material, or substance, so as to cause a reasonable person to believe the same to be a substance or material capable of causing harmful or life-threatening illness or injury to another person.
- c. No student shall threaten to commit an act of terror on school property or at the site of a school activity that is designed to cause, or is likely to cause, serious injury or death to another person, when the threat is intended to cause, or actually causes, a significant disruption to the instructional day or a school-sponsored activity.
- d. No student shall make a report that he or she knows or should know 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 cause, a significant disruption to the instructional day or a school-sponsored activity.
- e. No student shall aid, abet, and/or conspire to commit any of the acts described in this section.

Rule III-7 Gangs and Gang Activities. The Board of Education believes that gangs and gang-related activities pose a serious safety threat to students and staff members of the Durham Public Schools. Even absent acts of violence, gang-related activities disrupt the educational environment and increase the risks of future violence. In light of these serious concerns, the school system will not tolerate any gang-related activities as outlined in this policy.

No student shall commit any act which 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 and having a common name or common identifying sign, colors, or symbols. As used in this policy, the phrase “gang-related” means any conduct engaged in by a student (1) on behalf of an identified gang, (2) to perpetuate the existence of any identified gang, or (3) to carry out the common purpose and design of any identified gang. Conduct prohibited by this policy includes:

- a. Wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, emblems, badges, symbols, signs or other items with the intent to convey or promote membership or affiliation in any gang;
- b. Communicating either verbally or non-verbally (gestures, handshakes, slogans, drawings, etc.), with the intent to convey or promote membership or affiliation in a gang;
- c. Tagging, or otherwise defacing school or personal property with symbols or slogans intended to convey or promote membership or affiliation in any gang;
- d. Requiring payment of protection, 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. Committing any other illegal act or other violation of school district policies in connection with gang-related activity.

The Superintendent or his/her designee shall regularly consult with law enforcement officials to maintain current examples of gang-related activities, including but not limited to gang names and particularized examples of potential gang indicators including symbols, hand signals, graffiti, clothing/accessories, and behaviors.

Each principal shall maintain current examples of gang-related activities in the main office of the school. In addition, guides shall be included in each main school office to assist students, parents, and teachers in identifying gang symbols and practices. In providing this information for students and parents, the Board acknowledges that not all potential gang indicators connote actual membership in a gang. This policy shall be applied in a non-discriminatory manner based on the objective characteristics of the student's conduct in light of the surrounding circumstances.

Before being suspended for a first offense of wearing gang-related attire, a student will receive an individualized warning and will be allowed to immediately change or remove the attire that is in violation of this policy. Unless the student has been specifically notified of a prohibited item of attire, a student will receive this warning the first time he or she is observed wearing a particular item in violation of this policy.

In a situation where a student has violated this policy or is otherwise suspected of gang affiliation, the principal shall conduct an intervention involving the principal/assistant principal, the student and the student's parent or legal guardian. Such intervention may also include the school resource officer and others as appropriate. The purpose of such

intervention is to discuss the school's observations and concerns and to offer the student and the parents information and an opportunity to ask questions or provide other information.

Level IV – Suspensions Required under State Law

Rule IV-1 Firearms/Destructive Devices. No student shall bring onto school property or possess a firearm or destructive device. A firearm is 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, BB gun, stun gun, air rifle, or air pistol.

A destructive device is 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.

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

Violation of this Rule will result in a recommendation for 365-day suspension.

Reports to Law Enforcement

As required by state law, when a principal has personal knowledge or actual notice from school personnel that an act has occurred on school property involving assault resulting in serious personal injury, sexual assault, sexual offense, rape, kidnappings, indecent liberties with a minor, assault involving the use of a weapon, possession of a firearm in violation of the law, possession of a weapon in violation of the law, possession of a controlled substance in violation of the law, assault on a school employee, robbery, armed robbery, homicide, manslaughter, or death by vehicle, the principal shall report the act to the appropriate local law enforcement agency, notify parents/guardians of any alleged student victim of a violent crime and notify the Superintendent or designee. Notification must occur in writing or by electronic mail by the end of the workday in which the incident occurred, when reasonably possible, but not later than the end of the

following workday. The Superintendent must also provide the information to the Board of Education.

The principal may also notify law enforcement of any other potential criminal conduct or incidents which may jeopardize the safety, security, or well-being of students, staff, or others and may request assistance from law enforcement when necessary to secure and ensure the immediate safety of persons in the school environment. Any student disciplinary issues stemming from the same misconduct should be handled by school administrators, not school resource officers or other law enforcement officials.

Principals should not refer to law enforcement any routine school disciplinary matters, such as tardies, loitering, noncompliance, the use of inappropriate language, dress code violations, minor classroom disruptions, and disrespectful behaviors.

Definitions

Alternative Education Services – part or full-time programs, wherever situated, providing direct or computer-based instruction that allows a student to progress in one or more core courses.

Board – the Durham Public Schools Board of Education.

Day or Days – school days excluding teacher workdays, holidays, vacations days and weekends.

Destructive Device – an explosive, incendiary, or poison gas:

- a. Bomb.
- b. Grenade.
- c. Rocket having a propellant charge of more than four ounces.
- d. Missile having an explosive or incendiary charge of more than one quarter ounce.
- e. Mine.
- f. Device similar to any of the devices listed.

Expulsion – permanent exclusion of a student from registering, enrolling or attending any Durham Public School. This exclusion also includes riding in a school-owned or operated vehicle and prohibits the student from participating in school activities or entering any school property.

Firearm – any of the following:

1. A weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive.
2. The frame or receiver of any such weapon.
3. Any firearm muffler or firearm silencer.

The term “firearm” does not include an inoperable antique firearm, BB gun, stun gun, air rifle, or air pistol.

Long-Term Suspension – exclusion from the school to which the student was assigned at the time of the disciplinary action and from participation in school activities or events for a period in excess of ten days but not to exceed the remainder of the school year, except that if the offense leading to the long-term suspension occurs in the final quarter of the school year, the exclusion may extend to the end of the first semester of the following school year.

Parent – includes the natural parent, legal guardian, legal custodian 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 – includes the principal and the principal’s designee.

School Personnel – includes the following:

1. Any Board employee;
2. Any person working on school grounds or at a school function under a contract or written agreement with the school system to provide educational or related services to students;
3. Any person working on school grounds or at a school function for another agency providing educational or related services to students.

Short-term suspension – exclusion from school and participation in school activities or events for up to ten days.

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

Administrative Regulations

The Superintendent is authorized to develop regulations to administer this policy.

Cross Reference: Sexual Harassment Policy, Bullying and Harassment Policy, Suspension and Expulsion Policy, Alcohol and Substance Abuse Prevention and Intervention Policy, Technology Responsible Use Policy

Legal Reference: G.S. 115C-288, G.S. 115C-390.1 – 115C.390.2, United States Department of Education, Guiding Principles: A Resource Guide for Improving School Climate and Discipline, (January 8, 2014).

Revised Effective: August 24, 2017

Code of Student Conduct - Middle and High Schools

Policy 4301 Philosophy and Goals

In collaboration with our community and parents, the mission of the Durham Public Schools is to provide all students with an outstanding education that motivates them to reach their full potential and enables them to discover their interests and talents, pursue their goals and dreams, and succeed in college, in the workforce, and as engaged citizens.

To ensure the success of our mission, it is vital that everyone supports students with positive behavior. At the beginning of each year, principals ensure that students are aware of what constitutes positive behavior, how students will be supported if they begin to struggle with behavior, and that students are aware of school rules. In the event a disciplinary consequence is needed to redirect the behavior, schools will strive to implement consequences that can occur in school so that the student can remain in an educational environment.

In its 2014 publication “Guiding Principles: A Resource Guide for Improving School Climate and Discipline,” the U.S. Department of Education offers three guiding principles to ensure safe and supportive school environments for effective teaching and learning to take place in schools:

Principle 1: Climate and Prevention.

Schools that foster positive school climates can help to engage all students in learning by preventing problem behaviors and intervening effectively to support struggling and at-risk students.

Principle 2: Expectations and Consequences.

Schools that have discipline policies or codes with clear, appropriate, and consistently applied expectations and consequences will help students improve behavior, increase engagement, and boost achievement.

Principle 3: Equity and Continuous Improvement.

Schools that build staff capacity and continuously evaluate the school's discipline policies and practices are more likely to ensure fairness and equity and promote achievement for all students.

The Board recognizes the importance of school employees working with parents and guardians to help students learn and practice acceptable standards of behavior. School employees are encouraged to work with parents and guardians to participate in discussions on effective strategies for correcting misbehavior.

Applicability of Code

All students shall comply with the Code of Student Conduct while 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.

Determining Interventions and Consequences for Misbehavior

Most student misconduct does not require the student to be removed from the educational environment. Before imposing any out-of-school suspension, principals should consider whether in-school interventions and/or in-school disciplinary consequences are appropriate and sufficient under the circumstances. In-school interventions and disciplinary consequences are designed to address misconduct and empower students to make better choices. Such interventions and consequences may include, for example: behavior contracts, peer mediation, in-school suspension, conflict resolution, detention, restitution, loss of privileges, school or community service, and/or other restorative practices. When, in the judgment of the school principal, a student's behavior cannot be appropriately and sufficiently addressed through non-disciplinary interventions and/or in-school disciplinary consequences, the principal is authorized, but not required, to impose a short-term suspension or, for more serious violations of the Code of Conduct, to recommend a long-term suspension, provided the short-term

suspension or recommended long-term suspension is consistent with this policy. Suspensions of greater than ten days are reserved for serious misconduct which either threatens the safety of others within the school or threatens to substantially disrupt the educational environment.

In determining the appropriate consequence for a violation of this Code, principals shall consider all aggravating or mitigating circumstances they deem relevant. Aggravating factors are factors that increase the seriousness of a disciplinary violation and warrant increased consequences. Mitigating factors are factors that decrease the seriousness of a disciplinary violation and warrant decreased consequences. Examples of aggravating or mitigating circumstances that may be considered include but are not limited to:

- 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.

The Student Code of Conduct rules are leveled, indicating the severity of each violation and the type of intervention and/or consequence. Students may also receive in-school interventions and/or in-school disciplinary consequences for violation of any school-specific rules, provided students and parents are provided prior written notice of such rules (and the consequences for violating them), the rules are published on the school website and/or available for inspection at the school's main office, and the rules are not in conflict with this or any other Board policy or state or federal law.

Level I – Level I is the least serious category of disciplinary rules. It is divided into Level I.A, and Level I.B. Level I.A rule violations may result in in-school interventions and/or in-school disciplinary consequences only; they may not result in out-of-school suspension. Level I.B rule violations should generally result in in-school interventions and/or in-school disciplinary consequences. If, however, a student refuses to participate in the in-school interventions or engages in persistent violations of a Level I.B rule, or if

other aggravating factor(s) are present, an out-of-school suspension of no more than five (5) days is possible.

Level II – Level II rule violations involve more serious misconduct that may warrant in-school interventions, in-school disciplinary consequences, and/or short-term suspension of up to ten (10) days. Principals may recommend a long-term suspension based on the presence of aggravating factor(s). Any long-term suspension recommendation is subject to the appeal procedure contained in Policy 4303.

Level III – Level III rule violations are more severe in nature and may support long-term suspension. Principals may impose a short-term suspension based on mitigating factor(s). Any long-term suspension recommendation is subject to the appeal procedure contained in Policy 4303.

Level IV – Level IV rule violations involve “firearms” or “destructive devices” as defined by statute and compromise the safety and welfare of students and staff. Principals are required by North Carolina law to recommend a 365 day suspension for any Level IV rule violation.

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

Code of Conduct Rules and Consequences

Level I – In-School Interventions and/or In-School Discipline/Possible Short-Term Suspension in Some Cases

Note: Level I is divided into Level I.A, and Level I.B. Out-of-school suspension is not an option for Level I.A violations. The maximum possible suspension for any Level I.B rule violation is five (5) days.

Level 1.A – In-School Interventions and/or In-School Discipline Only/No Out-of-School Suspension

Rule I.A-1 Plagiarism. Plagiarism includes the copying of the language, structure, idea and/or thought of another and representing it as one's own original work.

Rule I.A-2 Electronic Devices. Unless specifically authorized by a teacher or school administrator, students shall not use, display, or have in the “on” position any personal electronic communication or entertainment device, including cell phones, pagers, music players, electronic games, or similar items, during instructional time or mandatory school assemblies and activities.

Any device possessed or used in violation of this policy may be confiscated and held for return to the student’s parent or guardian.

Laser pointers and other electronic devices that could damage eyesight or otherwise cause physical harm are specifically covered by this policy. Depending on the circumstances, such items may also constitute “weapons” under Rule III-3, and the student may be disciplined accordingly.

Students shall be personally and solely responsible for the security of their electronic devices or personal technology devices. The Durham Public Schools is not responsible for any electronic devices or personal technology devices that are lost, stolen or damaged while on school property or at school events.

Rule I.A-3 Student Dress Code: The primary goal of the Durham Public Schools is to provide a safe learning environment where all students are able to achieve at their highest potential. The personal appearance of every student is an important component of establishing a safe environment for optimal learning and respect for one another. Students are expected to adhere to standards of dress and appearance that are compatible with an effective learning environment. In support of these goals and expectations the Board establishes the following dress code for students:

a. Students are prohibited from wearing clothing, jewelry, book bags, or other articles of personal appearance which:

1. depict profanity, vulgarity, obscenity, or violence;
2. promote use or abuse of tobacco, drugs, or alcohol;
3. create a threat to the health or safety of the student or others;
4. are prohibited under the Gangs and Gang Activities Policy (III-7);
5. are reasonably likely to create a substantial and material disruption to the educational process or to the operation of the school, including but not limited to items that are reasonably expected to intimidate other students on the basis of

race (for example the Confederate battle flag, swastika, and Ku Klux Klan or KKK), color, national origin, sex, gender identity, sexual orientation, disability, age, or religious affiliation.

b. The following specific items are also not permitted:

1. clothing worn in such a manner so as to reveal underwear, cleavage, or bare skin between the upper chest and mid-thigh;
2. bare feet, bedroom slippers;
3. spaghetti straps, strapless tops, halter tops;
4. see-through, mesh garments;
5. trousers, slacks, shorts worn below hip level;
6. clothing that is excessively baggy or tight;
7. skirts and shorts shorter than mid-thigh;
8. sunglasses worn inside school building;
9. hats, caps, hoods, sweat bands and bandanas or other head wear worn inside school building; and
10. any other article of appearance that is physically revealing or provocative.

c. If a student's dress or appearance violates this dress code, the principal or principal's designee may require the student to change his or her dress or appearance. A second or repeated violation of this policy may result in disciplinary action.

d. This policy does not apply to school sanctioned uniforms and costumes approved by the principal for athletic, choral, band or dramatic performances.

e. The principal may make reasonable accommodations to this rule for religious, cultural, educational, or medical reasons so long as the clothing in question is not prohibited under section (a.1) through (a.5) of this rule:

1. depict profanity, vulgarity, obscenity, or violence;
2. promote use or abuse of tobacco, drugs, or alcohol;
3. create a threat to the health or safety of the student or others;
4. are prohibited under the Gangs and Gang Activities Policy (III-7);
5. are reasonably likely to create a substantial and material disruption to the educational process or to the operation of the school.

Denials of requests for reasonable accommodations may be challenged pursuant to Policy 4800, Student or Parent/Guardian Grievances.

Rule I.A-4 Minor Disruptive Behavior. Students shall not interrupt or interfere with teaching, learning, or the orderly conduct of school activities. Minor disruptions may include, for example, running in the halls, making excessive noise, leaving a classroom or mandatory school event without permission, or being in unauthorized areas of the school. Any disruptive behavior that threatens the safety of students, staff, or others in the school environment may be considered “serious” disruptive behavior and subject to more serious consequences under Rule II-13.

Rule I.A-5 Attendance. Students shall attend school regularly. Students shall be considered truant and subject to discipline whenever they are absent from class or school without valid excuse.

In-School Interventions and/or In-School Discipline/Possible Suspension of up to 5 Days with Aggravating Factors

Rule I.B-6 Cheating. Cheating is prohibited. Cheating includes the actual giving or receiving of any unauthorized aid or assistance or the actual giving or receiving of unfair advantage on any form of academic work.

Rule I.B-7 Falsification. Falsification is prohibited. Falsification includes the verbal or written statement of any untruth.

Rule I.B-8 Gambling. Students shall not participate in any unauthorized games of chance in which money or other items of value may be won or lost.

Rule I.B-9 Inappropriate Language. Cursing or use of vulgar, profane or obscene language is prohibited.

Rule I.B-10 Non-Compliance with Directions. Students shall comply with all reasonable directions of principals, teachers, substitute teachers, student teachers, teacher assistants, bus drivers, and all other school personnel who are authorized to give such directions.

Rule I.B-11 Disrespect of Others. Students shall not engage in taunting, name-calling, humiliation, or other disrespectful words or conduct that mistreat staff, students, or others and interfere with a peaceful and safe environment. If sufficiently serious, disrespectful words and conduct may also be subject to consequences under

Rule II-1 (Threat/False Threat), Rule II-2 (Bullying and Harassment), or Rule II-3 (Sexual Assault or Harassment).

Rule I.B-12 Disruptive or Indecent Images, Literature or Illustrations. The possession or distribution of images, literature or illustrations that are vulgar, indecent or obscene or that significantly disrupt the educational process is prohibited. Students who receive such items electronically but promptly report them to a teacher or administrator and do not otherwise share or transmit them will not be in violation of this rule, Rule II-3 (Sexual Assault or Harassment), or Rule II-11 (Sexting).

Rule I.B-13 Use of Tobacco. Students shall not possess, smoke, or use tobacco products at school, on a school bus, at any school-related activity, or on school grounds at any time. For purposes of this policy, “tobacco products” include cigarettes, e-cigarettes, pipes, cigars, chewing tobacco, snuff, and any other items containing or reasonably resembling tobacco or nicotine. The first violation of this policy will result in a warning to the student and conference with the student's parent/guardian or custodian in person or by telephone. Every effort should be made to hold the conference within three days of the violation. Further violation of this policy may result in disciplinary action.

Rule I.B-14 Misconduct on a School Vehicle. While riding a school bus or other school vehicle, students shall observe the directives of the school bus driver. The following conduct is specifically prohibited:

- a. Delaying the bus schedule;
- b. Refusing to obey the driver's instructions;
- c. Tampering with or willfully damaging the school vehicle;
- d. Getting off at an undesignated stop;
- e. Failing to observe established safety rules and regulations;
- f. Willfully trespassing upon a school bus; and
- g. Any other physical or verbal disturbance that interrupts or interferes with the safe and orderly operation of the vehicle.

Violations of this rule may result in removal from school transportation as well as other disciplinary consequences available under this policy. Students are responsible for complying with the entire Code of Student Conduct and are also subject to consequences for other rule violations for misconduct occurring on a school bus or other school vehicle.

Level II – In-School Interventions, In-School Discipline, or Short-Term Suspension/Possible Long-Term Suspension with Aggravating Factors

Rule II-1 Threat/False Threat. No student shall make any threat by means of speech, writing, act, or conduct that 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 II-2 Bullying and Harassment. No student shall engage in bullying or harassment as defined under Board Policy 4411, Bullying and Harassment.

Rule II-3 Sexual Assault or Harassment. No student shall engage in any conduct prohibited by Board Policy 4410, Sexual Assault or Harassment.

Rule II-4 Fighting/Physical Aggression. No student may intentionally hit, shove, scratch, bite, block the passage of, or throw objects at a student or other person. No student shall take any action or make any comments or written messages intended to cause others to fight or which might reasonably be expected to result in a fight.

A student who is attacked may use reasonable force in self-defense, but only to the extent necessary to get free from the attack and notify proper school authorities. A student who exceeds reasonable force may be disciplined even though someone else provoked the fight.

Rule II-5 Hazing. No group or individual shall require a student to wear abnormal dress, play abusive or ridiculous tricks on him/her, frighten, scold, swear, harass or subject him/her to personal indignity.

Rule II-6 Theft or Damage to Property. No student may steal or attempt to steal or knowingly be in possession of stolen property or intentionally damage or attempt to damage any school property or private property while under school jurisdiction.

Rule II-7 False Fire Alarms. No student shall set off, attempt to set off, or aid and abet anyone in setting off a fire alarm at school.

Rule II-8 Trespassing. No student may be on the campus of another school in the Durham Public Schools during the school day without the knowledge and consent of the officials of the school she/he is visiting. Students who remain after school or come on any school campus after the school day or while school is closed without permission will

be considered trespassers. Any student who has been suspended from school shall be considered trespassing if she/he appears on any school property during the suspension period without the express permission of the principal.

Rule II-9 Misuse of Technology. Individual users of school-provided Internet service and technology devices (on school property and/or through the Learning Environment Extension Program) or users of personal technology devices on school property pursuant to a Bring Your Device to School program are expected to abide by Durham Public Schools Policy 3225, Technology Responsible Use. Violations of that policy may include, among other things:

- a. Sending or displaying vulgar, obscene, crude, or threatening messages or pictures;
- b. Using obscene language;
- c. Harassing others;
- d. Damaging computers, computer systems, software, or computer networks;
- e. Using another's ID/password;
- f. Using technology resources to violate any state or federal law.

In the event a student engages in any of the these activities or otherwise violates Policy 3225, his/her access privileges may be revoked and other disciplinary measures may result.

Rule II-10 Failure to Report a Weapon, Dangerous Instrument, Firearm, or Destructive Device. The safety of students and staff is the school system's highest priority. Students therefore have an affirmative obligation to report as soon as possible to a teacher, school administrator, or other school employee if they become aware that another person has or intends to bring to school property any weapon, dangerous instrument, firearm, or destructive device, as those terms are defined in Rules III-3 and IV-1. Depending on the relevant circumstances and any aggravating or mitigating factors, such failure to report may result in disciplinary consequences including out-of-school suspension.

Rule II-11 Sexting. Students shall not transmit any sexually explicit messages or any nude, partially nude, sexually explicit, or sexually suggestive photographs, video recordings, or other visual depictions of themselves or others. Students are reminded that, in addition to violating this Code of Student Conduct, the transmission of such images or messages to, among, or depicting minors may cause grave psychological or emotional harm and may violate state or federal child pornography laws, even when sent or received consensually. Depending on the circumstances, the transmission of such images or messages may also constitute sexual harassment under Rule II-3 and Policy

4410. Students who receive such images or messages electronically but promptly report them to a teacher or administrator and do not otherwise share or transmit them will not be in violation of this rule, Rule II-3 (Sexual Assault or Harassment), or Rule I.C-12 (Disruptive or Indecent Images, Literature or Illustrations).

Rule II-12 Indecent Exposure/Sexual Behavior. No student shall engage in behavior, whether consensual or non-consensual, which is lewd, overly affectionate, or of a sexual nature.

Rule II-13 Serious Disruptive Behavior. Students shall not interrupt or interfere with teaching, learning, or the orderly conduct of school activities in any manner that threatens the safety of students, staff, or others in the school environment. Serious disruptive behavior may include, for example, throwing objects or engaging in horseplay that could reasonably result in physical injury. Disruptive behavior that does not threaten the safety of others may be subject to consequences under Rule I.A-4.

Level III–Short Term Suspension/Possible Long-Term Suspension Based on Aggravating Factor(s)

Rule III-1 Assault. No student may cause or attempt to cause serious physical injury to any other student, school employee, or other person. For the purposes of this policy, “serious physical injury” refers to such injuries as 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 stitches, 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. Whether a student intended to cause serious physical injury may be inferred from the relevant circumstances.

Rule III-2 Coercion or Extortion. No student may use force or violence or threat of force or violence to obtain money, property, or personal services from another student, school employee, or other person.

Rule III-3 Weapons and Dangerous Instruments Other than Firearms and Destructive Devices. No student shall possess, handle, conceal, brandish, or transmit any weapon or dangerous instrument at school or school events or at any other time when such conduct has or is reasonably likely 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. For purposes of this policy, a “weapon” or “dangerous instrument” is any of the following:

1. Any gun, pistol, or rifle that does not meet the technical definition of “firearm” under Rule IV-1, including any BB gun, stun gun, air rifle, air pistol, or inoperable antique firearm;
2. Gunpowder, bullets, or ammunition;
3. Fireworks, firecrackers, or other explosive devices that do not meet the technical definition of “destructive devices” under Rule IV-1;
4. Any knife of any kind regardless of size;
5. Mace or pepper spray;
6. Metallic knuckles;
7. Tasers or other electric shock devices;
8. Razors or razor blades (except for safety razors designed and used only for personal shaving);
9. Slingshots;
10. Darts or blowguns;
11. Blackjacks, billy clubs, or leaded canes;
12. Ice picks;
13. Box cutters or other sharp pointed or edged instruments except instructional supplies, unaltered nail files, and clips or tools used solely for preparation of food, instruction, and maintenance;
14. Copies or replications of weapons that could reasonably be perceived to be real weapons; and
15. Any other item that is possessed, handled, concealed, brandished, or transmitted for the purpose of causing, attempting to cause, or threatening physical injury

A student who in any way encourages another student to bring weapons to school also endangers the safety of others. No student shall knowingly or willfully cause, encourage, or aid any other student to possess, handle, or transmit any of the weapons or facsimiles of weapons listed above. This section shall not apply to students who are members of the Reserve Officer Training Corps and who are carrying arms or weapons in the discharge of their official class duties; nor does this section apply to weapons used in school-approved instruction or ceremonies. The principal must give prior approval for these exceptions to apply.

Rule III–4 Bomb Threat. No student shall make or aid and abet anyone in making a false report concerning the existence of a bomb or any other dangerous object on school premises or at the site of school activities. No student shall with the intent to perpetrate a hoax conceal, place or display on school property or the site of school

activities any device or artifact so as to cause any person reasonably to believe the same to be a bomb or other destructive device.

Rule III–5 Controlled Substances and Drug Paraphernalia. No student shall possess, use, transmit, conspire to transmit, or be under the influence of any controlled substance or drug paraphernalia. For purposes of this policy, “controlled substance” includes any narcotic, hallucinogenic drug, amphetamine, barbiturate, marijuana, synthetic cannabinoid, anabolic steroid, alcoholic beverage, or other substance used or possessed with the intention of bringing about a state of exhilaration or euphoria or of otherwise altering the student's mood, perceptions, or behavior.

No student shall possess or transmit any counterfeit controlled substance that reasonably resembles or is held out to be an actual controlled substance. No student shall be at school with the odor of alcohol or illicit drugs about their person.

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 and in the manner in which the drug was prescribed.

When a first infraction of this policy involved only possession, use, and/or being under the influence of a substance prohibited by this policy, an alternative to long-term suspension shall be offered. Successful completion of the alternative program deactivates the long-term suspension recommendation. Failure to meet any requirements of the alternative program reactivates the long-term suspension recommendation. If mitigating factors are present, the principal may, but is not required to, offer an alternative to long-term suspension for second or subsequent infractions of this policy.

Rule III–6 Threats, Hoaxes, and Other Acts of Terror.

1. 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.
2. No student shall, with the 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.

3. 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.
4. No student shall make a report that he or she knows or should know 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 cause, a significant disruption to the instructional day or a school-sponsored activity.
5. No student shall aid, abet, and/or conspire to commit any of the acts described in this section.

Rule III–7 Gangs and Gang Activities. The Board of Education believes that gangs and gang-related activities pose a serious safety threat to students and staff members of the Durham Public Schools. Even absent acts of violence, gang-related activities disrupt the educational environment and increase the risks of future violence. In light of these serious concerns, the school system will not tolerate any gang-related activities as outlined in this policy.

No student shall commit any act which 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 and having a common name or common identifying sign, colors, or symbols. As used in this policy, the phrase “gang-related” means any conduct engaged in by a student (1) on behalf of an identified gang, (2) to perpetuate the existence of any identified gang, or (3) to carry out the common purpose and design of any identified gang. Conduct prohibited by this policy includes:

1. Wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, emblems, badges, symbols, signs or other items with the intent to convey or promote membership or affiliation in any gang;
2. Communicating either verbally or non-verbally (gestures, handshakes, slogans, drawings, etc.), with the intent to convey or promote membership or affiliation in a gang;
3. Tagging, or otherwise defacing school or personal property with symbols or slogans intended to convey or promote membership or affiliation in any gang;
4. Requiring payment of protection, insurance, or otherwise intimidating or threatening any person related to gang activity;

5. Inciting other students to intimidate or to act with physical violence upon any other person related to gang activity;
6. Soliciting others for gang membership;
7. Committing any other illegal act or other violation of school district policies in connection with gang-related activity.

The Superintendent or his/her designee shall regularly consult with law enforcement officials to maintain current examples of gang-related activities, including but not limited to gang names and particularized examples of potential gang indicators including symbols, hand signals, graffiti, clothing/accessories, and behaviors.

Each principal shall maintain current examples of gang-related activities in the main office of the school. In addition, guides shall be included in each main school office to assist students, parents, and teachers in identifying gang symbols and practices. In providing this information for students and parents, the Board acknowledges that not all potential gang indicators connote actual membership in a gang.

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

Before being suspended for a first offense of wearing gang-related attire, a student will receive an individualized warning and will be allowed to immediately change or remove the attire that is in violation of this policy. Unless the student has been specifically notified of a prohibited item of attire, a student will receive this warning the first time he or she is observed wearing a particular item in violation of this policy.

In a situation where a student has violated this policy or is otherwise suspected of gang affiliation, the principal shall conduct an intervention involving the principal/assistant principal, the student and the student's parent or legal guardian. Such intervention may also include the school resource officer and others as appropriate. The purpose of such intervention is to discuss the school's observations and concerns and to offer the student and the parents information and an opportunity to ask questions or provide other information.

Rule III-8 Arson. Starting a fire or attempting to start a fire on school property is prohibited unless specifically authorized by school officials.

Level IV – Suspensions Required under State Law

Rule IV–1 Firearms/Destructive Devices. No student shall bring onto school property or possess a firearm or destructive device. A firearm is 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, BB gun, stun gun, air rifle, or air pistol.

A destructive device is 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.

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

Violation of this Rule will result in a recommendation for 365-day suspension.

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

Reports to Law Enforcement

As required by state law, when a principal has personal knowledge or actual notice from school personnel that an act has occurred on school property involving assault resulting in serious personal injury, sexual assault, sexual offense, rape, kidnappings, indecent liberties with a minor, assault involving the use of a weapon, possession of a firearm in violation of the law, possession of a weapon in violation of the law, possession of a controlled substance in violation of the law, assault on a school employee, robbery, armed robbery, homicide, manslaughter, or death by vehicle, the principal shall report the act to the appropriate local law enforcement agency, notify parents/guardians of any alleged student victim of a violent crime and notify the Superintendent or designee. Notification must occur in writing or by electronic mail by the end of the workday in which the incident occurred, when reasonably possible, but not later than the end of the

following workday. The Superintendent must also provide the information to the Board of Education.

The principal may also notify law enforcement of any other potential criminal conduct or incidents which may jeopardize the safety, security, or well-being of students, staff, or others and may request assistance from law enforcement when necessary to secure and ensure the immediate safety of persons in the school environment. Any student disciplinary issues stemming from the same misconduct should be handled by school administrators, not school resource officers or other law enforcement officials.

Principals should not refer to law enforcement any routine school disciplinary matters, such as tardies, loitering, noncompliance, the use of inappropriate language, dress code violations, minor classroom disruptions, and disrespectful behaviors.

Definitions

Alternative Education Services – part or full-time programs, wherever situated, providing direct or computer-based instruction that allows a student to progress in one or more core courses.

Board – the Durham Public Schools Board of Education.

Day or Days – school days excluding teacher workdays, holidays, vacations days and weekends.

Destructive Device – an explosive, incendiary, or poison gas:

1. Bomb.
2. Grenade.
3. Rocket having a propellant charge of more than four ounces.
4. Missile having an explosive or incendiary charge of more than one quarter ounce.
5. Mine.
6. Device similar to any of the devices listed.

Expulsion – permanent exclusion of a student from registering, enrolling or attending any Durham Public School. This exclusion also includes riding in a school-owned or operated vehicle and prohibits the student from participating in school activities or entering any school property.

Firearm – any of the following:

1. A weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive.
2. The frame or receiver of any such weapon.
3. Any firearm muffler or firearm silencer.

The term “firearm” does not include an inoperable antique firearm, BB gun, stun gun, air rifle, or air pistol.

Long-Term Suspension – exclusion from the school to which the student was assigned at the time of the disciplinary action and from participation in school activities or events for a period in excess of ten days but not to exceed the remainder of the school year, except that if the offense leading to the long-term suspension occurs in the final quarter of the school year, the exclusion may extend to the end of the first semester of the following school year.

Parent – includes the natural parent, legal guardian, legal custodian 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 – includes the principal and the principal’s designee.

School Personnel – includes the following:

1. Any Board employee;
2. Any person working on school grounds or at a school function under a contract or written agreement with the school system to provide educational or related services to students;
3. Any person working on school grounds or at a school function for another agency providing educational or related services to students.

Short-Term Suspension – exclusion from school and participation in school activities or events for up to ten days.

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

Administrative Regulations

The Superintendent is authorized to develop regulations to administer this policy.

Cross Reference: Sexual Assault or Harassment Policy, Bullying and Harassment Policy, Suspension and Expulsion Policy, Alcohol and Substance Abuse Prevention and Intervention Policy, Technology Responsible Use Policy

Legal Reference: G.S. 115C-288, G.S. 115C-390.1 – 115C.390.2, United States Department of Education, Guiding Principles: A Resource Guide for Improving School Climate and Discipline, (January 8, 2014).

Revised Effective: August 24, 2017

Policy 4321 INVESTIGATIONS AND ARRESTS BY LAW ENFORCEMENT

If law enforcement officers need to come to a school for official business, they first should contact the school administration. Contact between the school and law enforcement on matters involving students shall be made through the office of the principal or Superintendent.

Law enforcement officers are encouraged to interview students away from the school regarding non-school related matters.

When law enforcement officers must interview or arrest a student at school, all attempts should be made to avoid embarrassing the student before teachers and peers and to avoid disrupting the educational program of the student and the school.

4321.1

If law enforcement officers have a warrant for the student's arrest, they must be permitted to arrest the student; however, whenever possible the arrest should be conducted in the principal's office out of the view of other students.

4321.2

Law enforcement officers normally should remain in the administration office while school personnel seek out the student unless immediate intervention by the officer is necessary to prevent injury, a serious crime, or flight of the student.

4321.3

If possible, law enforcement officer questioning should not cause a student to miss class time.

4321.4

Any questioning by law enforcement officers should be conducted in a private room or area where confidentiality can be maintained. This should be an area removed from observation by or contact with other students and school personnel.

Law enforcement officials shall provide interpretation services when notifying and/or interviewing a limited English proficient student and/or parent/guardian.

4321.5

Before law enforcement officers may question a student, a reasonable attempt shall be made to notify the parent/guardian, except in cases of suspected child abuse or child neglect involving the parent/guardian. The parent/guardian should be given the opportunity to come to the school prior to questioning.

4321.6 Law Enforcement Access to Student Information

Law enforcement officers, including School Resource Officers, shall only be given access to confidential student information in compliance with a judicial order or lawfully issued subpoena, to address a safety or health emergency, as allowed by state law concerning the juvenile justice system, or as otherwise permitted by the Family Educational Rights and Privacy Act (FERPA).

4321.7

Any request to gather information, interview students, or access a school site by any law enforcement officer or federal agency for immigration enforcement or monitoring shall be immediately forwarded to the Superintendent for review and a decision on whether to allow access to the site. This review shall be to ensure District compliance with students' constitutional right to attend school under the Supreme Court's decision in *Plyler v Doe* and other applicable laws.

The Superintendent shall immediately notify the board of Immigration and Custom Enforcement (ICE) requests.

4321.8

The principal shall notify the Superintendent's office of warrants served at school. The Superintendent's office shall maintain a record of all warrants served at school.

Legal Reference: G.S.115C-40

Adopted Effective: July 1, 1999

Revised: June 15, 2017

Policy 4326: Use of Seclusion and Restraint

It is the policy of the Board of Education to ensure the safety of all students, staff, and visitors in its schools. To further this policy, school personnel may, in compliance with G.S. 115C-391.1 and state and local policies and procedures, employ reasonable restraint or seclusion techniques with students. **While the use of temporary prone (face down) restraint may be required in exceptional cases to protect a student or others, the use of prone restraints is strongly discouraged. Appropriate personnel, as identified by the Superintendent/designee, shall be provided restraint training that explains the risks*

involved in using prone restraints, strongly discourages its use and provides instruction in alternative methods of restraints. (*This policy is currently in the process of being updated to reflect the proper ways to restrain a student, which no longer includes prone restraint. As soon as the new policy is approved by the Durham Public Schools Board of Education, this document will be updated.)*

The Superintendent or designee shall provide copies of this policy and G.S. 115C-391.1 to school personnel and parents/guardians at the beginning of each school year. Principals shall notify parents of any prohibited use of seclusion, restraint, or aversive techniques and shall provide a written incident report within 30 days of any such incident as required by G.S. 115C-391.1 and applicable policies and procedures. The Superintendent or designee shall annually provide a record of reported incidents to the State Board of Education. The Superintendent shall develop rules and procedures to implement this policy in compliance with G.S. 115C-391.1

No employee of the Durham Public Schools shall retaliate against another employee for making a report alleging a prohibited use of seclusion, restraint, or aversive techniques, provided, however, an employee may be disciplined for making such a report if the employee knew or should have known that the report was false.

Refer to [Administrative Procedures](#)

Legal References: G.S. 115C-391.1

Adopted: January 24, 2008

Revised Effective: August 25, 2011

Legislation § 115C-391.1. Permissible use of seclusion and restraint.

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

- (5) Promote retention of valuable teachers and other school personnel by providing appropriate training in prescribed procedures, which address student behavior in a positive and safe manner.
- (b) The following definitions apply in this section:
 - (1) "Assistive technology device" means any item, piece of equipment, or product system that is used to increase, maintain, or improve the functional capacities of a child with a disability.
 - (2) "Aversive procedure" means a systematic physical or sensory intervention program for modifying the behavior of a student with a disability which causes or reasonably may be expected to cause one or more of the following:
 - a. Significant physical harm, such as tissue damage, physical illness, or death.
 - b. Serious, foreseeable long-term psychological impairment.
 - c. Obvious repulsion on the part of observers who cannot reconcile extreme procedures with acceptable, standard practice, for example: electric shock applied to the body; extremely loud auditory stimuli; forcible introduction of foul substances to the mouth, eyes, ears, nose, or skin; placement in a tub of cold water or shower; slapping, pinching, hitting, or pulling hair; blindfolding or other forms of visual blocking; unreasonable withholding of meals; eating one's own vomit; or denial of reasonable access to toileting facilities.
 - (3) "Behavioral intervention" means the implementation of strategies to address behavior that is dangerous, disruptive, or otherwise impedes the learning of a student or others.
 - (4) "IEP" means a student's Individualized Education Plan.
 - (5) "Isolation" means a behavior management technique in which a student is placed alone in an enclosed space from which the student is not prevented from leaving.
 - (6) "Law enforcement officer" means a sworn law enforcement officer with the power to arrest.
 - (7) "Mechanical restraint" means the use of any device or material attached or adjacent to a student's body that restricts freedom of movement or normal access to any portion of the student's body and that the student cannot easily remove.
 - (8) "Physical restraint" means the use of physical force to restrict the free movement of all or a portion of a student's body.
 - (9) "School personnel" means:
 - a. Employees of a local board of education.

- b. Any person working on school grounds or at a school function under a contract or written agreement with the public school system to provide educational or related services to students.
 - c. Any person working on school grounds or at a school function for another agency providing educational or related services to students.
 - (10) "Seclusion" means the confinement of a student alone in an enclosed space from which the student is:
 - a. Physically prevented from leaving by locking hardware or other means.
 - b. Not capable of leaving due to physical or intellectual incapacity.
 - (11) "Time-out" means a behavior management technique in which a student is separated from other students for a limited period of time in a monitored setting.
- (c) Physical Restraint:
- (1) Physical restraint of students by school personnel shall be considered a reasonable use of force when used in the following circumstances:
 - a. As reasonably needed to obtain possession of a weapon or other dangerous objects on a person or within the control of a person.
 - b. As reasonably needed to maintain order or prevent or break up a fight.
 - c. As reasonably needed for self-defense.
 - d. As reasonably needed to ensure the safety of any student, school employee, volunteer, or other person present, to teach a skill, to calm or comfort a student, or to prevent self-injurious behavior.
 - e. As reasonably needed to escort a student safely from one area to another.
 - f. If used as provided for in a student's IEP or Section 504 plan or behavior intervention plan.
 - g. As reasonably needed to prevent imminent destruction to school or another person's property.
 - (2) Except as set forth in subdivision (1) of this subsection, physical restraint of students shall not be considered a reasonable use of force, and its use is prohibited.
 - (3) Physical restraint shall not be considered a reasonable use of force when used solely as a disciplinary consequence.
 - (4) Nothing in this subsection shall be construed to prevent the use of force by law enforcement officers in the lawful exercise of their law enforcement duties.
- (d) Mechanical Restraint:

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

(e) Seclusion:

- (1) Seclusion of students by school personnel may be used in the following circumstances:
 - a. As reasonably needed to respond to a person in control of a weapon or other dangerous object.
 - b. As reasonably needed to maintain order or prevent or break up a fight.
 - c. As reasonably needed for self-defense.
 - d. As reasonably needed when a student's behavior poses a threat of imminent physical harm to self or others or imminent substantial destruction of school or another person's property.
 - e. When used as specified in the student's IEP, Section 504 plan, or behavior intervention plan; and
 1. The student is monitored while in seclusion by an adult in close proximity who is able to see and hear the student at all times.
 2. The student is released from seclusion upon cessation of the behaviors that led to the seclusion or as otherwise specified in the student's IEP or Section 504 plan.
 3. The space in which the student is confined has been approved for such use by the local education agency.

4. The space is appropriately lighted.
 5. The space is appropriately ventilated and heated or cooled.
 6. The space is free of objects that unreasonably expose the student or others to harm.
- (2) Except as set forth in subdivision (1) of this subsection, the use of seclusion is not considered reasonable force, and its use is not permitted.
 - (3) Seclusion shall not be considered a reasonable use of force when used solely as a disciplinary consequence.
 - (4) Nothing in this subsection shall be construed to prevent the use of seclusion by law enforcement officers in the lawful exercise of their law enforcement duties.
- (f) Isolation. – Isolation is permitted as a behavior management technique provided that:
- (1) The space used for isolation is appropriately lighted, ventilated, and heated or cooled.
 - (2) The duration of the isolation is reasonable in light of the purpose of the isolation.
 - (3) The student is reasonably monitored while in isolation.
 - (4) The isolation space is free of objects that unreasonably expose the student or others to harm.
- (g) Time-Out. – Nothing in this section is intended to prohibit or regulate the use of time-out as defined in this section.
- (h) Aversive Procedures. – The use of aversive procedures as defined in this section is prohibited in public schools.
- (i) Nothing in this section modifies the rights of school personnel to use reasonable force as permitted under G.S. 115C-390 or modifies the rules and procedures governing discipline under G.S. 115C-391(a).
- (j) Notice, Reporting, and Documentation.
- (1) Notice of procedures. – Each local board of education shall provide copies of this section and all local board policies developed to implement this section to school personnel and parents or guardians at the beginning of each school year.
 - (2) Notice of specified incidents:

- a. School personnel shall promptly notify the principal or principal's designee of:
 - 1. Any use of aversive procedures.
 - 2. Any prohibited use of mechanical restraint.
 - 3. Any use of physical restraint resulting in observable physical injury to a student.
 - 4. Any prohibited use of seclusion or seclusion that exceeds 10 minutes or the amount of time specified on a student's behavior intervention plan.
 - b. When a principal or principal's designee has personal knowledge or actual notice of any of the events described in this subdivision, the principal or principal's designee shall promptly notify the student's parent or guardian and will provide the name of a school employee the parent or guardian can contact regarding the incident.
- (3) As used in subdivision (2) of this subsection, "promptly notify" means by the end of the workday during which the incident occurred when reasonably possible, but in no event later than the end of following workday.
- (4) The parent or guardian of the student shall be provided with a written incident report for any incident reported under this section within a reasonable period of time, but in no event later than 30 days after the incident. The written incident report shall include:
- a. The date, time of day, location, duration, and description of the incident and interventions.
 - b. The events or events that led up to the incident.
 - c. The nature and extent of any injury to the student.
 - d. The name of a school employee the parent or guardian can contact regarding the incident.

- (5) No local board of education or employee of a local board of education shall discharge, threaten, or otherwise retaliate against another employee of the board regarding that employee's compensation, terms, conditions, location, or privileges of employment because the employee makes a report alleging a prohibited use of physical restraint, mechanical restraint, aversive procedure, or seclusion, unless the employee knew or should have known that the report was false.
- (k) Nothing in this section shall be construed to create a private cause of action against any local board of education, its agents or employees, or any institutions of teacher education or their agents or employees or to create a criminal offense.
(2005-205, s. 2; 2006-264, s. 58.)

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