

## MISSION and VISION

### **Mission Statement:**

The mission of the ECU Community School is to educate the whole child through a web of support that thrives through our partnerships.

### **Vision:**

We will build a school culture that emphasizes safety, respect and love of the children and families we serve. It is our mission to engage children in learning experiences that support their curiosity, creativity, inquiry, and intellectual growth. It is our mission to create a school that respects children's strengths and meets their needs. The ECU Community school acknowledges and supports the integration of health, wellness and learning. Through the ECU Community school, we will empower students, families and teachers to become informed engaged and resilient citizens in our community. It is our mission to cultivate and support a love of lifelong learning and growth for students and their families.

### **We Believe:**

- Education should address the whole child
- Education must be engaging, meaningful and relevant to students so they will be equipped to participate in activities that create change in their communities and the world.
- Education is a process that happens through engagement with others, the environment and oneself and based off of prior experiences and knowledge
- Education should be culturally responsive
- Families and the communities are vital partners in the success of students
- The teacher is a valued professional that brings expertise in pedagogy and content, cultural competency, and understanding of children.
- School culture should emphasize safety, respect, democracy and love.
- Schools provide opportunities to construct knowledge through inquiry and discourse

## **CODE OF ETHICS FOR ADVISORY BOARD MEMBERS**

The members of the ECU Community School Advisory Board (the "Board") adopt the following Code of Ethics:

### **I. Community Responsibility**

- A. I will serve my community, state, and nation because I believe public education is the best means to promote the welfare of our people and to preserve our way of life.
- B. I will work unremittingly to help the people in my community understand the importance of public education and to willingly support the highest level of education which the community can afford.
- C. I will observe and enforce federal and state laws, rules, and regulations pertaining to education.
- D. I will seek to provide equal educational opportunity for all children regardless of ability, race, religion, sex, national origin, handicap, or location of residence.
- E. I will remember always in school matters that my first and greatest concern must be the educational welfare of the students attending the public schools.

### **II. Individual Responsibility**

- A. I will recognize that my responsibility is not to run the schools, but to see that they are well run.
- B. I will not violate federal and state laws in the performance of my duties.
- C. I will direct my Board action to policy making, planning and appraisal.
- D. I will work with other Board members to establish effective Board policies and to delegate authority for the administration of the schools to the Superintendent.
- E. I will recognize that authority is vested with the whole Board assembled in meeting and that I have no legal status, individually, to act for or on behalf of the Board at any time.
- F. I will speak courteously and treat others respectfully when acting in my Board capacity, avoiding remarks that are slanderous, derogatory, or otherwise inappropriate.
- G. I will not place myself in a position of conflict of interest, and I shall not use my Board position for personal or partisan gain.

### III. Decision-Making Responsibility

- A. I will keep myself informed about current educational issues by individual study and through participation in programs providing needed information.
- B. I will attend all regularly scheduled Board meetings, committees, and assigned hearing panels and become informed concerning the issues to be considered at those meetings. If I cannot attend, I will notify the Board or Committee Chairperson and/or other designated person.
- C. I will make decisions only after a full discussion of the issues with members of the staff and Board assembled at a public meeting (or a private meeting if the law and By-Laws of this Board allow).
- D. I will render all decisions based on available facts and my independent judgment, and I will not surrender that judgment to individuals or special interest groups.
- E. I will encourage the free expression of opinion by all Board members, and I will seek appropriate communications between the Board and students, parents, the staff and the community regarding issues to be considered by the Board.

### IV. Responsibility to ECU Community School Staff

- A. I will refer complaints to the Principal and the Dean or his/her designee.
- B. I will communicate to the Dean expressions of public reaction to ECU Community School policies and school programs.
- C. I will support the employment of those persons best qualified to serve as school staff, and I will insist on regular and impartial evaluation of all staff.
- D. I will present criticisms of a personal nature about an individual school employee only to the Dean, and in private.

### V. Responsibility of Confidentiality

- A. I will respect the confidentiality of student records and personnel files as required by law and ECU Community School policy.
- B. I will respect the confidentiality of information that is privileged under applicable law and Board policy.

- C. I will observe the North Carolina Open Meetings Law and conduct the affairs of the Board in an open and public manner, including complying with all applicable laws governing public records.
- D. I will observe the By-Laws of the ECU Community School in regards to closed sessions.  
Additionally, all closed session deliberations and voting will remain confidential.

#### VI. Code of Ethics Violations

Suspected Code of Ethics violations will be reported to the Board Chairperson who shall immediately investigate the allegations and take steps deemed appropriate to resolve the issue. If not resolved, the Chairperson will bring the issue to the full Board in regular session. Additionally, the legal authorities will be notified, if appropriate.

ECU Community School

NAME OF BOARD

The name of the Board shall be "The ECU Community School Advisory Board."

ECU COMMUNITY SCHOOL

PURPOSE OF THE ADVISORY BOARD

The ECU Community School Advisory Board is established for the purpose of providing advice and guidance to the Chancellor of East Carolina University. The Chancellor, with advice and input from the Advisory Board, shall have general authority and control over all matters pertaining to the ECU Community School.

ECU COMMUNITY SCHOOL

**BOARD MEMBERS HAVE NO INDIVIDUAL AUTHORITY**

Acting as individuals, members of the ECU Community School Advisory Board have no authority to decide matters involving or affecting the Community School. Such authority only exists when the Advisory Board is acting as a collective body duly called in session.

## ECU COMMUNITY SCHOOL

## ADVISORY BOARD MEMBERSHIP

A. Composition of the Board– The Chancellor, or his/her designee, shall establish an Advisory Board to provide advice and guidance to the Chancellor related to the Community School. The Advisory Board shall consist of up to ten (10) members who shall be appointed by the Chancellor or serve *ex officio* as follows:

- The Dean of East Carolina University's educator preparation program, who shall serve as an *ex officio* member;
- A member of the board of trustees of East Carolina University;
- Two faculty members from East Carolina University. At least one faculty member shall be faculty from ECU's educator preparation program;
- The superintendent of the local school administrative unit in which the Community School is located;
- A community member who resides in the local school administrative unit in which the Community School is located; and
- Up to four (4) other members that the Chancellor deems necessary.

A. Regular Term – The term of each member shall be for four (4) years. No Advisory Board member shall serve more than two (2) complete consecutive terms.

B. Chair and Vice-Chair – The Board shall annually elect a chair and vice-chair. There shall be no limitation on successive terms that may be served by a chair or vice-chair.

C. Secretary - The Board may annually elect a secretary. There shall be no limitation on successive terms that may be served by a secretary.

D. Vacancies – Any vacancy shall be filled with a person of the same classification as his or her predecessor for the balance of the unexpired term. The Chancellor, or his/her designee, shall stagger the terms of the initial appointees in a manner that results in the expiration of terms of no more than three members in any year.

[Legal Reference: NCGS 116.239.8]



**ADVISORY BOARD ORGANIZATION**

- A. At the last quarterly meeting of the academic year, the Board shall organize and elect its officers from its own members.
- B. The officers of the Board shall be a Chair and Vice-Chair and shall be elected in that order. The Board may also annually elect a Secretary as it deems necessary
- C. At the annual organizational meeting, the Chancellor, or his/her designee, shall preside until the new Chair is elected.
- D. There shall be no limitation on successive terms that may be served by a chair or vice chair, or a secretary if one is elected. Vacancies in the office of Chair, Vice-Chair, or Secretary that occur during the year shall be filled by the Board at its discretion.

### **DUTIES OF THE CHAIR**

- A. The Chair shall preside at all Board meetings.
- B. The Chair shall appoint all Committees and Hearing Panels and designate their Chair unless otherwise directed by the Board.
- C. Where an employee or parent/student requests a Board hearing regarding a grievance, the Chair has the authority to make a determination on behalf of the Board whether to grant a hearing. The Chair will advise the Board if he/she denies a hearing.
- D. The Chair shall have the right, as other members of the Board, to offer resolutions, to discuss questions, and to vote thereon.
- E. The Chair shall be the official spokesperson for the Board and will make every effort to communicate the Board's decisions to the community through the media and any other appropriate means available.
- F. The Chair shall be an ex-officio member of all Committees and a voting member of any Committee when necessary to obtain a quorum at a Committee meeting.
- G. In the absence of the Chair, it shall be the duty of the Vice-Chair to preside at meetings of the Board.

## ECU COMMUNITY SCHOOL

## DUTIES OF THE SECRETARY

- A. The Secretary shall reply to routine correspondence personally and reply to other correspondence as deemed appropriate by the Board Chair.
- B. The Secretary shall prepare agendas for all Board meetings after first discussing non-routine agenda items with the Chair.
- C. The Secretary shall maintain a record of the Board's unfinished business and remind the Board, when necessary, to attend to those matters.
- D. The Secretary shall prepare resolutions, draft policies and motions, and offer recommendations as appropriate or upon Board request. All policies require prior approval as to form by the Office of University Counsel.
- E. For Board meetings, the Secretary shall:
  - 1. Prepare the boardroom for meetings and hearings.
  - 2. Record minutes of meetings and hearings and distribute the minutes for review and approval.
  - 3. Maintain official minutes and records of all Board proceedings and actions.
 

The minutes and all other official records of the ECU Community School shall be kept up to date and accurately by the dean's designee. They must be maintained in a secure place in the care and custody of the Dean.

Supporting documents and background information to support Board action as recorded in the minutes which are provided in advance to Board members or are distributed at Board meetings shall be maintained on file at the Community School administrative offices for a period of five years.

Under the supervision of the Dean, or his designee, minutes and official ballots may be examined by any interested citizen.

Consistent with the purpose of executive sessions, minutes of those meetings shall be separately maintained by the Secretary of the Board.
- F. In consultation with the Office of University Counsel, the Secretary shall advise the Board of its legal requirements and duties in those matters for which the Secretary is responsible.
- G. The Secretary shall also be responsible for the proper maintenance of official documents, including, but not limited to:
  - 1. Board policies and by-laws
  - 2. Administrative regulations
  - 3. Board decisions
  - 4. Audits, budgets, and financial reports
  - 5. Correspondence
  - 6. Contracts and leases
  - 7. Reference materials for the Board's information and use
- H.

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ECU COMMUNITY SCHOOL

BOARD COMMITTEES AND HEARING PANELS

- A. Committees shall be appointed by the Chair as needed, and shall function until such time as their purpose has been accomplished.
  - 1. The Board Chair shall appoint a Chair of each Committee.
  - 2. Committee meetings may be called at the discretion of the Chair of the Committee or at the request of a majority of the members of the Committee.
  - 3. The Board recognizes the value of hearing public views on educational issues and recognizes that Board Committee meetings can provide a forum for dialogue prior to a Committee recommendation to the full Board. Therefore, Committees wishing to encourage public expression at a meeting shall follow the same process as followed for meetings of the full Advisory Board. All Board members shall be informed of Committee meetings that will feature public expression. Staff members may be allowed to speak, subject to the Committee Chair and/or the Dean's authorization.
- B. The Board may designate Hearing Panels composed of not less than two members of the Board to hear and act in the name of and on behalf of the Board of ECU Community School Advisory Board upon student discipline, student attendance/promotion and student transfer appeals, and upon other grievances at its discretion.

## **Board Hearing Panel Procedures**

The Board is guided by generally accepted standards of fairness in establishing processes for hearings before the Board. Given the Board's considerable responsibilities for overseeing the educational program and operations of the school, the Board also strives to be efficient in carrying out its various functions, including conducting hearings. The Board and/or Hearing Panel Chair will preside over all hearings and Board legal counsel will assist the Chair, upon request.

Unless other hearing processes are required by law or Board policy, the following procedures will apply in Board hearings. The Board reserves the right to modify this Procedure as necessary in any particular hearing in order to be fair and efficient, in order to meet legal requirements, or for any other reason the Board deems sufficient.

### **I. Hearing Panels will be held in closed session.**

Grievance appeals pursuant to Policy 10.212, Student and Parent Complaints and Grievances, typically will be heard in closed session in order to prevent the disclosure of confidential information. Closed sessions will be conducted in accordance with North Carolina Statute 143-318.11 (Closed Sessions). ECU Community School Employee grievance procedures will be governed by East Carolina University policies and followed accordingly.

The Board will consider requests made by a parent or student to conduct a hearing in open session. However, the Board will make the final determination of whether a hearing will be held in open or closed session.

All closed session Board deliberations and voting will remain confidential.

### **II. The Dean (and/or designee) is responsible for providing sufficient notice of the time and place a hearing will be held and the nature of the hearing that will be available.**

Board hearings will be scheduled as promptly as possible in accordance with Board policies/procedures and notice given to the parties. The Dean (and/or designee) should provide as much notice as is feasible given the particular circumstances. The Dean (and/or designee) shall provide a copy of this Procedure and, when possible, specify time limitations on the oral presentation if different from what is provided in Section IV of this Procedure.

**III. Individual hearings will be held unless the Board determines that a group hearing would be a more effective process for hearing and addressing the matter.**

When two or more individuals share the same or similar concern or are involved in the same matter to be heard by the Board, the Board may consider whether to conduct a group hearing. The Board may consider factors such as generally accepted standards of fairness, the need for efficiency and the ability to prevent the disclosure of confidential information. The Board will consider requests for group or individual hearings and will make the final determination.

**IV. All parties involved in the hearing may submit written position statements and will be given the opportunity for a limited oral presentation.**

Written statements may be submitted at the hearing or in advance of the hearing unless otherwise specified. Board hearing panel members will be given the opportunity to review the documents prior to the start of the hearing. All parties will be given the opportunity to address the Board orally as well. The Board may establish time limitations for oral presentations for different types of hearings or may set the time limitation for a particular hearing. Unless parties are notified of a different time length beforehand and/or at the hearing, each party will be offered 15 minutes to present his/her position to the Board.

**V. The Board may limit oral presentation to be made by the parties themselves; other witnesses may be excluded. Any individual intending to be represented by legal counsel must notify the Dean in advance of the hearing.**

The Board believes that in most instances, permitting the parties to speak before the Board enables a fair presentation of the parties' positions. Any individual intending to be represented by legal counsel must notify the Dean in advance of the hearing so that there will be an opportunity to clarify whether legal counsel may be used and to provide the Advisory Board the opportunity to be represented by legal counsel. If necessary, the meeting may be rescheduled to enable the Board to secure legal counsel for the hearing.

In student disciplinary cases, a student and/or his/her parents may have a spokesperson accompany the student to assist in the presentation of his/her case instead of an attorney. At the beginning of a hearing, the Chair will establish if a spokesperson is present for the student and the identity of that person.

**VI. Legal evidentiary rules do not apply to information considered by the Board.**

The Board may consider any information that a reasonably prudent person would consider in conducting the serious affairs of a business.

In student disciplinary cases, the student's record will include the total educational record.

**VII. In reviewing any appeal of a decision of school personnel, the Board will determine whether the administrative record as a whole provides sufficient evidence to justify the decision of the superintendent; new evidence will not be permitted unless necessary to prevent a threat of substantial unfairness.**

The Board will review the administrative record, including any administrative proceedings, and will provide an opportunity for a limited oral presentation of their positions by the superintendent and the party contesting the decision. The submission of documentary evidence and presentation of additional witnesses will be allowed at the discretion of the Board.

The student will be given the opportunity to examine any evidence presented in the case and to confront and cross-examine any witnesses in the case.

**VIII. Review of the Record and/or Other Hearing Documents**

The Board will be given the opportunity to review all appropriate documents before the start or at the beginning of the Board Hearing.

Additionally, all parties (students and their families) requesting a Board Hearing will be given opportunity to review all appropriate documents before the start or at the beginning of the Board Hearing.



**IX. The Dean (and/or designee) is responsible for making a record of the hearing.**

The Dean (and/or designee) shall make any record required by law. At a minimum, the Board record will incorporate the administrative record provided to the Board for review and any written documents submitted by the parties. The record also will provide the decision of the Board and the basis for the decision when such information is required or specified in law or Board policy.

## POWERS AND DUTIES

The Advisory Board shall have the following duties:

- A. Monitor the operations of the Community School and the distribution of moneys allocated for such operations;
- B. Recommend to the Chancellor necessary policy, program, and administration modifications;
- C. Evaluate biannually the performance of the Principal and recommend corresponding action to the Chancellor; and
- D. Annually review evaluations of the Community School's operation and research findings

The Advisory Board shall have all other powers and duties conferred and imposed by law regarding the Community School and those which the Chancellor or his/her designee has conferred and imposed on the Advisory Board.

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- B. Recommend to the Chancellor necessary policy, program, and administration modifications;
- C. Review the evaluation of the performance of the Principal and recommend corresponding action to the Chancellor; and
- D. Annually review evaluations of the Community School's operation and research findings

The Advisory Board shall have all other powers and duties conferred and imposed by law regarding the Community School which the Chancellor or his/her designee has conferred and imposed on the Advisory Board.

All duties required by the Chancellor under Chapter 116, Article 29A of the North Carolina General Statutes not expressly enumerated herein are designated from the Chancellor to the Dean of the East Carolina University College of Education. The Dean shall seek advice and guidance from the Advisory Board in fulfilling these duties, and the Dean may designate other powers and duties to the Advisory Board at his/her discretion.

BY-LAWS 1.109



## METHODS OF BOARD OPERATION

- A. Regular Board Meetings – The Board shall normally meet on the second Thursday each quarter beginning in August of each year to become better informed about the Community School's programs and to consider its business. Board members are requested to reserve the third Thursday of each month for special meetings as needed. Other meetings may be called on an as-needed basis.

Before actions by the Board are requested or recommended, the Board shall be provided with adequate data and back-up information to assist members in reaching decisions consistent with established goals. Board members shall be expected to read the information provided to them and to contact the Board Chair to request additional information that they deem is necessary to assist them. The regular quarterly meetings shall be conducted as follows:

1. Call to order
2. Presentations of awards and/or recognition of outstanding achievement, if any
3. Adjustments to the agenda
4. Public expression
5. Consent items – Items that are typically approved by consent of the full Board include:
  - a. Approval of the minutes of the previous meeting
  - b. Routine financial and business items
6. Informational Reports – Reports by the staff on some aspect of the curriculum, operation, or administration of the school system
7. Old Business – Items of business that were presented and discussed at a previous meeting or meetings of the Board and are to be acted upon
8. New Business – Items of business that are being presented or recommended to the Board for the first time
9. Comments by the Chancellor or his/her designee, Dean, Board Chair and Board Members – Brief informal comments and statements made by the Chancellor or his/her designee, Dean (or designee), Board Chair and Board Members. The comments and statements shall be for informational purposes only and not for action by the Board.

This portion of the agenda may not be used for the discussion or consideration of an item of substantive business that is not on the agenda. It may be used by the Board Chair to notify Board members of significant items of business that will be on the agendas of future Board meetings, to inform the Board and public of significant events that have occurred and/or that are scheduled to occur within the administrative unit, and for other such purposes. It may also be used by Board members to request that an item of business be placed on the agenda of a future Board or Committee meeting.

10. Closed session, if any

11. Adjournment

B. Special Board Meetings – Board meetings, other than emergency meetings or adjourned or recessed meetings, that occur at a time or place other than the time and place of regular meetings.

C. Emergency Board Meetings – Board meetings that concern generally unexpected circumstances and require immediate consideration by the Board.

D. Notice of Meetings

1. Regular meetings – the Advisory shall routinely meet on second Thursday of each quarter beginning in August of each year in Speight 203, East Carolina University, Fifth Street, Greenville, North Carolina. Board Members are requested to reserve the third Thursday of each quarter for special meetings as needed. Exceptions to this schedule may be made in the months of July and August. Notice of each regular meeting of the Board shall be provided, with materials and agenda items delivered to each Board member three to five days prior to each meeting.
2. Special meetings – Notice of all special meetings shall be given to the members of the Board at least 48 hours prior to the time slated for the meeting to convene, except in rare emergencies. The notice shall indicate the purpose of such special meetings.
3. Media Notification – Notice of regular meetings, special meetings, and cancelled meetings of the Advisory Board will be sent to the news media one week in advance of the scheduled meetings, or not less than 48 hours in event of a cancelled, changed or specially-called meeting.

Notices of said meetings are also posted on a central bulletin board in the building where the Board meets.

If the meeting is to be closed to the public, the notice shall so state. It shall also state the general purpose of the closed meeting (i.e. personnel matters, student disciplinary matters, student assignment matters, etc.).

4. Notice of emergency meetings shall be given to each newspaper, wire service, radio and television station that serves the ECU Community School or has filed a written request for notice with the chancellor/designee.
  - a. The notice may be given by telephone or in writing.
  - b. The notice shall be given immediately after notice of the meeting has been given to the members of the Board or its Committee.
  - c. The notice shall state the purpose of the meeting. Only that matter may be considered at the meeting.
- E. Cancellation of Meetings – Based upon the amount of business to discuss, and in consultation with the Chancellor or his/her designee, the Board Chair may, in his or her discretion, elect to cancel a regularly scheduled meeting. In such an event, a minimum of 48 hours' notice will be provided to Board members as well as to the press.
- F. Rules of Procedure – Meetings shall be conducted in accordance with the Rules and Procedures outlined in Section 1.200.
- G. Voting – The Chair of the Board shall call for a vote by asking each member to respond to the question by voice or by raising a hand.
  1. Each member of the Board shall have one vote on any recommendation, motion, proposal, or any other action item coming before the Board.
  2. Each member, other than the Chair, must vote unless excused by the remaining members. A member who wishes to be excused from voting shall so inform the Chair, who shall take a vote of the remaining members present. No members shall be excused from voting except on matters involving their own financial interest, family interest, or official conduct. In all other cases, a failure to vote by a member who is physically present, or has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote.
  3. The Chair may vote on all issues but must vote to break a tie in the event he/she did not vote in the original count.
  4. When electing its officers, the Board may, by mutual consent of its members, vote by written ballot. In accord with NCGS 143-318.13(b), if a written ballot is used, each member of the Board voting shall sign his or her written ballot, and the minutes of the meeting shall show the vote of each member voting. The ballots shall be available for public inspection in the Office of the Dean or his/her designee immediately following the meeting at which the vote took place, and shall remain available until the minutes of the meeting are approved. Once the minutes are approved, the ballots may be destroyed.



- H. Quorum – The Advisory Board can only exercise its power in a regular or special meeting attended by at least a majority of its sitting members, who constitute a quorum. At Committee meetings, a majority of the members of a Board Committee shall constitute a quorum for the purpose of transacting business.
- I. Closed Sessions – Closed sessions may be called upon a motion made and adopted at an open session for any permitted purpose described in NCGS 143-318 of the Open Meetings Law. The motion shall state the purpose of the closed session and must be approved by the vote of a majority of those members present and voting.
- J. Public Hearings – The Advisory Board believes that from time to time additional public input is necessary and desired. This input is generally sought through a public hearing. When such hearings are scheduled, the Advisory Board will ensure that the date, time, and location are properly advertised well in advance of the hearing date.

The Advisory Board will receive comments and information at public hearings but will not respond to speakers, answer questions, or take any formal action at the public hearing. The Board will take comments offered at the public hearing under advisement and will consider these comments for future action.

ECU COMMUNITY SCHOOL

## POLICY DEVELOPMENT

The Advisory Board shall make every effort to ensure that its policies conform to all state and federal laws, including the provisions of the North Carolina Constitution and the United States Constitution.

Policy recommendations from the ECU Community School shall generally be brought for two readings by the Board before any action is taken. However, on matters of unusual urgency, the Board may waive this limitation and take immediate action to adopt new or revise existing policies. The Board may adopt policies or suspend existing ones that are not required by law. All proposed policy changes shall receive prior review and consideration from the Office of University Counsel.

As new policies are adopted or old ones are revised, they shall be updated and published so as to be promptly available in all school buildings, on the Community School website, and accessible to all interested parties.

## UNIVERSITY COUNSEL

The Advisory Board may utilize one or more attorneys from the Office of University Counsel to give legal counsel on governance, finance, property, students, employees, liability, and any other matters of legal concern to the Community School.

The Office of University Counsel shall represent the Community School in internal day-to-day operations. All legal questions and requests for legal assistance shall be directed to the Office of University Counsel.

All requests for legal assistance from the Office of University Counsel shall come through the Dean or the Board Chair, or their specified designee(s). Should an issue of extreme urgency or sensitivity arise, a Board member may make direct contact with Office of University Counsel.

**RULES OF PROCEDURE FOR ADVISORY BOARD MEETINGS****A. INTRODUCTION**

These Rules of Procedure are adopted by the ECU Community School Advisory Board for use at all meetings of the Board. The rules are a modified version of Robert's Rules of Order, Revised and, except for those modifications of Robert's Rules of Order which appear in this policy, Robert's Rules of Order, Revised shall continue to be used as the procedure for conducting meetings.

**B. RULES OF PROCEDURE****1. AGENDAS**

The Dean, or his/her designee, shall prepare the agendas for all Board and Committee meetings, with the consent of the Board Chair and Committee Chairs, respectively.

Any member of the public may request to have an item of business placed on the agenda. The request must be submitted in writing to the Dean or designee and received at least fifteen (15) calendar days before the meeting. All such requests are subject to the approval of the Dean or designee with the consent of the Board Chair.

Any member of the Board may request to have an item of business placed on the prepared agenda. The request must be made to the Dean or Board Chair. In addition, the Board, by a majority vote, may place an item on the agenda at the appropriate time once the meeting has been convened.

The Board's agenda materials shall include, for each item of business placed on it, as much background information on the subject as is available and feasible to reproduce.

A copy of the agenda materials should be provided to each member of the Board three to five days prior to the meeting, unless there is a special or emergency meeting. Copies of the agenda materials should be made available for public inspection in the Office of the Dean as soon as the materials have been distributed to Board members.

## 2. PRESENTATION OF AWARDS AND RECOGNITION OF ACHIEVEMENT

- 2.1 The first portion of each agenda shall be set aside for the presentation of awards and the recognition of outstanding achievement.

## 3. REGULAR BUSINESS ITEMS

- 3.1 On the successful motion of any member to defer consideration of a routine business item, action on the said item shall be deferred until the next regular meeting of the Board.

## 4. PUBLIC EXPRESSION

- 4.1 A portion of each regular Board meeting will be set aside for public expression. This does not include workshop sessions and/or retreats.

- 4.2 At no time may speakers address any of the following:

- 4.2.1 matters concerning the job competence and performance of specific personnel or employees of the Advisory Board

The policies and laws of the State of North Carolina, as well as the policies of the Board, provide that matters concerning the job competence and performance of individual school system employees are confidential. For this reason, and to ensure that Board meetings are conducted in an orderly and fair manner, the Board will not entertain public discussion about specifically named school system employees during the open session of Board meetings. The proper manner for raising concerns about a specific employee is to submit comments in writing to the Superintendent or to use the grievance procedures that have been established by the Board.

- 4.2.2 matters involving specific students of the school

- 4.3 Any individual or spokesperson for any group who wishes to address the Board shall complete a Request to Address the Board form at least fifteen minutes prior to the commencement of the meeting, and shall provide his/her name, address, the name of the organization he/she represents, if any, and the topic to be addressed. If the speaker wishes to give the Board members written materials related to his/her remarks, 10 copies shall be given to the Dean's designee for distribution.

- 4.4 Individual speakers will be given up to three (3) minutes to speak before the Board. Groups shall be asked to select one or more spokespersons to speak on their behalf and will be given up to a total of five (5) minutes for the group. The Chair may limit the number of speakers on a specific topic, depending on the number of speakers and topics listed.

- 4.5 The following rules shall be followed by speakers appearing before the Board:
- 4.5.1 The speaker shall state his or her name and address.
  - 4.5.2 All remarks shall be made to the Board as a body and not to an individual Board member.
  - 4.5.3 No speaker shall make obscene, derogatory or slanderous remarks. Any Board member may stop such comments.
  - 4.5.4 No person shall be allowed to disrupt the speaker except for Board members as provided in 4.5.3 and the Board Chair as provided in 4.6.
  - 4.5.5 Remarks shall end when the speaker's allotted time has expired.
  - 4.5.6 Board members or the Dean may ask the speaker questions for clarification. However, no person from the floor shall enter into discussion with the Board.
- 4.6 The Board Chair may immediately terminate any comments that are considered to be inappropriate.
- 4.7 Public speaker comments from action meetings of the Board will be 1) accepted as opinion, or 2) referred to an administrator for investigation to be reported back to the citizen and Board to the extent permitted by law, or 3) referred to the Board Chair, Vice Chair and Dean for agenda planning, or 4) referred to a Board Committee.

When the Board Chair refers an issue of public concern to an administrator for investigation, the Dean or administrator will respond in one of three ways within 5 business days: 1) provide an answer to the citizen about their issue of concern, or 2) provide an estimated time frame that the administration feels will be necessary to investigate and provide an answer to the citizen, or 3) indicate that the administration will not be able to provide the answer with reasonable effort.

## 5. CONSENT ITEMS

- 5.1 A portion of each agenda will be set aside for consent items.
- 5.2 Consent items shall be disposed of collectively by unanimous consent. Should any Board member object to inclusion of an item under Consent Items, or should any item require discussion, it shall be removed from Consent Items and placed under either old business or new business, depending upon the nature of the item.

## 6. INFORMATIONAL REPORTS

- 6.1 A portion of each agenda will be set aside for the presentation of informational reports by the staff on some aspect of the curriculum, operations or administration of the school system. All formal written reports shall be listed on the agenda and included with the agenda materials distributed to the Board prior to the meeting.
- 6.2 Reports presented during this portion of the agenda are for informational purposes only and not action.
- 6.3 The Chair of the Board or the Board, by a majority vote of its members, may refer a report to a Committee for further study.

## 7. PRESIDING OFFICER

- 7.1 The Chair of the Board or of a Committee shall preside at Board or Committee meetings, respectively. To address the Board or a Committee, a member must be recognized by the Chair.
- 7.2 The Chair shall have the following powers:
  - 7.2.1 To rule motions in or out of order
  - 7.2.2 To determine whether a speaker has gone beyond reasonable standards of courtesy in his/her remarks and to entertain and rule on objections from other Board members on those grounds
  - 7.2.3 To entertain and answer questions of parliamentary law and/or procedure with the advice of the Board attorney
  - 7.2.4 To adjourn in an emergency

## 8. ACTION BY THE BOARD

- 8.1 The Board shall proceed by motion. Anyone, including the Chair, may make a motion.
- 8.2 A second for each motion shall be required.
- 8.3 A member may make only one motion at a time.
- 8.4 After a substantive motion has been made and seconded, the Chair should state the motion and, except in regard to the Consent Items, open the floor to debate on it. The Chair shall preside over the debate according to the following general principles:
  - 8.4.1 The maker of the motion is entitled to speak first
  - 8.4.2 A member who has not spoken on the issue shall be recognized before someone who has already spoken
  - 8.4.3 To the extent possible, the debate should alternate between proponents and opponents of the motion

8.5 A motion shall be adopted by a majority of the votes cast, a quorum being present, unless otherwise required by these rules, the Board's By-Laws, or the laws of North Carolina.

9. PROCEDURAL MOTIONS – In addition to substantive motions, the following procedural motions and no others shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption. In order of priority (if applicable), the procedural motions are as follows:

9.1 To adjourn – The motion to adjourn may be made only when action on a substantive motion concludes; it may not interrupt deliberation of a pending matter.

9.2 To take a recess – This motion may be made at any time.

9.3 To follow the agenda – This motion must be made at the first reasonable opportunity or it is waived.

9.4 To suspend the rules – For adoption, this motion requires a two-thirds vote of the members present.

9.5 To divide a complex motion and consider it by paragraph or section.

9.6 To defer consideration – A substantive motion that has been deferred expires three months thereafter unless a motion to revive consideration is adopted.

9.7 To postpone to a certain time or day – This motion is appropriate when more information is needed or when the deliberations are likely to be lengthy.

9.8 To refer to a Committee – Two months after a substantive motion or matter has been referred to a Committee, the maker of the motion may compel consideration of the matter by the entire Board, regardless of whether the Committee has reported the matter back to the Board.

9.9 To call the previous question – This motion is not in order until every member has had an opportunity to speak.

9.10 To amend – An amendment to a motion must be pertinent to the subject matter of the motion, but it may achieve the opposite of the motion's intent. The motion may be amended. An amendment may be amended once. Further amendments may be made to the motion, but not to the amendment of the motion.

9.11 To revive consideration – This motion is in order at any time within three months after a vote to defer consideration. If the motion to revive consideration does not succeed within three months of the date on which consideration was deferred, the substantive motion expires.



- 9.12 To reconsider – This motion must be made by a member who voted with the prevailing side. It must be made at the same meeting as the vote was taken. It may not interrupt deliberation on a pending motion or matter but it is in order at any time before actual adjournment.
- 9.13 To rescind or repeal – This motion is in order only for those measures adopted by the Board that may be repealed or rescinded legally.
- 9.14 To ratify – This motion is used to approve, after the fact, a matter which the Board would have authorized initially.
- 9.15 To prevent reconsideration for six months – This motion is in order immediately following the defeat of a substantive motion and at no other time. For adoption, the motion must receive two-thirds of the votes of the members present, provided there is a quorum.
10. RENEWAL MOTIONS – A motion that is defeated may be renewed at any subsequent meeting unless a motion to prevent reconsideration has been adopted.
11. WITHDRAWAL MOTIONS – A motion may be withdrawn by the introducer or maker at any time before a vote, with the consent of the member who seconded the motion.
12. AMENDING THE BY-LAWS AND RULES OF ORDER – The E C U Community School By-Laws and Rules of Order may be amended at any regular business meeting by a two-thirds vote of the entire Board membership or, if the amendment was submitted in writing at a previous regular business meeting, then it may be amended by two-thirds of those voting, so long as a quorum is present.

## PROCEDURE FOR TAKING MINUTES

### I. Scope and Application

North Carolina Open Meetings law requires that the ECU Community School Advisory Board keep full and accurate minutes of all “official meetings” such as regularly scheduled Board meetings and Committee meetings. The minutes of a meeting are the official, legal record of the business conducted.

“Official meeting” means a meeting, assembly, or gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of the members of a public body for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting the public business within the jurisdiction, real or apparent, of the public body. However, a social meeting or other informal assembly or gathering together of the members of a public body does not constitute an official meeting.

### II. Taking Minutes of a Meeting

- A. Record the name of the body that is meeting and the type of meeting being held (regular, special, etc.). Note the meeting’s date, time, and location. Enter the name and title of the person presiding.
- B. Record the names of members who are present or absent in the minutes.
- C. Record the call to order by the presiding officer. Summarize the presiding officer’s opening remarks, along with any other preliminary actions (devotions, adoption of the agenda, etc.).
- D. Note the date of the body’s last Agenda meeting and the body’s action or the proposed draft of minutes from that meeting, approved or not, with changes stated.
- E. Specific corrections, if any, should be recorded in the current meeting’s minutes or the draft minutes may be amended to reflect the changes and adopted “as amended.” Summarize any reports, appointments, or assignments and attach to the minutes copies of those materials voted on by the public body.
- F. Include an account of each agenda item discussed at the meeting, recording all motions and resolutions in the exact wording used by the person making them. The names of members who move and second

motions should be recorded. Record the number of votes (pro and con) on each motion or resolution, and indicate whether it was approved or not.

- G. The names of those favoring, abstaining, recused from, or opposed to a motion will be recorded in the minutes.
- H. If a vote is “without objection,” it should be so recorded in the minutes. For votes decided by standing or a show of hands, the count also should be recorded.
- I. Record the time that the meeting was adjourned.

### **III. Closed Sessions**

When the Board meets in closed session, it must keep a general account of the closed session so that a person not in attendance would have a reasonable understanding of what transpired. The minutes and accounts are public records within the meaning of the Public Records Law, but the minutes or an account of a closed session conducted in compliance of the Open Meetings law may be withheld from public inspection if public inspection would frustrate the purpose of the closed session.

### **IV. Access and Preservation of Meeting Minutes**

The Open Meetings law requires that, except as otherwise provided by law, minutes of each meeting, including minutes of all standing, special, or advisory committees or subcommittees, should become a public record and be made available to the public after approval. The minutes of Advisory Board meetings must be promptly and accurately recorded in the Board minute book after Board approval. The minute book must be kept in the dean’s office and be open at all times to public inspection.

**Legal References:** N.C.G.S. 143-318.10 (All Official meetings of public bodies open to public)



**ECU**

**COMMUNITY  
SCHOOL**

**REQUEST TO**

**SPEAK TO THE  
ECU LAB SCHOOL ADVISORY BOARD**

**IF YOU WISH TO ADDRESS THE BOARD:**

Please complete and return to the administrative assistant to the dean or the **PRIOR** to the start of the meeting. Please keep in mind that the Advisory Board will not respond to comments during the public comment period.

**TO THE CHAIR:**

I wish to speak to the Board concerning the following issue(s):

---

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

---

PHONE: \_\_\_\_\_

**IF APPLICABLE, YOUR TITLE AND NAME OF GROUP REPRESENTING:**

Title: \_\_\_\_\_

Group Name: \_\_\_\_\_

Return to: Office of the Dean  
College of Education  
East Carolina University  
154 Speight Building  
Greenville, N.C. 27858

Date of Board Meeting:

### EMERGENCY SCHOOL CLOSINGS

The Advisory Board authorizes the Dean to close the school in the event of hazardous weather or other emergencies that present a threat to the safety of students, school staff or school property. This closure decision will be made in coordination with Pitt County Schools.

In the event the Dean is out of town or otherwise unable to act in emergency situations, the decision will be made by the Dean's designee.

As inclement weather forecasts are issued, those persons responsible should ensure their accessibility by telephone. Decisions regarding school closings or delayed openings should be issued at the earliest possible hour so as to facilitate efficient media coverage. The ECU Community School will follow the school closings and delayed openings schedule set forth by Pitt County Schools.

## PROCEDURE FOR EMERGENCY SCHOOL CLOSINGS

1. **DEFINITIONS:** Conditions sometimes require early dismissal, delay of opening, or suspension of school. Orderly procedures are needed during such emergencies.
  - A delayed opening is a delay in beginning the school day for a specific amount of time.
  - Early dismissal is the closing of school prior to the completion of a regular school day.
  - A suspension is having the schools closed and not in operation for the school day.
  - An emergency closing may be a delayed opening on a regular school day, early dismissal on a regular school day, or suspension of school and activities on a regular school day.

Emergency conditions include such conditions as extreme weather; power, gas, water or heating system failure; or other situations as determined by school authorities.

2. **RESPONSIBILITY:** The decision for delayed opening, early dismissal or school suspension will be based on the safety, welfare and health of students and employees. Responsibility for implementing emergency closing will rest with the Dean or his/her designee. The ECU Community School will follow the Pitt County Schools' protocols for these decisions. The Dean may designate appropriate assistant(s) ensure that communication of the Emergency School Closing process occurs.

In the event there is immediate and/or imminent danger to students and/or employees, the principal or his/her designee may implement an emergency school closing for that day. The principal or his/her designee shall make every reasonable effort to contact the Dean before implementing such a closing.

3. **PROCEDURES**

- A. The ECU Community School will follow any announced the decision to delay, dismiss or suspend school as set forth by Pitt County Schools. Regular school schedules will be followed in the absence of a publicized decision.

The decision to delay, dismiss or suspend school will normally be communicated by Pitt County Schools to appropriate radio and television stations. During an emergency involving delayed opening or suspension, decisions should be communicated daily to the appropriate news media, if possible by 6:00 a.m. of the day involved. However, if weather conditions are extremely severe and there is no hope of opening school, school announcements are to be made the night before. The ECU Community School will adhere to the decisions set forth by Pitt County Schools.

- B. If an emergency occurs while school is in session, every consideration will be given for regular schedule continuance. When early dismissal is authorized, the appropriate media should be notified, by Pitt County Schools, at least 30 minutes prior to dismissal (except when imminent danger exists). When early dismissal and/or delayed opening is involved because of imminent danger, the media should be notified as soon as the welfare and safety of employees and students have been assured. Pitt County Schools will immediately notify the principal at South Greenville Elementary who will notify the principal of the ECU Community School; and the Transportation Director who will implement appropriate action.
- C. Emergency school closing decisions may need to be coordinated with adjoining school systems. When so needed, implementation will be initiated by the appropriate designee.
- D. After-school activities will be suspended on the days when school is dismissed early or suspended, except as authorized by the school principal, with approval of the Dean or his/her designee.
- E. In the event the principal has to invoke early dismissal or delayed opening because of imminent danger, he/she shall notify the Dean, news media and Transportation Director immediately.
- F. When an emergency closing of school occurs for any reason, the Transportation Director will be notified at the earliest possible time.

#### 4. CLOSINGS

- A. When emergency school closing occurs, personnel will make up time lost in a manner prescribed by the Advisory Board.
- B. Compensatory time or overtime pay will not be authorized for services rendered when emergency school closing occurs, except for employees who are specifically assigned overtime duties.
- C. All school personnel should report at regular time unless instructed differently through news media or other appropriate persons.

#### 5. RESPONSIBILITIES OF EMPLOYEES IN EMERGENCY SCHOOL CLOSINGS

The purpose of this administrative regulation is to clarify the rights and responsibilities of school employees on days when the schools are closed due to hazardous weather conditions, natural disaster, or other emergencies.

Days shall be included in the school calendar that can be used to make up any of the 180 days of the school term on which school is closed for the reasons stated above. Generally, those days for the ECU Community School shall be subsequent teacher workdays, unless specified differently by the annual school calendar. Therefore, the missed school day shall become the teacher workday.



A. Attendance Regulations

1. School Suspension: If schools are closed due to inclement weather or an emergency for a day that would generally be made up on a workday as determined by the annual school calendar, all employees, with the exception of hourly food service workers, bus drivers, and other hourly employees (except as required by the principal/supervisor) shall either (a) report to their regular work station making an effort to be there as early as possible, but at least within two hours of the normal starting time, or (b) take leave in lieu of working. The leave may take one of the following forms:
  - a. Annual leave
  - b. Make-up time (to be made up at a later date in a manner set forth below)
  - c. Emergency personal leave (certified personnel only - if already earned - without five-day restriction) or
  - d. Leave without pay

Employees taking leave should submit appropriate forms immediately upon returning to work.

Time Sheets must reflect the option chosen. If time will be made up, it should show negative time (for example: "-6 hours" on February 11). The time sheet should show comp time during this pay period. Make-up time plus regular work time must not exceed 40 hours in a work week. (Note: No time-and-a-half will be paid for make-up time.)

2. The ECU Community School principal is asked to make every effort to report to work during those days when schools are closed, still retaining the option to request leave as stated above.

B. Delayed Opening

In the event of a delayed opening, all employees are to report to their work stations the specified amount of time later than their normal reporting time. (For example: if schools are delayed two hours, employees should report to work two hours later than they normally would.) This delay will not have to be made up.

C. Early Dismissal

In the event of an early dismissal, all school employees, with the exception of those listed in Section b above, shall be dismissed as soon as it is determined that all students are safely en route home. Time missed will not have to be made up.

D. If there is inclement weather or other emergency on a mandated or optional teacher workday, employees may exercise the options listed in Section A. Before reporting to work on such days, employees should contact the school/office to see if the building is open.

E. In case of delayed openings, early dismissals or suspensions, the principal or his/her designee should always be at the school except in the case of extreme emergencies. At those times the principal should notify the Dean.

6. MAKE-UP PROVISIONS

A. The first five days which are missed by students because of inclement weather or other emergency shall be made up as prescribed by the annual school calendar.

B. Employees who exercise the make-up option when they have elected not to report to work on either a student day suspended for inclement weather or a teacher workday affected by inclement weather, may make up their normal workday (7-1/2 or 8-hour) with the agreement of the principal/supervisor. The time may be made up by working before and/or after normal working hours on a regular workday; provided that an employee must work a minimum of two hours make-up time on any given day.

C. All make-up work must generally be completed by the end of the pay period for employees. Exceptions will be made only if the missed day falls near the end of the prescribed time.

- D. An equivalent of a day's pay shall be deducted from an employee's pay for any day not made up by the end of the prescribed time.
- E. PLEASE NOTE: The principal is responsible for an accurate recording and accounting of attendance and make-up days.

## 7. NOTIFICATION OF OPTIONS

- A. These regulations shall be made available to each employee prior to the beginning of the winter inclement weather season.
- B. Using this information and TV and radio announcements, employees shall determine their own course of action.
- C. Public service announcements shall always apply to students; no reference will be made to teachers or other employees for the following reasons:
  - 1. References to employees are not always made properly by the media.
  - 2. Such references confuse the message for students and parents.
  - 3. It projects a bad image when other workers are driving to work under difficult conditions and hear that educators are staying home.

**NOTE:** The welfare and safety of every ECU Community School's employee is of the utmost concern of the staff. They, with the students, make up the ECU Community School family. The Dean and his/her staff will decide the student schedule; it is up to each employee to make his or her own responsible decision when inclement weather or other emergencies arise. The worst consequence of choosing not to report to work would be the loss of a day's pay: this is a small price to pay for safety and continued healthy service. The principal is asked to work with their employees within the framework of these guidelines to promote the safety and continued welfare of our family.

## TOBACCO-FREE SCHOOLS POLICY

The ECU Community School recognizes the health, safety and environmental hazards associated with the use of tobacco products. The School also acknowledges that adult employees serve as role models for students. In addition, the School is committed to providing a healthy, clean and inviting learning and working environment for all who enter and use its schools and services.

The School prohibits the use of tobacco products at any time in or on any district-owned, leased or maintained buildings, property, or vehicles; or at any instructional program or school-related activity or event, including field trips and athletics. This tobacco-free policy applies to everyone, including all students, employees, visitors, guests, and vendors, and it applies to private vehicles while on school property.

For purposes of this policy, "tobacco products" includes cigarettes, cigars, pipes, (and any other herb or spice smoked in a manner similar to cigarettes, cigars and pipes), chewing tobacco, snuff, and any other items containing or reasonably resembling tobacco or tobacco products such as electronic cigarettes. "Tobacco use" includes smoking, chewing, dipping, use of electronic cigarettes, or any other use of tobacco products.

The prohibition of tobacco products shall not extend to displays created by or under the supervision of a faculty member for a legitimate instructional or pedagogical purpose.

The principal is encouraged to refer employees to appropriate tobacco cessation programs.

Employees violating this policy are subject to sanctions that may lead to a written reprimand, suspension or dismissal.

**Last Revision/Adoption:**

**Legal References:** N.C.G.S.115C-407 (Policy Prohibiting Tobacco Use in School Buildings)

**Cross References:** None

### **PROCEDURE FOR TOBACCO-FREE SCHOOLS**

To enforce the Tobacco-Free Schools Policy, the following minimal steps must be taken:

- (1) Students and school personnel shall be given notice of tobacco-free policy in student and employee handbooks.
- (2) Signs forbidding the use of tobacco shall be posted in every school building and in school-owned vehicles and activity buses.
- (3) All employees must adhere to and enforce the ECU Community School's tobacco policy.

LEGAL REFERENCE:  
N.C.G.S. 115C-407

## **REGISTERED SEX OFFENDERS**

It is the goal of the ECU Community School to provide a safe environment for all students and staff of the district. Accordingly, no registered sex offender may be in school buildings, in school facilities, on school campuses, in or on any other school property owned, leased, or maintained by the district, or in attendance at a school-sponsored event except as provided in this policy.

### **I. Enforcement**

All school personnel must immediately report to a school administrator the presence or suspected presence of a known or suspected registered sex offender on school property. School administrators and other supervisory personnel shall report to the superintendent and law enforcement when they reasonably believe that a registered sex offender is or has been on school property or at a school event.

School administrators also shall notify the superintendent or designee of any known student or parent or guardian of a student at their school who is suspected to be a registered sex offender.

### **II. Notification to the Principal**

The principal must sign-up with the Sex Offender and Public Protection Registry to receive email notifications when a registered sex offender moves within a one-mile radius of their school. The principal shall notify the Dean or designee any time he or she receives such a notification. Also, the principal shall notify the Dean or designee any time they become aware that a parent or guardian of a student or a student at the ECU Community School is a registered sex offender.

### **III. Parents/Guardians of Students**

A registered sex offender who is the parent or guardian of a student in the district may only be present in school buildings, in school facilities, on school campuses, in or on any other school property owned, leased, or maintained by the district, or in attendance at a school-sponsored event with the prior written permission of the principal. A copy of such written permission also shall be provided to the Dean.

- A. If permission is granted by the principal, the parent or guardian may be on school property only for one of the following purposes:

1. to attend a conference at the school with school personnel to discuss the academic or social progress of the parent/guardian's child; or
  2. when the parent/guardian's presence has been requested by the principal or his/her designee for any other reason relating to the welfare or transportation of the parent/guardian's child.
- B. In addition, if permission is granted, the following conditions must be met:
1. the parent/guardian must notify the principal of the nature of the visit and the hours when the visit will occur before he/she enters school system property;
  2. the parent/guardian must notify the principal's office upon arrival to and departure from the school system property;
  3. the parent/guardian must remain under the direct supervision of school personnel at all times while on school system property; and
  4. If no school personnel are reasonably available to supervise the parent/guardian on a particular occasion, then the parent/guardian will not be permitted on school property at that time even for one of the permitted purposes.

#### **IV. Students**

Except as may be limited by state and federal laws governing the education of children with disabilities, the Advisory Board, upon the recommendation of the Dean and principal, may expel any student who is a registered sex offender based on clear and convincing evidence that the student's continued presence in school constitutes a clear threat to the safety of other students or employees. If the Board chooses not to expel a student who is a registered sex offender and the student receives educational services on school property, then the student must be under the supervision of school personnel at all times.

#### **V. Voters**

Voters who are subject to the Jessica Lunsford Act (G.S. 14-208.18) and are eligible to vote may be present on school property as follows:

- A. the voter may be present for the sole purpose of voting if the school property is being used as a voting place;
- B. the voter must notify the principal of the school that he or she is registered on the Sex Offender and Public Protection Registry before coming onto school system property to vote;
- C. the voter must remain at all times in the portion of the school being used as the polling place; and
- D. the voter must leave school grounds immediately after voting.

## VI. Contractual Personnel

If the district contracts with an outside person or entity to perform a job on a school campus or at a school-sponsored program, the contract must require the provider to conduct annual checks of contract personnel on the State Sex Offender and Public Protection Registry, the State Sexually Violent Predator Registry, and the National Sex Offender Registry. The contract with the outside person or entity shall provide that no individual who is on the State Sex Offender and Public Protection Registry, the State Sexually Violent Predator Registry, or the National Sex Offender Registry may be used to deliver goods or services on school system property under the contract. This provision does not apply to individuals who are carrying out duties that are customarily performed by school personnel, such as custodians, bus drivers or substitute teachers. Criminal history checks of individuals in these positions is required by G.S. 115C-332.

**Last Revision/Adoption:** None

**Legal References:** G.S. 14-208.18; 25A; 115C-332; -332.1

**Cross References:** None



### **CHILDREN'S INTERNET PROTECTION POLICY**

It is the intent of the ECU Community School to comply with the Children's Internet Protection Act (CIPA).

CIPA affects public school districts that receive federal funds to (1) purchase computers to access the Internet or (2) pay for direct costs associated with accessing the Internet. CIPA requires that districts using federal funds for such purposes shall have and enforce a policy of Internet safety for minors.

The Internet protection policy requires the use of a technology protection measure to block or filter Internet access to visual depictions of obscene material, child pornography and material harmful to minors.

The Advisory Board directs its staff to develop procedures to comply with this policy and to educate students on Internet proper use and violations. Violations include cyberbullying, inappropriate matter on the Internet, unauthorized access including hacking and other unauthorized activity, unauthorized disclosure, use and dissemination of personal information regarding minors, and measures restricting access to minors of materials that may harm them.

**Last Revision/Adoption:**

**Legal References:** Children's Internet Protection Act, 47 U.S.C. 254

**Cross References:** None

### Request to Unblock a Website

Requestor Name: \_\_\_\_\_

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

Date of use: Beginning \_\_\_\_\_ End \_\_\_\_\_

Website URL: \_\_\_\_\_

How will this site be integrated into the curriculum?

List the objectives that are being met through this website?

As the requester, I understand I am fully accountable for the use and access to this website and it will be in compliance with the ECU Community School policies and procedures. Based on this web content, I feel it will enhance my instructional strategies and better assist me in meeting the NCSCOS objectives required to better serve my student's needs.

\_\_\_\_\_  
Requestor signature

\_\_\_\_\_  
Date

I have seen the request and agree, based solely the information provided above, the NCSCOS objectives align to what the requestor wants to accomplish instructionally.

\_\_\_\_\_  
Principal or AP signature

\_\_\_\_\_  
Date

Once the form is signed by both the requestor and either the principal or AP, the school's Tech Liaison will submit a Request to Unblock thru the Help Desk website.

**Last Revisions/Adoption:** None

**Legal References:** None

**Cross References:** None

## PROCEDURE FOR INTERNET PROTECTION

The following procedures are in place to enable the ECU Community School to comply with the Children's Internet Protection Act (CIPA).

### I. **Filtering Internet Content**

The ECU Community School uses a filtering system, which is designed to filter and block sites that contain obscene material, pornography, and material that may be considered harmful to minors. Other sites that are considered harmful to minors can be brought to the attention of ECU ITCS, or appointed representative, for consideration to be blocked and filtered.

### II. **User Responsibility**

The use of a filter does not diminish the user's personal responsibility for appropriate use of the network. (Refer to Board Policy 7.028 – Employee Acceptable Use Policy and 10.213 – Student Acceptable Use Policy.)

No filtering software is infallible. Staff supervision of students while on the Internet is the best filter available. Users should report access to inappropriate sites immediately to the school's tech liaison, providing the URL to the inappropriate site and reason the site should be blocked. The tech liaison will submit a Block Request through the ECU help desk. ECU ITCS, or appointed representative, will review the site and render a decision. ITCS staff will attempt to respond immediately, but no later than 5 business days.

### III. **Procedure to Request Release of Web Site**

The ECU Community School attempts to make sites available that will enhance the educational opportunities for students and staff. When sites are blocked, staff will often find that alternative sites will serve the same educational purpose. Occasionally school personnel may wish to access an educational site that is filtered or blocked –it is possible for an innocuous site to be blocked because of a title or a line of text in the site. Should our filtering software block a site that is needed for instructional purposes, a staff member should notify the tech liaison in his/her school as soon as possible. The staff member should fill out the Unblock Request Form (Refer to Board Policy 2.501-E) and supply the URL of the blocked site as well as the reason why the site is needed. The tech liaison will retain and file the signed and completed request form and submit an Unblock Request through the ECU help desk. The designated MTAC committee, or appointed representative, will review the site and render a

decision. The district staff will attempt to respond within 5 business days of the request.

IV. **Instruction and Delivery of Internet Safety and Digital Citizenship Curriculum**

To insure consistency in the education of Internet safety, the district will provide the content and curriculum. [The school](#) will be responsible for implementing the curriculum and educating the students on appropriate Internet use and safety.

**Last Revision/Adoption:**

**Legal References:** Children's Internet Protection Act (CIPA)

**Cross References:** None

## COMMUNITY USE OF FACILITIES

The ECU Community School believes that school facilities should be used to the fullest extent for educational, social, cultural, and recreational activities. Such use of facilities should be available not only to school-age children but also to adult citizens of the school community.

It is understood and agreed by and between the parties using the facilities that under the doctrine of governmental immunity, East Carolina University and the ECU Community School are exempt from any and all liability for any damage or injury to person or property caused by or resulting from any cause or happening whatsoever.

It is further understood and agreed that the user of school facilities shall have full and complete responsibility for the proper care and use of such facilities and shall be liable to the ECU Community School for any damage to such school facilities resulting from any action of the user or user's agents, employees, members, or invitees during the period of use of such facilities by users as approved by the ECU Community School.

The user of school facilities agrees to indemnify and hold East Carolina University, the ECU Community School and all employees or agents harmless on account of any property damage or personal injury resulting from the use of said school facilities by user, user's agents, employees, members, or invitees except to the extent otherwise provided by law.

It is further understood and agreed that tentative approval is given the user at the time application is approved and final approval will be given thirty (30) days from the date of the anticipated use of the facility.

## PROCEDURE FOR COMMUNITY USE OF FACILITIES

1. Application Process

Application Fee: \$10/per application to be paid directly to the school

All individuals and organizations wishing to use the facilities of ECU Community School must first complete the Application for Use of Facilities form. (These forms will be available in the office of the principal.) Tentative approval is given the user at the time an application is approved; final approval is given thirty (30) days from the date of the anticipated use of the facility.

All applications must be approved by both the principal and the Director of Partnerships. Applications may be returned to the school.

Following approval of the application, the Director of Partnerships will assign appropriate fees and charges depending on the use category, including special terms or conditions, if any.

Approved copies of the application will be sent to the applicant, the school principal, and staff members involved in supervision. One copy will be kept on file in the school office.

2. Structure of Fees and Charges per CategoryA. Community-Oriented Organizations  
Civic Groups

Subject to budget limitations and as far as funds are available, there shall be no charge for the use of facilities for these groups. Groups are required to pay for supervision. Charges may also be made for the use of P.A. equipment, floor coverings, pianos, stages, etc.

Supervision Fee: \$25.00 per hour

Additional Charges: Additional Charges will apply for use of P.A. equipment, floor coverings, pianos, stages, etc.

Facility Fee. \$75 per hour for each area, including the gym, cafeteria, auditorium, kitchen and other areas. A \$500 cash deposit may be required to ensure proper cleaning and care of the facility. This deposit or portions thereof will be returned upon finding satisfactory conditions following inspection of the facility. An approved security bond may, at the discretion of Director of Partnerships, be substituted for a cash deposit. The shared areas outside of the designated space for the ECU Community School may be utilized. Additional applications and approvals must be obtained in accordance with Pitt County Schools and ECU policy.

Supervision Fee: \$25.00 per hour

Additional Charges: Additional Charges will apply for use of P.A. equipment, floor coverings, pianos, stages, etc.

Note: Applicants collecting tournament fees may be required to pay 15% of registration fees collected for their program instead of the hourly rate.

B. Use of Facilities by Others

This category includes use of facilities by patrons, parents and friends of the schools. Fees will be charged to cover actual cost of making schools available.

Utility Fee: \$25 per hour for each area of the facility.

Note: Applicants providing ongoing recreational/educational classes or programs may be required to pay 15% of registration fees collected for their program instead of the hourly rate.

Supervision Fee: \$25.00 per hour

Additional Charges: Additional Charges will apply for the use of P.A. equipment, floor coverings, pianos, stages, etc.

3. Rules and Regulations

A. The following rules and regulations govern the use of the school facilities. Failure to comply with them will result in the complete withdrawal of privileges to use school facilities.

1. All school activities take first priority over use of the school facilities.
2. Facilities can be used only if proper supervision and/or janitorial services can be obtained.
3. The group, organization, or individual renting the facility is responsible for any and all damage to the facility used during the time of rental.
4. The user must adhere to all school rules and regulations pertaining to the operation of concession stands.
5. School policy regulations regarding law enforcement personnel will be followed.
6. Groups, organizations, or individuals must comply with the required supervision indicated on the Application for Use of Facilities.
7. It is understood and agreed that tentative approval is given the user at the time application is approved and final approval will be given thirty (30) days from the date of the anticipated use of the facility.
8. Groups, organizations, and individuals may use school facilities within their own high school attendance area. Requests outside the attendance area will be considered on an individual basis.
9. No weddings or funerals will be allowed in school facilities.

10. All fees must be paid by the due date listed on the completed application or the activity will be cancelled automatically. Fees should be submitted to the school.
11. No alcoholic beverages are allowed in any facility or on school property.
12. "Jointly sponsored" activities related to the school (booster clubs, etc.) are permitted to keep concession rights or other monies made a part of their contract that exceed the amount to be charged under the fee schedule.
13. When an activity is unrelated to the school and the principal would not normally attend, the principal, if he or she chooses to provide supervision, may either retain the supervision fee for his/her own use or place it in the general fund to be used by the school.
14. Leasing and/or renting of the schools' properties must not hamper the schools' programs in any way.
15. A ECU Community School employee (permanent or contracted) shall be present when buildings are being used to:
  - a. open and prepare the building for use,
  - b. guard areas of the building not in use by renter,
  - a. ensure that the building is properly secured after use has terminated,
  - b. inspect the building and report any damage, abuse, and unusual circumstance to the building principal.
16. An adult supervisor must be in attendance at all times to accept responsibility for:
  - a. the care of the facility and equipment,
  - b. the conduct of the group using the facility,
  - c. the confinement of the group's activities to the area and equipment assigned, and
  - d. the vacating of the premises at the arranged time.
17. When activities involve minors, additional adult supervision must be provided on a ratio of at least one adult per 25 minors.
18. Any group using facilities must assume full responsibility for cleaning the area used or prepay fees to cover cleaning.
19. Any group using facilities must be responsible for any loss or damage that occurs to the facility/equipment during usage.
20. Only in rare instances will classrooms be rented to groups during the school year.
21. Only the use of the gymnasium playing floor will be permitted. The use of equipment belonging to the school is not permitted.



22. Smoking is prohibited within the building and on the school campus. Any user of school facilities, as a condition of the use of said facilities, must comply with all fire ordinances and regulations of the Pitt County Fire Marshal with respect to the manner of use.
  23. Equipment, goods, and materials may not be brought into the school facilities without approval of the principal of the school. Any approved items must be removed by the applicant upon termination of the rental period.
  24. Concession rights shall be reserved for the school where the facilities are being used unless otherwise granted by the principal.
  25. No facility may be rented later than 10:30 p.m. unless by specific permission.
  26. Contracts may not be transferred from one group to another. Contract cancellation must be at least 48 hours prior to the scheduled event.
  27. The ECU Community School retains the right to deny any request to use a facility which it deems not to be in the best interest of the school system, whether for reasons of security or because of the nature of the activity.
  28. All fees and charges for the use of facilities, including fees for personnel, must be paid to the school.
- B. Commercial organizations whose purposes are primarily for profit may, on a limited basis, be permitted to use school facilities. They will be required to provide law enforcement officers for security at a ratio determined by the City Police Department or Sheriff's Office. Verification of coverage must be presented in writing to the school. These organizations may also be required to have liability coverage in the amount of one million dollars showing coverage for ECU Community School.
- C. There will be no rental of school facilities during holiday closings (i.e., Christmas, Spring Break, etc.)









## SAFETY

The principal has overall responsibility for safety in and around the school. Teachers, aides, custodians, and other adults in the building should report any dangerous or potentially dangerous conditions to the principal. Students also should be encouraged to report any dangerous conditions. The principal shall take the necessary steps to correct any conditions which he/she observes or which are reported to him/her and work closely with the Pitt County Schools system-wide Safety Coordinator.

Safe buildings, grounds, and equipment shall be maintained in order to prevent accidents or injury to the health of students, employees, and other citizens from fire, natural disasters, mechanical and electrical malfunction, and avoidable hazards.

Buildings shall be planned, equipped, and maintained in accordance with appropriate local, state, and federal safety regulations. All electrical appliances must be UL approved.

Air conditioners, heaters, and other such equipment shall not be added to classrooms except as provided in building renovations and authorized changes.

Proper supervision of students and other citizens using the building and grounds shall be required at all times.

## PROCEDURE FOR SAFE BUILDINGS, GROUNDS, EQUIPMENT

Responsibilities of The Principal

1. Schedule regular inspections. The principal is responsible for personally inspecting each classroom in his/her charge at least twice a month.
2. Correct defects reported by employees in the building.
3. Cooperate in the correction of defects reported by the Maintenance Department or governmental agencies.
4. Notify the fire department any time a fire, regardless of size, takes place in a building.
5. Control the location and number of coffee pots, electrical appliances, and similar equipment.

Responsibilities of Other Employees

1. Report promptly to the principal of the school or immediate supervisor any defects in buildings, grounds or equipment that might prove injurious to the safety, health or comfort of employees, pupils or other persons.
2. Take reasonable precautions for the safe use of buildings, grounds and equipment by students.

Responsibilities of Students

1. Refrain from abusing or misusing any safety equipment such as fire extinguishers, alarm systems, etc.
2. Report promptly to the principal of the school or immediate supervisor any defects in buildings, grounds or equipment that might prove injurious to the safety, health or comfort of employees, pupils or other persons.

Responsibilities of Other Individuals Utilizing the Building

1. Refrain from abusing or misusing any safety equipment.
2. Report promptly to the principal of the school or immediate supervisor any defects in buildings, grounds or equipment that might prove injurious to the safety, health or comfort of employees, pupils or other persons.

Protective Devices

Students and teachers shall be provided and shall wear proper eye protective devices in such circumstances as required by law.

### **FIRE DRILLS AND INSPECTIONS**

It is the duty of the principal to conduct a fire drill during the week after the opening of school and thereafter each month in each building in his/her charge where children are assembled. Fire drills shall be used to simulate evacuation of buildings under various circumstances, instructing all pupils and school employees in the use of various types of egress. Fire drills will be conducted in conjunction with those at the South Greenville Elementary site.

The principal shall share the written report compiled by the principal at SGES with the Director of Partnerships once each month during the regular school session stating the date the last fire drill was held, the time consumed in evacuating the building, and that proper inspection as prescribed by law has been made.

Inspections shall include examination of fire extinguishers, preventing accumulation of combustible materials, and such other inspection as is necessary to protect the lives and property against loss or damage from fires.

The principal shall make his/her staff and other responsible adults aware of how to initiate a fire alarm should such become necessary.

**Last Revisions/Adoption:** None

**Legal References:** N.C.G.S.A. § 115C-288

**Cross References:** None



### PROCEDURE FOR FIRE PREVENTION

In accordance with provisions of the law, the principal shall:

1. Keep corridors, halls, and stairwells clear of obstacles and ensure that all doors and exits are in good working condition so that during periods of occupancy. evacuation of the building can be accomplished with minimum time delay.
2. Ensure that no electrical wiring shall be done without the approval of the Pitt County Schools Director of Facility Services or his/her designee in collaboration with East Carolina University Facility Services.
3. Store combustible materials in a safe and orderly manner.
4. Remove all trash and rubbish from the school building on a daily basis.
5. Make certain that all fire hazards are immediately removed or corrected.
6. Inspect his/her public school buildings twice each month in accordance with N.C.G.S. 115C-288(d).

### EMERGENCY PREPARATIONS AND CONDITIONS

The principal shall ensure that special drill activities be planned to assure orderly movement and assembly of students in the safest available building area. Areas for outside assembly shall be coordinated by the principal.

Technical characteristics of warning systems for the ECU Lab School shall comply with building codes and regulations and shall meet building and equipment codes of North Carolina.

For safety reasons, during actual emergency conditions, students and faculty shall be retained at the school building. Parents are requested not to come to the school premises to pick up their children. Buses will not be made available for transportation until authorized by the principal.

During actual emergency conditions, civil defense vehicles, ambulances, fire-fighting, police, sheriffs, and other authorized vehicles will have priority in the vicinity of the schools.

## PROCEDURE IN THE EVENT OF NATURAL DISASTERS, BOMB THREATS

A. Natural Disasters

The most common natural disasters in this area are tornadoes and hurricanes. Hurricanes generally provide ample warning so that schools may be closed during the emergency period. Tornadoes, on the other hand, strike with short notice. Accordingly, the following procedures are in effect:

1. The office at South Greenville Elementary will notify the ECU Community School of a TORNADO WATCH (a tornado has been sighted) by use of the intercom or other appropriate means. Teachers at this point should quickly review the tornado plan with students and then continue class as usual.
2. The TORNADOWARNING (a tornado is in the vicinity) is a series of short rings of the bell.
3. Students will march out of their rooms in single file to their designated assembly area.
4. Room captains shall remain behind to see that all windows, transoms and doors are left open.
5. Priority consideration should be given to removing students from mobile classrooms and directing them to appropriate assembly areas.
6. It is essential that students not be exposed to large areas of glass such as found in classrooms, the cafeteria, and the library. Students should not be left in the gym, auditorium, or similar locations. Students in these areas or outside of the building should proceed to designated assembly areas.
7. Students must stay in the assembly area until the warning is over.
8. If the building is to be vacated, there will be a long continuous ring of the bell.
9. Students will then exit via the doors used in a fire drill and follow standard fire drill procedures.

Time Limits: 11/2minutes to clear rooms and line up in downstairs halls

11/2minutes to clear the building

B. Bomb Threats

In the event of a call or notice to the effect that a bomb has been placed in a school or any other building or establishment, the following procedures shall be followed:

1. Upon receiving the bomb threat by telephone
  - a. Hang up.
  - b. Record date/time of call, voice characteristics.
  - c. To trace the call: listen for a dial tone and press \*57 (or dial 1157 on a rotary phone). Listen to the announcement and follow directions. The phone company will attempt to trace and notify the police. Report the date and time you used Call Trace to the local service provider.
2. Immediately evacuate the school or building.
3. If the call was not originally received by the fire or police departments, immediately notify the police.
4. Conduct a search of the building or premises under the direction of the senior officer present from either protective department, in coordination with the principal.
5. If a thorough search has been conducted and nothing found, the chief administrative officer of the school should be notified when re-entry is possible by the senior member of the local protective department.
6. Investigation of the incident should be made by the local police department assisted by the State Fire Marshal's office, if requested.

Any decision concerning the dismissal of school pupils and subsequent action after the above procedures have been followed is the prerogative of the principal.

### TRAFFIC AND PARKING CONTROLS

The principal shall require such rules and regulations considered necessary for a safe flow and control of traffic on school property. Proper fire lanes must be maintained. These actions will be determined in collaboration with the administration at South Greenville Elementary.

### SECURITY OF BUILDINGS AND GROUNDS

Security means not only maintenance of a secure (locked) building, but protection from fire hazards and faulty equipment and safe practices in the use of electrical, plumbing and heating equipment. The ECU Community School requires and encourages close cooperation with local police, fire, and sheriff's departments and with insurance company inspectors.

Outside of regular school hours, access to school buildings, grounds, and lighting shall be limited to persons authorized to use them. Establishment of an adequate key control system at each school shall provide additional security.

Records shall be kept in a safe place protected by lock and key as required.

Protective devices designed to be used as safeguards against illegal entry and vandalism shall be installed in school facilities as funds allow. These devices shall conform to established codes and approved certification.

The School (buildings and grounds) may be posted with no trespassing signs.

**PROCEDURE FOR SECURITY**

It shall be the responsibility of the principal of the school or a person designated by him/her to make routine inspections involving security and safety as necessary or required. This shall include, but not limited to, the following situations:

1. Checking freezers and other equipment during the holidays and weekends
2. Taking precautionary measures in the event of severe weather
3. Checking entrances and internal areas (such as offices, kitchen, and media center) to determine that they are secure
4. Reporting vandalism or safety concerns
5. Making deposits as required by ECU Financial policy to eliminate money in the building
6. Making any other security safety checks as may be appropriate

### PLAYGROUND SAFETY

The ECU Community School desires a safe environment in which students may play while attending school. Two components help to ensure safe play: (1) adequate adult supervision and (2) a playground with appropriately-sized, hazard-free equipment.



## PROCEDURE FOR PLAYGROUND SAFETY

Playground equipment is generally provided through fund-raising activities at each school. It is the intent of this procedure to guide the school administrator in acquiring appropriate playground equipment and adequately installing such equipment.

Parts of School Planning's publication *The School Site: Land for Learning* (1994) provides information on playgrounds and equipment which should be used in evaluating, purchasing and installing equipment. See <http://www.schoolclearinghouse.org/pubs/schsite.pdf> to reference this information on playgrounds and equipment.

The physical location of playground equipment shall be approved by the Advisory Board and vetted with Pitt County Schools prior to purchase.

## ECU COMMUNITY SCHOOL AED POLICY

### I. PURPOSE

To provide guidance in the management or administration of a school-based AED (Automated External Defibrillator) Program.

### II. Individual School RESPONSIBILITIES

If a school has an AED, the school is responsible for selecting a site coordinator that will be responsible for carrying out the details of the AED Program Policy and Procedures. The Site Coordinator will function as the key contact and resource person. The school is not subject to this policy until they have an AED placed on their campus.

### III. SITE COORDINATOR RESPONSIBILITIES

A SITE COORDINATOR will be the key contact person and is responsible for coordinating AED awareness training, equipment and accessory maintenance, and revision of guidelines as may be needed after program has been implemented.

The Site Coordinator shall recruit and select personnel to receive AED training and ensure that this team receives annual or biannual training.

### IV. Individual School RESPONSIBILITIES

Trained team members shall:

- A. Receive emergency calls from internal locations.
- B. Call 9-1-1 to initiate Emergency Medical Service response.
- C. Activate the internal emergency response system and provide prompt life support according to training and experience.
- D. Respond to emergency events with AED in accordance with the "Medical Emergency Procedures" section as designed by Site and Site Coordinator.
- E. Understand and comply with the requirements of this policy.

V. MEDICAL EMERGENCY PROCEDURE

Each individual school must have a Medical Emergency Procedure in place. Refer to this as the Emergency Medical Response Action Plan.

VI. LOCATION OF AED(s)

The school must have the following information in regards to the placement of their AED (s):

The AED(s) are located:

- school
- phone
- exact location

Signs should be placed at main entrances to the campus that give direction as to the location (s) of AED (s).

VII. EQUIPMENT MAINTENANCE

- A. Each AED will have one set of defibrillation electrodes connected to the device and one spare set of electrodes with the AED. One resuscitation kit will be connected to the handle of the AED.
- B. All equipment and accessories necessary for support of medical emergency response shall be maintained in a state of readiness. Maintenance requirements will include:
1. Site Coordinator will be responsible for having regular equipment maintenance performed.
  2. Site Coordinator or a designated team member shall be responsible for informing other AED response team members of changes to availability of AED.
  3. Site Coordinator or designee shall notify designated team member of AED cleaning, decontamination, restocking, inspection, and completion of appropriate paperwork.
  4. If an AED is not functioning properly, it must be withdrawn from service and the removal must be made known to staff.

5. If AED is withdrawn from service for any reason, the response team members shall be informed and then notified again when the AED is returned to service.
6. Site Coordinator is responsible for the maintenance records, and reporting.

#### VIII. MONTHLY SYSTEM CHECK

Once each calendar month, the Site Coordinator shall conduct and document a system check. This check shall include review of the following elements:

- A. Emergency kit supplies
- B. AED battery life
- C. AED operation and status

**Last Revision/Adoption:**

**Legal References:** 115C-36, -47

**Cross References:** None

## ECU COMMUNITY SCHOOL CRISIS KIT

The ECU Community School will maintain a Critical Incident Response Kit (CIRK) that will be maintained and secured within the administrative office and will be updated each semester. The following mandatory items will be included within the CIRK:

- Floor Plans with Room Numbers
- Color Floor Plan
- Aerial Photos of School
- Campus Evacuation Assembly Plan with Routes and Rally Points
- Off-Campus Relocations Site Maps (Primary and Secondary Locations)
- Placards with Directional Words
- Procedures for Utilities Cut-Offs
- Fire Alarm / Gas/Water/Electricity/ HVAC
- Sprinkler System (if available)
- Student Emergency Contact Information
- Master School Schedule
- Current Student Roster – Updated as required
- Faculty and Staff Roster / Emergency Contact Info
- Bus Roster and Routes
- Student Release Forms
- Special Needs Students and Plans
- Campus Emergency Response Team Plan
- School Year Book (Most Recent) or Digital Copy (if available)
- Two-way Radio (Distribution List)
- Emergency and Non-Emergency External Phone Listing
- School-Site Specific Forms and Plans

The following items are mandatory and will not be stored within the CIRK but should be accessible and functional at all times:

- First Responder First Aid Kit
- Bullhorn with extra batteries
- Optional Miscellaneous Items**
- Pens and Pencils
- Notepads/Clipboard/Name Tags
- Duct Tape
- Whistle
- Small Radio with Extra Batteries
- Flashlight
- Paper Towels
- One Pair of Work Gloves/Latex/Vinyl
- Laptop, I Pads or etc.

**Last Revision/Adoption:**

**Legal References:** 116-239.8(11)

**Cross References:** None

## School Risk Management Plan

Safe schools are critical to creating a learning environment in which students can succeed. Staff and students share the responsibility for taking reasonable precautions and following established safety measures to create and maintain safe schools. The following safety measures will be implemented at the ECU Community School as incorporated into the comprehensive ECU Community School Policy Manual (individual policy references are indicated below).

- A. **Supervision of Students:** Policies 10.609, 10.609-P
- B. **Supervision of Visitors:** Policies 2.004; 2.007
- C. **Safety of School Buildings and Grounds:** Policies 5.101, 5.101-P, 5.102, 5.102-P, 5.302, 5.302-P
- D. **Processes to Address Potential Safety Concerns:** Polices 5.103, 5.103-P, 5.105, 5.105-P
- E. **Student Conduct and Behavior Standards:** Policies 10.200, 10.201, 10.20-P, 10.203, 10.204, 10.205, 10.205-P, 10.206, 10.206-P, 10.207, 10.207-P

Legal References: G.S. 14-208.18; 115C-36, -47, -81.4, -105.49, -105.53, -105.54, -166, -288, - 289.1, -307, -390.3, -391.1, -521, -524, -525; State Board of Education Policies HRS-A-000, TCS-P-005 Cross References: Prohibition Against Discrimination, Harassment, and Bullying (policy 1710/4021/7230), Discrimination, Harassment, and Bullying Complaint Procedure (policy 1720/4015/7225), School Improvement Plan (policy 3430), Student Sex Offenders (policy 4260), Student Behavior policies (4300 series), School Volunteers (policy 5015), Visitors to the Schools (policy 5020), Registered Sex Offenders (policy 5022), Weapons and Explosives Prohibited (policy 5027/7275), Public Records – Retention, Release, and Disposition (policy 5070/7350), Relationship with Law Enforcement (policy 5120), Occupational Exposure to Hazardous Chemicals in Science Laboratories (policy 7265), Staff Responsibilities (policy 7300), Security of Facilities (policy 9220)

Other Resources: Practical Information on Crisis Planning: A Guide for Schools and Communities, U.S. Department of Education Office of Safe and Drug-Free Schools (January 2007), available at <https://www2.ed.gov/admins/lead/safety/crisisplanning.html>

### STUDENT TRANSPORTATION MANAGEMENT

The ECU Community School through partnership with Pitt County Schools shall provide school transportation service for eligible students utilizing Pitt County Schools transportation services. State laws concerning the transportation of public school students include:

1. Specifications governing school bus equipment
2. Inspection of buses
3. Qualifications for school bus drivers
4. Driving regulations
5. Insurance
6. Student conduct

All personnel and students should adhere to the guidelines for student transportation provided in the PITT COUNTY SCHOOLS TRANSPORTATION SYSTEM OPERATIONAL PROCEDURES HANDBOOK. The Principal is provided a complete copy of this handbook.

Teachers and bus drivers are provided with copies of those sections of the handbook which are pertinent to their particular needs.

ECU COMMUNITY SCHOOL

DUTIES OF THE TRANSPORTATION DIRECTOR

The ECU Community School acknowledges that Pitt County Schools has designated the Associate Superintendent for Administrative Services and the Transportation Director to oversee bus transportation. The ECU Community School will utilize Pitt County Schools' transportation protocols and as such, shall adhere to these duties assigned to this task.

The Transportation Director has full responsibility for the transportation system for the schools and can delegate responsibility and authority to others as needed.

General Responsibilities of the Transportation Director

1. Insure that the operation and use of the buses complies with the statutes and the transportation policies and procedures adopted by the PCS Board.
2. Plan, within the capital outlay budget, to purchase buses when it is determined that additional vehicles are needed to operate the transportation system efficiently.
3. Assign buses to the respective schools within the school administration unit prior to the commencement of the school year.
4. Revise the assignment of buses and withdraw buses or assign additional buses to a school as conditions warrant.
5. Require that the principal report to him any unsatisfactory road conditions or hazards, if any, on each bus route and shall report unsatisfactory road conditions or hazards as soon as possible to the proper city or highway official.
6. Stress to the principal that school transportation funds are limited and strict economy, consistent with safe transportation, must be practiced at all times.
7. Thoroughly investigate, each tort claim filed against the Board as a result of an accident in which the driver of a school bus is involved. After the investigation, the reports shall be forwarded to the Attorney General's office where the settlement will be handled on behalf of Pitt County Schools and the State of North Carolina.
8. Maintain a good working relationship between the transportation staff and the principal.
9. Plan and conduct a workshop for the bus drivers employed for the coming year prior to the opening day of the school year.
  - a. Early in the summer, the principal of each high school shall submit to the Transportation Director a list of the certified drivers who plan to drive a school bus. The prospective drivers will be notified of the dates and times for the workshop.
  - b. The workshop shall give the drivers information concerning the overall transportation system for the schools. Individuals responsible for the various areas within the transportation system shall be introduced to the drivers as a group.
10. With the designated representative of the North Carolina Department of Motor Vehicles, issue a school bus driver's certificate to those individuals who have successfully completed the school bus driver training course.



11. Maintain records of all bus routes established at the beginning of each school year and any route changes approved during the school year pursuant to the policies of the Board of Education.

### Bus Routing Procedures

1. Proper bus routing provides impartial service consistent with statutory compliance to all pupils entitled to transportation. Proper routing also eliminates unneeded mileage and duplication of routes.
  - a. School bus routes will use the computerized Transportation Information Management System (TIMS) to provide optimum routes at the beginning of each year, based on the location of students to be transported. Bus routes are established by the principal with the approval of the Transportation Director.
  - b. Each route will be established to:
    - (1) Provide the least amount of ride time for students, with no more than 90 minutes for any student for each trip, and no more than 60 minutes desired.
    - (2) Utilize but not exceed the seating capacity of each bus.
    - (3) Locate bus stops within one mile of each pupil's residence. (In some cases, due to road or other conditions, this cannot be accomplished.)
    - (4) Begin with the most distant bus stop and, as much as possible, proceed to the school.
    - (5) Provide a reasonable amount of time for drivers.
    - (6) Avoid duplication and overlapping routes insofar as practicable.
  - c. Factors to consider in planning bus routes:
    - (1) Safety and convenience of pupils.
    - (2) Use of city- or state-maintained streets (unless a safety hazard is incurred).
    - (3) Use by pupils living one and one-half miles or more from school unless a safety hazard is incurred.
    - (4) The need to pass within one mile of the residence of each pupil.
    - (5) The need to avoid deviating from a general path of direction for a distance of less than one half mile and then returning to the original path (except for groups of ten or more students, unescorted pupils in kindergarten through grade three, or special education students).
    - (6) The need to cover the district assigned to the school safely and efficiently.
    - (7) The need to establish a bus turn-around that is safe and adequate for the particular bus and is selected in accordance with the required legal distance from pupil residence.
    - (8) The need for the principal to establish the location of each stop for receiving and discharging pupils. Stops shall be established only at safe places where the bus

can be seen clearly from both directions. Care must be taken to prevent bus stops in blind curves, on steep grades, or under crests of hills.

- (9) The need to maintain the distance between passenger stops no closer than two-tenths (0.2) of a mile unless mandated by safety factors.
  - (10) The need to receive or discharge passengers only on the side of the roadway on which the passengers live when the bus travels a highway divided into two roadways. (Exception: where pedestrian and vehicular traffic is controlled by stop and go signals, a driver may receive or discharge passengers who cross the highway to reach the bus stop.)
  - (11) The need to avoid railroad crossings if practicable. Overpasses and underpasses should be used whenever possible. If buses must be routed over railroads, the principals shall give each driver detailed instructions for each crossing.
  - (12) The Superintendent shall require that routes, stops, and schedules are planned so that each will conform to provisions of the law and regulations adopted by the Board of Education.
- d. The Transportation Director is to check each bridge that he has assigned a bus to cross to determine if tonnage limits will allow the bus and all passengers to cross safely. Any bridge that does not have the required tonnage limit should be noted and buses are to be routed to avoid this bridge.
  - e. A time schedule for each bus is provided by TIMS. The schedule should be adjusted by the principal dean as needed to best serve the needs of the pupils and the school or in the event of poor road conditions.
  - f. The principal dean may permit school employees to ride a bus. However, no employees shall be permitted to ride when, in the opinion of the principal dean, such assignments will:
    - (1) Overcrowd the bus
    - (2) Prevent the assignment of a student to a bus
    - (3) Be detrimental to safety and comfort of the passengers
    - (4) Impair the safe, efficient, and proper operation of the bus
2. With the approval of the Transportation Director, the routes shall become the officially established routes. The Transportation Director shall then require the principal dean to operate the buses upon the routes so established and not otherwise except in an emergency or unless a route is changed by official procedures.
  3. Changes in the routes established by TIMS may be made as changes in conditions may justify. Before making recommendations for changes, careful consideration should be given, not only to the bus route involved, but to the transportation system as a whole. All changes shall be recorded on the appropriate form obtained from the transportation supervisor, or using TIMS. Only when the recommended change has been approved by the transportation supervisor shall it become the established route. Minor changes of adding or deleting one or two bus stops, as students move in or out, may be done by the principal but must be noted on their maps and records.
  4. The Transportation Director shall keep on file a map showing the location of all schools to which the pupils are transported, and the stops and routes of each bus operated as

established by TIMS; and require the principal to keep in their office an up-to-date map of all stops and routes serving the school.

Transportation Director<sup>5</sup>. Bus route times are established by TIMS, but the principal should review and adjust the time for each route early in the school year in order to establish consistent times for each bus driver.

#### Extra Use of School Buses

1. Students, teachers and approved supervisory personnel may be transported only for instructional programs directly related to the school curriculum in compliance with G.S. 115C-242. Extra transportation must be approved by the Transportation Director and shall be restricted to the regular school day. The State shall be refunded from local funds all extra instructional program mileage in accord with rates established by the State Board of Education.

It is the principal's responsibility to secure approved, qualified drivers for such transportation. Drivers must have a valid North Carolina operator's license and a school bus driver's certificate. The drivers must be paid from State public school funds to protect the Board of Education under the Tort Claims Act.

School personnel shall be responsible for maintaining proper conduct and aiding drivers on all special trips.

The request for extra transportation should be compiled by the principal. The principal's report must be filed with the Transportation Director one week prior to the date of trip.

2. School buses may be used for the evacuation of pupils and other school employees when such an evacuation is jointly authorized and directed by state, county, or city civil defense directors. The State Board of Education shall not be liable for operating cost nor for compensation claims or tort claims incurred as a result of such an evacuation.

The local civil defense agency performing such evacuation shall be liable for operating costs and shall provide liability insurance for the full protection of the pupils and all school employees taking part in such evacuation from compensation claims or tort claims incurred as a result of such evacuation.

3. When requested to do so by the governor, the Pitt County Board of Education is authorized and directed to furnish a sufficient number of school buses to the North Carolina National Guard for the purpose of transporting members of the guard to and from authorized places of encampment or to and from places to which members of the National Guard are ordered to proceed for the purpose of suppressing riots or insurrections, repelling invasions, or dealing with any other emergency.

Public school buses so furnished by the Pitt County Board of Education to the North Carolina National Guard shall be operated by members or employees of the National Guard and all expense of such operation, including any repair or replacement of any bus occasioned by such operation, shall be paid by the State.

A

4. A school bus may be used to transport, in an emergency, an ill or injured pupil requiring immediate medical attention to a doctor or hospital. In his/her discretion, the principal may permit a person whom he selects to accompany the pupil.

### CONDUCT AND SAFETY RULES FOR SCHOOL BUS PASSENGERS

The school bus is an extension of the school. All school rules and regulations apply. Failure to comply with these rules could result in the denial of transportation privileges and/or suspension/expulsion.

#### A. Meeting and Entering the Bus

1. Safe Route: In walking to a bus stop, passengers should select the safest route. If there is no sidewalk, they should walk on the left side of the street or highway on the road shoulder facing traffic.
2. Being on Time: Passengers must be on time. The driver has a schedule to follow and cannot wait for tardy passengers. Bus drivers will only wait a maximum of 60 seconds at a bus stop.
3. Waiting for the Bus: Passengers must stay off the street or roadway while waiting at a bus stop. They should never play but pay attention to the traffic, and move out of the way quickly if a vehicle appears to be closely approaching. As the bus arrives, they should never run alongside the bus or approach it, but wait until the bus comes to a complete stop. If the street or highway must be crossed to enter a bus, they should not cross until the bus and all traffic have stopped, unless traffic is controlled at the crossing by stop and go signals.
4. Entering the Bus: As soon as the bus has stopped, passengers should walk quickly (not run) to the bus. If the highway or street has to be crossed, passengers should look in all directions and make sure the way is clear of traffic, the bus door is open, and bus signals working before crossing. They should then walk quickly (not run) across the highway or street approximately ten feet in front of the bus in full view of the driver to the front bus entrance.

#### B. On the Bus

1. Taking a Seat: Passengers entering the school bus should take their assigned seat quickly and remain seated. They should refrain from moving around in the bus when it is in motion.
2. Opening Windows: Passengers must ask the driver for permission if a window needs to be opened.
3. Keeping Inside: Passengers must keep their head, arms and feet inside the bus at all times.
4. Throwing Objects, Shouting, Waving: Objects should never be thrown about in the bus or out of the window. Passengers should not shout and wave to pedestrians or occupants of other vehicles from bus windows.
5. Eating: Passengers should never eat or drink in the school bus. Eating on a school bus can be dangerous.

6. Keeping the Aisle Clear: Passengers should never pile books, musical instruments, lunch boxes, or other objects in the bus aisle. If personal belongings are carried, they should be kept on the lap or put under the seat. Arms and legs must be kept out of the aisle when possible.
7. Indecent Language ,Tobacco: Passengers must not use profane, indecent language or use tobacco products while riding on a bus.
8. Diverting the Driver's Attention: Passengers shall not be loud, boisterous, or distract the driver's attention in any other way. They shall not talk to the driver, except in an emergency, while he is operating the bus.
9. Playing: Playing or scuffling on the school bus will not be tolerated.
10. Railroad Crossings: Passengers must maintain complete silence at all railroad crossings.
11. Emergency Door: Passengers must never tamper with the emergency door or any other part of the bus. An open emergency door is very dangerous while the bus is in motion.
12. Care of the Bus: Passengers must never mar or deface the bus in any way. They shall not cut or damage seat coverings. Passengers are to pay for any damage they cause.
13. Fire Extinguishers and First Aid Supplies: Passengers must never tamper with fire extinguisher and first aid supplies. The fire extinguishers and first aid supplies are placed in the school bus only for the driver to use in an emergency.
14. Bus Assignment: Passengers shall not ride on a school bus unless assigned to it by the principal.

#### C. Arrival on the School Grounds

1. Remain Seated: Passengers shall remain seated until the bus reaches the unloading area, has come to a complete stop, and the driver has opened the front door.
2. Front Passengers First Off: Passengers shall not rush to get off the bus. Passengers in front should move out first. They should walk quickly and in an orderly manner to the front, hold the handrail, and step out of the bus. They must never leave the bus through the emergency door or window except in an emergency.
3. Move Away from Bus: Passengers shall not loiter or play near a stopped bus, but shall walk quickly away from the bus to the school building.
4. Parking Area Restricted: During the school day, all persons shall stay away from the bus parking area. They must never re-enter a bus during the school day without permission of the principal, and must never eat lunch or play in a bus.
5. Use Care: Passengers should be careful not to hit the driver or other students with their book bags when entering or exiting the bus.

#### D. Entering the Bus after School

1. Follow Instructions: Passengers shall obey and follow instructions of the principal and teachers in a planned system for going to the bus parking area and entering the bus after school.

2. Be Orderly: Passengers shall not run but walk quickly to the bus and get on as soon as the principal, teacher, or bus driver permits.
3. Take Places Quietly: After entering the bus, passengers shall take their places and be quiet, so the driver and all passengers can hear instructions. Passengers will sit in their assigned seats.
4. Written Permission: If a friend is going home with a passenger, he/she will have written permission from the principal before the driver will allow him/her to ride.

#### E. Leaving the Bus En Route Home

1. At Unassigned Stop: A passenger must leave the bus only at his/her designated stop. Only with permission of the principal will the driver be permitted to let a passenger leave the bus at any stop not designated for him/her.
2. At Stores or Service Stations: Passengers must not get off the bus at unauthorized stops to make purchases, visits or perform errands. Neither shall they request the driver to make unauthorized stops for such purposes. The driver is not permitted to make accommodations of this kind.
3. At Assigned Stop: When the bus arrives at the assigned stop, passengers shall remain in position until the bus has completely stopped, then walk quickly to the front of the bus. No passengers should attempt to open the door, but should wait for the driver to open it. When the door is opened, passengers getting off the bus shall hold the handrail, watch the steps, and alight from the bus with caution.
4. Care in Leaving Bus Stop: If the highway must be crossed after getting off the bus, passengers shall move about ten feet to the front of the bus, make certain the stop signal is extended, and all traffic is stopped. On a signal from the driver, each passenger must look both ways, make sure the way is clear, and walk quickly in full view of the driver across the highway or street. Each must be sure to stay out of the line of traffic until the roadway is free from any danger. If the highway is not crossed after getting off the bus, passengers shall move quickly away from the bus in view of the driver, and go directly home. They must never remain near the bus to talk with, frolic with, or touch hands with bus passengers.

In crossing in front of a school bus, passengers should never stop for any reason unless they have first informed the driver of this intention. After passengers have alighted and moved away from a bus at a bus stop on the route or on the school grounds, they should not return to the bus without first getting the attention of the bus driver.

#### F. Passenger Behavior

1. There are numerous student behaviors which create safety hazards and consequently must be corrected. Therefore, students may be suspended for violating any of the following rules:
  - a. Delaying the bus schedule.
  - b. Fighting, smoking, using profanity, or refusing to obey instructions of school authorities or a bus driver while riding a bus.
  - c. Tampering with the bus.
  - d. Refusing to meet the bus at the designated stop.

- e. Unauthorized leaving of the bus when en route from home to school or vice versa.
  - f. Playing, throwing paper or other objects, or otherwise distracting the driver's attention while the bus is in operation.
  - g. Failure to observe established safety rules and regulations.
2. The following actions may be taken if a child is reported for any of the above listed violations:
- a. When a student is initially reported to the appropriate school official, he/she will be called for a conference during which he/she will have the opportunity to justify his/her behavior and the school official will attempt to reach an understanding with the student which will prevent further trouble. At this time parents will be notified of the student's misconduct and the subsequent steps to be taken.
  - b. If a student is guilty of a second offense or if any rider commits a serious offense, he/she may be suspended from the bus for 3 to 5 days.
  - c. If a previously suspended student misbehaves again, he/she may be suspended from the bus 1 to 2 weeks.
  - d. If a student who has been suspended twice and is guilty of another offense, he/she may be suspended or forfeit transportation privileges for the remainder of the year. He will be allowed to resume riding only at the discretion of the principal

#### G. Students with Disabilities

Students with disabilities, like all other students, are subject to disciplinary action(s) pursuant to the written rules of state and local education agencies.

However, school bus disciplinary or suspension action requires an IEP review when this service is being provided as a related service. A student with a disability may not be subjected to punitive action solely on the basis of the disability. It is necessary to determine the relationship between the proposed disciplinary action and the disability.

When the behavior for which the student is to be removed from transportation is the result of the student's disability, the student cannot also be deprived of access to special education. If the behavior is of danger to the driver and/or to students, transportation may be interrupted. Such interruption should result in an emergency IEP meeting to determine the relationship of the behavior causing disciplinary action to the child's disability, and to determine alternative transportation services or methods.

Suspension of transportation services may not exceed five school days in a given school year. Should a suspension of transportation services exceed five school days, the child and parents must be provided with procedural safeguards. An IEP meeting should be called to determine if the student's disability was a significant cause of the behavior that prompted the disciplinary action. If the determination is "yes," then the suspension should be rescinded.

In some cases a change in education placement to a more restrictive environment might be required because of the severity of transportation problems. However, in most instances, other intervention, such as additional supervisory staff or management strategies, should succeed in correcting the situation.

In order to deal equitably with suspension issues, written procedures are essential. Matters regarding suspensions of transportation services are subject to due process review under P. L. 94-142.





### VEHICLE USAGE

The use of vehicles owned by East Carolina University shall require current North Carolina licensing requirements to be fully met. Appropriate license endorsements will be required on Commercial Driver Licenses. All special licensing restrictions shall be observed.

## FOOD SERVICE

The ECU Community School recognizes the necessity for providing students the opportunity for a nutritious meal. That meal will meet Type A requirements in lunchrooms operated under policies set forth by the federal and North Carolina governments. The ECU Community School, in partnership with Pitt County Schools, will provide an opportunity for meals for students.

### FREE AND REDUCED-PRICE MEALS

The ECU Community School recognizes the necessity for providing free and reduced- price meals for needy children.

The criteria for eligibility will be determined by guidelines established by the United States Department of Agriculture.

Information and forms concerning free and reduced-price meals will be published each year and made available to each home.

### PROCEDURE FOR FREE AND REDUCED-PRICE APPLICATIONS

The United States Department of Agriculture has established regulations to carry out the intent of Congress that nutritious meals and milk be available to every school student regardless of the household's ability to pay. These requirements must be observed in all schools that participate in the National School Lunch, School Breakfast, or Commodity School Programs. These provisions are contained in the Code of Federal Regulations, Title 7, Part 245, "Determining Eligibility for Free and Reduced-Price Meals and Free Milk."

The Federal regulations prescribe specific responsibilities for all levels of administration. The regulations and guidance materials are contained in the Free and Reduced-Price Policy Manual provided by the Division of Child Nutrition, North Carolina Department of Public Instruction. The manual is updated yearly.

A copy of the Free and Reduced-Price Policy Manual is located in the office of the school principal.

## SUPPLEMENTAL FOOD SALES

## I. Students

- A. In addition to the Type A lunch, supplemental food items may be sold in the Pitt County Schools/ECU Community School shared cafeteria. Approved supplemental sales are nutritious food items that could be a part of a Type A school lunch.
- B. General provisions
  - 1. Supplemental food items may be sold to students in all grades in addition to Type A lunch or bag lunch, or sold as a la carte items in grades K-12.
  - 2. Non-nutritious food items such as carbonated beverages and candy confections are not approved supplementary sales. These items may not be sold prior to the time that the last child finishes eating lunch on any given day.
  - 3. All monies received from the sale of all food items prior to the end of the last lunch period shall accrue to the school food service account.
  - 4. The price of the supplemental food items will be posted in each cafeteria and are subject to change.

## II. Adults

- A. Adults may purchase individual food items without purchasing a complete lunch and be charged only for the individual food items purchased.
- B. The price for the same portion size of individual items for adults will be the same as those posted for students.

## CLOSED LUNCH

1. Eligible students will be provided free or reduced-priced meals according to the guidelines established by the United States Department of Agriculture. Information and forms concerning free and reduced-price meals will be published each year and copies made available to each home.
2. All students, Pre- K- 5, will remain on campus during the time designated for lunch. The only exceptions to this "closed lunch" arrangement will be:
  - A. A student who is on a specially prescribed diet, whose parents and physician certify that this student's dietary needs cannot be met on campus, whose parents accept complete responsibility for the students' leaving and returning to campus on time, and whose parents relieve the school of the responsibility for the child's safety during that period of time
  - B. Approved field trips or outings
3. The principal may require that students go to the lunchroom during the lunch period in order to be supervised.

### FOOD SERVICE MANAGEMENT

The Pitt County Schools'/ECU Community School's food service program is based on the nutritional and educational needs of all students. These needs are met through the breakfast program, Type A lunch program, and free milk program. These programs provide nutritionally adequate meals and are educationally and economically sound.

The administration of the school food service program is centralized and operated by Pitt County Schools. The centralized operational functions include:

1. Menu planning
2. Purchasing
3. Record keeping and finance
4. Maintenance
5. Training
6. Employment
7. Unit salary schedules



DRESS REQUIREMENTS – CHILD NUTRITION EMPLOYEES

The ECU Community School will partner with Pitt County Schools for Child Nutrition services and as such will acknowledge following policies approved by the PCS Board.

All Child Nutrition employees involved in the preparation and serving of food shall wear white uniforms with sleeves. Sweaters and coats are not permitted. Lab jackets and lab coats worn over uniforms are acceptable.

Hair restraints are required.

Shoes shall be service-style shoes with non-skid bottoms and have leather covering the feet. No open-toe shoes are acceptable. The shoes shall be white in color. Canvas tennis shoes are not acceptable.

Cashiers who only cashier and do not prepare or serve food may wear white lab jackets or coats over top of street clothes.

Jewelry is to be limited to a watch and a wedding band. Only close-to-the-ear pierced earrings are permitted. Name bar pins are permitted.

## EMPLOYMENT OF PERSONNEL

It shall be the goal of the ECU Community School to employ the best personnel available to allow for the orderly growth and maintenance of a dynamic school system committed to serving the total educational community while putting the welfare of the child first.

The Community School recognizes and appreciates the individuality of each person it employs and is concerned with its personnel as individuals; however, it recognizes that priority must be placed on the welfare of the total system.

It shall be the aim of the Community School to actively recruit, select, and employ the best qualified personnel in all positions. Furthermore, every effort shall be made to develop the quality of human relations necessary to obtain maximum staff performance and satisfaction.

The Community School shall deploy personnel in such a way as to assure that they are utilized as effectively as possible within budgetary limitations and shall provide continuing opportunities for the further development of all personnel.

Personnel employed within the ECU Community School shall be expected to adhere to all applicable laws and policies, including, but not limited to, those set forth by East Carolina University and the University of North Carolina General Administration.



## CRIMINAL HISTORY RECORD CHECK

The ECU Community School seeks to provide a safe, secure learning and working environment for its students, staff, visitors and constituents. To that end, it is the policy of the ECU Community School that all employment offers for Community School personnel are subject to the Chancellor's or his/her designee's receipt of a satisfactory criminal history record check report, in order to facilitate informed hiring decision.

As used in this policy:

"Criminal History" means a county, state, or federal criminal history of conviction of a crime, whether a misdemeanor or a felony, that indicates an applicant (i) poses a threat to the physical safety of students or personnel or (ii) has demonstrated that the applicant does not have the integrity or honesty to fulfill their duties as School Personnel.

"School Personnel" means any of the following:

- (a) A member of the ECU Community School Advisory Board;
- (b) Staff of the ECU Community School; and
- (c) Independent contractor or employee of an independent contractor of the ECU Community School if the independent contractor carries out duties customarily performed by school personnel, whether paid with federal, State, or local or other funds, who has significant access to students or who has responsibility for the fiscal management of the Community School.

It is the policy of the ECU Community School that every applicant for a School Personnel position shall have a criminal history record check completed prior to beginning employment. The Chancellor or his/her designee shall apply this policy uniformly in requiring all applicants for School Personnel positions to complete a criminal history record check of varying types as follows:

- (a) Tier I School Personnel shall complete a criminal history record check as follows:
  - (i) Be fingerprinted and provide any additional information required by the Department of Public Safety to a person designated by the Chancellor or to the local sheriff or the municipal police, whichever is more convenient for the person; and
  - (ii) Sign a form consenting to the check of the criminal record and to the use of fingerprints or other identifying information required by the repositories

Tier I School Personnel are individuals who will have direct interaction with students and/or may be charged with the supervision of those students. Tier I School Personnel includes all ECU Community School teachers, the Principal, and other staff members; any individual (volunteer, graduate assistant, etc.) who will be in direct supervision of students without the presence of a Tier I approved individual; interns who will have independent supervision of students; and Integrated Health Service providers who will have direct contact with students

The fingerprints of the applicant shall be forwarded to the North Carolina State Bureau of Investigation for a search of the North Carolina State Criminal

History record file, and the State Bureau of Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a national Criminal History record check

The Department of Public Safety shall provide to the Chancellor or his/her designee the Criminal History from the State and National Repositories of Criminal Histories of any School Personnel for which the Chancellor requires a Criminal History record check

- (b) Tier II School Personnel shall give consent to and shall complete a criminal history record check consistent with the criminal history check that any ECU affiliated faculty member or volunteer would complete at the time of hire. Any ECU student engaged in a practicum field experience at the Community School shall utilize the criminal history record check required for University students in service learning groups. Tier II School Personnel are individuals who will have interaction with students, but will be under the supervision of a Tier I approved individual. These individuals include ECU faculty conducting research or observations, or those co-teaching at the Community School with a Tier I approved individual, and ECU practicum students under the direct supervision of a Tier I approved individual
- (c) Tier III School Personnel shall give consent to and shall complete a criminal history record check consistent with the criminal history check that other ECU employees complete at the time of hire. Tier III School Personnel are Individuals who will not have direct interaction with ECU Community School students and are serving in an observatory capacity. These individuals include the ECU Community School Advisory Board Members who are not employed by ECU and volunteers who may assist with clerical tasks at the Community School. Any volunteer who assists with clerical tasks at the Community School who may have access to students shall be considered Tier II, not a Tier III, School Personnel

In all circumstances, the Chancellor shall consider refusal to consent when making employment decisions and decisions with regard to independent contractors

The Chancellor or his/her designee may grant conditional approval of an application while the Chancellor or his/her designee is checking a person's Criminal History and making a decision based on the results of the check

An applicant for a School Personnel position shall not be required to be checked for Criminal History if the applicant has received a license within six (6) months of employment that required a Criminal History check equivalent to the Criminal History check required for Tier I School Personnel under this policy.

The Chancellor shall not require an applicant to pay for any fingerprinting or Criminal History record check authorized under this policy

The Chancellor shall review the Criminal History he/she receives on an applicant and determine whether the results indicate that the applicant (i) poses a threat to the physical safety of students or personnel or (ii) has demonstrated that the applicant does not possess the integrity or honesty to fulfill their duties as School Personnel. The Chancellor shall use that information when making employment decisions and decisions with regard to independent contractors. The Chancellor shall make written findings with regard to how he/she used Criminal History when making employment decisions and decisions with regard to independent contractors. The Chancellor may designate these duties to the Principal.

The Chancellor, or the Principal if designated by the Chancellor, shall provide to the North

Carolina State Board of Education the Criminal History it receives on an applicant who is certificated, certified, or licensed by the State Board of Education. The State Board of Education shall review the Criminal History and determine whether the applicant's certificate or license should be revoked in accordance with State of North Carolina laws and rules regarding revocation.

As provided by N.C. Gen. Stat. § 116-239.12(g), there shall be no liability for negligence on the part of the Chancellor, East Carolina University, the ECU Community School Advisory Board, the Subcommittee, the Department of Public Instruction, or the State Board of Education, or their employees, arising from any act taken or omission by any of them in carrying out the provisions of this policy. The immunity established by this section shall not extend to gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable. The immunity established by this section shall be deemed to have been waived to the extent of indemnification by insurance, indemnification under Articles 31A and 31B of Chapter 143 of the General Statutes, and to the extent sovereign immunity is waived under the Tort Claims Act, as set forth in Article 31 of Chapter 143 of the General Statutes.

Any applicant for Community School employment who willfully furnishes, supplies, or otherwise gives false information on an employment application that is the basis for a Criminal History record check under this policy shall be guilty of a Class A1 misdemeanor.

Legal Reference: University of North Carolina Laboratory Schools, Criminal History Record Checks, N.C.G.S. § 116-239.12



## EQUAL OPPORTUNITY

The ECU Community School is an Equal Opportunity Employer. In compliance with federal law, the ECU Community School does not discriminate on the basis of race, sex, religion, color, national or ethnic origin, age, disability, military service, creed, marital status, or economic and social status in its policies, programs, activities, admissions or employment. Inquiries or complaints should be made to the Equal Opportunity and Title IX unit in the Department for People Operations, Success, and Opportunity (POSO), <https://humanresources.ecu.edu/equal-opportunity-and-title-ix-concerns-complaints/>

## LEGAL REFERENCES

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., 34 C.F.R. pt.100

Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e et seq.

Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq., 34 C.F.R. pt. 106

Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 621 et seq.

The Rehabilitation Act of 1973, 29 U.S.C. 706(8), 794, 34 C.F.R. pt. 104

The Americans with Disabilities Act, 42 U.S.C. 12134, 28 C.F.R. pt. 35



**PROFESSIONAL DEVELOPMENT**

Consistent with its belief that education should be a lifelong endeavor, the Board endorses a program to provide opportunities for ECU Community School employees to receive professional development that is directly related to the needs of the Community School as well as the individuals. The professional development should prepare staff members to meet the challenging professional and technical standards articulated by national, state and local governmental educational agencies.

The ECU Faculty assigned to the ECU Community School will assist staff members to select educational opportunities that are consistent with the needs of the system and that enhance the professional aptitude of the individual. Such needs can be identified by the immediate supervisor or through the evaluation process.

### EMPLOYEE GRIEVANCES

Any employee with a grievance is encouraged to attempt to resolve such with tact and by dealing first with his/her immediate supervisor.

Should there be a need for a subsequent attempt to resolve the problem, the appropriate person at East Carolina University should be contacted per grievance protocols set forth by the University.

POLITICAL ACTIVITIES

The ECU Community School recognizes that employees have the same fundamental civic rights and responsibilities as have other citizens. Among these rights are to campaign for an elective public office and to hold an elective or appointive public office.

In campaigning for or holding public office, it shall be contrary to policy for Community School facilities, equipment, or supplies to be used at any time.

**GOALS AND OBJECTIVES FOR EDUCATION AGENCY RELATIONS**

No school or school system can operate in and of itself. The varying needs of students, the limitations of one system and the need for full interchange all predicate the necessity for the ECU Community School to cooperate fully with other educational agencies, public and private, at the local, state, and national levels.

### **COMMUNITY RELATIONS IN ART EDUCATION**

The ECU Community School is fortunate to be located in a community offering a multitude of experiences in arts education for the K-12 student population as well as opportunities for professional development for staff.

The ECU Community School endorses continued collaboration and interaction with community arts resources. Administrators and educators shall encourage student participation in the arts activities provided by such resources.

**RESEARCH PROJECTS CONDUCTED BY PITT COUNTY AGENCIES**

The ECU Community School desires to cooperate fully with East Carolina University and other agencies where students or professors may be attempting certain research projects. However, inasmuch as the welfare of the students of ECU Community School is the prime concern of the ECU Community School Advisory Board, it is necessary that discretion be practiced in the research and testing projects which may be carried out.

It therefore is the policy of the ECU Community School Advisory Board that any student or professor or other agency desiring to carry out a testing and/or research project in the ECU Community School must submit a proposal of the project, how the results would be used, and to whom the results would be available. After consideration and with the permission of the principal, the project may be approved.

**ACCREDITING AGENCIES**

The ECU Community School shall be accredited by the Southern Association of Colleges and Schools.

**TITLE IX NONDISCRIMINATION ON THE BASIS OF SEX**  
**(STUDENT POLICY)**

The ECU Community School does not discriminate on the basis of sex in its education programs or activities and is required by Title IX of the Education Amendments Act of 1972 and federal regulations to not discriminate in such a manner. This requirement extends to admission and employment. The ECU Community School will not tolerate discrimination on the basis of sex, including any form of sexual harassment as that term is defined under Title IX, in any program or activity of the school system, in compliance with the University's *Title IX Compliance and Resolution Regulation- Interim*,

**A. INQUIRIES ABOUT TITLE IX**

The University has designated a Title IX Coordinator to coordinate its efforts to comply with its responsibilities under Title IX and its implementing regulations. Inquiries about the application of Title IX and its implementing federal regulations may be referred to the Title IX Coordinator and/or the Assistant Secretary for Civil Rights in the Office for Civil Rights at the U.S. Department of Education.

The contact information for the Title IX coordinator is as follows.

The Title IX Coordinator is:

LaKesha Alston Forbes  
Title IX Coordinator  
Associate Provost for Equity and Diversity  
Office for Equity and Diversity  
Old Cafeteria Complex Suite G-406  
Monday–Friday; 8:00 a.m.–5:00 p.m.  
252-328-6804 [www.ecu.edu/oed](http://www.ecu.edu/oed)

The contact information for the Office for Civil Rights with jurisdiction over North Carolina is as follows.

4000 Maryland Ave, SW  
Washington, DC 20202-1475  
Telephone: 202-453-6020 TDD: 800-877-8339  
FAX: 202-453-6021 Email: OCR.DC@ed.gov

**B. RESOLUTION OF GRIEVANCES**

The ECU Community School has established grievance procedures that provide for the prompt and equitable resolution of complaints alleging discrimination on the basis of sex (other than sexual harassment) in a program or activity of the school system occurring against a person in the United States. Students and parents or guardians may report such alleged discrimination through the process provided in Antidiscrimination,



Harassment, and Bullying Complaint Procedure (Policy 10-210-P). Employees and applicants may use the process provided in the University's *Notice of Nondiscrimination and Affirmative Action Policy* and the *Resolving Allegations of Discrimination Regulation-Interim*.

The ECU Community School has adopted additional means for reporting sexual harassment specifically. Any person may report alleged sexual harassment in the education program or activities of the school system occurring against a person in the United States in accordance with the University's Title IX Compliance and Resolution Regulation and the ECU Community's School Policy on Title IX Conduct and Reporting Process (Policy 10-401). Those who believe they have been sexually harassed may also file a formal complaint of sexual harassment in accordance with the ECU Community School's Title IX Grievance Process (Policy 10-402), to initiate a prompt and equitable resolution through a formal investigation and adjudication or through an informal resolution process. The board encourages students, employees, and applicants to first make a report of sexual harassment in accordance with the ECU Community's School Policy on Title IX Conduct and Reporting Process (Policy 10-401) before filing a formal complaint.

### C. RETALIATION PROHIBITED

Retaliation against any person for the exercise of rights under Title IX or to interfere with those rights in any way is strictly prohibited and will subject the perpetrator to disciplinary action. The identity of any person who has made a report or complaint of sex discrimination or sexual harassment or who is the alleged perpetrator of sex discrimination or sexual harassment will be confidential unless otherwise required or permitted by law. Complaints alleging retaliation may be filed according to the grievance processes established in ECU Community School's Title IX Grievance Process (Policy 10-402). Acts of retaliation may also be subject to the Community's School Prohibition Against Retaliation found in Section VI of the Student and Parent Grievances Procedure (Policy 10-212-P).

### D. NOTICE OF THE ECU POLICY OF NONDISCRIMINATION BASED ON SEX

The Chancellor is responsible for providing notice of the board's nondiscrimination policy to students and their parents or legal guardians, employees, and applicants for admission or employment. The Chancellor shall also ensure that the principal makes a copy of this policy available to those persons. In addition, the following must be posted on the school system website and included in all student and employee handbooks: (1) a statement of the board's policy of nondiscrimination on the basis of sex; (2) contact information for the Title IX coordinator; and (3) a statement that Title IX inquiries may be referred to the Title IX Coordinator or to the Assistant Secretary for Civil Rights.

Legal References: Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 et seq.; 34 C.F.R. Part 106; the U.S. Department of Education's rule titled *Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance*, 85 Fed. Reg. 30,026 (May 19, 2020) (the "Title IX Rule"),

Cross References:

Student and Parent Grievances (Policy 10-212-P)

Antidiscrimination Harassment and Bullying Policy (Policy 10-200)

Antidiscrimination, Harassment, and Bullying Complaint Procedure (Policy 10-210-P)

Policy on Title IX Conduct and Reporting Process (Policy 10-401).

Title IX Grievance Process (Policy 10-402)

**TITLE IX CONDUCT AND REPORTING (STUDENT POLICY)**

The ECU Community School acknowledges the dignity and worth of all students and employees and strives to create a safe, orderly, caring, and inviting school environment to facilitate student learning and achievement. As provided in ECU's Title IX Compliance and Resolution Regulation-Interim, the ECU Community School will not tolerate sexual harassment in the education program and activities of the school system. The University takes seriously all reports and formal complaints of sexual harassment.

This Title IX sexual harassment policy specifically prohibits sexual harassment as that term is defined under Title IX. It provides a process for students, employees, and others to report such sexual harassment for response by school officials. All incidents of conduct that could constitute sexual harassment under this policy are to be reported and treated in accordance with this policy, whether or not the incidents may also constitute violations of other board policies or standards of conduct.

Individuals who believe they have been subjected to sexual harassment prohibited by this policy or who have witnessed or have reliable information that another person has been subjected to sexual harassment prohibited by this policy should use the process provided in Section C of this policy to report such violations.

The board also provides a grievance process for those who believe they have been victims of sexual harassment that is designed to achieve prompt and equitable resolution of formal complaints of sexual harassment through a formal investigation and adjudication of the allegations in the complaint or through informal resolution processes. The grievance process is provided in the ECU Community School's Title IX Grievance Process (Policy 10-402). Affected individuals are encouraged to report sexual harassment in accordance with the process provided in Section C of this policy before filing a formal complaint to initiate the grievance process.

**A. PROHIBITED BEHAVIOR**

Students, school system employees, volunteers, and visitors are expected to behave in a civil and respectful manner. The board expressly prohibits sexual harassment by students, employees, board members, volunteers, or visitors. "Visitors" includes parents and other family members and individuals from the community, as well as vendors, contractors, and other persons doing business with or performing services for the school system.

Sexual harassment prohibited under Title IX and by this policy is conduct on the basis of sex occurring in a school system education program or activity that satisfies one or more of the following:

1. an employee of the school conditioning the provision of an aid, benefit, or service of the school system on an individual's participation in unwelcome sexual conduct;
2. unwelcome conduct determined by a reasonable person to be so severe, pervasive,

and objectively offensive that it effectively denies a person equal access to the school system's education program or activities. This determination requires consideration of all the facts and circumstances, including, but not limited to, the ages and disability statuses of the harasser and the victim and the number of individuals involved and their authority;

3. sexual assault including rape, statutory rape, fondling, and incest;
4. dating violence;
5. domestic violence; or
6. stalking.

Sexual assault, dating violence, domestic violence, and stalking will be defined in accordance with ECU's Title IX Compliance and Resolution Regulation- Interim.

Conduct that satisfies this standard is not sexual harassment for purposes of this policy if the conduct occurred (1) outside the United States or (2) under circumstances in which the school system did not have substantial control over both the harasser and the context in which the harassment occurred.

All references to "sexual harassment" in this policy mean sexual harassment that meets this definition.

Examples of conduct on the basis of sex that would be considered sexual harassment if the conduct satisfies the criteria above include, but are not limited to: unwelcome sexual advances; requests for sexual favors; and other verbal or physical conduct of a sexual nature, such as deliberate, unwelcome touching that has sexual connotations or is of a sexual nature; suggestions or demands for sexual involvement accompanied by implied or overt promises of preferential treatment or threats; pressure for sexual activity; continued or repeated offensive sexual flirtations, advances, or propositions; continued or repeated verbal remarks about an individual's body; sexually degrading words used toward an individual or to describe an individual; sexual assault; sexual violence; the display of sexually suggestive drawings, objects, pictures, or written materials; posting sexually suggestive pictures of a person without the person's consent; and forwarding pornographic material depicting a classmate or other member of the school community. Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping but not involving conduct of a sexual nature may also constitute sexual harassment.

Conduct that is determined not to meet the definition above may violate other Community School policies or established standards of conduct and will be treated accordingly. For example, conduct that does not meet the definition of Title IX sexual harassment above may nevertheless violate other Community School policies, including:

- ECU Community School Antidiscrimination, Harassment and Bullying (Policy 10-200) prohibiting all forms of bullying and harassing conduct; or
- ECU Notice of Nondiscrimination and Affirmative Action Policy, prohibiting harassment in the workplace.

Nothing in this policy is intended to limit discipline for violation of other board policies when appropriate and consistent with law.

## B. DEFINITIONS

The following additional definitions apply in this policy.

### 1. Report

A report is an oral or written notification that an individual is an alleged or suspected perpetrator or victim of sexual harassment.

Making a report initiates the interactive process with the complainant described in Section D.1, below. No disciplinary action will be taken against a respondent for sexual harassment based on a report alone.

### 2. Formal Complaint

A formal complaint is a document signed and filed with the Title IX coordinator by a complainant or signed by the Title IX coordinator alleging sexual harassment against a respondent and requesting that school officials investigate the allegation(s). Filing a formal complaint initiates the grievance process set forth in the ECU Community School's Title IX Grievance Process (Policy 10-402).

At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activities of the school system.

### 3. Complainant

The complainant is the individual(s) who is alleged to be the victim of conduct that could constitute sexual harassment.

### 4. Respondent

The respondent is the individual(s) who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

### 5. Grievance Process

Grievance process means the process for investigating and reaching a final determination of responsibility for a formal complaint of sexual harassment. The sexual harassment grievance process is set out in ECU Community School's Title IX Grievance Process (Policy 10-402).

### 6. Title IX Coordinator

The Title IX coordinator is a school official who is designated to coordinate the school system's response to sexual harassment and allegations of sexual harassment. Contact information for the Title IX Coordinator is posted on the school system's website and listed

in Policy on Title IX Nondiscrimination on the Basis of Sex (Policy 10-400).

## 7. Supportive Measures

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

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

## 8. Days

Days are calendar days unless specified otherwise.

## 9. Student(s)

"Student(s)" means the student and/or the student's parent or legal guardian unless the context clearly indicates otherwise. When the complainant or respondent is a student, references to those terms also include the student's parent or legal guardian unless the context clearly indicates otherwise.

## 10. Actual Knowledge

"Actual knowledge" means a school employee has notice of sexual harassment or allegations of sexual harassment.

# C. REPORTING SEXUAL HARASSMENT

## 1. Student Reports

Any student who believes he or she is a victim of sexual harassment occurring in the school system's education programs or activities is encouraged to report the matter to the student's principal or to the Title IX Coordinator. Reports may also be made to a teacher, counselor, assistant principal, teacher assistant, or any other school employee.

## 2. Mandatory Reporting by School Employees and Advisory Board Members

Any employee or member of the board of education who has actual knowledge of sexual harassment or allegations of sexual harassment occurring in the education program or any activity of the school system must report that information immediately to the Title IX Coordinator.

Any of the following confers “actual knowledge” and must be reported immediately:

- a. a report of sexual harassment from a student or other person to the Title IX Coordinator or other school employee;
- b. the employee or board member witnesses conduct that is or reasonably could be sexual harassment; or
- c. the employee or board member discovers evidence of sexual harassment, such as sexualized graffiti on school property, or otherwise has reliable information or reason to believe that a student, employee, or other individual may have been sexually harassed in violation of this policy, even if no one has reported the sexual harassment.

Employees who observe an incident of harassment are expected to intervene to stop the conduct in situations in which they have supervisory control over the perpetrator, and it is safe to do so. An employee with actual knowledge of possible sexual harassment in violation of this policy who does not promptly report the conduct and/or take proper action as required by this subsection, or who knowingly provides false information about the incident, will be subject to disciplinary action, up to and including dismissal.

Any doubt about whether particular conduct is possible sexual harassment must be resolved in favor of reporting the conduct.

The mandatory reporting required by this section is in addition to required reporting under Child Abuse and Related Threats to Child Safety Procedures (10-620-P), where the conduct at issue requires a report under either of those policies.

### 3. Reporting by Others

All other members of the school community are strongly encouraged to report any act that may constitute an incident of sexual harassment in violation of this policy to the school principal, the Title IX Coordinator, or the superintendent.

### 4. Content of the Report

To the extent possible, reports should be sufficient to put school officials on notice of conduct that could constitute sexual harassment. Employees making mandatory reports should provide as much detail about the alleged sexual harassment as is known, unless such disclosure would violate law or standards of professional ethics. Reports, other than mandatory reports by employees, may be made anonymously, but anonymous reports may limit the school system’s ability to respond fully if the alleged victim is not identified.

### 5. Time Period for Making a Report

Reports by students and third parties can be made at any time. During non-business hours, reports can be made by using the contact information for the Title IX Coordinator. The contact information for the Title IX Coordinator is as follows.

The Title IX Coordinator is:

LaKesha Alston Forbes  
Title IX Coordinator  
Associate Provost for Equity and Diversity  
Office for Equity and Diversity  
Old Cafeteria Complex Suite G-406  
252-328-6804 [www.ecu.edu/oed](http://www.ecu.edu/oed)

A report should be made as soon as possible after disclosure or discovery of the facts giving rise to the report. Delays in reporting may impair the ability of school officials to investigate and respond to any subsequent formal complaint.

School employees and board members with actual knowledge of sexual harassment must report that information immediately, as provided in subsection C.2 above.

#### D. SCHOOL OFFICIALS' RESPONSE TO ACTUAL KNOWLEDGE OF SEXUAL HARASSMENT

As required to meet the school system's obligations under Title IX, school officials shall respond promptly and impartially to actual knowledge of alleged sexual harassment in a manner that is not deliberately indifferent. A response that is not deliberately indifferent is one that is not clearly unreasonable in light of the known circumstances and includes, at a minimum, the provision of supportive measures to the complainant, as described in this section.

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

##### 1. Title IX Coordinator Initiates Interactive Process with Complainant

Upon receiving a report of alleged sexual harassment, the Title IX Coordinator or designee shall promptly contact the complainant and the complainant's parent or guardian confidentially. This contact must occur within three days, excluding weekends, absent extenuating circumstances. The Title IX Coordinator or designee shall also notify the principal of the report and, if an employee is the complainant or respondent, the senior human resources official or designee.

When contacting the complainant and parent or guardian, the Title IX Coordinator or designee shall do all of the following during the contact and shall document the same:

- a. offer supportive measures;
- b. consider the complainant's wishes with respect to supportive measures;
- c. explain that supportive measures are available with or without the filing of a formal complaint; and



- d. explain the process for filing a formal complaint with the Title IX coordinator and the response required of the school system when a complaint is filed, including all the following:
- i. that a formal complaint will initiate the grievance process described in the ECU Community School's Title IX Grievance Process (Policy 10-402);
  - ii. that a formal complaint may be filed with the Title IX coordinator in person, by mail, or by electronic mail;
  - iii. the major steps in the grievance process, including (1) a notice of the allegations that will be provided to the respondent that includes identification of the complainant and the allegations made; (2) an investigation of the allegations of sexual harassment in which both parties will have opportunity to have an advisor, present witnesses, review evidence, pose written questions of the other party, and receive a copy of the investigative report; (3) a decision on responsibility in which a decision-maker objectively evaluates all relevant evidence and determines whether the respondent engaged in the alleged sexual harassment in violation of this policy; and (4) the opportunity for either party to appeal the decision;
  - iv. the approximate time frame for concluding the grievance process;
  - v. that school officials will treat both parties equitably by (1) providing remedies to the complainant if the respondent is found responsible, and (2) by not imposing disciplinary sanctions on the respondent without first following the grievance process set forth in the ECU Community School's Title IX Grievance Process (Policy 10-402);
  - vi. the circumstances under which a formal complaint might be consolidated with other formal complaints or dismissed; and
  - vii. that the Title IX Coordinator or designee may have an obligation to initiate the grievance process in the absence of a formal complaint filed by the complainant and the time frame in which that decision will be made.

## 2. Title IX Coordinator Arranges Implementation of Supportive Measures

After considering the complainant's wishes, the Title IX Coordinator or designee shall arrange the effective implementation of appropriate supportive measures unless, in the exercise of good judgment, the Title IX Coordinator or designee determines that supportive measures should not be provided. If supportive measures are not provided to the complainant, the Title IX Coordinator or designee shall document why supportive measures were not provided and why not providing supportive measures is not deliberately indifferent to known sexual harassment.

If the complainant is a student with a disability, the Title IX Coordinator or designee may need to consult with appropriate school personnel to determine whether adjustments to the student's IEP or Section 504 plan are needed to implement any supportive measures to be provided and/or whether the student's plan necessitates any adjustment to the proposed supportive measures.

### 3. Title IX Coordinator Determines Whether to Sign a Formal Complaint

If the complainant declined to file a formal complaint within the designated time period following the interactive process described above, the Title IX Coordinator shall determine on a case-by-case basis whether to sign, i.e., file, a formal complaint to initiate the grievance process.

The Title IX Coordinator will file a formal complaint (1) if the respondent is a school employee and the complainant is a student; and (2) in other cases where, in the exercise of good judgment and in consultation with the school attorney as appropriate, the coordinator determines that a grievance process is necessary to comply with the obligation not to be deliberately indifferent to known allegations of sexual harassment. Credibility or merit of the complaint shall not be considered in making the determination.

A decision by the Title IX Coordinator to sign a formal complaint is not to be construed as supportive of the complainant or in opposition to the respondent or as an indication of whether the allegations are credible or have merit, or whether there is evidence sufficient to determine responsibility. Signing a formal complaint does not make the Title IX Coordinator a complainant or party to the complaint nor relieve the Title IX Coordinator from any responsibilities under this policy.

The Title IX Coordinator shall document the decision of whether to sign a complaint and the reasons for that decision.

### 4. Presumption of Non-responsibility of Respondent and Bar on Disciplinary Sanctions without Due Process

The respondent identified in any report alleging sexual harassment under this policy will be presumed not responsible for the alleged conduct until the respondent's responsibility is conclusively established through the grievance process outlined in the ECU Community School's Title IX Grievance Process (Policy 10-402).

No disciplinary sanction or other action that is not a supportive measure, including but not limited to (1) short or long-term suspension, expulsion, or transfer to an alternative school or program for student-respondents and (2) suspension, demotion, or dismissal for employee-respondents, may be imposed for a violation of this policy unless the respondent agrees to a specific disciplinary sanction or action in an informal resolution or has been determined to be responsible for the sexual harassment at the conclusion of a grievance process that complies with the process in ECU Community School's Title IX Grievance Process (Policy 10-402). An employee-respondent, however, may be placed on administrative leave during the pendency of the grievance process if consistent with applicable state and federal laws, and University policy.

Notwithstanding the limitation just described, respondents are subject to emergency removal as described in the next paragraph.

### 5. Emergency Removal of Respondent from School or Employment

Any respondent is subject to removal from the school system's education program and activities, or any part of the program or activities, on an emergency basis if a school-

based threat assessment team conducts an individualized safety and risk analysis and determines that removal is justified because the person poses an immediate health or safety threat to any person arising from the allegations of sexual harassment. A schedule change, and/or removing a student from an extracurricular activity is also considered a removal under this subsection where such action would not otherwise constitute a supportive measure.

The emergency removal may take place regardless of whether a formal complaint has been filed. However, any such removal must be consistent with federal and state law, including any applicable law protecting the rights of individuals with disabilities. The respondent shall receive notice of the removal and an opportunity to challenge the decision in an informal hearing with the superintendent or designee immediately following the removal.

An employee may be placed on administrative leave with or without pay during the pendency of the grievance process set out in the ECU Community School's Title IX Grievance Process (Policy 10-402), if consistent with state law and in accordance with any applicable requirements of state law.

The Dean or designee shall document all emergency removal decisions under this subsection, including the immediate threat to health or safety that justified the removal. Copies of the relevant documentation shall be provided to the Title IX Coordinator for purposes of record keeping.

## 6. Supportive Measures

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

## E. GRIEVANCE PROCESS FOR FORMAL COMPLAINTS

The grievance process for formal complaints of sexual harassment under this policy is set out in the ECU Community School Title IX Grievance Process (Policy 10-402). The policy also provides an informal resolution process for complainants who seek an alternate means of resolution to their complaint.

As described in subsection D.3 above, the Title IX coordinator may also initiate the grievance process, as needed.

## F. RECORDS

The ECU Community School and/or the ECU Office of Equity and Diversity shall create and maintain for a period of seven years records of all reports and formal complaints of sexual harassment. For each report or formal complaint, the Title IX Coordinator or designee shall document the following:

1. any actions, including any supportive measures, taken in response to the report or formal complaint;
2. that school officials have taken measures that are designed to restore or preserve equal access to the school system's education program and activities;
3. why school officials believe their response to the report or complaint was not deliberately indifferent; and
4. if supportive measures were not provided to the complainant, why that was not clearly unreasonable in light of the known circumstances.

In conjunction with the Chancellor, the Title IX Coordinator shall also maintain for seven years all materials used to train the Title IX Coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process. These materials will be made publicly available on the school system's website.

Legal References: Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 et seq., the U.S. Department of Education's rule titled *Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance*, 85 Fed. Reg. 30,026 (May 19, 2020) (the "Title IX Rule"),

Cross References:

University Policies, Regulations and Rule:

ECU Title IX Compliance and Resolution Regulation-Interim;

Community School Policies:

Title IX Nondiscrimination on the Basis of Sex (Policy 10-400)

Title IX Sex Harassment – Conduct and Reporting (Policy 10-401)

Title IX Grievance Process (Policy 10-402)

Child Abuse and Other Related Threats to Child Safety Procedures (Policy 10-620-P)

Antidiscrimination Harassment and Bullying (Policy 10-200)

Antidiscrimination, Harassment, and Bullying Complaint Procedure (Policy 10-210-P)

**TITLE IX GREIVANCE PROCESS (STUDENT POLICY)**

The process provided in this policy is designed for those who believe that they have been sexually harassed in violation of the ECU Community School Policy on Title IX Conduct and Reporting Process (Policy 10-401) and wish to file a formal complaint. School officials shall follow the grievance process established in this policy when responding to all formal complaints of sexual harassment.

**A. DEFINITIONS**

All definitions in Policy on Title IX Conduct and Reporting Process (Policy 10-401), are incorporated by reference and have the same meaning when used in this policy, including all references to “sexual harassment” in this policy.

The following additional definitions apply in this policy.

**1. Investigator**

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

**2. Decision-Maker**

The decision-maker is the school official responsible for making a determination regarding responsibility in response to an investigation of sexual harassment triggered by a formal complaint.

**3. Investigative Report**

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

**4. Remedies**

Remedies are individualized measures provided to a complainant designed to restore or preserve the complainant’s equal access to the education program and activities of the school system when a respondent is found responsible for sexual harassment.

Remedial measures available to a complainant following a determination of responsibility include counseling, mental health services referral, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, escort services, mutual or one-way restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring, and other measures determined by school officials to be necessary to restore or preserve the complainant’s equal access to the education program and activities, regardless of whether such measures impose a burden on the respondent or are punitive or disciplinary in nature.

## 5. Disciplinary Sanctions

Disciplinary sanctions are consequences imposed on a respondent when the respondent is found responsible for sexual harassment.

### B. FILING A FORMAL COMPLAINT TO INITIATE THE GRIEVANCE PROCESS

A formal complaint initiates the grievance process.

#### 1. Individuals Who May File a Formal Complaint

##### a. Eligible Complainants

Eligible individuals who believe that they have been sexually harassed in violation of the Policy on Title IX Conduct and Reporting Process (Policy 10-401), may initiate the grievance process for alleged sexual harassment by filing a formal written complaint with the Title IX coordinator. Parents or legal guardians may proceed on behalf of a minor. To be eligible to file a formal written complaint, the complainant must be participating in or attempting to participate in the education program or activities of the school system at the time of filing.

##### b. The Title IX Coordinator

If the complainant does not wish to file a formal complaint and the matter has not been adequately resolved through the provision of supportive measures, the Title IX Coordinator may initiate the grievance process by signing a formal complaint. In accordance with law, only the complainant and the Title IX Coordinator may initiate the grievance process; no other individuals or school officials shall have authority to do so.

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

There is no deadline for filing a complaint. A complaint should be filed as soon as possible after the conduct occurs, preferably within 30 days after the complainant becomes aware of the alleged sexual harassment, unless the conduct forming the basis for the complaint is ongoing. School officials will initiate the grievance process regardless of when the formal complaint is submitted, but delays in reporting may significantly impair the ability of school officials to investigate and respond to the allegations.

In addition, in some circumstances it may be necessary for the Title IX Coordinator to sign a formal complaint to initiate the grievance process in order to meet the school system's legal obligations when the Title IX Coordinator is aware of sexual harassment or alleged sexual harassment and the complainant has not yet filed a formal complaint. The Title IX Coordinator can do so at any time.

#### 3. Contents of the Formal Complaint

The complaint should (1) contain the name and address of the complainant and the student's parent or guardian if the complainant is a minor student, (2) describe the alleged sexual harassment, (3) request an investigation of the matter, and (4) be signed by the

complainant or otherwise indicate that the complainant is the person filing the complaint.

#### 4. How to File the Formal Complaint

The complaint may be filed with the Title IX Coordinator in person, by mail, or by email. Complaint forms may be obtained from the Title IX Coordinator or on the school system website.

#### 5. School System's Response to Receipt of the Formal Complaint

a. Upon receipt of a formal complaint of sexual harassment, the Title IX Coordinator or designee shall engage in an interactive process with the complainant, consider the provision of supportive measures in light of the complainant's wishes, provide supportive measures as appropriate, and otherwise fulfill the requirements of Section D of the Policy on Title IX Conduct and Reporting Process (Policy 10-401), unless the Title IX Coordinator or designee has already done so in response to an initial report of the same allegation of sexual harassment.

b. School officials and/or the Title IX Coordinator reserve the right to consolidate formal complaints against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. The Title IX Coordinator shall advise the complainant if the formal complaint will be consolidated with others.

c. The formal complaint initiates the grievance process as described below.

### C. GENERAL PRINCIPLES OF THE GRIEVANCE PROCESS FOR FORMAL COMPLAINTS

To ensure a complete, thorough, and fair grievance process for formal complaints of sexual harassment, school officials responsible for the investigation, adjudication, or appeal of a formal complaint of sexual harassment shall comply with the following requirements. Failure by any school official to comply with these requirements or other standards or procedures established in this policy is cause for disciplinary action.

#### 1. Equitable Treatment

Complainants and respondents must be treated equitably throughout the grievance process. Relevant evidence collected in the investigation of a formal complaint must be evaluated objectively. No individual designated as a Title IX Coordinator, investigator, decision-maker, or appeal decision-maker will have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The complainant and respondent shall be provided an equal opportunity to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be an attorney. If a party elects to be represented by an attorney, the party should

notify school officials in advance so that an attorney for the school system may also be present. Any restrictions on advisor participation in any proceeding must be applied equally to both parties.

The complainant and respondent will both be provided a description of the range of supportive measures available to them.

## 2. Adequate Training

The Title IX Coordinator, and all persons serving as Title IX investigators, decision-makers, or appeal decision-makers shall receive training on what constitutes sexual harassment, the scope of the school system's education program and activities, how to conduct an investigation and grievance process, and how to serve impartially, including by avoiding prejudice of the facts at issue, conflicts of interest, and bias. Decision-makers will be trained on any technology to be used at a live hearing and on issues of relevance of questions and evidence.

Materials used to train coordinators, investigators, decision-makers, and appeal decision-makers will not rely on sex stereotypes and shall promote impartial investigations and adjudications of sexual harassment. Copyright restrictions will be taken into consideration in selecting training materials in order to comply with the school system's legal obligation to make all training materials available on the school system's website.

## 3. Presumption of Non-Responsibility/Innocence

At all times prior to a determination regarding responsibility by the decision-maker, there will be a presumption that the respondent is not responsible for the alleged conduct.

## 4. Burden of Proof and Production of Evidence

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility will at all times rest on the school system and not on the complainant or respondent. The standard is evidence to determine whether a respondent is responsible for sexual harassment in violation of ECU Community School policy is the preponderance of the evidence standard. Formal rules of evidence shall not apply in the grievance process.

## 5. Written Notice of Meetings and Other Proceedings

Parties whose participation is invited or expected at any hearing, investigative interview, or other meeting will be provided written notice of the event's date, time, location, participants, and purpose with sufficient time for the party to prepare to participate.

## 6. Confidentiality and Privacy

The school system will keep confidential the identity of any individual who has made a report or formal complaint of sexual harassment, any complainant, any respondent, and any witness, except as may be permitted by FERPA, as required by law, or as necessary to carry out a Title IX proceeding. A violation of this provision may constitute retaliation.



All meetings, hearings, or other proceeding conducted pursuant to this policy will be private except to the extent that the parties are permitted to be accompanied by others as provided in subsection C.1 above.

School officials shall not access, consider, disclose, or otherwise use a party's medical, mental health, or other records that are made or maintained by a professional or paraprofessional in connection with the provision of treatment to the party without the party's voluntary written consent.

#### 7. No Disclosure of Privileged Information

No person acting on behalf of the school system shall require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

#### 8. Timeliness of Process

School officials shall make a good faith effort to conduct a fair, impartial grievance process in a timely manner designed to provide all parties with a prompt and equitable resolution. It is expected that in most cases, the grievance process will be concluded through the adjudication phase within 90 days after filing the formal complaint. The board reserves the right to extend this time frame or any deadline contained in this policy for good cause with written notice to the parties of the delay and the reason for the delay. Good cause may include but is not limited to the absence of the parties or witnesses, concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities.

The Title IX Coordinator or other responsible school official shall make reasonable efforts to keep the complainant and respondent apprised of progress being made during any period of delay.

### D. THE GRIEVANCE PROCESS FOR FORMAL COMPLAINTS: PART I – INVESTIGATION

#### 1. Step 1 – Notice of Allegations

a. Upon the filing of a formal complaint, the Title IX Coordinator or designee shall, within five school business days, provide the known parties written notice of the allegations that includes:

i. notice of the allegations of sexual harassment in sufficient detail to permit the parties to prepare a response before any initial interview, including:

- a) the identities of the parties involved, if known;
- b) the conduct allegedly constituting sexual harassment; and
- c) the date and location of the alleged incident, if known;

- ii. a copy of this policy to give notice of the school system's grievance process, including the investigative and adjudication procedures, and any informal resolution process available;
  - iii. notice that the parties may have an advisor of their choice and that either party may inspect and review any evidence;
  - iv. notice prohibiting students and employees from knowingly making false statements or knowingly submitting false information during the grievance process; and
  - v. a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process.
- b. If during the investigation, the investigator decides to investigate allegations of sexual harassment not included in the initial notice provided above, notice of the additional allegations will be provided to the parties.

## 2. Step 2 – Review Grounds for Dismissal of the Formal Complaint

The Title IX Coordinator or designee shall review the allegations and determine whether the formal complaint must be dismissed without further investigation because the conduct alleged in the formal complaint, even if assumed true, would not constitute sexual harassment as defined in this policy, did not occur in the school system's education program or activities, or did not occur against a person in the United States. Such a dismissal does not preclude action under another provision of the Code of Student Conduct, board policy, or expected standards of employee behavior. The complaint will not be dismissed at this stage on the basis that the allegations are frivolous, without merit, or otherwise unfounded.

Upon a dismissal, the Title IX Coordinator or designee must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties. The parties have the right to appeal the decision as provided in Section F.

The Title IX Coordinator or designee shall refer the matter that was the subject of the dismissed complaint to the principal for further action as warranted.

## 3. Step 3 – Initiating the Investigation

If the complaint may proceed, the Title IX Coordinator or designee shall notify the appropriate investigator, who shall investigate the formal complaint.

a. In order to provide a neutral and objective investigation, the investigator shall not be a party to the complaint under investigation. The investigator of a formal complaint is ordinarily determined as described below; however, the Title IX Coordinator or designee, in consultation with the principal, may determine that conflict of interest, bias, or other individual circumstances warrant the assignment of a different investigator.

i. If the respondent is a student, the investigator is the principal or designee of the ECU Community school in conjunction with an investigator from the ECU Office of Equity and

Diversity. The investigators may consult with ECU's TEDI BEAR Children's Advocacy Center.

ii. If the complainant is a student and the respondent is a employee or school official, the investigator is an investigator from the ECU Office of Equity and Diversity in consultation with ECU's TEDI BEAR Children's Advocacy Center.

iii. If the complainant and respondent are employees or applicant(s) for employment, the matter will proceed in accordance with procedures found in Appendix B, accompanying ECU's Title IX Compliance and Resolution Regulation – Interim.

iv. If the respondent is neither a student nor an employee/applicant for employment, the principal of the school shall be the investigator.

b. The investigator may request assistance from the Title IX Coordinator or designee to conduct the investigation.

c. The Title IX coordinator or designee and the investigator shall jointly assess the need for supportive measures for either party, including assessing the effectiveness of any supportive measures currently being provided to the complainant, and, as necessary, will implement appropriate measures in a timely manner and monitor the effectiveness of the measures during the pendency of the investigation and prior to a final determination regarding responsibility. Supportive measures provided to the complainant or respondent will be maintained as confidential to the extent that maintaining such confidentiality does not impair the ability to provide the supportive measures.

d. The investigator shall explain the process of the investigation to the complainant and respondent.

#### 4. Step 4 – Conducting the Investigation

The investigator is responsible for gathering evidence sufficient to reach a determination of whether the allegations in the formal complaint are true and whether the facts as determined by the investigator establish that sexual harassment as defined in this policy occurred. In so doing, the investigator shall impartially, promptly, and thoroughly investigate the complaint.

a. The investigator shall interview all individuals who may have relevant information, including (1) the complainant; (2) the respondent; (3) individuals identified as witnesses by the complainant or respondent; and (4) any other individuals who are thought possibly to have relevant information. Prior written notice shall be provided to a party whose participation is invited or expected for any investigative interview or meeting in accordance with subsection C.5 above. The investigator shall provide the complainant and respondent an equal opportunity to present fact and expert witnesses and other evidence tending to prove or disprove the allegations.

b. The investigator shall ensure that the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the school system and not on the complainant or respondent.

c. The investigator shall not restrict the ability of either party to gather and present relevant evidence or to discuss the allegations under investigation.

d. The formal complaint and the investigation will be kept confidential to the extent possible. Information may be shared only with individuals who need the information in order to investigate and address the complaint appropriately and those with a legal right to access the information. Any requests by the complainant or respondent for further confidentiality will be evaluated within the context of the legal responsibilities of the school system.

The investigator may, with approval of the Title IX Coordinator, dismiss the formal complaint or any allegations therein if at any time during the investigation or decision-making process: (1) the complainant notifies the Title IX coordinator in writing that he or she would like to withdraw the formal complaint or any allegations therein; (2) the respondent is no longer enrolled or employed by the school system; or (3) specific circumstances prevent school officials from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein. Upon dismissal, the Title IX Coordinator or designee shall promptly send written notice of the dismissal and reason(s) therefore simultaneously to the parties. The parties have the right to appeal the decision as provided in Section F.

The investigator may consider the matter that was the subject of the dismissed complaint for action in accordance with board policy for violation of other expected standards of student or employee behavior.

#### 5. Step 5 – Investigative Report and Opportunity to Review Evidence

a. The investigator shall prepare an investigative report that fairly summarizes the relevant evidence.

b. Before completing the final report, the investigator shall send to each party and the party's advisor, if any, in hard copy or electronically, all the evidence collected which is directly related to the allegations raised in the formal complaint. The parties shall have 10 days to submit a written response for the investigator's consideration before the investigator finalizes the investigative report.

c. Following the parties' opportunity to respond to the written evidence, the investigator shall finalize the written investigative report, including a recommendation on the question of responsibility and any recommended discipline sanction in matters where an ECU Community School student is the respondent. Where an employee is the respondent and an ECU Community School student is the complainant, the investigator will finalize the investigative report, but the report will not contain a recommendation as to the question of responsibility or any recommended discipline sanction for the employee.

d. The investigator shall provide a copy of the report to each party and the party's advisor, if any, for their review and written response. The investigator shall also notify the parties of the opportunity to submit written questions to the other party and witnesses as provided in subsection E.2 below. The parties shall have 10 days to provide a written response to the investigative report, along with the party's initial set of written questions.

e. The investigator shall provide to the decision-maker a copy of the investigative report, the relevant evidence, and the parties' written responses to the report and initial sets of written questions.

The investigator shall also provide a description of the procedural steps taken, starting with the receipt of the formal complaint and continuing through the preparation of the investigative report, and including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence.

## E. THE GRIEVANCE PROCESS FOR FORMAL COMPLAINTS: PART II – ADJUDICATION

The Dean of College of Education or designee (hereinafter "Dean") shall serve as the decision-maker. In his or her role as decision-maker, the Dean shall provide for the exchange of questions between the parties and a decision on responsibility in a manner consistent with state law and as provided below.

### 1. Step 1 – Student's Opportunity to Request a Hearing

In cases where the respondent is a student, after the investigative report has been sent to the parties, both parties shall have three school business days to request a hearing. If either party requests a hearing, the long-term suspension hearing procedures described in Procedures Suspensions and Expulsions (Policy 10-303P), shall be followed, except that (1) both parties shall have the right to participate in the hearing to the extent required by Title IX; (2) all the evidence sent to the parties pursuant to subsection D.5.b above will be made available at the hearing to give each party equal opportunity to refer to such evidence during the hearing; and (3) prior to the hearing, both parties shall have a limited opportunity to submit and respond to written questions and follow-up questions as provided below.

### 2. Step 2 – Exchange of Questions and Answers

Whether there will be a hearing and regardless of whether the respondent is a student, after the parties are sent the investigative report, the Dean shall provide the parties an opportunity to submit written, relevant questions that the party wants asked of any other party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party in accordance with a reasonably prompt time frame established by the superintendent. The parties shall submit their initial set of written questions at the time they submit their response to the investigative report as described in subsection D.5.d above.

a. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior will be considered not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's sexual behavior with respect to the respondent and is offered to prove consent.

b. The Dean must explain to the party proposing the questions any decision to exclude questions as not relevant.

### 3. Step 3 – Decision on the Question Regarding Responsibility

Following the exchange of questions and/or hearing as described above, the Dean shall decide the question regarding responsibility, any disciplinary action, and any other measures the Dean deems appropriate. The Dean shall consider all the relevant evidence objectively, including evidence in the investigative report, any testimony of witnesses at the hearing, if one was held, and any additional information provided by the parties through the exchange of questions and responses as provided in subsection E.2 above.

Based on an objective evaluation of the evidence, the Dean shall determine whether the preponderance of the evidence supports a finding that the respondent is responsible for sexual harassment in violation of ECU Community School policy, and if so, what disciplinary sanction will be imposed. Remedies will be provided to the complainant if the respondent is found responsible.

### 4. Step 4 – Written Determination Regarding Responsibility

The Dean shall issue a written determination regarding responsibility simultaneously to both parties that includes:

- a. identification of the allegations potentially constituting sexual harassment under board policy;
- b. a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- c. findings of fact supporting the determination;
- d. conclusions regarding the application of policy and/or the Code of Student Conduct or expected standards of employee behavior to the facts including whether, the respondent engaged in prohibited sexual harassment or other proscribed conduct;
- e. a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the respondent (which may be a recommendation to the board for discipline that is beyond the authority of the superintendent or other decision-maker), and whether remedies designed to restore or preserve equal access to the school system's education program and activities will be provided to the complainant;
- f. the procedures and permissible bases for the complainant and respondent to appeal; and
- g. any other notices that are required to accompany the decision under state law, such as when the Dean imposes a long-term suspension or recommends dismissal of an employee.

## F. GRIEVANCE PROCESS FOR FORMAL COMPLAINTS: PART III – APPEAL

The parties shall have the right to appeal to the ECU Community School Advisory Board (the "Board") the determination regarding responsibility, the outcome of any disciplinary proceeding, and any dismissal of a formal complaint or any allegations therein. If a party appeals both the determination regarding responsibility and the outcome of a disciplinary proceeding, both matters will be heard by the Board at the same time. If both parties appeal, the appeals will be heard at the same time.

### 1. Deadline and Grounds for Appeal

Either party may appeal by submitting a request in writing to the Dean within three school business days of receiving the determination regarding responsibility, unless the party is entitled to a longer appeal period under state law or University policy. Any longer appeal period applicable to one party shall apply equally to the other party. The grounds for appeal may be any of the following:

- a. procedural irregularity that affected the outcome of the matter;
- b. new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- c. the Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter;
- d. the disciplinary sanction is inappropriate or unreasonable; or
- e. any other basis provided by law or board policy governing appeals to the board.

### 2. Notice of the Appeal

In all appeals, the other party will be notified in writing when an appeal is filed and be provided a copy of the appeal.

### 3. Appeal Procedures

- a. The ECU Provost and Senior Vice Chancellor for Academic Affairs (Provost) will hear the appeal. Unless otherwise required by law, the Provost may designate an alternative designee if unavailable or if there is a conflict of interest.
- b. Appeal procedures will be implemented equally for both parties and will follow the procedures in Code of Student Conduct, (Policy 10-206-P) or Procedures Suspensions and Expulsions (Policy 10-303-P), modified as necessary to allow equal participation of the parties.

If the appeal includes an appeal of a disciplinary sanction, the procedures in Code of Student Conduct (Policy 10.206-P), Procedures Suspensions and Expulsions (Policy 10-303-P and Board Hearing Panel Procedures (Policy 1.108-P) may apply.

c. After the notice of appeal is provided, both parties will be given 10 days to submit a written statement in support of, or challenging, the outcome. If the basis of the appeal is newly available evidence affecting the outcome, the party shall submit such evidence or a summary of such evidence along with the party's written statement.

d. The Provost will review the record and the written argument of the parties submitted on appeal, determine whether additional information is needed from any party, and take any other steps that the Provost determines to be appropriate in order to respond to the appeal.

#### 4. Decision on Appeal

a. After considering the record and written statements of the parties, the Provost will determine whether the grounds for the appeal have been substantiated.

b. If substantiated, the Provost will determine the appropriate response, which may include a remand for a new investigation, a new decision, or both, or such other action as the Board determines is needed to correct the error in the original proceedings.

c. The Provost will provide a written decision describing the results of the appeal and rationale for the result within thirty days after receiving the appeal unless the decision is delayed for good cause. The written decision will be provided simultaneously to both parties.

#### 5. When the Decision Becomes Final

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

The Dean shall ensure that a copy of the final decision is provided to the Title IX Coordinator or designee and shall confer with the Title IX Coordinator or designee regarding any remedies to be provided to the complainant, as described in subsection G.4 below.

### G. DISCIPLINARY CONSEQUENCES, REMEDIES, AND OTHER RESPONSES FOR SUBSTANTIATED SEXUAL HARASSMENT

#### 1. Disciplinary Consequences for Students

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

A student recommended for a long-term suspension or expulsion will have all applicable



rights accorded by policy and state law. A student with disabilities will have all rights accorded by law, including the right to a manifestation hearing before the imposition of a suspension exceeding 10 cumulative days in a school year.

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

Nothing in this policy will preclude the school system from taking disciplinary action against a student when the evidence does not establish sexual harassment as defined in this policy but the conduct violates other board policy and/or the Code of Student Conduct (Policy 10-206-P).

## 2. Disciplinary Sanctions for Employees

Where disciplinary action is deemed appropriate by the Dean, such action may include one or more of the following: training, progressive disciplinary action, restrictions on interactions with students or other members of the ECU community, restrictions on university associated activities, No-Contact Directive(s), transfer or reassignment from position, removal of administrative appointment(s), demotion, suspension without pay, and discharge from employment.

## 3. Consequences for Other Perpetrators

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

## 4. Remedies

At the conclusion of the grievance process, the Dean or other decision-maker shall confer with the Title IX Coordinator or designee to determine the remedies to be provided to the complainant when the respondent is found responsible for sexual harassment. The Title IX Coordinator or designee shall consult with the complainant in determining appropriate remedies.

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

## 5. Consideration of Need for More Extensive Response

If the Chancellor determines that a school-wide or system-wide response is needed in order to respond to the sexual harassment in a way that is not clearly unreasonable under

the circumstances, the Chancellor shall ensure that additional staff training, harassment prevention programs, or such other measures as determined appropriate are provided to protect the safety of the educational environment and/or to deter sexual harassment.

#### H. INFORMAL RESOLUTION

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

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

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

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

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

#### I. RETALIATION PROHIBITED

Any act of retaliation or discrimination against any person for the purpose of interfering with any right or privilege secured by Title IX or because the person has made a report or filed a formal complaint or testified, assisted, or participated or refused to participate in any investigation, proceeding, or hearing involving sexual harassment is prohibited. Any

person who is found to have engaged in retaliation will be subject to discipline, up to and including dismissal. Acts of retaliation may also be subject to Section VI of the Student and Parent Grievance Procedures (Policy 10-212-P).

Complaints alleging retaliation are to be treated as claims of sex discrimination and may be filed in accordance with policy Title IX Nondiscrimination on the Basis of Sex (Policy 10-400).

## J. RECORDS

The Title IX Coordinator or designee shall maintain for a period of seven years records of the following:

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

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 et seq., 34 C.F.R. pt. 106; the U.S. Department of Education's rule titled *Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance*, 85 Fed. Reg. 30,026 (May 19, 2020) (the "Title IX Rule"); *Gebser v. Lago Vista Independent School District*, 524 U.S. 274 (1998); *Davis v. Monroe County Board of Education*, 526 U.S. 629 (1999); Q&A on Campus Sexual Misconduct, U.S. Department of Education, Office for Civil Rights (2017), available at <https://www2.ed.gov/about/offices/list/ocr/docs/qa-title-ix-201709.pdf>; Dear Colleague Letter (Title IX Coordinator) and Title IX Resource Guide, U.S. Department of Education, Office for Civil Rights (2015), both available at <https://www2.ed.gov/policy/rights/guid/ocr/title-ix-coordinators.html>; Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, U.S. Department of Education, Office for Civil Rights (2001), available at <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.html>

**Cross References:****University Policies, Regulations and Rules:**

ECU Notice of Nondiscrimination and Affirmative Action

ECU Title IX Compliance and Resolution Regulation-Interim (Appendix B).

**Community School Policies:**

Title IX Nondiscrimination on the Basis of Sex (Policy 10-400),

Policy on Title IX Conduct and Reporting Process (Policy 10-401)

Title IX Grievance Process (Policy 10-402),

Child Abuse and Related Threats to Child Safety Procedures (Policy 10-620-P),

Antidiscrimination Harassment and Bullying (Policy 10-200)

Antidiscrimination, Harassment, and Bullying Complaint Procedure (Policy 10-210-P)

Board Hearing Panel Procedures (Policy 1.108-P)

HOSPITAL/HOMEBOUND PROGRAMS FOR REGULAR  
AND EXCEPTIONAL STUDENTS

It is the policy of the ECU Community School Advisory Board to provide hospital/homebound services to regular and exceptional students who are disabled to the extent that they are unable to attend school. These students may receive one-on-one instruction from a hospital/homebound teacher at Pitt County Memorial Hospital, in their homes or in a location determined by the Dean or his/her designee.

These programs will operate within Pitt County's established guidelines.

## EXCEPTIONAL CHILDREN'S PROGRAM

In keeping with state and federal regulations, it is the policy of the ECU Community School to provide appropriate educational services to children with disabilities as they are identified. It is the belief of the ECU Community School Board of Trustees that all children are entitled to a free and appropriate public education in the least restrictive environment.

The term "children with disabilities" includes, without limitation, all children who, because of permanent or temporary mental, physical, or emotional disabilities, need special education, are unable to have all of their educational needs met in a regular class without special education or related services, or are unable to be adequately educated in the public schools. It includes those who are autistic, behaviorally-emotionally disabled, deaf-blind, hearing impaired, mentally disabled, multi-handicapped, orthopedically impaired, other health impaired, specific learning disabled, speech-language impaired, traumatic brain injured, and visually impaired.

The term "preschool children with disabilities" includes, without limitation, all 3- and 4-year-old children, and those 5-year-old children who are ineligible for kindergarten and who, because of permanent or temporary cognitive, communication, social/emotional, and/or adaptive disabilities, are unable to have all of their developmental needs met in a natural environment without special education and related services. It includes preschool children who are delayed/atypical or those who are autistic, deaf-blind, hearing impaired, other health impaired, orthopedically impaired, speech-language impaired, visually impaired, or traumatic brain-injured. Preschool children with disabilities become eligible for services upon reaching their third birthday.

Identification, placement, related services and all programs and operational procedures will be in accordance with the current edition of *Procedures Governing Programs and Services for Children with Disabilities*.

## SPECIAL EDUCATION PROGRAMS / RIGHTS OF DISABLED STUDENTS

The ECU Community School Advisory Board requires that all special education programs that are operated in this school be in compliance with *Procedures Governing Programs and Services for Children with Special Needs* as adopted by the North Carolina State Board of Education.

All children with disabilities will be accorded procedural rights and safeguards as required by federal and state law.

The Board encourages parents, guardians, surrogate parents, and custodians to seek informal resolution of disputes or disagreements regarding the identification of children with special needs and the provision of a free appropriate public education before filing a request for formal administrative review.

Mediation, as provided in G. S. 115C-116(b) and in *Procedures Governing Programs and Services for Children with Special Needs* is available as one mechanism to clarify the concerns of parents and to resolve disputes.

## DISCIPLINARY ACTION FOR STUDENTS WITH DISABILITIES

Disciplinary actions for students identified as disabled according to North Carolina guidelines will conform to *Procedures Governing Programs and Services for Children with Special Needs* as adopted by the State Board of Education.

If the *Procedures* manual does not fully address a particular issue, the Director of the Exceptional Children's program will develop any necessary protocols consistent with state and federal law.

All children with disabilities will be accorded procedural rights and safeguards as required by state and federal law.



### ACADEMIC ACHIEVEMENT

The ECU Community School Advisory Board and the ECU Community School recognize the value of academic achievement and encourage all students to do their best at all times while striving for excellence. The Board also encourages the recognition of students who exhibit student success.

### ASSESSING STUDENTS

Teachers are charged with the responsibility of assessing students and recognizing their individual differences. Teachers must provide learning experiences within the range and ability of the students they teach. Assessments should be based on the progress the individual student has made toward accomplishing the goals and objectives set for him/her by the teacher in cooperation with the student and parent.

### REPORTING PROGRESS

The A d v i s o r y Board is committed to providing information to parents and guardians concerning their child's progress and achievement in school.

The A d v i s o r y Board requires notification of parents by the mid-point of a marking period if a student is having difficulty. Documentation of notification will be maintained at the school.

Report cards will be sent to parents at the end of each marking period.

### PROMOTION STANDARDS

ECU Community School Advisory Board shall require students to meet established standards in order to be promoted to the next grade level.

The major criteria to be used in promotion decisions shall be demonstrated student achievement. Students at risk of failure shall be provided remedial instructional opportunities consistent with the Board's philosophy of continuous progress, flexible grouping and direct instruction. It shall be the students' responsibility to exert the necessary effort to avail themselves of the opportunities provided to them.

The Board recognizes the legal authority of the principal to grade and classify students, and provides standards to assist the principal as he/she makes these determinations. Exceptions to promotion guidelines will be made only through approved and established procedures.

## PROCEDURE FOR ECU COMMUNITY SCHOOL'S PROMOTION STANDARDS

### Requirements

K-5 students must be in attendance at least 160 school days AND meet the following criteria to be promoted to the next grade:

#### Grades K – 2

- ☐ Demonstrate grade level proficiency in Reading and Mathematics.

#### Grade 3 ONLY

- ☐ In accordance with the Read to Achieve Law, a student in third grade must meet mastery on reading as set by the House Bill legislation 950/S.L. 2012-142 and the district plan.

#### Grades 3 –5

- ☐ Demonstrate Grade level proficiency in Reading and Mathematics.

### Interventions

School Level Promotion Committees may require that students participate in focused interventions including, but not limited to:

- |                               |                                   |
|-------------------------------|-----------------------------------|
| • alternative learning models | • modified instructional programs |
| • special assignments         | • parental involvement            |
| • smaller classes             | • Saturday school                 |
| • tutorial sessions           | • extended school day             |

## Promotion Policy Waiver Procedures

### Students with Disabilities

If a student participates in the State Standard Course of Study on grade level:

Participate to the extent possible in the State Student Accountability Standards.

Students with disabilities who participate in the promotion standards will be provided all interventions/remediation, benefits, resources and other opportunities available to students without disabilities.

All services offered are in addition to the special education services provided to the student.

If student participates in the State Standard Course of Study off grade level:

- School Level Promotion Committee (to include principal or a school district representative) must recommend a waiver of the promotion standards.
- Students enrolled in functional curriculum must demonstrate acceptable outcomes on alternative assessments.
- Special needs students who successfully complete 28 course requirements and their IEP shall receive a Graduation Certificate.

**Students of Limited English Proficiency**

For LEP students who are exempt from testing, an instructional portfolio containing documentation of the students' English language proficiency and progress in all academic areas shall be submitted to a school level committee to determine if the students are ready to be promoted to the next level.

For LEP students who are no longer exempt from testing and score below level III on end-of-grade/course tests in reading and mathematics, a waiver from the promotion standards may be requested for a maximum of four years from the initial enrollment date if:

- A school level committee determines that lack of English proficiency resulted in the student's inability to perform at grade level on the required tests.
- The student is making adequate progress in all academic areas, as evident in an instructional portfolio.

**Note: Students of Limited English Proficiency must meet the same high school graduation standards as other students to receive a high school diploma. School districts must take affirmative steps to rectify language deficiencies that have the effect of excluding national origin minority students from participating in the educational program offered (*Lau v. Nichols*). LEP students shall be provided focused intervention, including developing English proficiency, until promotion standards and high school graduation requirements have been met (up to the age of 21).**

**Promotion Procedures Timeline**

Promotion decisions should involve parents. All parent involvement efforts should be documented.

Teachers will notify parents and schedule conferences regarding students who may be in danger of being retained. Parents may request a conference at any time to discuss their child's progress. Conferences shall be held during times when teachers are free of classroom responsibilities, such as: before/after class, during planning periods, or teacher workdays. Teachers will maintain parent conference records.

**The teacher shall:**

Develop an intervention plan that includes diagnosis of difficulties, intervention strategies and tactics for monitoring.

Hold parent conference to discuss plan.

Document parent conference.

Provide report to Director as requested.

Indicate on the report card if the student's grades are below grade level work.

**K-5 STUDENTS**

**By the end of the first semester:**

Identify students in danger of not meeting promotion standards using existing grades, prior End-of-Grade or End-of-Course test results and attendance records.

Identify students at risk of failure, track and document interventions with the use of Transition Plans.

Notify parents of the possibility of course failure on report cards and interim progress reports.

**Third Grade ONLY** – Identify students in danger of not meeting Read to Achieve components for promotion/retention standards using existing grades, attendance records and Read to Achieve components.

**By the end of the third nine weeks:**

Contact parents of students in danger of non-promotion or in danger of not passing a course and schedule a conference.

Use Promotion/Retention forms.

Notify parents of the possibility of non-promotion on the report card.

Conduct a parent conference and document communication with the parents.

### TESTING AND ACCOUNTABILITY PROGRAM

The ECU COMMUNITY SCHOOL ADVISORY BOARD shall establish and maintain an educational testing and accountability program that complies with: (1) federal and state laws and regulations; (2) appropriate administration and scoring guidelines for each instrument; and (3) Advisory Board policy.

The purpose of the testing and accountability program is to provide information to assist the school, the teachers, and others as they make decisions concerning the educational needs of students. The testing and accountability program will provide data that permits the system to measure the performance of the ECU Community School students in comparison with national, state, and other systems' norms as well as measure student, school, and system progress in achieving state and local instructional goals.

Results of the testing and accountability program will be released in a timely manner to the ECU COMMUNITY SCHOOL ADVISORY BOARD, the administrator, the media, parents, and other agencies who have a vested interest in the data.



## PROCEDURE PERTAINING TO STANDARDIZED TESTING

Standardized testing is a part of the educational experience of all students. When properly administered and interpreted, test results provide an independent, uniform source of reliable and valid information which enable:

- *students* to know the extent to which they have mastered expected knowledge and skills and how they compare to others;
- *parents* to know if their children are acquiring the knowledge and skills needed to be successful in today's world;
- *teachers* to know if their students have met proficiency status in the curriculum and, if not, schools to utilize supplemental resources to determine individual student strengths and/or weaknesses;
- *community leaders and lawmakers* to know if students in North Carolina Schools are improving their performance over time and how the students compare with students from other states or the nation; and
- *citizens* to objectively assess their return on investment in the public schools.

Because any standardized test is a limited source of information, such information will be used in conjunction with other available information known about a student to assist in improving student learning. The administration of tests required by applicable law and the use of student test data for personnel/program decisions shall comply with the Testing Code of Ethics adopted under 16 NCAC 6D, as published in Vol. 2 NCS Issue 1, page 19, and will be administered according to the procedures established by the test publisher and local board policy.

In accomplishing these ends, the following will be implemented.

- A. The Dean or designee will select and work with the principal to accomplish the following:
  1. Develop and publish a yearly testing calendar.
  2. Attend all state level training/preparation concerning testing and accountability.
  3. Provide information and training to school staff relating to test administration, appropriate use of released testing materials, accountability requirements, data utilization for curriculum and instructional planning, etc.
  4. Organize training/in-services.
  5. Order, secure, and maintain testing materials for all state and local tests.

6. Train for each test administration to include appropriate testing procedures, security policies, and ethical practices.
  7. Monitor implementation of testing program.
  8. Evaluate testing irregularities and procedural infractions, determine action required and report finding to appropriate personnel for information and/or action.
  9. Receive and account for materials for scoring or processing.
  10. Scan and score tests not requiring commercial or state level processing and forward those tests that do require special scoring.
  11. Produce and provide student and school level reports for students, parents and schools.
  12. Communicate school test information to the board and to the school community.
  13. Provide additional testing analysis as needed by the school, by the board, or as directed by the Dean or designee.
  14. Provide requested data or produce reports for all state required accountability initiatives.
- B. The principal will accomplish the following:
1. Coordinate the school level testing program.
  2. Attend all applicable test training sessions/in-services.
  3. Order, receive, secure, and distribute testing materials.
  4. Inform students and parents of test administration purposes and dates.
  5. Ensure the appropriate use of released testing materials.
  6. Train test administrators and proctors for each test administration to include appropriate testing procedures, security policies, and ethical practices.
  7. Communicate with staff the schedules and administrative procedures of each test administration.
  8. Plan and coordinate the implementation of procedural modifications.
  9. Oversee school level testing administrations.

10. Ensure the testing of all eligible students through the regular administration, modified administrations, make-ups, and/or re-testing of misadministrations.
  11. Report any irregularities for appropriate action to be taken.
  12. Work with the Dean or designee to investigate and reconcile all reported irregularities or violations, and to implement steps to address the consequences of the action along with steps to prevent a recurrence.
  13. Assure appropriate editing and completion of testing materials.
  14. Assure accountability of materials and return to central office.
  15. Assist with receiving results and distributing test information to school personnel, students and parents.
  16. Assist with the interpretation of test data as it relates to curriculum and instruction.
  17. Assure the proper storage, utilization, and confidentiality of reports.
- C. The principal, proctors and instructional staff will accomplish the following depending upon their testing responsibilities:
1. The teachers and proctors will attend test administration training sessions.
  2. The principal will review the test administrator's manual prior to the test administration.
  3. Instructional staff will discuss with students the purpose of the test prior to the test administration.
  4. Instructional staff will utilize released materials as trained/instructed by the principal or testing coordinator.
  5. The teachers will conduct an unbiased administration of the test and follow the test administration procedures precisely as outlined in the manual.
  6. The principal and teachers will account for all test materials prior to, during, and after the test administration and notify the principal if discrepancies are discovered.
  7. The principal, teachers, and proctors will maintain test security and ensure a standardized test administration by following proper testing procedures.
  8. The principal, teachers, and proctors will ensure that a proper testing atmosphere is provided.

9. The principal, teachers, and proctors, in conjunction with special students' personnel, will follow the appropriate procedures for modifications detailed in the administration manual for administering tests to students with permanent or temporary disabilities.
10. The teachers and proctors will review and edit each student's answer document, complete all requested coding information, and complete headers and other supplemental forms.
11. The teachers and proctors will ensure that the principal is notified of all needed make-ups.
12. Any employee knowledgeable of irregularities or violations of proper testing procedures will report these to the school level testing coordinator.
13. Instructional staff or appropriate personnel will receive individual and class level testing data for secure filing and/or dissemination to students/parents.
14. Instructional staff will communicate and interpret student performance to parents.
15. Instructional staff will evaluate individual and class results as it relates to meeting expected student growth and coverage of the North Carolina Standard Course of Study.
16. All staff will ensure confidentiality of student records as outlined in Family Education Rights and Privacy Acts of 1974, 20 U.S.C. 123g.

STATE ACCOUNTABILITY

It shall be the policy of the ECU Community Advisory Board that the school continue progress toward meeting or exceeding State Performance Standards and requirements. The school will work toward meeting the mandates of legislated accountability programs as outlined by the Department of Public Instruction.

The ECU Community School will comply with the required reporting and distribution of the North Carolina School Report Cards.

**STUDENT POLICY GOALS AND OBJECTIVES**

In formulating policies that govern students and in considering matters related to them, the ECU Community School Advisory Board is committed to ensuring that the welfare of students, individually or in classes, is paramount. The Board directs each school and the school system to establish an environment for all students that is conducive to learning, achievement and social development.

## EQUAL EDUCATIONAL OPPORTUNITIES

The **ECU COMMUNITY SCHOOL ADVISORY BOARD** is committed to providing equal educational opportunities free from any limitations and does not discriminate on the basis of race, gender, religion, national or ethnic origin, age, disability, military service, creed, marital status, sexual orientation or economic and social status in its policies, programs, activities, admissions or employment. Age shall be considered only with respect to minimums and maximums set by law.

This concept of equal educational opportunity will guide the Board and the staff in making all decisions related to school facilities, employment of personnel, selection of educational materials and equipment, curriculum, and the enactment of regulations affecting students.

Student or parent inquiries or complaints should be made to the Equal Opportunity and Title IX office in the Department for People Operations, Success, and Opportunity (POSO) located Old Cafeteria Building, Suite G-502, Greenville, N.C. 27858 (phone: 252-328-6804). Parent and student grievances shall be conducted according to Policy 10.212 and Procedure 10.212-P.

## LEGAL REFERENCES

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., 34 C.F.R. pt.100

Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e et seq.

Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq., 34 C.F.R. pt. 106

Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 621 et seq.

The Rehabilitation Act of 1973, 29 U.S.C. 706(8), 794, 34 C.F.R. pt. 104

The Americans with Disabilities Act, 42 U.S.C. 12134, 28 C.F.R. pt. 35

Office of Civil Rights, Sexual Harassment Guidance: Harassment of Students by School Employees, Students or Third Parties, 62 Fed. Reg. 12,034 (1997)

Office of Civil Rights, Racial Incidents and Harassment against Students Guidance, 59 Fed. Reg. 11,448 (1994)

N.C.G.S. 126-16

State Board of Education Policy Number SS-A-007

**STUDENT ATTENDANCE**

The Board believes that attendance is an integral and essential part of the learning process. A student's attendance record is a fundamental component of the total academic record. Therefore, grades should reflect more than test scores and completion of assignments. Attendance should be an essential component in computing a student's grade and credit for any subject or class. However, student grades may not be lowered as a result of a lawful absence. Tests and work missed due to lawful absences may be made up by the student.

It is the policy of the **ECU COMMUNITY SCHOOL** to enroll students in **ECU COMMUNITY SCHOOL** in accordance with North Carolina General Statute 115C-378 (Compulsory Attendance) and the North Carolina Administrative Code governing school attendance and student accounting. Furthermore, it is the intent of this policy to ensure that the rules and regulations of the State Board of Education governing compulsory school attendance are enforced.



## PROCEDURE FOR STUDENT ATTENDANCE

1. Tuition and Age - Refer to NCGS 115C-1, General and Uniform System of Schools; NCGS 115C-364, Admission Requirements; and NCGS.115C -140.1, Cost of Education of Children in Group Homes, Foster Homes. See also Board Policies 10.105 and 10.106.
2. Those Entitled to Attend School - Refer to NCGS 115C-364, Admission Requirements; NCGS 115C - 366, Assignment of a Student to a Particular School; and NCGS 115C – 383, Attendance of Deaf and Blind Children.
3. Compulsory Attendance Ages - Every parent, guardian or other person in Pitt County, host county for the ECU COMMUNITY SCHOOL having charge or control of a student between the ages of seven and 16 years shall cause such student to attend school continuously for a period equal to the time which the school to which the student is assigned is in session. Every parent, guardian, or other person in Pitt County, the host county for the ECU COMMUNITY SCHOOL, having charge or control of a child under age seven who is enrolled in a school in grades kindergarten through two shall also cause such child to attend school continuously for a period equal to the time which the **ECU COMMUNITY SCHOOL** are in session unless the child has withdrawn from school. No person shall encourage, entice or counsel any such student to be unlawfully absent from school. (NCGS 115C-378, Children Required to Attend)
4. Requirements for Entrance
  - a. A child, to be entitled to initial entry in **ECU COMMUNITY SCHOOL**, must have passed the fifth anniversary of his/her birth on or before August 31 of the year in which the child is presented for enrollment, and must be presented for enrollment during the first month of the school year. (NCGS 115C-364, Admission Requirements)
  - b. No child may attend the **ECU COMMUNITY SCHOOL**, without presenting a certificate of immunization to the school that indicates the child has received the immunizations required by NCGS 130A-152. The principal has the authority to require the parents of any child presented for admission to **ECU COMMUNITY SCHOOL** for the first time, to furnish a certified copy of the birth certificate or other satisfactory evidence of date of birth.
  - c. No child, except those Hospital/Homebound, Staggered Kindergarten, Medically Fragile, or Teacher-in-Treatment Program, may be enrolled in school unless they are present at school on that day.
5. Compulsory School Attendance
  - a. To be considered in attendance, a student (except for Hospital/ Homebound) must be present in school for the school day, or at a place other than the school with the approval of the appropriate school official for the purpose of attending an authorized school activity. Such activities may include field trips, athletic contests, student conventions, musical festivals, or any similar approved activity. Attendance must be taken each of the 180 days in the school year.

- b. A student must be present at least one-half of the school instructional day in order to be recorded present for that day.
- c. During the time regularly scheduled homebound services are delivered, the child should be counted PRESENT at school. If a student is confined at home, is unable to attend school, and is receiving face-to-face homebound instruction from his/her home school, he/she is considered homebound. Supporting documentation should be maintained at the school.
- d. Lawful Absences

LAWFUL ABSENCES ARE ABSENCES AND ARE COUNTED AS SUCH. HOWEVER, STUDENT GRADES MAY NOT BE LOWERED AS A RESULT OF LAWFUL ABSENCES. TESTS AND WORK MISSED MAY BE MADE UP BY THE STUDENT WITHIN A REASONABLE PERIOD OF TIME. A REASONABLE PERIOD WILL BE DETERMINED AT THE SCHOOL LEVEL.

The valid/lawful excuses for temporary non-attendance of a student at school are as follows:

- (1) Illness or Injury: when the absence results from illness or injury that prevents the student from being physically able to attend school.
- (2) Quarantine: when the absence results from the isolation of the student as ordered by the local health officer or by the State Board of Health.
- (3) Death in the Immediate Family: when the absence results from the death of a member of the immediate family of the student. For the purpose of this regulation, the immediate family of a student includes, but is not necessarily limited to, grandparents, parents, brothers and sisters.
- (4) Medical or Dental Appointments: when the absence results from a medical or dental appointment of a student.
- (5) Court or Administrative Proceedings: when the absence results from the attendance of a student at the proceedings of a court or an administrative tribunal, if the student is a party to the action or under subpoena as a witness.
- (6) Religious Observance: when the absence results from attendance at a religious observance or service where the tenets of a religion to which the student or his/her parent(s) adhere require or suggest such attendance.
- (7) Deployment Activities: when the absence results from the student's attendance at official deployment ceremonies or activities when the student's parent is a deploying member of the U.S. Armed Forces.
- (8) Educational Opportunity: when the absence results from a demonstrated purpose of taking advantage of a valid educational opportunity, such as travel. Approval for such an absence must be granted prior to the absence. (16 NCAC 2D.0404)

- (9) Short Term Suspensions: when the absence results from the student's suspension for ten days or less.

When a student is absent for any of the first eight reasons listed above, he or she shall provide appropriate documentation of that absence as lawful, as required by policy of the local school and as made known to parents through the school handbook. Such documentation shall be kept on file. If there is any question regarding lawful absences, a person designated by the principal shall make contact with the parent or guardian of the child.

If a student is to be absent for medical or dental appointments, court or administrative proceedings, religious observances, or educational opportunities, the parent shall, except in emergencies, file the excuse and the dates for absences with the principal ahead of the date that the student is to be absent.

e. Medically Fragile

Students who are medically fragile are frequently absent from school for reasons directly related to their severe or life-threatening physical condition. Medically fragile students are identified as those students who qualify for special education in one of the existing categories of handicapping condition and for whom a licensed physician has provided documentation that an associated or accompanying chronic illness is so severe as to affect the student's school attendance. Medically fragile students are those whose illness frequently places them in life-threatening situations. In addition, they may be technology-dependent for life support systems, i.e. tracheotomy, gastrostomy, etc.

There may be rare instances when a child does not qualify for special education as defined in the Individuals with Disabilities Education Act (IDEA), but would unquestionably meet the definition of handicapped under Section 504 of the Rehabilitation Act of 1973, and thus would also be eligible for consideration as a medically fragile student.

The absence of students who are medically fragile should be coded **1H**. Such absences are not included by the Department of Public Instruction in the calculation of a school's attendance rate.

f. Unlawful Absences

For students between the ages of seven and 16, and all other students who are entitled to attend public school and who have enrolled in a public school, unlawful absence is defined as:

- (1) A student's willful absence from school with or without the knowledge of the parent.
- (2) A student's absence from school for any reason other than those listed in Section 5d under "Lawful Absences."

Parents who refuse to comply with the health regulations of a community, such as compulsory vaccination, thereby causing a student to be excluded from the school, or parents who permit a student to stay at home or to be employed in any way contrary to the Child Welfare Law (Chapter 110 of the General Statutes), are responsible for the nonattendance of the student.

Unlawful absences must be recorded for proper calculation of ADM.

DECISIONS CONCERNING THE LOWERING OF A GRADE, MAKING UP WORK, OR TAKING A MAJOR TEST SHALL BE LEFT TO THE DISCRETION OF THE PRINCIPAL IN CASES OF UNLAWFUL ABSENCES.

- g. Suspensions and Expulsions - Refer to NCGS 115C - 391, Corporal Punishment, Suspension or Expulsion.
- h. Tardies

Please see the **ECU COMMUNITY SCHOOL** Code of Conduct for specifics.

- i. Required Attendance for Course Credit

#### Students in Grades K- 8

Students are required to be in attendance 160 school days to receive required credit. Any exception to this policy shall be ruled on by the principal. Parents who are denied an exception may appeal the decision to the ECU COMMUNITY SCHOOL Advisory Board. Requests for a board hearing must be received in the principal's office no later than the fifth business day after grades are reported.

j. Ten Day Rule

The State Board of Education's Ten Day Rule states that when a student accumulates more than ten consecutive days of unlawful absences, he/she is to be withdrawn from funded membership as of the first day following his/her last day in attendance. The data software automatically handles the administration of the Ten Day Rule. The software functions are as follows:

1. On the eleventh consecutive day of unlawful absence, the student in violation of the Rule will no longer be counted in the calculation of ADM as of the first day of absence. However, he/she will continue in membership and will be counted as absent from school.
2. If and when the student returns to school, he/she is simply to be counted present for the days of attendance. Beginning on the first day of attendance, the student will once again be counted in the calculation of the school's ADM.
3. If and when it is determined that the student has withdrawn from school, the withdrawal is to be posted on the first day after the student's last day in attendance.
4. Students under age 16 who are unlawfully absent for more than 10 consecutive absences are not to be withdrawn until their whereabouts are known or it's determined that they have left the attendance area.
5. If the student is in violation of the Ten Day Rule on the last day of the school year, the data software requires that, before submission of the Month 09 PMR, action must be taken to withdraw the student from membership on the first day after his/her last day in attendance.

Absences caused by out-of-school suspension are considered neither lawful nor unlawful. Consequently, they are not a factor in the administration of the Ten Day Rule.

6. Responsibilities in Enforcing Compulsory Attendance

The parent, guardian, or custodian of the child is required to notify the school of the reason for each known absence of the child, in accordance with school policy. School personnel have additional legal responsibilities for student attendance. The duties of the teacher, social worker, and principal are outlined in *The North Carolina Student Attendance and Student Accounting Manual*.

7. Truancy

Truancy is defined as unauthorized absence from school. An absence without permission from any scheduled class, study hall, or activity during the day is truancy. Disciplinary action shall be taken when truancy occurs, beginning with notification of parents. Continued truancy may lead to academic failure, suspension, or expulsion from school.

8. Permission to Leave School before Closing Hour

All requests to leave the building while school is in session must be approved by the principal's office. Leaving school without permission constitutes truancy. Students shall not be permitted to leave school before the regular closing hour except for extraordinary reasons.

- a. A student may be dismissed from school for a medical or dental appointment for the time required by the specific appointment. Such an absence shall be considered excused.

9. Notification to Parents of Noncompliance with the General Compulsory Attendance Law

The parent, guardian, or custodian of a child shall notify the school of the reason for each known absence of the child, in accordance with **ECU COMMUNITY SCHOOL** policy.

Whenever a student has accumulated three unlawful absences in a school year, the principal or his designee shall notify the parent, guardian or custodian of the child's absences. After no more than six unlawful absences, the principal shall notify the parent, guardian or custodian by mail that he/she may be in violation of the Compulsory Attendance Law and may be prosecuted if the absences cannot be justified under the established attendance policies of the state and of the **ECU COMMUNITY SCHOOL**.

After ten accumulated unlawful absences in a school year, the principal shall review any report or investigation prepared under NCGS 115C-381 (School Social Workers) and shall confer with the student and, if possible, his/her parent, guardian or custodian, to determine whether the parent, guardian or custodian received notification pursuant to this section and made a good faith effort to comply with the law. Depending on the circumstances, the principal must then notify the district attorney (accomplished by filing a warrant with a magistrate) or file a complaint with the juvenile intake counselor.



## RESIDENT STUDENTS ENROLLMENT REQUIREMENTS

### I. GENERAL DOMICILE REQUIREMENT

All persons age 5 on or before August 31 of the year enrolled through age 20 who are domiciled within the boundaries of this school system and who have not been removed from school for cause, may attend public schools. They shall not be required to pay tuition.

Before admitting any child, the principal shall make every effort to determine if the child is domiciled in Pitt County. Domicile is the location where a person lives on a permanent or indefinite basis. Although a person may have more than one residence, by law he/she has only one domicile. One can establish a new domicile only by abandoning the current domicile with no intent to return to it.

The domicile of an un-emancipated minor student shall be deemed the same as that of his/her parents, one living parent, a court-ordered guardian, a court-ordered custodian, or an appointed guardian under a properly executed military Power of Attorney by a parent who is a deploying member of the United States Armed Forces.

**1. For the purpose of admission to the ECU COMMUNITY SCHOOL, a domiciled child is one who meets at least one of the following criteria:**

- a. The parent (or student if age 18 or older) is registered to vote in Pitt County.
  - b. The domicile of the parent (or student if age 18 or older) is subject to property taxes within Pitt County.
  - c. The child lives with (1) a parent or (2) a court-ordered guardian or (3) a court-ordered custodian who is domiciled within Pitt County.
  - d. In lieu of a court order for guardianship or custody, and only in exceptional cases where special considerations exist, or to prevent undue hardship, the Superintendent in his/her sole discretion may permit the enrollment of a child in the **ECU COMMUNITY SCHOOL** on the basis of a duly executed Child Custody Agreement to a custodian who is domiciled in Pitt County.
2. The domicile of married students and emancipated minors shall be the domicile of the couple or the emancipated minor rather than the domicile of the parents.
3. If a child's parents live apart and have joint or unsettled custody, the child may attend school in the district of either parent's domicile, whether the child resides with that parent or not. If custody is resolved in favor of either parent, the child is domiciled only where that custodial parent lives.
4. Any change in domicile must be bona fide. Determination of what constitutes a bona fide change of domicile depends upon the facts of each case, but in order for a change of domicile to be considered bona fide, at least the following facts must exist:



- a. The original residence of domicile must be abandoned (that is, sold, rented or disposed of as a residence, and no longer used as a residence by any member of the family).
- b. The entire family must make the change and take with them the household goods and furniture appropriate to the circumstances.
- c. The change must be made with the intent that it is permanent.

**5. A child who lives temporarily at a location is not domiciled there. A child shall be considered a temporary occupant if:**

- a. The child, parent or court-ordered guardian or court-ordered custodian indicates that the stay is temporary or that the child will live in the location less than half a semester.
- b. Investigation shows that the child retains most of his/her belongings or spends a significant portion of time at a location outside of the residence.

**II. EXCEPTIONS TO THE DOMICILE REQUIREMENT**

Children who reside in Pitt County and meet one of the following exceptions are eligible to enroll in the public schools even if their domicile is elsewhere. If such child's parent or court-ordered guardian is not living in Pitt County, every effort must be made to secure documentation regarding who is responsible for the child.

**1. Special Education Students**

Children with disabilities are required to meet county domicile requirements to be entitled to admission to school without payment of tuition unless they are "grandfathered" into the system as indicated below, or unless they otherwise meet one of the circumstances that entitle them to admission without payment of tuition.

A student is "grandfathered" if he/she is considered a child with a disability by the General Statutes and the North Carolina *Policies Governing Services for Children with Disabilities*; and the child was (a) enrolled in a particular school system on the last day of school for the 2006-2007 school year or (b) enrolled in and attending a school in a particular local school administrative unit on August 1, 2007 for the 2007-2008 school year, so long as the child lives within and is continuously enrolled in that system.

**2. Foster Care/Group Home Residents**

Children living in foster homes, group homes, or other institutions in Pitt County that have the primary purpose of rearing and caring for children who do not live with their parents. If the child is exceptional, consult with the Director of Special Education for enrollment procedures. [NCGS 115C-366(a1)]

### 3. Homeless Children

Children living in Pitt County whose parents are homeless, whether the children are living with the homeless parents or have been temporarily placed elsewhere by the parents. They shall be immediately enrolled and notice shall be given to the Homeless Education Liaison. [NCGS 115C-366(a2)]

### 4. Children with Certain Hardship Situations

Children living in Pitt County because of certain statutory hardship situations [such as the death or incarceration of a parent, abuse, neglect or abandonment by a parent or guardian, or active military duty (30 days or more)].

Caretakers of such children may consult with Legal Aid of North Carolina or a private attorney to see if they are eligible to enroll via an Educational Residency Affidavit for Custodial Adult under NCGS 115C-366(a3).

**PROCEDURE FOR RESIDENT STUDENTS TO DOCUMENT DOMICILE**

1. It shall be the school's responsibility to make every effort to determine if the parent, court-ordered custodian, court-ordered guardian, guardian under military power of attorney (or other appropriate adult under one of the exceptions) is domiciled in Pitt County.
2. An adult enrolling a child in **ECU COMMUNITY SCHOOL** must present two forms of documentation that prove domicile in Pitt County. The documents shall indicate the adult's name and residence address.

The following are acceptable as reasonably reliable indicators of domicile in Pitt County. The school may copy the documentation presented and verify its authenticity.

- A **current voter registration** with the adult's name and Pitt County address
- A **pay stub** with the payee's name and a Pitt County address
- A **utility bill** showing the adult's name and Pitt County address
- A **contract** signed by the adult and the seller or leasor of an apartment, house, modular unit or manufactured home with a Pitt County address
- A **receipt for real property taxes** paid to a Pitt County locality by the adult and showing a Pitt County address
- A **current automobile insurance policy** of the adult that shows a Pitt County address
- A **monthly or quarterly financial statement** from a North Carolina regulated financial institution naming the adult and showing a Pitt County address
- A document issued by the **State of North Carolina**, or a political subdivision of the state, naming the adult and showing a Pitt County address
- A document issued by **an agency of the United States** or **other state of the United States** naming the adult and showing a Pitt County address
- A **statement of residency verification** from a Pitt County Department of Social Services social worker, who produces his/her identification to the school and indicates this verification is based on professional home visits with the parent / guardian, is an acceptable form of documentation
- **OTHER** verified or verifiable name and residency address information

NOTES:

- A North Carolina motor vehicle driver's license may be deemed proof of identity, but it is NOT deemed proof of address.
- A driver's license is not deemed as proof of address, but is useful as picture ID.
- If the parent / guardian provides two forms of documentation, the school should accept them.
- If the parent / guardian is not able to produce two forms of documentation, or in instances where a concern still exists, it may be necessary to request the assistance of your School Social Worker to visit the parent / guardian at the address provided to verify their residence.

## PROCEDURE FOR ENROLLMENT OF STUDENTS LIVING IN GROUP HOMES OR THERAPEUTIC FOSTER HOMES

Children living in group homes, therapeutic foster homes or other institutions in Pitt County that have the primary purpose of rearing and caring for children who do not live with their parents are eligible to enroll in the ECU COMMUNITY SCHOOL.

It is the responsibility of the group / therapeutic foster home to contact the school in which the student will be enrolled, as follows:

1. Within three days of placement of the student into the group home / therapeutic foster home, the staff of the group home / therapeutic foster home will submit to the school in which the student will be enrolled a completed "*Notification of Out of Home Community Placement for Children/Adolescents*" (per the North Carolina Division of Mental Health, Developmental Disabilities, and Substance Abuse Services).

If the student is identified as a student with disabilities, the group home / therapeutic foster home will submit an additional copy of the "*Notification of Out of Home Community Placement for Children/Adolescents*" within three days of placement to the Director of the Exceptional Children's Program for Pitt County Schools [NCGS 115C-366(a1)].

- An Individualized Education Plan team meeting will be scheduled by the school within ten days of student enrollment to determine educational placement.
2. Prior to the student's first day of school attendance, the group home / therapeutic foster home should have an enrollment meeting scheduled and held with the school principal or his / her designee. The group home / therapeutic foster home should provide the school with the following:
    - A copy of the student's cumulative school record from the previous school / hospital attended, including Section 504 plans or Individualized Education Plans (IEP) if applicable;
    - A copy of the student's Person-Centered Plan, including any crisis plan for the student and emergency contact information;
    - Documentation of who holds legal guardianship of the student, including contact information for the legal guardian;
    - All other information for enrollment requested by the school.

**ECU COMMUNITY SCHOOL ADMISSION/ENROLLMENT**

The East Carolina University Community School is a tuition free public school partnering with Pitt County Schools to educate the whole child through a web of support that thrives through our partnerships.

The ECU Community School does not limit admission to students on the basis of disability, race, creed, gender, national origin, religion or ancestry.

Eligibility:

The ECU Community School may give enrollment priority in certain instances as stated in G.S. § 116-239.9. The School will offer priority enrollment to any student who did not meet expected growth in the prior school year based on any of the following factors:

- a. Grades
- b. Observations
- c. Diagnostic and formative assessments
- d. State assessments

Enrollment Cap:

**Each year, the total number of enrolled students shall be determined by the enrollment statistics from the previous year. The enrollment cap for the first year shall be no more than 75 students, subject to the discretion of Community School Administration.**

Enrollment Process:

During each period of enrollment, the ECU Community School will accept applications for new students. Once enrolled, students are not required to enroll in subsequent enrollment periods. In order to properly plan, the school will routinely inquire of parents in early spring through letters of intent to ascertain if students will return to ECU Community School the following year. Applications for new students are available in the School office and on the ECU Community School website. If needed, the application may be mailed or emailed to the parent of a prospective student. Applications are considered to be received if postmarked, faxed, or hand delivered by the specified deadline. A representative of the ECU Community School will notify parents/guardians that their application has been received.

The enrollment period will begin no earlier than February 24 and end no later than March 24. During the enrollment period, the School shall enroll an eligible student who timely submits an application within this period, unless the number of applications exceeds the capacity of a program, class, grade level, or building. If the number of applications exceeds the number of available spaces, a lottery will be held

to fill vacant seats for the next school year. After seats are filled, the drawing will continue to determine the order of a waiting list. Current year waiting lists dissolve when the next enrollment period begins.

Once the enrollment deadline is met and a lottery is conducted (if necessary), parents will be notified in writing at the address provided on the application of their student's selection for the Community school. Parents will have ten (10) calendar days to enroll their student in the Community school through completion and return of the Enrollment Verification Form. On the 11<sup>th</sup> calendar day, if enrollment has not been confirmed, the next name from the waitlist will be selected to fill the slot.

Lottery Protocol:

**The lottery is open to the public and will be held in March or April.** Lottery procedures will comply with the NC Open Meetings Laws provided in G.S. § 143-218.10(a). The School will publicize the date, time, and location of the lottery and allow anyone to attend.

Waitlist Protocol:

At the time of the lottery selection, students will be added to a waitlist in the order that they are drawn by grade level. Should a slot become available, parents of the student who is next on the waitlist will be notified. Parents will have ten (10) calendar days to select to enroll their student in the Community School through completion and return of the Enrollment Verification Form. On the 11<sup>th</sup> calendar day, if enrollment has not been confirmed, the next name from the waitlist will be selected to fill the slot. If an enrolled student withdraws prior to the end of the first semester, the slot may be filled by using the waitlist protocol outlined prior to October 1<sup>st</sup>.

Other Admissions Policies:

### Siblings

A sibling is defined a biological, adoptive, foster or step brother or sister of a student attending the ECU Community School.

#### *Sibling Preference:*

The School currently does not offer preference for sibling admission, but this policy is subject to change." Sibling preference for admission after the initial year of operation may be entertained, provided the sibling meets the legislated criteria for enrollment eligibility. The Community School is housed within a school that currently has open enrollment and parents may enroll siblings at that site who are not selected or eligible for the Community School.

### ECU Employee/Community School Employee Preference

Preference may be given for admission to the Community school for children of ECU Community School employees if enrollment does not exceed 15% of the total Community school population and the child meets the legislated criteria for participation in the Community school.

### Re-enrollment

If a student withdraws in one academic year, that student is eligible to apply the subsequent year, provided they meet the legislated enrollment criteria. The application, selection, lottery, and enrollment procedures would be followed as if the student had not been previously enrolled.



**ANTI-DISCRIMINATION, HARASSMENT AND BULLYING**  
**(STUDENT POLICY)**

The ECU COMMUNITY SCHOOL is committed to promoting the worth and dignity of all individuals. It believes that all employees and students should be treated with respect and be free of unlawful discrimination, harassment, and bullying as a part of a safe, orderly, caring and inviting working and learning environment. The ECU Community School will not tolerate any form of unlawful discrimination, harassment or bullying in any of its educational or employment activities.

**I. Definitions**

For purposes of this policy, the following definitions apply:

A. School employee

School employee means any of the following: an employee of East Carolina University or an independent contractor or an employee of an independent contractor of the ECU Community School.

B. Student

Student is a person who has been assigned to the ECU Community School.

C. Discrimination

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

D. Harassment

1. Harassment behavior is any pattern of gestures or written, electronic or verbal communications, or any physical act or any threatening communication 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.

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

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

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

2. Sexual harassment is one type of harassment. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
  - 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 a school-related activity;
  - b. submission to or rejection of such conduct is used as the basis for employment decisions affecting the individual, or in the case of a student, submission to or rejection of such conduct is used in evaluating the student's performance within a course of study or other school-related activity; or
  - c. such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of unreasonably interfering with an employee's work or performance or a student's educational performance, limiting a student's ability to participate in or benefit from an educational program or environment, or creating an abusive, intimidating, hostile or offensive work or educational environment.

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

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

### E. Bullying behavior

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

## II. Application of Policy

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

This Policy applies to behavior that takes place:

- A. in any school building or on any school premises before, during or after school hours;
- B. on any bus or other vehicle as part of any school activity;
- C. during any school-sponsored activity or extracurricular activity;

- D. at any time or place when the individual is subject to the authority of school personnel; and
- E. at any time or place when the behavior has a direct and immediate effect on maintaining order and discipline in the schools.

### III. **Prohibited Behaviors and Consequences**

Students, ECU Community School employees, volunteers and visitors are expected to behave in a civil and respectful manner. The ECU Community School expressly prohibits unlawful discrimination, harassment and bullying.

In accordance with G.S. 14-458.2 (Cyber-bullying of school employee by student; penalty), it is unlawful for a student to use a computer or computer network to do any of the following:

- A. With the intent to intimidate or torment a school employee
  - 1. Build a fake profile or Web site.
  - 2. Post or encourage others to post on the Internet private, personal, or sexual information pertaining to a school employee;
  - 3. Post a real or doctored image of the school employee on the Internet.
  - 4. Access, alter, or erase any computer network, computer data, computer program, or computer software, including breaking into a password-protected account or stealing or otherwise accessing passwords.
  - 5. Use a computer system for repeated, continuing, or sustained electronic communications, including electronic mail or other transmissions, to a school employee.
- B. Make any statement, whether true or false, intending to immediately provoke, and that is likely to provoke any third party to stalk or harass a school employee.

- C. Copy and disseminate, or cause to be made, an unauthorized copy of any data pertaining to a school employee for the purpose of intimidating or tormenting that school employee (in any form, including, but not limited to, any printed or electronic form of computer data, computer programs, or computer software residing in, communicated by, or produced by a computer or computer network).
- D. Sign up a school employee for a pornographic Internet site with the intent to intimidate or torment the employee.
- E. Without authorization of the school employee, sign up a school employee for electronic mailing lists or to receive junk electronic messages and instant messages, with the intent to intimidate or torment the school employee.

Students are expected to comply with the behavior standards established in the Student/Parent Handbook, the Code of Student Conduct, and/or ECU Community School policies. Employees are expected to comply with board policy and school system regulations. Volunteers and visitors on school property also are expected to comply with board policy and established school rules and procedures.

Any violation of this Policy is serious, and school officials shall promptly take appropriate action. Students will be disciplined in accordance with the Procedure 10.206-P (Code of Student Conduct) and/or other appropriate policies/procedures.

Employees who violate this Policy will be subject to disciplinary action, up to, and including, dismissal. Volunteers and visitors who violate this Policy will be directed to leave school property and/or reported to law enforcement, as appropriate.

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

#### IV. **Assignment of students convicted of cyber-bullying**

Any student who is convicted under G.S. 14-458.2 of cyber-bullying a school employee shall be transferred to another school within the local school administrative unit. Consideration will be given for placement in an alternative learning program for a finite period of time. If there is no other appropriate school within the local school administrative unit, the student shall be transferred to a different class or assigned to a teacher who was not involved as a victim of the cyber-bullying. Notwithstanding the provisions in this section, the principal may modify, in writing, the required transfer of an individual student on a case-by-case basis.

#### V. **Notice**

The **Dean or his designee** is responsible for providing effective notice to students, parents and employees of the procedures for reporting and investigating complaints of discrimination, harassment and bullying. This Policy must be posted on the ECU Community School website, and copies of the Policy must be readily available in the principal's office. Notice of this Policy must appear in all student and employee handbooks and in any ECU Community School publication that sets forth the comprehensive rules, procedures and standards of conduct for students and employees.

#### VI. **Training Programs**

The Dean or his designee directs the principal to make all staff and students aware of all policies, procedures, etc. concerning discrimination, harassment, and bullying.

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

## VII. Anti-Discrimination Coordinator

The ECU Community School principal is as designated Anti- Discrimination, Harassment and Bullying Coordinator / Section 504 Coordinator and shall participate in training by the Department of Public Instruction pertaining to anti-discrimination, anti-harassment and anti-bullying.

The Coordinator shall coordinate the school system's efforts to comply with and carry out its Title IX, Section 504 and ADA responsibilities, which include investigating any complaints communicated to school officials alleging noncompliance with Title IX, Section 504 or the ADA or alleging actions which would be prohibited by those laws.

## VIII. Evaluation

The **Dean or his designee** shall evaluate the effectiveness of efforts to correct or prevent discrimination, harassment and bullying and shall share these evaluations periodically with the Community School Advisory Board.

**Legal References:** Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 et seq.; Americans With Disabilities Act, 42 U.S.C. 12101 et seq., 28 C.F.R. pt. 35; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., 34 C.F.R. pt. 100; Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e et seq., 29 C.F.R. pt. 1604; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 et seq., 34 C.F.R. pt. 106; Racial Incidents and Harassment Against Students at Educational Institutions; Investigative Guidance, U.S. Department of Education, Office for Civil Rights (1994); Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, U.S. Department of Education, Office for Civil Rights (2001); Oncale v. Sundowner Offshore Services, 523 U.S. 75 (1998); G.S. 115C-335.5, -407.9 through -407.12; 126-16; State Board of Education Policy HRS-A-007

**Cross References:** Procedure 10.212-P (Procedure for Student and Parent Grievances).



## DUE PROCESS FOR SEARCH AND SEIZURE

The **ECU COMMUNITY SCHOOL** believes that every student has a right to an educational opportunity in an atmosphere conducive to learning. To protect the individual rights of all students, the Board shall adopt procedures for those cases in which the misconduct is of such a serious nature that it results or might result in material and substantial disruption of normal school functions. Procedures adopted by the **ECU COMMUNITY SCHOOL** shall meet the standards of due process required by law and accepted standards of fundamental fairness.

### I. Search and Seizure

To maintain order and discipline in the schools and to protect the safety and welfare of students and school personnel, authorized school personnel may search a student, student lockers, (including desks and other storage areas provided for student use on school premises) or student automobiles under the circumstances outlined below and may seize any illegal, unauthorized, or contraband materials discovered in the search to be turned over to the proper legal authorities.

Searches are either voluntary following consent or involuntary as the result of a search warrant or pursuant to the order of a law enforcement official or otherwise allowed by law. A search by definition is an action that intrudes on and invades the student's reasonable expectation of privacy. A demand that a student supply some concealed item is a search. On the other hand if an item is in plain view and school personnel asks the student to hand it over, this is not a search. Since the student has no reasonable expectation of privacy in this situation, having exposed the item to public view, the school personnel may legitimately demand that it be turned over.

As used in this policy, the term "unauthorized" means any item dangerous to the health or safety of students or school personnel, or disruptive of any lawful function, mission or process of the school, or any described as unauthorized in school rules available beforehand to the student.

A search by school personnel other than a resource officer may be conducted on the basis of "reasonable suspicion." A search by a school resource officer or other law enforcement official should be conducted only on the basis of "probable cause" as required by law. As used in this policy, the term "reasonable suspicion" means circumstances which would cause a reasonable person to believe that the search of a particular person, place, or thing will lead to the discovery of:

1. Evidence of a violation of the student conduct standards contained in the student handbook or otherwise as provided by law, or
2. Evidence of a violation of local, state or federal law, or
3. Anything which because of its presence presents an immediate danger of physical harm or illness to person or property.

The following factors shall be recognized in determining whether a school search is based on reasonable suspicion:

1. The probative value and reliability of the information used as the justification for the search
2. The degree to which there is a compelling need to make a search without delay and further investigation
3. The prevalence and seriousness of the problem to which the search is directed
4. The particular school personnel's experience with both the student and the type of problem to which the search is directed
5. A consideration of the child's age, history, and record in school.

A student's failure to permit searches and seizures as provided in this policy may be considered grounds for disciplinary action.

## II. Specific Search and Seizure Policies

### A. Personal Searches

Authorized school personnel may search the person of a student during school activities if school personnel have reasonable suspicion to believe that the student is in possession of illegal or unauthorized materials. Searches of the person of a student shall be limited to:

1. Searches of the exterior clothing of the student; i.e., shoes and pockets
2. Any object in the possession of the student such as a purse or briefcase, and/or;
3. A "pat down" of the exterior of the student's clothing.

If a pat down search of a student's person is conducted, it should be conducted in private by school personnel of the same sex with an adult witness of the same sex present. The parent or guardian of any student searched shall be notified of the search as soon as reasonably possible.

A more intrusive search may be conducted if school personnel have reasonable suspicion to believe that the student has on his or her person an item imminently dangerous to the student or to others. Such a search may be conducted only in private by school personnel of the same sex, with an adult witness of the same sex present, and only upon the prior approval of the Superintendent or designee, unless the health or safety of students will be endangered by the delay which might be caused by following these procedures.

A strip search involves such a severe intrusion into personal privacy that it should be conducted only on the basis of probable cause and by law enforcement officials. School

personnel should not be present in the event a strip search takes place. In addition, parents should be notified, if possible, and asked to be present during the strip search.

#### B. Search and Seizure

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

#### C. Police Questioning

Absent extenuating circumstances, police will avoid questioning students at a school for non-school-related issues. Extenuating circumstances include, but not limited to, officers entering school premises in "hot pursuit" of a suspect, for child abuse investigation, or crime being committed on school property.

Upon request, the principal or designee and police shall discuss whether it is necessary to conduct the student questioning at school. However, if the police direct that the questioning will take place or produce a subpoena, school staff will comply.

If it is determined that the questioning will take place at school, the principal or designee shall make a reasonable attempt to notify the parents (except in cases of suspected child abuse or neglect by the parent) and give them an opportunity to be present at the time of the questioning.

The questioning will take place in a private office, conference room, etc., away from the student body, school staff, and/or public. It is the responsibility of the law enforcement officer(s) conducting the questioning to meet any legal requirements from a law enforcement perspective relating to advising a student of constitutional or statutory rights.

If the parent/guardian is not present during the questioning, the administrator will remain in the room with the police officer and the student to witness the questioning unless directed otherwise by the police. If the parent/guardian is present and requests to witness the interview, the administrator shall so advise the law enforcement officer. The law enforcement officer(s) shall then decide whether and how to proceed.

#### D. Student Notification of Search and Seizure Policies

Students shall be provided with notice of this policy concerning search and seizure by having the policy placed in the student handbook or distributed by supplemental publication.

**Legal References:** N.C. Const. Art. I, Sec. 20; G.S. 115C-36, -288, -307; -391; -523

**Cross References:** None



## SEARCH AND SEIZURE PROCEDURES

## A. SEARCH OF THE PERSON

Authorized school personnel may search the person of a student during school activities if school personnel have reasonable suspicion to believe that the student is in possession of illegal or unauthorized materials. Searches of the person of a student shall be limited to:

1. A search of the pockets of the student,
2. A search of any object in the possession of the student (such as a purse or briefcase) and/or
3. A pat down search of the exterior of the student's clothing.

If a pat down search of a student's person is conducted, it should be conducted in private by school personnel of the same sex as the student, with an adult witness of the same sex as the student also present. The parent or guardian of any student searched shall be notified of the search as soon as reasonably possible.

A more intrusive search may be conducted only if school personnel have reasonable suspicion to believe that the student has on his or her person an item imminently dangerous to the student or to others. Such a search may be conducted only in private by school personnel of the same sex as the student, with an adult witness of the same sex as the student present, and only upon the prior approval of the **Dean** or designee, *unless the health or safety of students will be endangered by the delay caused by following the above procedures.*

A strip search involves such a severe intrusion into personal privacy that it should be conducted only on the basis of probable cause and by law enforcement officials. School personnel should not be present in the event a strip search takes place. In addition, parents should be notified, if possible, and asked to be present during the strip search.

## B. SEARCHES USING METAL DETECTORS

In view of the escalating presence of weapons in our schools, the Board of Education authorizes the use of metal detectors to check a student's person or personal effects as follows:

1. School officials or hired private security personnel may conduct metal detector checks of groups of individuals if the checks are done in a minimally-intrusive, nondiscriminatory manner. Metal detector checks may not be used to single out a particular individual or category of individuals. They may be conducted on all persons in a group or on some randomly selected variable interval of persons in the group being checked (such as on every third or every fifth individual entering an event).

Law enforcement officers should not conduct random metal detector checks. Such officers should become involved when a random check raises a reasonable suspicion that a person is in possession of an illegal or unauthorized object or weapon containing metal.

2. If a school official, private security personnel, or a law enforcement officer has reasonable suspicion to believe that a particular student is in possession of an illegal or unauthorized metal-containing object or weapon, he or she may conduct a metal detector check of the student's person and personal effects.
3. A student's failure to permit a metal detector check as provided in this policy will be considered grounds for disciplinary action including possible suspension.

#### C. CANINE SEARCHES

Canine searches will be conducted in accordance with Policy 10.205 (Drug-Free Campuses) and Procedure 10.205-P (Procedure for Canine Searches).

#### D. ILLEGAL MATERIALS

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

#### E. INTERROGATION

If an administrator's interrogation of a student indicates that the completion of the interrogation should be carried out by law enforcement officials, the principal shall make a reasonable attempt to notify the student's parents (except in cases of suspected child abuse or neglect by the parent), and give them an opportunity to be present at the time of law enforcement questioning.

#### F. NOTICE OF SEARCH AND SEIZURE POLICY

Students shall be provided with notice of the policy and procedures concerning search and seizure by placing them in the student handbook or distributing them as a supplemental publication. A copy of this policy shall also be posted in the principal's office or another prominent place in each school.



## **Criminal Behavior**

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

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

### **I. STUDENTS CHARGED WITH OR CONVICTED OF CRIMINAL BEHAVIOR**

If necessary, the **Dean or his designee** and Principal may take reasonable measures to preserve a safe, orderly environment when a student has been charged with or convicted of a serious crime, regardless of whether the alleged offense was committed on school grounds or related to school activities. Depending upon the circumstances, including the nature of the alleged crime, the child's age, and the publicity within the school community, reasonable efforts may include changing a student's classroom assignment or transferring the student to another school. The student will continue to be provided with educational opportunities unless and until the student is found to have violated board policy or school rules and is suspended or expelled in accordance with procedures established in Board policy.

### **II. REPORTING CRIMINAL BEHAVIOR**

The Principal must report immediately to law enforcement officers, the Chancellor and the Superintendent the following acts when the Principal has personal knowledge or actual notice from others that such acts occurred on school property, regardless of the age or grade of the perpetrator or victim: (1) assault resulting in serious personal injury; (2) sexual assault; (3) sexual offense; (4) rape; (5) kidnapping; (6) indecent liberties with a minor; (7) assault involving the use of a weapon; (8) possession of a firearm in violation of the law; (9) possession of a weapon in violation of the law; and (10) possession of a controlled substance in violation of the law. The Principal must inform the **ECU Advisory Board** via their monthly Board packets of any such incidents with a report containing a general description of the incident (no individual student names), incident type, grade, and school. In addition, the Principal or the Principal's designee must notify the parents or guardians of students who are alleged to be victims of any of the above-mentioned acts.



The Principal must also report immediately to law enforcement officers the following additional acts occurring on school property: (1) assault on school officials, employees and/or volunteers; (2) homicide, including murder, manslaughter and death by vehicle; (3) robbery; (4) robbery with a dangerous weapon; (5) unlawful, underage sales, purchase, provision, possession or consumption of alcoholic beverages; (6) making bomb threats or engaging in bomb hoaxes, possession of explosives or abetting a minor to possess explosives; and (7) willfully burning a school.

**Legal References:** Gun-Free Schools Act, 20 U.S.C. 7151; G.S. 14-17, -18, -27.2 to -27.5, -32, -33, -34 to -34.2, -41, -60, -69.1, -69.2, -87, -87.1, -132, -132.2, -202.1, -269.2; ch. 90 art. 5; 115C-288(g); State Board of Education Policy HRS-A-000

**Cross References:** Policy 10.200 (Anti-Discrimination, Harassment and Bullying)

DISPOSAL OF CONFISCATED WEAPONS, DRUGS OR ALCOHOL

Any school employee who confiscates a weapon, drugs, or alcohol from a student shall promptly deliver the item to the school principal. The principal shall immediately deliver such items to the **School Resource Officer** or the appropriate law enforcement agency.

The **School Resource Officer** or law enforcement agency should be advised that the objects need to be maintained for at least 30 days in the event disciplinary hearings are to be held.

Should the principal not be able to immediately transfer confiscated items to the appropriate law enforcement agency, the principal shall keep the objects in a secure location not accessible to students and other staff.

**DRUG-FREE CAMPUSES**

The **ECU COMMUNITY SCHOOL** is committed to the operation of safe, drug-free campuses. To achieve this goal a collaborative relationship will be maintained with law enforcement officials in establishing effective drug search policies and procedures. To determine whether school grounds are being used to facilitate the possession, use or distribution of drugs, specific areas will be subject to unannounced searches. The systematic use of certified narcotics detection dogs trained to detect controlled substances will be employed and procedures for such use developed and maintained.

## CANINE SEARCHES FOR DRUGS

Planned certified narcotics detection dog searches will be conducted each school year in PCS high schools, middle schools, and K-8 schools. Additionally, K-5 schools may request that canine searches be conducted. Specific procedures for these planned events follow:

### I. Initiating a search

- a. The principal, either routinely or upon reasonable suspicion, contacts the **Dean**, or his/her designee, and then the appropriate law enforcement official(s) to ask for a certified narcotics detection dog search to be conducted on his/her campus; or
- b. The **Dean or his/her designee** contacts the principal to notify the principal that he/she intends to have a certified narcotics detection dog search at the school's campus. The principal is responsible for contacting proper law enforcement officer(s) to ask for the certified narcotics detection dog search to be conducted on his/her campus.

### 2. Areas to be searched

The search will be confined to unoccupied areas of school buildings and grounds to include, but not limited to, the following areas:

- a. Unoccupied school buses
- b. Hallways/common areas of building
- c. Restrooms
- d. Cafeteria
- e. Perimeter of school building

### 3. Advance knowledge of the search

In an effort to provide for tight security, only the principal of the school being searched, the dean, or his/her designee, and the law enforcement officer(s) involved in the search will be apprised of when and where the search is to take place.

### 4. Procedures at the school where the search occurs

- a. An announcement that a search is being conducted will be made on the public

address system. Teachers will be asked to close their doors and proceed with the class in session.

- b. Teachers will be instructed not to permit students outside of the classroom while the search is being conducted in the interior of the building.

5. Time of the search

- a. The search may take place during the school day and/or evening.
- b. If conducted during the school day, the search will commence after the class period has begun and students are in their classrooms.

6. Search team

- a. The law enforcement officer(s) and the principal or his/her designee conduct the search.
- b. A decision as to who will accompany the law enforcement officer is decided prior to the search being approved by the Dean/dean's designee or principal.

7. Law enforcement responsibility when drugs are found

- a. When and if the certified narcotics detection dog alerts, there exists probable cause for a search to be conducted.
- b. The law enforcement officer is responsible for ensuring that the certified narcotics detection dog does not come into contact with any student during the overall search.
- c. The officer is responsible for the search of lockers, exterior of vehicles and/or area(s) where the certified narcotics detection dog alerts.
- d. The officer is responsible for confiscating any drugs found during the search, following an appropriate "chain of custody."
- e. The officer is responsible for taking any criminal action needed based on the findings of the search.

8. Responsibility of the principal if drugs are found

- a. Inform parent(s)/guardian(s) both orally and in writing of the findings of the search.
- b. Implement **ECU COMMUNITY SCHOOL** Policy relative to Code of Conduct.

9. Announcements to news media and/or community members

The principal of the **ECU Community School** and/or the **Dean/designee** are the only individuals authorized to speak to the media and/or the community relative to the search.

**Legal References:** None

**Cross References:** None

**CODE OF STUDENT CONDUCT**

It shall be the policy of the **ECU COMMUNITY SCHOOL** to utilize the *Code of Student Conduct* for students. The *Code of Student Conduct*, found in Procedure 10.206, will be sent home to parents/guardians through the students at the beginning of each school year.

~~REVIEWED JUNE 2005~~

## ECU COMMUNITY SCHOOL

### ***CODE OF STUDENT CONDUCT***

Board Procedure 10.206

#### **SECTION I – GENERAL INFORMATION AND RULES**

##### **PREAMBLE**

Violation of ECU Community School Policy, the *Code of Student Conduct* (also referred to as the *Code*), regulations issued by the school, or the General Statutes of North Carolina or other state or federal law may result in disciplinary action and/or criminal prosecution.

Breaking local school rules may result in in-school discipline, short-term suspension, long-term suspension, 365-day suspension or expulsion.

Repeated violations of this *Code* or of local school rules may subject a student to long-term suspension. A serious violation of any of the policies listed in this *Code* may result in long-term suspension, 365-day suspension or expulsion of a student.

##### **DEFINITIONS**

"Student" means any person attending or enrolled in any of the ECU Community School. Unless the context otherwise requires, pronouns referring to students apply to students of either gender.

For purposes of the *Code*, North Carolina General Statute numbers will be indicated by the acronym "NCGS".

##### **PURPOSE**

The purpose of this *Code* is to set forth in one document rules with respect to the conduct of students in the ECU Community School, as the ECU Community School Board deems proper and necessary for the positive governance and operation of the ECU Community School. This *Code* shall apply to all students in the ECU Community School.

North Carolina law delegates to principals the duty and authority for maintaining discipline in their respective schools. This *Code* is designed to clarify required standards of behavior.

This *Code* is intended as a guide for school personnel in the exercise of their legal disciplinary responsibilities. It is not intended to restrict the authority of principals to make rules consistent with this *Code*. Principals are authorized by law to make rules for the governance and operation of their respective schools, and teachers are authorized to make rules consistent with this *Code* for their respective classes.

This *Code* is not intended to discourage, restrict or prevent prosecution of students and non-students for misconduct or for violations of state or federal law.



## APPLICATIONS

The following rules apply to all students under the following circumstances: on school grounds at any time

- off school grounds at a school activity, function or event
- on vehicles used for school purposes
- whenever a student is under the jurisdiction of school authorities
- off school grounds for ***acts that violate the Code of Student Conduct and/or the conduct has or is reasonably expected to have a direct and immediate impact on the orderly and efficient operation of the ECU Community School or the safety of individuals in the school environment.***

## RULES OF STUDENT CONDUCT

### Rule 1: Compulsory Attendance/School Truancy

Students shall comply with all policies and procedures of the Board of Trustees and all directions of the principal, teachers, substitute teachers, teacher assistants, and all other school personnel during any period of time when the students are subject to the authority of the ECU Community School.

Discipline: Conference with administration and/or truancy officer  
Referral made to Integrated Health Services  
Charges may be brought against parent and/or student

### Rule 2: Failure to comply with ECU Community School Board Policy and/or Directions of ECU Community School Personnel

#### 2A: Failure to Comply

Students shall comply with all policies and procedures of the Board of Trustees and all directions of principal, teachers, substitute teachers, teacher assistants, and all other school personnel during any period of time when the students are subject to the authority of the ECU Community School.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline:

1 <sup>st</sup> Offense	Up to 3 days Out of School Suspension
	Up to 5 days Out of School Suspension
2 <sup>nd</sup> Offense	
	Up to 7 days Out of School Suspension
3 <sup>rd</sup> Offense	
2	
4 <sup>th</sup> Offense	Up to 10 days Out of School Suspension and principal may recommend long term suspension

#### 2A: Leaving School Grounds or Class Without Permission

No student shall leave the school grounds without permission from the principal, teacher, substitute teacher, teacher assistant, or other school personnel.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline:	1 <sup>st</sup> Offense	Up to 3 days Out of School Suspension
	2 <sup>nd</sup> Offense	Up to 5 days Out of School Suspension
	3 <sup>rd</sup> Offense	Up to 7 days Out of School Suspension
	4 <sup>th</sup> Offense	Up to 10 days Out of School Suspension and principal may recommend long term suspension

**2B: Refusal to Submit to Search**

No student shall refuse to submit to a search by ECU Community School personnel when reasonable suspicion exists.

See ECU Community School Board Policy 10.201 (Search and Seizure).

Discipline: Up to 10 days Out of School Suspension and principal may recommend long term suspension

**Rule 3: Disruption of School**

**3A: Disruption in Classroom**

No student shall engage in any conduct that causes disruption of any lawful function, mission, or process of the ECU Community School. No student shall urge any other student to engage in any conduct that causes the disruption to any lawful function, mission, or process of the ECU Community School.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline:	1 <sup>st</sup> Offense	Up to 3 days Out of School Suspension
	2 <sup>nd</sup> Offense	Up to 5 days Out of School Suspension
	3 <sup>rd</sup> Offense	Up to 7 days Out of School Suspension
	4 <sup>th</sup> Offense	Up to 10 days Out of School Suspension and principal may recommend long term suspension

**3B: Disruption of School**

No student shall, by use of passive resistance, noise, threat, fear, intimidation, coercion, force, violence, or any other form of conduct intentionally cause the disruption of any lawful function, mission, or process of the ECU Community School to which he/she is assigned, or to any other school in the system.

While the following list is not intended to be all inclusive, it illustrates the kinds of acts prohibited by this rule:

1. Occupying any school building, school grounds, or part thereof, with the intent to deprive others of its use.
2. Blocking the entrance or exit of any school building, corridor, or room therein with intent to deprive others of lawful access or egress.
3. Preventing students from attending a class or school activity.
4. Blocking normal pedestrian or vehicular traffic on school premises, except under the

- direction of the principal.
5. Preventing or attempting to prevent by physical act or any other method the convening or continued functioning of any school, class, meeting, assembly, or other activity on the school premises.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline:	1 <sup>st</sup> Offense	Up to 5 days Out of School Suspension For a flagrant violation principal has the discretion to recommend long term suspension
	2 <sup>nd</sup> Offense	Up to 10 days Out of School Suspension and principal may recommend long term suspension

### **3C: ECU Community School Unexcused Tardy/Early Dismissal Procedures**

Attendance in ECU Community School for the full time allotted for classes is essential for student success. Unexcused Tardies/Early Dismissals cost your child valuable educational instruction. They also interrupt the learning process for other students. Additionally, punctuality is an important trait to reinforce at the ECU Community School. Students are expected to arrive at school and class on time and stay for the entire day of instruction including extended day activities.

### **3D: False Fire Alarm**

No student shall give a false fire alarm or damage a fire alarm, fire detection or fire extinguishing system. No student shall intentionally activate a fire alarm that creates danger to others or causes unnecessary evacuation.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline: Up to 10 days Out of School Suspension

### **3E: Violation of Network/Internet Use Policy**

- A. Internet access at ECU Community School is intended to be used for class participation, educational or career-development research, and other access that has been approved by ECU Community School personnel and does not violate the other provisions of this policy in accordance with local and state educational objectives. Other uses of ECU Community School access are to be considered inappropriate and are not allowed.
- B. Student-created websites relating to the ECU Community School curriculum must have a faculty member sponsoring them. The faculty member is responsible for monitoring the content of the site and helping the student to update the site regularly. ECU Community School is not responsible for any student-created and student-maintained web sites which are not related to the classroom curriculum.
- C. Users are expected to abide by the common rules of Network etiquette, as follows:
  - a. Students should use appropriate language and be polite in communications across the ECU network or Internet.
  - b. Students should not disrupt or attempt to disrupt the functioning of the ECU or PCS network communications or equipment in any manner, nor should they gain or attempt to gain unauthorized access to the ECU or PCS network or any electronic records maintained by any other organization (hacking).
  - c. Students should not reveal last names, ages, telephone numbers, or other personal identifying information about themselves or someone else to another person across the Internet or network.
  - d. Students should not use another person's ECU network password or give their password to another student for that person's use.
  - e. Students should not access, publish, save, send or display illegal, defamatory, inaccurate, obscene, harmful, or profane images or text.
  - f. Students should not violate copyright laws by copying files, programs, or other materials protected by copyright, or by failing to give credit to Internet sources used in their research.
- D. The following activities and/or materials are specifically not permitted:
  - a. Using offensive or harassing statements or language including profanity, vulgarity, and/or disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, and religious or political beliefs.
  - b. Using threatening or obscene material.
  - c. Vandalizing or attempting to vandalize hardware or software including the creation or spread of viruses and hacking.
  - d. Spamming (i.e. sending junk mail), political lobbying, advertising or any commercial uses of the network.
  - e. Wasting limited network resources, including excessive use of the ECU network, downloading files, and loading programs or games to the local workstation or the ECU network without the prior approval of a teacher or administrator.
  - f. Arranging/agreeing online to meet someone in person who is a stranger or non-school district personnel.
  - g. Demonstrating security problems such as distributing someone else's password, personal information, or access to restricted network software to others or failure to notify a teacher and/or staff member when a violation has occurred.

- h. Distributing material protected by trade secret.
- i. Sending or soliciting sexually oriented messages or images.
- j. Sending chain letters or soliciting money for any reason
- k. Changing settings on computers and/or mobile devices without teacher or administrator permission
- l. Tampering with hardware/peripherals.
- m. Disrupting the use of the network.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline:	1 <sup>st</sup> Offense	Up to 3 days Out of School Suspension
	2 <sup>nd</sup> Offense	Up to 5 days Out of School Suspension
	3 <sup>rd</sup> Offense	Up to 10 days Out of School Suspension and principal may recommend long term suspension

For a flagrant violation, principal may recommend long term suspension.

**Rule 5: Computer Tampering**

No student shall damage or make unauthorized changes to any ECU Community School's computer programs or equipment as outlined in Policy 10.213.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline:	1 <sup>st</sup> Offense	Up to 3 days Out of School Suspension
	2 <sup>nd</sup> Offense	Up to 5 days Out of School Suspension
	3 <sup>rd</sup> Offense	Up to 7 days Out of School Suspension
	4 <sup>th</sup> Offense	Up to 10 days Out of School Suspension and principal may recommend long term suspension

For a flagrant violation, principal has the discretion to recommend long term suspension

**Rule 6: Student Uniform and Appearance**

Students shall comply with guidelines for appropriate dress and appearance as outlined in the ECU Community School K-5 Student Uniform and Appearance Policy 10.209 and Procedure 10.209P.

**Rule 7: Tobacco, Lighters, and Matches**

No student shall use or possess any form of tobacco product, electronic cigarettes, lighters or matches in any school building, on school grounds, or on any school or activity bus, or at any school related function.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline:	1 <sup>st</sup> Offense	Up to 3 days Out of School Suspension
	2 <sup>nd</sup> Offense	Up to 5 days Out of School Suspension
	3 <sup>rd</sup> Offense	Up to 7 days Out of School Suspension
	4 <sup>th</sup> Offense	Up to 10 days Out of School Suspension and principal may recommend long term suspension

**Rule 8: Possession of Obscenity**

No student shall have or possess any obscene literature, photographs, slides, motion pictures, videos, or other materials. Students shall not access, view, or disseminate such materials through use of the Internet at school. Students will promptly disclose to their teacher or other school employee any message or material they unintentionally access that is inappropriate or makes them feel uncomfortable.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline:	1 <sup>st</sup> Offense	Up to 5 days Out of School Suspension
	2 <sup>nd</sup> Offense	Up to 10 days Out of School Suspension and principal may recommend long term suspension

For a flagrant offense principal has the discretion to recommend long term suspension.

**Rule 9: Unacceptable Language, Signs, or Acts**

**9A: Discourteous, Abusive, or Insulting Language, Signs, or Acts**

No student shall use discourteous, abusive, or insulting language, signs, or other acts toward any principal, teacher, or other school employee, student, or person on school premises, buses, or at any school activity.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline:	1 <sup>st</sup> Offense	Up to 3 days Out of School Suspension
	2 <sup>nd</sup> Offense	Up to 5 days Out of School Suspension
	3 <sup>rd</sup> Offense	Up to 7 days Out of School Suspension
	4 <sup>th</sup> Offense	Up to 10 days Out of School Suspension and principal may recommend long term suspension

**9B: Communicating Threats**

No student shall communicate a threat by words or actions towards any principal, teacher or other school employee, student, or person on school premises, buses, or any school activity. This includes acts of extortion or blackmail.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline:	1 <sup>st</sup> Offense	Up to 5 days Out of School Suspension
	2 <sup>nd</sup> Offense	Up to 10 days Out of School Suspension and principal may recommend long term suspension

For a flagrant offense, principal has the discretion to recommend long term suspension

**9C: Harassment**

No student shall direct toward any principal, teacher, or other school employee, student, or person on school premises, buses, or at any school activity any language, signs, or other acts that reasonably place a person in fear of harm, or that are intended to harass or discriminate against a person in violation of the ECU Board of Trustees Anti-Discrimination, Harassment, and Bullying Policy 10.200 and Procedure 10.200-P.

Harassment behavior is any pattern of gestures or written, electronic, or verbal communications or any physical act or any threatening communication 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 education performance, opportunities, or benefits.

c. All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline:	1 <sup>st</sup> Offense	Up to 5 days Out of School Suspension
	2 <sup>nd</sup> Offense	Up to 7 days Out of School Suspension
	3 <sup>rd</sup> Offense	Up to 10 days Out of School Suspension and principal may recommend long term suspension

For a flagrant offense, principal may recommend long term suspension

**9D: Sexual Harassment**

Sexual harassment is prohibited. ECU Community School believes that all students are entitled to work and study in school-related environments that are free of sexual harassment. To this end, students are prohibited from engaging in sexual harassment and students are advised that when evidence of sexual harassment is established, disciplinary action may be taken, up to and including long term suspension and expulsion in certain instances.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline:	1 <sup>st</sup> Offense	Students who violate this policy for the first time may receive Out of School Suspension up to 10 days for verbal or non-physical sexual harassment. In the case of physical sexual harassment, the student may receive up to 10 days Out of School Suspension and the Principal may recommend long term suspension. Students who commit acts of physical sexual harassment may be required to undergo counseling before returning to school.	Definition of Sexual Harassment: Unwelcome sexual advances, requests for
	2 <sup>nd</sup> Offense	Any student who violates this policy twice or more during a school year may receive a long term suspension or an expulsion if permitted by law.	

sexual favors, and other verbal or physical conduct constitute sexual harassment when:

1. Submission to the conduct is made, either explicitly or implicitly, a term or condition of an individual's academic progress or completion of a school-related activity, or,
2. Such conduct has the purpose or effect of unreasonably interfering with a student's educational performance or creating an intimidating, hostile, or offensive environment.

Examples of Physical Sexual Harassment: Include, but are not limited to, fondling, grabbing, pinching, kissing, or any other deliberate, unwelcome, and/or offensive touching.

Examples of Non-Physical or Verbal Sexual Harassment: Include, but are not limited to, any unwelcome and/or offensive comments or gestures of sexual nature, including:

1. Continued or repeated sexual or lewd jokes or comments;
2. Sexually degrading words used toward a person or to describe an individual;
3. Continued or repeated verbal remarks about an individual's body
4. Continued or repeated sexual flirtations advances, or propositions;
5. Pressure for sexual activity;
6. Suggestions or demands for sexual involvement accompanied by implied or overt promises or preferential treatment or threats; or
7. The display of sexually suggestive objects or pictures.

**Rule 10: Bullying Student to Student/Employee**

No student shall direct toward any principal, teacher, or other school employee, student, or person on school premises, buses, or at any school activity any language, signs, or other acts that reasonably place a person in fear of harm, or that are intended to intimidate, bully, harass, or discriminate against a person in violation of the ECU Community Board of Trustees Anti-Discrimination, Harassment, and Bullying Policy 10.2011 and Procedure 10.200-P.

School Employee: Any of the following: an employee of ECU Community School, an independent contractor of ECU Community School, or an employee of an independent contractor of ECU Community School.

Student: Person who has been assigned to a school by ECU Community School or a person who has been suspended or expelled from any of those schools within the last year.



**Bullying Behavior:** May be characterized as offensive, intimidating, malicious, or insulting behavior. It is an abuse or misuse of power through means intended to undermine, humiliate, denigrate, or injure the recipient. It is not limited to behavior described above that is reasonably perceived as being motivated by any actual or perceived differentiating characteristic or motivated by an individual's association with a person who has or is perceived to have a differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental or sensory disability. Examples of behavior that may constitute bullying or harassment include, but are not limited to, verbal taunts, name-calling and put-downs, epithets, derogatory comments or slurs, lewd propositions, exclusion from peer groups, extortion of money or possessions, implied or stated threats, assault, impeding or blocking movement, offensive touching or any physical interference with normal work or movement, and visual insults, such as derogatory posters or cartoons. Legitimate age-appropriate pedagogical techniques are not considered harassment or bullying. Cyber-bullying is one type of bullying behavior.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline:	1 <sup>st</sup> Offense	Up to 5 days Out of School Suspension
	2 <sup>nd</sup> Offense	Up to 7 days Out of School Suspension
	3 <sup>rd</sup> Offense	Up to 10 days Out of School Suspension and principal may recommend long term suspension

For a flagrant offense, principal may recommend long term suspension

**Rule 10A: Cyber-bullying – Student to Employee**

No student shall use a computer or computer network to do any of the following:

1. With the intent to intimidate or torment a school employee
  - a. Build a fake profile or web site;
  - b. Post or encourage others to post on the Internet private, personal, or sexual information pertaining to a school employee;
  - c. Post a real or doctored image of the school employee on the Internet;
  - d. Access, alter, or erase any computer network, computer data, computer program, or computer software, including breaking into a password-protected account or stealing or otherwise accessing passwords;
  - e. Use a computer system for repeated, continuing, or sustained electronic communications, including electronic mail or other transmissions, to a school employee.
2. Make any statement, whether true or false, intending to immediately provoke, or that is likely to provoke any third party to stalk or harass a school employee.
3. Copy and disseminate, or cause to be made, an unauthorized copy of any data pertaining to a school employee for the purpose of intimidating or tormenting that school employee (in any form, including, but not limited to, any printed or electronic form of computer data, computer programs, or computer software residing in, communicated by, or produced by a computer or computer network).
4. Sign up a school employee for a pornographic Internet site with the intent to intimidate or torment the employee.
5. Without authorization of the school employee, sign up a school employee for electronic mailing lists or to receive junk electronic messages and instant messages with the intent to intimidate or torment the school employee.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline:	1 <sup>st</sup> Offense	Up to 5 days Out of School Suspension
	2 <sup>nd</sup> Offense	Up to 7 days Out of School Suspension
	3 <sup>rd</sup> Offense	Up to 10 days Out of School Suspension

For a flagrant offense, principal may recommend long term suspension.

Any student who is convicted under G.S. 14-458.2 of cyber-bullying a school employee shall be transferred to another school within the local school administrative unit. Consideration will be given for placement in an alternative learning program for a finite period of time. If there is no other appropriate school within the local school administrative unit, the student shall be transferred to a different class or assigned to a teacher who was not involved as a victim of the cyber-bullying. The Dean may modify, in writing, the required transfer of an individual student on a case-by- case basis.

**Rule 11: Sexual Misconduct**

No student shall engage in sexual misconduct. Sexual misconduct includes, but is not limited to, sexual offenses, consensual sexual activities, inappropriate exposure or fondling of private areas of the body.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline:	1 <sup>st</sup> Offense	Up to 5 days Out of School Suspension
	2 <sup>nd</sup> Offense	Up to 10 days Out of School Suspension and principal may recommend long term suspension

For a flagrant violation, principal has the discretion to request long term suspension

**Rule 12: Theft, Damage to Personal or Real Property or Possession of Stolen Property**

**12A: Damage to Personal Property Less than \$200**

No student shall intentionally damage or attempt to damage personal or real property belonging to another person or the school.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

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Discipline:	1 <sup>st</sup> Offense	Up to 3 days Out of School Suspension
	2 <sup>nd</sup> Offense	Up to 5 days Out of School Suspension
	3 <sup>rd</sup> Offense	Up to 7 days Out of School Suspension
	4 <sup>th</sup> Offense	Up to 10 days Out of School Suspension and principal may recommend long term suspension

**12B: Damage to Personal Property in Excess of \$200**

No student shall intentionally damage or attempt to damage person or real property belonging to another person or the school

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline:	1 <sup>st</sup> Offense	Up to 5 days Out of School Suspension
	2 <sup>nd</sup> Offense	Up to 10 days Out of School Suspension and principal may recommend long term suspension

For a flagrant violation, principal has the discretion to recommend long term suspension

**12C: Injury or Damage to Real Property**

No student shall intentionally damage or attempt to damage real property belonging to another person or the school.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline:	1 <sup>st</sup> Offense	Up to 5 days Out of School Suspension
	2 <sup>nd</sup> Offense	Up to 10 days Out of School Suspension and principal may recommend long term suspension

For a flagrant violation, principal has the discretion to recommend long term suspension

Damages to school property may result in charges being filed and/or restitution being sought

**12D: Theft or Possession of Stolen Property Less than \$200**

No student shall steal or attempt to steal personal or real property belonging to another person or the school. No student shall be unlawfully in possession of property belonging to another person or the school.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline:	1 <sup>st</sup> Offense	Up to 5 days Out of School Suspension
	2 <sup>nd</sup> Offense	Up to 10 days Out of School Suspension and principal may recommend long term suspension

For a flagrant violation, principal has the discretion to recommend long term suspension

**12E: Theft or Possession of Stolen Property Valued at More than \$1000**

No student shall steal or attempt to steal personal or real property belonging to another person or the school. No student shall be unlawfully in possession of property belonging to another person or the school.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline:	1 <sup>st</sup> Offense	Up to 5 days Out of School Suspension
	2 <sup>nd</sup> Offense	Up to 10 days Out of School Suspension and principal may recommend long term suspension

For a flagrant violation, principal has the discretion to recommend long term suspension

**12F: Malicious Burning**

No student shall attempt to burn or intentionally burn any personal or real property belonging to another person or the school.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline:	1 <sup>st</sup> Offense	Up to 5 days Out of School Suspension
	2 <sup>nd</sup> Offense	Up to 10 days Out of School Suspension and principal may recommend long term suspension

For a flagrant violation, principal has the discretion to recommend long term suspension

The willful burning of a school building shall be reported to law enforcement.

**Rule 13: Fighting and Dangerous Conduct 13A: Fighting**

No student shall fight, encourage, or engage in any violent or or similar behavior.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline:	1 <sup>st</sup> Offense	Up to 5 days Out of School Suspension
	2 <sup>nd</sup> Offense	Up to 7 days Out of School Suspension
	3 <sup>rd</sup> Offense	Up to 10 days Out of School Suspension and principal may recommend long term suspension
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For a flagrant violation, principal has the discretion to recommend long term suspension

**Rule 14: Simple Assault on a Student or Non-Employee**

No student shall assault. Attempt to assault, or behave in a way likely to cause minor injury to a student or non-employee.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline:	1 <sup>st</sup> Offense	Up to 5 days Out of School Suspension
	2 <sup>nd</sup> Offense	Up to 7 days Out of School Suspension
	3 <sup>rd</sup> Offense	Up to 10 days Out of School Suspension and principal may recommend long term suspension

For a flagrant violation, principal has the discretion to recommend long term suspension

**Rule 15: Assault Inflicting Serious Injury to a Student or Non-Employee**

**15A: Assault Inflicting Serious Injury to a Student or Non-Employee – No Weapon Involved**

No student shall assault, or attempt to assault, or behave in a way likely to cause serious physical injury to a student or non-employee.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline: Up to 10 days Out of School Suspension. The principal may recommend long term suspension. Must be reported to law enforcement officials

**15B: Assault Inflicting Serious Injury to a Student or Non-Employee – Involving Weapon**

No student shall assault, or attempt to assault, or behave in a way likely to cause serious physical injury to a student or non-employee using a gun or other weapon.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline: Up to 10 days Out of School Suspension. The Dean may recommend long term suspension. Law enforcement shall be notified.

**Rule 16: Assault on or Physical Injury to a School Employee, School Official, or Volunteer**  
 No student shall assault, attempt to assault, or behave in a way likely to cause physical injury to any school employee, school official, independent contractor, or volunteer.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline: Up to 10 days Out of School Suspension. The principal may recommend long term suspension. Must be reported to law enforcement officials.

**Rule 17: Weapons, Firearms, and Dangerous Objects**

**17A: Possession, Handling, Transportation or Use of Weapons (Not a Firearm) and/or Dangerous Objects**

No student shall possess, handle, transport, or use any weapon or other object that can reasonably be considered or used as a weapon, firearm, or dangerous object on school property or at any school-sponsored activity on or off school property.

Weapons (**not a firearm**) and dangerous instruments include, but are not limited to BB gun, paintball gun, stun gun, air rifle, air pistol, mace/pepper spray or gas (or other chemical of like kind), bowie knife, dirk, dagger, slingshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades, fireworks, or any sharp-pointed or sharp-edged instrument or any look-a-like weapon. Exceptions may include, but are not limited to, instructional supplies, unaltered nail files and clippers, and tools used under supervision for instruction or for the maintenance and preparation of food. The Principal shall have the latitude to determine that pocketknives inadvertently brought to school and not used by the student may be considered exemptions.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline: Up to 10 days Out of School Suspension and principal may recommend long term suspension  
Must be reported to law enforcement officials

**17B: Possession of a Firearm or Explosive Device**

No student shall possess or bring a firearm, including but not limited to handgun, shotgun, rifle, pistol, starter pistol; any device designed to destroy or damage property by explosion, blasting or burning; or any bomb or powerful explosive (including but not limited to, dynamite, nitroglycerin, trinitrotoluene, blasting cap) on school property, or any other powerful device, whether operational or not. No student shall possess or willfully and maliciously use any explosive or incendiary device, firecrackers/fireworks, or material to injure or attempt to injure another or to damage or attempt to damage property.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline: 10 days Out of School Suspension and the principal shall recommend a 365- day suspension. The Dean does not have the authority to waive a 365-days suspension. The Board of Education, upon recommendation by the Dean may modify this suspension requirement on a case-by-case basis. (Note: Any student disciplined under this section who is 14 years of age or older shall be recommended for expulsion.)  
Must be reported to law enforcement officials

**Rule 18: Possession of Ammunition**

No student shall possess any form of ammunition on school property or during school activities. Ammunition includes, but is not limited to, bullets, cartridges, shells, and pellets.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline: 1<sup>st</sup> Offense Up to 5 days Out of School Suspension  
2<sup>nd</sup> Offense Up to 10 days Out of School Suspension and principal may recommend long term suspension

For a flagrant violation, principal has the discretion to recommend long term suspension

**Rule 19: Bomb Threats or Bomb Hoaxes**

No student shall make or communicate a bomb threat in any form, including a computer message, or perpetrate a bomb threat hoax by bringing a fake-explosive device, whether openly or concealed, onto school property or to school-sponsored events.

No student shall make a report by any means of communication, knowing or having reason to know the report is false, that there is located on school property or at a school-sponsored activity, any device designed to destroy or damage property by explosion, blasting, or burning.

No student shall conceal, place, or display any device, machine, instrument, or artifact on school property or at a school-sponsored activity so as to cause any person reasonably to believe the same to be a bomb or other device capable of causing serious injury to persons or property.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline: Up to 10 days Out of School Suspension and principal may recommend long term suspension.  
Law enforcement officials shall be notified.

**Rule 19: Over-the-Counter Medication**

No student shall **unlawfully possess**, distribute, sell, or attempt to distribute or sell any over-the counter medication. The proper use of a drug authorized by written parental permission shall not be considered a violation when the person for whom it is intended takes the drug. Parents of students in elementary and middle schools must turn in medication to the appropriate school personnel for safekeeping and dispensing.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline: 1<sup>st</sup> Offense Up to 5 days Out of School Suspension  
2<sup>nd</sup> Offense Up to 10 days Out of School Suspension and principal may recommend long term suspension

**Rule 20: Narcotics, Alcoholic Beverages, Non-Alcoholic/Pseudo-Beer, Controlled Substances, Chemicals, and Drug Paraphernalia**

**20A: Possession, Use, Distribution, or Sale**

No student shall possess, use, distribute, sell, attempt to distribute or sell, transport, or be under the influence of any illegal or controlled substance, or any alcoholic or pseudo-alcoholic beverages. Nor shall any student inhale or ingest any chemical substances or products procured or used with the intention of bringing about a state of exhilaration or euphoria or otherwise altering a student's mood or behavior. Substances include, but are not limited to, narcotic drugs, hallucinogenic drugs, amphetamine, barbiturate, marijuana, anabolic steroid, other controlled substances, any alcoholic beverage, non-alcoholic or pseudo-beer, malt beverage, fortified wine, other intoxicating liquor, drug paraphernalia, or counterfeit drugs. Forbidden products include any substance used to bring about an altered state of mood or behavior.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline: Up to 10 days Out of School Suspension and principal may recommend long term suspension  
Must be reported to law enforcement officials

**20B: Prescription Drugs**

No student shall possess, sell, transport, or deliver any non-controlled prescription drugs for which the student does not possess a lawful and legitimate prescription.

As outlined in ECU Community Board of Trustees Administration of Medication Policy 10.607 and Procedure 10.607-P, the proper use of a drug authorized by valid medical prescription shall not be considered a violation when the drug is taken by the person for whom the drug was prescribed. Parents of students in elementary and middle school must turn in such medication to the appropriate school personnel for safekeeping and dispensing. The only exception is for any student authorized to carry rescue medications) such as, but not limited to, asthma inhalers or insulin).

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline: Up to 10 days Out of School Suspension and principal may recommend long term suspension. Must notify law enforcement officials

**20C: Drug Paraphernalia or Counterfeit Drugs**

No student shall possess, use, or transmit any drug paraphernalia or counterfeit drugs.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline: Up to 10 days Out of School Suspension and principal may recommend long term suspension

**20D: Under the Influence (But Not in Possession) of Controlled Substance, Alcoholic Beverage, or Non-Controlled Prescription Drug**

No student shall be under the influence (but not in possession of) any controlled substance, alcoholic beverage or non-controlled prescription drug for which the student does not possess a lawful and legitimate prescription. (Not state reportable)

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline: Up to 10 days Out of School Suspension and principal may recommend long term suspension

2<sup>nd</sup> Offense Up to 10 days Out of School Suspension and principal may recommend long term suspension

For a flagrant violation, principal has the discretion to recommend long term suspension

**Rule 21: Violation of Any Criminal Law**

No student shall engage in any conduct on or off campus that would be a violation of state or federal criminal law. When considering the suspension or expulsion of a student for the commission of a criminal act on or off campus, the principal shall consider the following factors:

- a. The nature of the crime and level of offense



- b. The age of the student
- c. The effect of the crime on the school environment
- d. Whether the victim of the crime was a student or school employee
- e. Whether the student's continued presence in school constitutes a clear threat to the safety of other students or employees or constitutes disruption to the school environment

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline: Up to 10 days Out of School Suspension and principal may recommend long term suspension

## SECTION II – DISCIPLINARY GUIDELINES

A school climate conducive to serious study and respect for oneself, other people and property is essential for a school to meet the needs of youth. The Principal has the authority and responsibility to take whatever reasonable and legal action is necessary to establish and maintain appropriate student behavior in accordance with Board policy.

### A. General Information

1. Teachers have the responsibility and authority for disciplining students, except in those cases requiring the attention of the principal.
2. The Principal must fully investigate student discipline matters and consider the mitigating and aggravating factors in determining the disciplinary action warranted.
3. If, in questioning a student, the principal determines that a law enforcement officer should carry out the questioning, the principal shall make a reasonable attempt to notify the parents (except in cases of suspected child abuse or neglect by the parent) to give them an opportunity to be present during questioning.
4. Student misconduct at after-school events and other school-sponsored extracurricular activities may lead to additional disciplinary action such as, but not limited to, being banned from extracurricular activities and events for the remainder of the school year.
5. In-school disciplinary actions must not unreasonably compromise the educational environment for others.
6. The Principal may require a student to attend a school detention program for a stated period of time and purpose, provided the parent or guardian has received at least one day's notice and has assumed responsibility for the transportation home.
7. A student may be suspended from school short-term (10 days or less), for cause, by the principal in accordance with the provisions of law and Board Procedure 10.303. The principal shall inform the student and make a good faith effort to notify a parent, guardian or responsible adult.
8. A student may be recommended for suspension from school long-term (more than 10 days) by the principal, in accordance with provisions of law and Board procedure 10.303. ***The Dean or designee shall review the circumstances for the recommended long-term suspension. Following the review the Dean may impose the suspension if it is consistent with board policies and appropriate under the circumstances; may impose another penalty authorized by board policy; or may decline to impose any other penalty.***

9. The principal shall report system-required data on each student suspended or expelled to the ***Dean***.

## B. State Reportable Offenses

The following state reportable offenses are to be reported to law enforcement:

1. Assault resulting in serious **personal** injury\*
2. Assault using a weapon\*
3. Assault on school **officials, employees or volunteers**
4. **Making** Bomb Threats **or Engaging in Bomb Hoaxes**
5. **Willfully** Burning of a School Building
6. Death by other than natural causes\*
7. Kidnapping\*
8. Possession of alcoholic beverage
9. Possession of controlled substance in violation of law
- 10. Possession of a firearm**
11. Possession of a weapon
12. Rape\*
13. Robbery with a dangerous weapon\*
14. Sexual assault\*
15. Sexual offense\*
16. Taking indecent liberties with a minor\*

**\* These offenses are used in the calculation for Persistently Dangerous Status.**

## **SECTION III – DUE PROCESS PROCEDURES FOR SUSPENSION AND EXPULSION (Board Procedure 10.303 - P)**

### **STATEMENT OF PURPOSE**

In meeting its responsibility to safeguard every student's right to an educational opportunity and to assure an atmosphere conducive to learning while protecting the individual rights of all students, the Board of Trustees has adopted the following procedures for those cases when misconduct is of such a serious nature that it results or might result in material and substantial disruption of normal school functions. The Board believes the procedures adopted meet the standards of due process required by law and accepted standards of fairness.

The procedures adopted concern themselves with those disciplinary matters requiring the attention of the principal or his/her administrative assistants. Any suspension is a serious measure, and the principal should utilize resources reasonably at their disposal in an effort to achieve a different solution. Parent(s)/guardian(s) must be notified in any instance of serious misconduct.

The principal has the final authority on in-school discipline and short-term suspensions. There is no appeal to the Board of Trustees for these decisions, under this procedure. For recommended long-term suspensions and/ or expulsions, the procedures provide for

- (1) adequate notice of the charge against a student and the evidence to support the charge,
- (2) a decision supported by the evidence, (3) an opportunity for a hearing, and (4) a fair and impartial decision-maker.

## **I. GENERAL PROVISIONS FOR SUSPENSION**

### **A. Application**

The principal or his/her designee ("principal" hereinafter is used to include any school professional to whom the principal may delegate authority) shall deal with instances of alleged misconduct:

1. Whenever a teacher refers a problem of classroom discipline to the principal
2. Whenever the alleged misconduct violates the ECU Community School's *Code of Student Conduct*
3. Whenever the principal deems it advisable that he/she deals personally with the misconduct

### **B. Investigation**

The principal shall investigate instances of alleged misconduct and endeavor to hear all available accounts of the controversy. Students may raise any defense believed to be available. The student's record shall be reviewed by the principal to determine whether or not the student is identified according to federal or state law as a student with a disability or special need. Secure written statements and keep all documents and relevant information received about the misconduct on file.

### **C. Power to Suspend**

If upon investigation it is determined that student misconduct has occurred, the principal shall have the authority to suspend for a period of ten days or less any student who willfully violates policies of conduct established by the local Board of Trustees, provided that the suspended student shall be given an opportunity to take any quarterly, semester or grading period examinations missed during the suspension period.

## **II. SUMMARY AND SHORT-TERM SUSPENSION**

### **A. Summary Suspension**

If the principal personally observes any serious student misconduct, or receives information about such from a reliable informant, and in the exercise of his/her professional judgment he/she concludes that immediate removal of the student is necessary to restore order or to protect school property or persons on the school grounds, he/she may suspend the student immediately and then investigate as soon as reasonably possible.

### **B. Short-Term Suspension**

A short-term suspension is a denial to a student of the right to attend school, take part in any school function, or be on any ECU Community School's property for a period of time up to ten (10) school days.

The principal may invoke a short-term suspension only after investigating the misconduct and allowing the student an opportunity to be heard, and only for the following reasons:

1. A violation of the ECU Community School's *Code of Student Conduct*
2. Misconduct of the same type as that prohibited by the ECU Community School's *Code of Student Conduct*
3. Misconduct that is prescribed by the rules adopted by the Board of Trustees or the ECU Community School
4. Misconduct in violation of state or federal law

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Once the principal has decided to invoke a short-term suspension, he/she shall follow the procedure for "Sending a Student Home During the School Day" as hereafter set forth.

The principal has the final authority on short-term suspensions.

### **C. Sending a Student Home During the School Day**

When a student is suspended, the principal shall attempt to reach the student's parents or legal guardian ("parent" or "parents" hereinafter includes legal guardian or legal guardians) to inform them of the school's action and to request that they come to the school for their child. If the parents are unable to come for their child, the school may transport the student to his/her home, assuming that a parent is there to receive him/her. If the principal cannot reach the parents, then the student may remain on school property until the close of the school day. The age of the student or any special circumstance would be an important consideration in making this decision.

Notwithstanding the above requirement that a suspended student be released only to a parent or responsible adult approved by the parent, the principal may order students to leave the school premises immediately when faced with mass violations of school rules and when, in the exercise of his/her professional judgment, it is not possible to keep the students on school grounds and restore or maintain order or protect school property or people on the school grounds. Even in this case, distance to home and the age and sex of the student may suggest keeping him/her until his/her parents can be contacted.

#### **D. Advising Parents**

When a student is short-term suspended, the principal shall:

1. Inform the student and notify the parent/guardian.
2. Provide a statement on an approved form that describes the student's misconduct and the length of the suspension directly to the parents or to the parents by the student with a copy sent through the mail.
3. Make a good-faith effort to give notice in a language that is understood by the parents and/or student.
4. Make an effort to hold a conference with the parents before the student returns to school from a suspension.

### **III. LONG-TERM SUSPENSIONS AND EXPULSIONS**

#### **A. Definitions**

1. A long-term suspension is removal from school for more than ten days ***through the remainder of the school year. If the violation that results in the recommendation for a long term suspension occurs during the final quarter of the school year the Dean may include the period up to the remainder of the school year and the first semester of the following school year***
2. A 365-day suspension is a suspension for 365 calendar days. Such suspensions are reserved for students who bring a firearm or powerful explosive onto school property

#### **B. Procedural Requirements**

1. The principal retains the authority to invoke a short-term suspension or other disciplinary action instead of long-term suspension if, after their investigation, they deem it preferable.
2. If, following a thorough investigation, the principal determines that a long-term suspension, 365-day suspension or expulsion is appropriate; he/she shall invoke a short-term suspension of ten days and immediately forward a recommendation for the long-term suspension, 365-day suspension or expulsion to the Dean or designee. When recommending an expulsion, the principal shall also recommend long-term suspension.
3. The principal shall immediately inform the student and his/her parent(s) of the recommendation (see below) and provide a copy of the Due Process Procedures for Suspension and Expulsion set forth in the Code of Student Conduct.
4. A student with disabilities will receive all protections required by law.

#### **C. Due Process for Long-Term Suspensions and Expulsions**

##### **1. Notice from the School**

- a. When long-term suspension or expulsion is recommended by the principal, the principal shall invoke the suspension or expulsion and immediately forward the recommendation to the Dean or designee.
- b. The principal shall immediately notify the student and his/her parent(s) by personal contact or by certified mail (return receipt requested) concerning the recommended suspension or expulsion and the right to a hearing. If notice by certified mail (return receipt requested) is returned unclaimed or delivery is refused, the principal or his/her designee shall attempt to notify the student and his/her parent(s) by regular mail, postage prepaid, addressed to the last known address for the student and his/her parent(s).

##### **2. Requesting a Hearing**

- a. In the event the student or parent(s)/guardian(s), if the student is under the age of majority, desire a hearing on alleged misconduct and penalty, they shall give notice to the Dean or his/her designee within three (3) school days of receipt of the notice from the principal.
- b. Upon the receipt of such notice from the parent or student, the Dean or his/her designee shall immediately refer the matter to the Hearing Officer. The Hearing Officer will suggest a date, time and place for the

hearing. The principal, the parents and the student will be notified as to the date of the hearing. It is suggested that a hearing be held within five (5) school days of invoking the penalty and in no event later than ten (10) school days.

- c. If witness statements or written materials are to be presented in the hearing process, the principal must first delete any other students' names.

### **3. Failure to Attend Scheduled Hearing**

If a student or parent(s) who requested a hearing does not show up for the scheduled hearing and has not called twenty-four (24) hours or more in advance to re-schedule it, the hearing will continue as scheduled in the absence of the student or parent(s). In this case, ***The Dean shall review the circumstances of the recommended long-term suspension and make a decision consistent with Board policy.***

### **4. The Initial Hearing**

- a. The Hearing Officer shall be designated by the Dean.
- b. Duties of Hearing Officer
  - (1) Schedule the hearing at a specified date, time, and place; authorized to postpone the date and time or change the place for good cause.
  - (2) Answer any questions that the student, his/her parents, or representative may have about the nature and conduct of the hearing.
  - (3) Retain full charge of the hearing: direct its proceedings and control the conduct of all persons present, subject to the general directions of this procedural code. He/she may limit questioning or testimony that is unproductively lengthy or irrelevant.
  - (4) Make a record of any information orally presented at the hearing. In any case in which the student or the parents so request, a record shall be made available to them.
  - (5) Write findings of fact and recommendations for action.
  - (6) Transmit the written findings and recommendations to the Dean for review and action as soon as possible after the hearing.
- c. The hearing may be attended by the Hearing Officer, the Dean of schools, the principal or principal's designee of the school involved, the student, the parents, and the student's representative. Witnesses may be sequestered. If students are alleged to have acted in concert and the facts are basically the same, group hearings may be held at the discretion of the Hearing Officer.
- d. The student may testify or may remain silent without penalty. The principal or his/her designee shall present all notices, statements and other information relating to the misconduct and the penalty invoked.
- e. The hearing shall consist of a review of the statements and records presented by the principal or his/her designee and by or on behalf of the student. If the principal, the student, or the Hearing Officer requests that any witnesses appear in person and answer questions, due process requires either that they appear or that their absence be considered by the Hearing Officer in determining the weight to be given to such evidence.
- f. The student may be represented by an attorney if he/she chooses. The attorney may present the student's views and question witnesses, and otherwise advise the student or the parents. If attorneys act, they perform in lieu of the parents. The Hearing Officer and the principal must be advised of the decision to have an attorney, at least forty-eight (48) hours before the time set for the hearing, so that an attorney representative from the Office of University Counsel may be in attendance at these hearings.
- g. Parents may be assisted in their presentation by an adult of their choosing.
- h. The Hearing Officer may limit nonproductive questioning or procedures.
- i. Based upon the information presented at the hearing, the Hearing Officer shall privately determine whether a preponderance of the evidence has shown that the student engaged in the alleged misconduct. (If the recommended action is expulsion, there must be clear and convincing evidence that the student engaged in the alleged misconduct.) If the Hearing Officer concludes that misconduct occurred, he/she shall provide a recommendation to the Dean of ECU Community Schools concerning what action, if any, should be taken with respect to the student. The recommended action may not be more severe than that invoked by the principal.
- j. The Dean will determine what discipline will be imposed. The Dean may accept, reject and/or modify the recommendation of the Hearing Officer.

- k. The Dean will notify the parents or guardian in writing of his/her decision and the basis for the decision. Once a hearing has been conducted and the Dean has set his/her decision, a long-term suspension may be appealed to the Advisory Board.

#### **5. The Board Hearing**

- a. The student or parent may appeal the Dean's decision to long-term suspend or recommend expulsion of a student to the  
ECU Board of Trustees. A student or parent who desires a Board hearing shall notify the Dean's office within three (3) days of receipt of the Dean's decision.
- b. A hearing will be scheduled with the Board within ten (10) days of the request.
- c. The appeal will be based upon the Hearing Officer's report and the written record made from the hearing, in addition to the oral presentations by the parties and their witnesses, if any.
- d. Newly discovered evidence will be considered only as is necessary to avoid substantial threat of unfairness.
- e. If the parents/guardian and student do not want to be present at the Board hearing, the parents/guardian or student will give notice within three (3) days of the scheduled hearing. The Dean may then provide written evidence to support the recommendation to the Board, provided that the Board may elect to request a hearing or request additional records and documents.
- f. The Board will provide the parents or guardian with a written decision and the basis for the decision.
  - (1) If the Dean /designee has recommended a 365-day suspension the Board will indicate whether it finds that a preponderance of the evidence supports the 365-day suspension and whether the Board accepts any modification recommended by the Dean. In the event of an expulsion, Board will indicate whether it finds that there is clear and convincing evidence that the student's continued presence in school constitutes a clear threat to the safety of other students or employees.
  - (2) The Board will consider and make a written determination of whether alternative education services will be provided for any expelled student. So long as required by federal or North Carolina law, students with disabilities recognized by the Individuals with Disabilities Education Act must receive alternative educational services during the time of the expulsion in order to continue to receive a free appropriate public education.
  - (3) The Dean decision will be altered only if the Board of Education concludes it to be clearly erroneous or in violation of Board policy.
- g. An adverse decision by the Board of Education may be appealed by the student to superior court.
- h. The Dean will keep all records required by state or federal law on all suspensions made pursuant to this policy.

#### **D. Long-Term Suspensions in Student Records**

- 1. Pursuant to Section 115C-402(b) of the General Statutes of North Carolina, any student who has been suspended for a period of more than ten (10) days or has been expelled following the procedures set forth above, shall have notice of said suspension or expulsion and the conduct for which the action was taken placed upon his or her school record.
- 2. Said notice shall be removed from the record of the student if (1) the student or parent requests the removal, (2) the student either graduates from high school or is not expelled or suspended again for a period of two years after his or her return to school, (3) the Dean or Dean's designee determines that maintenance of the record is no longer needed to maintain safe and orderly schools, and (4) the Dean or Dean's designee determines that maintenance of the record is no longer needed to adequately serve the child.
- 3. Notwithstanding number 2 above, a Dean or Dean's designee may remove notice of suspension or expulsion from a student's official record without a request from the student or parent if all the other above criteria are met.

### **SECTION IV - IDENTIFIED EXCEPTIONAL CHILDREN OR SECTION 504 STUDENTS**

#### **I. Students Identified as Disabled under the Individuals with Disabilities Education Act (IDEA)**

**Note:** Refer to the *ECU Community School Exceptional Children's Discipline Procedures* when disciplining

students identified as disabled or suspected of being disabled under IDEA.

#### **A. General Guidelines for Disciplining Students with Disabilities**

1. At the eleventh (11) day of suspension within a school year and prior to each suspension thereafter, the ECU Community School's IEP Team must be convened to make a manifestation determination. At a manifestation determination meeting, the IEP Team determines if the behavior was caused by the student's disability or was the direct result of a failure to implement the IEP. (It is ECU Community School's policy to operate under the premise that the 11<sup>th</sup> day of suspension constitutes a change of placement which would trigger manifestation determination. In situations where school personnel believe that additional suspensions would not constitute a change of placement, documentation should be presented to the Exceptional Children's Director or designee).
  - The parent must immediately be notified of the disciplinary removal and invited to attend this meeting. ECU Community School personnel should use form DEC 5(a) to serve as the notice and the invitation to the manifestation meeting. The most recent version of the Handbook on Parents' Right must be given on the same day a decision is made to make a removal that constitutes a change of placement.
  - A FBA (functional behavioral assessment) must be completed and a BIP (behavior intervention plan) implemented prior to the 11<sup>th</sup> day of suspension. If a current and relevant BIP has been previously developed, it should be reviewed, and modified as necessary, to address the behavior.
  - Educational services must be provided during any removal from school after the 10<sup>th</sup> day in a school year.

**Note:** A removal for more than 10 consecutive school days always constitutes a change of placement that triggers the above actions.

2. If the IEP Team finds no direct relationship between the disability and the behavior, or a failure to implement the IEP, the principal may follow the ECU Community School Code of Student Conduct. Educational services must be continued during any removals from school.
3. If the IEP Team determines that there is a manifestation between the student's disability and the behavior or a failure to implement the IEP, the student cannot be suspended or have a disciplinary change of placement for any reason. The student must immediately return to the school placement from which he or she was removed, unless the parent and IEP Team agree to a change of placement.

#### **B. Special Circumstances for Discipline Related to Drug Offenses, Weapon Offenses, and Offenses Resulting in Serious Bodily Injury**

1. The principal may remove a student to an interim alternative educational setting (IAES) for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the student:
  - Carries a weapon to or possesses a weapon at school, on school premises, or at a school function under the jurisdiction of the LEA;
  - Knowingly possess or uses illegal drugs or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of the LEA; or
  - Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the LEA.

Upon the end of the not more than 45-school day removal the student must be returned to the placement from which he/she was removed, unless the parent and the IEP Team agree to another placement.

2. A manifestation meeting must occur within 10 school days of the decision of the principal to remove a student to an IAES. Regardless of the decision of the manifestation determination, the student can remain in the IAES for up to 45 school days or be returned to school if the principal determines it to be appropriate. While the principal has the authority to assign a student to an IAES, the IEP Team determines the setting for services.
3. The principal must notify the parents immediately and provide the parents with the most recent version of the Handbook on Parents' Rights. Additionally, the principal must immediately notify the Exceptional Children's Director when implementing an up to 45-school day IAES for special circumstances.
4. An up to 45 school day assignment to an IAES is not a suspension. Educational services must be provided during assignment to an IAES.



5. Definitions:

- Weapon, as defined in 18 U.S.C. 930 (g), means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 ½ inches in length
- Illegal drug, as defined in 21 U.S.C. 812 (c), means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal Law. Controlled substance is a drug or other substance identified under schedules I, II, III, IV or V in section 202(c) of the Controlled Substance Act (21 U.S.C. 812(c)).
- Serious bodily injury, as defined in 18 U.S.C. 1365 (h) (3) and 20 U.S.C. 1415(k) (7) (D), means a bodily injury that involves a substantial risk of death; extreme physical pain; protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

**C. Dangerous, Violent or Abusive Students (not meeting requirements for discipline under Special Circumstances)**

1. Nothing in federal or state law prohibits a principal from contacting law enforcement to forcibly remove a violent student or a student who has committed a crime at school. Category III and IV offenses require the principal to notify law enforcement.
2. If the principal believes that maintaining the student in the current placement is substantially likely to result in injury to self or others, he/she should consult with the Office of University Counsel and the director of the Exceptional Children's Program for guidance in obtaining a court order to change the student's placement.

**D. Students Served Under Section 504**

Disciplinary procedures as listed above for students served with disabilities under the Exceptional Children's programs (IDEA) shall be followed except in the following instances:

- If no manifestation is found between the disciplinary infraction and the student's 504 disability, then the student is disciplined as a non-disabled student and may be suspended. No educational services are required during the suspension.
- 504 students whose behavior is determined to be a manifestation of their 504 disability cannot be suspended beyond ten (10) consecutive days, even when charged with a weapons violation or serious injury. If safety is a concern, contact the Executive Director of Student Services to discuss options to suspension prior to the student returning to school. If safety is not a concern, the student is reinstated in their regular education program, unless otherwise agreed upon by the parent and administration.
- A forty-five (45) school day assignment to an Interim Alternative Educational Setting (IAES) is only applicable to students served under Exceptional Children's programs (IDEA), and not to students served under Section 504.
- Students served under Section 504 who are charged with use of any controlled substance or alcoholic beverage on school grounds, on a school bus, or at a school function, activity, or event are not protected under Section 504. No manifestation meeting is required, and the student may be disciplined as a non-disabled student.

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**SECTION V – INVOLUNTARY COMMITMENT**

North Carolina law defines a dangerous student as:

- One whose behavior is out of control, very inappropriate to a given situation, or very irrational,
- One who has harmed himself/herself, threatened to harm himself/herself, or has been unable to care for himself/herself, or
- One who has recently caused serious bodily harm to another or has destroyed property, and based on evidence of past incidents it is expected that this behavior will happen again.

When faced with a student who presents as a danger to himself/herself or others, the school may want to refer the student for emergency/involuntary commitment to a hospital for treatment. The steps for that process follow:

1. Principal /Counselor/Designee attempts contact with the student's parents to involve them in the escalating situation. Ask the parent if the student is enrolled with an area mental health provider.

2. Principal /Counselor/Designee calls the mental health provider treating the student or calls East Carolina Behavioral Health (ECBH) at 1-877-685- 2415. The Access to Care clinicians at ECBH may assist the school staff in linking with the student's current mental health provider, in arranging for the student to be seen by a private mental health provider, or in determining if the caller needs to pursue the magistrate.
3. Principal reports to the magistrate's office and signs the petition.
4. The magistrate will send a law enforcement officer to the school to take the student for evaluation, or the School Resource Officer may be designated to transport the student.
5. The student will be transported to their area mental health provider or to ECU Medical Center for evaluation.
6. There will be three possible outcomes:
  - The student will not fit the criteria for hospital admission, will be given emergency room treatment and will be sent home.
  - It will be unclear whether the student fits the criteria for hospital admission. The student will be given an outpatient commitment and a court hearing will be set up in ten (10) days.
  - The student will fit the criteria for hospital admission and will be admitted to the hospital.

## **SECTION VI – SUBSTANCE ABUSE PROCEDURES**

(Board Procedure 10.207 – P)

### **ALCOHOL & DRUGS**

#### **I. PROCEDURE FOR DISCIPLINE OF STUDENTS**

##### **A. Narcotics, Alcoholic Beverages, Non-Alcoholic or Pseudo-Beer, Controlled Substances, Chemicals, and Drug Paraphernalia**

No student shall possess, use, distribute, sell, or conspire or attempt to distribute or sell, or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid, other controlled substance, any alcoholic beverage, non-alcoholic or pseudo-beer, malt beverage, fortified wine, other intoxicating liquor, drug paraphernalia, or counterfeit drugs, or inhale or ingest any chemicals or products with the intention of bringing about a state of exhilaration, euphoria, or of otherwise altering the student's mood or behavior.

##### **B. Periodic searches may be conducted by school officials in accordance with the policy 10.201 (Search and Seizure).**

##### **C. The possession or 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. Students in elementary and middle schools who have prescription drugs must turn in such drugs to the appropriate school personnel for safekeeping and dispensing.**

**D. Possession, Use, or Being Under the Influence of an Unauthorized Intoxicant described in I. A.**

**First Offense:** Any first-time offender who possesses, uses or is found to be under the influence of an unauthorized substance is automatically suspended for ten (10) days and **may be** recommended for long-term suspension. A student who has not participated in Project FIND (Families Involved in Normal Development Program) during any school year shall be eligible for Project FIND an alternative to long-term suspension. The decision to refer a student to Project FIND an alternative to long-term suspension is at the discretion of the Dean. In addition to school discipline, a student may be prosecuted under state juvenile or criminal laws. **Second Offense:** The student is automatically suspended for ten (10) days. **The principal may also recommend a long-term suspension.** The student shall be referred to the appropriate alcohol or drug agency for assessment, which may include an outpatient or inpatient program. Documentation of assessment shall be verified prior to the student returning to school in another school year. The student may also be prosecuted under the juvenile and criminal laws of the state.

**E. Sale or Distribution of an Intoxicant**

A student who has sold or distributed or has been involved in the sale or distribution of an intoxicant in violation of this policy shall:

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- Receive a ten (10) day suspension.
  - **The principal may recommend a long-term suspension.**
  - Be referred to Project FIND, if eligible.
  - Be prosecuted under the juvenile or criminal laws of this state.
  - Be considered for re-admittance to school during the current school year if enrolled in Project FIND.
  - Be considered for re-admittance to school during a subsequent school year if the Project FIND Program requirement has been completed.

**F. Possession with Intent to Sell, Distribution, Sale, or Conspiracy to Distribute or Sell Schedule I or Schedule II Controlled Substances**

**II. PROCEDURES TO BE FOLLOWED FOR IMPLEMENTING ALCOHOL OR DRUG REFERRAL, AN INTERVENTION PROGRAM FOR STUDENTS (Project F.I.N.D.)**

- A. The student shall be immediately suspended for ten (10) days and **may be** recommended for long-term suspension.
- B. An investigation by the school administration shall take place. If the offense is a violation of a criminal act, it shall be reported to the appropriate law enforcement authorities for action at their discretion.——
- C. Parents will be notified immediately regarding the offense and informed of their right to a formal hearing before a hearing officer. In the hearing, the parent(s)/guardian(s) and/or the school administrator may request that the Dean consider referring the student to Project FIND as an alternative to long-term suspension.

- D. If the student is offered the opportunity to enroll in Project FIND as an alternative to long-term suspension for a first offense as outlined in I.D. 1, the parent(s)/guardian(s) will be provided with information regarding the content and requirements of Project FIND. The parent(s)/guardian(s) must immediately contact Project FIND to schedule an intake appointment.
- E. If the offer of Project FIND is refused or if the student does not follow through with Project FIND, the school district will proceed with the long-term suspension process.
- F. The parent(s)/guardian(s) must give written permission for participation in the program.
- G. In the event a student who has completed the intervention program commits another substance abuse violation, school officials must recommend the student for long-term suspension or expulsion.
- H. A complete intake process will be completed for Project FIND by PORT Human Services on each student, parent(s) or guardian(s) referred to the intervention program. The purpose for doing the complete intake is to assess the student for problems he/she may be experiencing and, when deemed appropriate, referring the student to an appropriate agency.
- I. Parents of students will be required to sign a release of information at intake so that evaluation data can be obtained from the respective schools.
- J. The student and parent will be in structured workshops for a period of eight (8) weeks. A report will be completed after the final session. These reports will be sent to the school referring the student. These reports will focus on attendance and willingness to become part of the structured group experience.
- K. If a student has any unexcused absences from the intervention program classes, is non-compliant with the program, or is dropped from the program for these or any other reasons, the student's long-term suspension will be reinstated. A representative of Project FIND from PORT Human Services will notify the school administration of this action as soon as possible, but no later than five days upon the decision to drop the student from the program.
- L. The initial Project FIND enrollment fee shall be paid by the Board of Trustees to encourage students to stay in school. Parents/guardians will be responsible for paying other costs for this program through insurance or sliding scale fees.

### **III. PROCEDURES TO BE FOLLOWED FOR VOLUNTARY ADMISSION OF ALCOHOL OR DRUG USE**

- A. A student may at any time voluntarily share with the school official that he/she has a chemical or substance abuse problem and desires intervention assistance. ECU Community School officials will then meet with parents/guardians (or surrogate parent approved by the Board of Trustees) in setting up an appointment to explain the content and requirements of the volunteer intervention program. The principal will assist parent(s)/guardian(s) in setting up an assessment interview with PORT Human Services. Appropriate steps shall be taken to ensure confidentiality for individuals in the referral and follow-up processes.
- B. The principal will follow-up with PORT Human Services to ascertain if follow-up from the assessment interview was conducted.

### STUDENT SUBSTANCE ABUSE POLICY (ALCOHOL / DRUGS)

ECU Community School students have a right to, and the ECU Community School has a responsibility to maintain, a safe learning environment. Toward that end, students of the ECU Community School shall not possess, use, sell, distribute, or be under the influence of, or attempt to sell or distribute, or possess with intent to sell or distribute, the following while on school premises, while participating in a school activity off school premises, or while in any vehicle which provides transportation for school activities:

1. Alcoholic Beverages, as defined and set forth in Chapter 18B of the General Statutes of North Carolina, which chapter is incorporated herein by reference. Alcoholic beverages mean any beverages containing one-half of one percent (0.5%) or more alcohol by volume. These include spirituous, vinous, malt or fermented beverages, including but not limited to, brandy, whiskey, rum, gin, mixed beverages, beer, ale, wine, and any other such liquids and compounds by whatever name called which are fit for use for beverage purposes.
2. Controlled Substances, as defined by the North Carolina Drug Commission and Chapter 90, Article 5, of the General Statutes of North Carolina, which chapter is incorporated herein by reference. Controlled substances include, but are not limited to, any drug, substance, material, compound, mixture, or preparation which contains any quantity of hallucinogenic substances or substances having a depressant or stimulant effect on the central nervous system.
3. Counterfeit Controlled Substances, as defined by the North Carolina Drug Commission and Chapter 90, Article 5, of the General Statutes of North Carolina, which chapter is incorporated herein by reference. Counterfeit controlled substances include, but are not limited to, any substances which by any means are intentionally represented as controlled substances.

The ECU Community School has a responsibility to provide an educational program which fosters healthy living habits. To accomplish this goal, the ECU Community School supports the *Framework for Healthful Living Education Program (K-5)*, which includes drug and alcohol abuse prevention education as an integral part of the curriculum. In addition, an available prevention, and intervention program, including a referral system, shall be components of the substance abuse program to be utilized as appropriate. Among such programs that may be utilized are Project F.I.N.D., D.A.R.E., and other validated approaches which foster healthy living.

**Legal References:** G.S. 18B-301; ch. 90, art. 5; 115C-47, -288, -307, -390, -391

**Cross References:** None

**PROCEDURE FOR SUBSTANCE ABUSE (ALCOHOL & DRUGS)****I. PROCEDURE FOR DISCIPLINE OF STUDENTS****A. Narcotics, Alcoholic Beverages, Non-Alcoholic or Pseudo-Beer, Controlled Substances, Chemicals, and Drug Paraphernalia**

No student shall possess, use, distribute, sell, or conspire or attempt to distribute or sell, or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid, other controlled substance, any alcoholic beverage, non-alcoholic or pseudo-beer, malt beverage, fortified wine, other intoxicating liquor, drug paraphernalia, or counterfeit drugs, or inhale or ingest any chemicals or products with the intention of bringing about a state of exhilaration, euphoria, or of otherwise altering the student's mood or behavior.

**B. Periodic searches may be conducted by school officials in accordance with the policy 10.201 (Search and Seizure).****C. The possession or 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. Students in elementary and middle schools who have prescription drugs must turn in such drugs to the appropriate school personnel for safekeeping and dispensing.****D. Possession, Use, or Being Under the Influence of an Unauthorized Intoxicant described in I. A.**

1) **First Offense:** Any first-time offender who possesses, uses or is found to be under the influence of an unauthorized substance is automatically suspended for ten (10) days and recommended for long-term suspension. A student who has not participated in Project F.I.N.D. (Families Involved in Normal Development Program) during any school year shall be eligible *for* Project F.I.N.D. as an alternative to long-term suspension. The decision to refer a student to Project F.I.N.D. as an alternative to long-term suspension is at the discretion of the superintendent. In addition to school discipline, a student may be prosecuted under state juvenile or criminal laws.

2) **Second Offense:** The student is automatically suspended for ten (10) days. A recommendation is made to the superintendent for long-term suspension from the regular school program for the remainder of the school year. The student shall be referred to the appropriate alcohol or drug agency for assessment, which may include an outpatient or inpatient program. Documentation of assessment shall be verified prior to the student returning to school in another school year. The student may also be prosecuted under the juvenile and criminal laws of the state.

## E. Sale or Distribution of an Intoxicant

A student who has sold or distributed or has been involved in the sale or distribution of an intoxicant in violation of this policy shall:

- Receive a ten (10) day suspension.
- Be recommended to the superintendent for long-term suspension for the remainder of the school year.
- Be referred to Project F.I.N.D., if eligible.
- Be prosecuted under the juvenile or criminal laws of this state.
- Be considered for re-admittance to school during the current school year if enrolled in Project F.I.N.D.
- Be considered for re-admittance to school during a subsequent school year if the Project F.I.N.D. Program requirement has been completed.

## F. Possession with Intent to Sell, Distribution, Sale, or Conspiracy to Distribute or Sell Schedule I or Schedule II Controlled Substances

**Any student who is 14 years of age or older and who distributes, sells, possesses with intent to sell, or conspires to distribute or sell any Schedule I or Schedule II controlled substance as defined by the North Carolina Controlled Substances Act shall be recommended for long-term suspension and/or expulsion.**

**II. PROCEDURES TO BE FOLLOWED FOR IMPLEMENTING ALCOHOL OR DRUG REFERRAL, AN INTERVENTION PROGRAM FOR STUDENTS (Project F.I.N.D.)**

- A. The student shall be immediately suspended for ten (10) days and recommended for long-term suspension.
- B. An investigation by the school administration shall take place. If the offense is a violation of a criminal act, it shall be reported to the appropriate law enforcement authorities for action at their discretion.
- C. Parents will be notified immediately regarding the offense and informed of their right to a formal hearing before a hearing officer. In the hearing, the parent(s)/guardian(s) and/or the school administrator may request that the superintendent consider referring the student to Project F.I.N.D. as an alternative to long-term suspension.
- D. If the student is offered the opportunity to enroll in Project FIND as an alternative to long-term suspension for a first offense as outlined in I.D. 1, the parent(s)/guardian(s) will be provided with information regarding the content and requirements of Project F.I.N.D. The parent(s)/guardian(s) must immediately contact Project F.I.N.D. to schedule an intake appointment.
- E. If the offer of Project F.I.N.D. is refused or if the student does not follow through with Project F.I.N.D, the school district will proceed with the long-term suspension process.
- F. The parent(s)/guardian(s) must give written permission for participation in the program.
- G. In the event a student who has completed the intervention program commits another



substance abuse violation, school officials must recommend the student for long-term suspension or expulsion.

- H. A complete intake process will be completed for Project F.I.N.D. by PORT Human Services on each student, parent(s) or guardian(s) referred to the intervention program. The purpose for doing the complete intake is to assess the student for problems he/she may be experiencing and, when deemed appropriate, referring the student to an appropriate agency.
- I. Parents of students will be required to sign a release of information at intake so that evaluation data can be obtained from the respective schools.
- J. The student and parent will be in structured workshops for a period of eight (8) weeks. A report will be completed after the final session. These reports will be sent to the school referring the student. These reports will focus on attendance and willingness to become part of the structured group experience.
- K. If a student has any unexcused absences from the intervention program classes, is non-compliant with the program, or is dropped from the program for these or any other reasons, the student's long-term suspension will be reinstated. A representative of Project FIND from PORT Human Services will notify the school administration of this action as soon as possible, but no later than five days upon the decision to drop the student from the program.
- L. The initial Project F.I.N.D. enrollment fee shall be paid by the ECU Community School to encourage students to stay in school. Parents/guardians will be responsible for paying other costs for this program through insurance or sliding scale fees.

### III. PROCEDURES TO BE FOLLOWED FOR VOLUNTARY ADMISSION OF ALCOHOL OR DRUG USE

- A. A student may at any time voluntarily share with the school official that he/she has a chemical or substance abuse problem and desires intervention assistance. School officials will then meet with parents/guardians (or surrogate parent approved by the ECU Community School) in setting up an appointment to explain the content and requirements of the volunteer intervention program. The principal will assist parent(s)/guardian(s) in setting up an assessment interview with PORT Human Services. Appropriate steps shall be taken to ensure confidentiality for individuals in the referral and follow-up processes.
- B. The principal will follow-up with PORT Human Services to ascertain if follow-up from the assessment interview was conducted.

**Legal References:** None

**Cross References:** None

## SCHOOL UNIFORM AND APPEARANCE POLICY

### I. Purpose

The ECU Community School believes a safe and disciplined learning environment is the first requirement of a high performing school. The implementation of school uniforms will help minimize disruptive behavior, promote respect for oneself and others, build school/community spirit, and, more significantly, help to maintain high academic standards. The School also feels that wearing of uniforms by students will help lessen the impact of socioeconomic differences. In addition, it allows for identification of intruders on campus and encourages students to concentrate on learning rather than on what they are wearing.

### II. Information Dissemination

On a yearly basis, school officials will communicate with parents/guardians information concerning the uniform policy by using one or more of the following: newsletters, parent forums, PTA meetings, Parent Advisory Council meetings, TV and radio announcements, flyers and posters.

### III. Appearance

In addition to being required to wear school uniforms, all students are to be groomed and dressed appropriately for school and school activities. A student's dress and/or appearance shall:

1. Support, not disrupt, the learning environment
2. Constitute no threat to health or safety
3. Be tasteful and unable to be construed as provocative or obscene
4. Reflect practices of good hygiene and cleanliness

IV. Reasonable consideration shall be made for those students who, because of a sincerely held religious belief or medical reason, request a waiver of a particular guideline for dress or appearance. The waiver request shall be in writing from the parent or guardian and approved by the principal and/or principal's designee on an annual basis. In considering a waiver request, the principal and/or principal's designee have the right to request additional documentation from medical officials and/or religious leaders.

V. Reasonable accommodation shall be made by the principal for students involved in special duties, activities, or projects approved by the school. This would include but not be limited to athletics, career and technical education, P.E. classes, special events, and other activities that require non-conforming dress on a school campus during a school-sponsored event.

## VI. Financial Considerations

Parents and/or guardians who have concerns about the affordability of a school uniform should contact the school social worker. The social worker will assist the family with identifying community resources. The school system will not be responsible for funding uniforms for any students.

## VII. School Uniform

The principal and/or principal's designee will implement the school uniform and appearance policy in a manner that is age and developmentally appropriate.

Good judgment in considering issues such as age, developmental stages, and body type are expected of all students, parents, and guardians in the selection of school attire and appearance. The manner of a student's wear of the school uniform shall be neat, clean, properly fitted, age-appropriate and suitable for the learning environment.

### Requirements

#### A. Shirts

1. Shirts must be solid white, purple, or gold/yellow.
2. Students must wear long or short-sleeved shirts with a collar. Shirts may have one or two chest pockets.
3. With the exception of school approved logos, shirts may not have insignias, logos, labels, words, or pictures. Shirts with school approved logos must have collars.
4. Shirts must be appropriately sized and tucked in unless the shirt is designed for outside wear and is no longer than 3 inches below the natural waist.
5. Shirts shall be long enough to cover the midriff when sitting or standing. Furthermore, shirts must cover the chest and back so the chest and the back of the body are not inappropriately exposed.
6. Undergarments may not be visible at any time. Students may wear T-shirts or camisoles which are plain white, purple or gold/yellow.
7. No see-through or mesh clothing that will reveal the body or will reveal undergarments shall be allowed.
8. Clothing shall be worn appropriately (correctly sized; not inside-out or backwards; no rolled up pants legs, etc.).

#### B. Pants, Skirts, Skorts, Jumpers, Capri Length Pants, Shorts

1. Colors: solid khaki, black, or navy.
2. Denim is permitted but must be solid blue, black or khaki.
3. Must be free of graphics and embroidery. With the exception of small labels, they may not have insignias, logos, words, or pictures.
4. Shorts, skirts, skorts and jumpers shall be modest and of sufficient length. The length of these articles of clothing shall be no shorter than three inches above the top of the knee when standing.
5. No pants or shorts with pockets halfway down the legs.
6. Clothing must be appropriately sized. No baggy or sagging pants or shorts are allowed. No "low rise" clothing is allowed. Pants must be worn with the waistband at or above the hipbone.
7. Clothing shall be worn appropriately (not inside-out or backwards; no rolled up pants legs, etc.).
8. No see-through or mesh clothing that will reveal the body or will reveal undergarments shall be allowed.
9. If belts are worn, they must be solid black or brown with a plain belt buckle that is not oversized. All belts must be buckled.

#### C. Dresses

1. Dresses may be solid white, purple, gold/yellow, or khaki.
2. Denim dresses/jumpers are permitted in solid blue, black or khaki.
3. Students may wear long or short-sleeved dresses with a collar. Dresses may have one or two chest pockets.
4. With the exception of school approved logos, dresses may not have insignias, logos, labels, words, or pictures.
5. Dresses must cover the chest and back so the chest and the back of the body are not inappropriately exposed.
6. Dresses shall be modest and of sufficient length. The length of the dress shall be no shorter than three inches above the top of the knee when standing.
7. Undergarments may not be visible at any time. Students may wear T-shirts or camisoles which are plain white, purple, or gold/yellow.

8. No see-through or mesh clothing that will reveal the body or will reveal undergarments shall be allowed.

#### D. Shoes

1. Shoes shall be worn at all times, and, as needed, shoes shall conform to special requirements (such as P.E. classes, science labs, etc.).
2. Shoes that have laces shall be laced and tied.
3. No bedroom shoes shall be allowed.

#### E. Outerwear

1. Students may wear plain unhooded sweaters, sweatshirts, or vests including those made out of lightweight fleece material over school uniforms. The items may be solid white, purple, or gold/yellow. Down vests and denim vests or jackets are not acceptable.
2. Light weight fleece jackets, which are the school approved colors and do not have a hood, are allowed.
3. Sweaters and sweat shirts, which are the school approved colors, with the exception of school approved logos, may not have insignias, logos, labels, words, or pictures. Sweaters and sweat shirts with school approved logos may not have hoods.
4. Coats
  - a. Coats may not be worn inside the school building during the school day.
  - b. Coats may be worn during a class change if the student is exiting the building.
  - c. Coats may be worn to school and placed in the student's locker. If a locker is not available, it may be hung in the classroom or another location designated by the principal and/or the Principal's designee.
  - d. The principal and/or the principal's designee may make an exception if the building/classroom is unusually cold.

5. School Spirit Wear

Principal approved school spirit wear may be worn on special days (field trips, spirit days, etc.) as directed by the principal.

F. Other Clothing Items or Accessories.

1. Students may not wear large pendants or medallions.
2. No adornment is allowed that reasonably could be perceived as, or used as, a weapon (such as chains, spikes, etc.).
3. No gang-related clothing, accessories, symbols or intimidating manner of dress, as identified by local law enforcement agencies, are allowed.
4. No headwear and no sunglasses shall be worn inside school buildings.
5. No bandanas shall be allowed.
6. Solid color, pattern or stripe ties may be worn. They may not have any insignias, logos, labels, words, or pictures.
7. Leggings and footed tights may be worn only as an accessory under skirts, skorts, dresses, shorts, pants, or capris that meet uniform requirements. They must be solid white, purple, or gold/yellow.
8. No jeggings allowed.
9. Only school activity buttons, approved by the principal are permitted to be worn on a student's school uniform.

G. Other Uniform Requirements

1. Students are expected to be dressed according to the uniform standards at all times school is in session including the ECU Community School Extended Day.
2. Principal may make exceptions to the uniform policy for special events such as jeans day.

### VIII. Enforcement

The principal and/or principal's designee shall ensure that the policy is enforced in a consistent manner and require the student and the student's parent or guardian to take appropriate action to remedy situations determined to be in conflict with this policy. Disciplinary action shall be taken for violation of the School Uniform and Appearance Policy in accordance with the ECU Community School Code of Student Conduct. (ECU Community School Policy 10.206 and Procedure 10.206)

Appropriate disciplinary actions for violations may include the following:

First Offense: Students shall be informed that they have violated the policy. They shall be given the opportunity to change into acceptable clothing by using available clothes at school or by calling a parent/guardian to bring clothes. If neither of these options is used, the students may be placed in in-school suspension or isolation for the remainder of the day.

Second Offense: A second infraction of the policy may be considered as defiance. In addition to the disciplinary actions available for a first offense, a parent/guardian conference may be held.

Third (and additional) Offenses: A third or additional infraction of the policy may be categorized as a Category I Offense as outlined in the ECU Community School Code of Student Conduct (Policy 10.206 and Procedure 10.206-P), subject to the consequences outlined therein, including out-of-school suspension.

Disciplinary action may vary when a student has a record of other student conduct violations during the current school year.

Students who do not comply with the School Uniform and Appearance Policy also may be excluded from participating in certain school programs, including graduation ceremonies. Copies of the School Uniform and Appearance Policy shall be made available to students and parents.

Students new to ECU Community School will be given a two week grace period from enrollment to obtain and wear the proper school uniforms.

**Legal References:** G.S. 115C-47, -390, -391

**Cross References:** Policy 10.206 (Code of Student Conduct).







## STUDENT AND PARENT COMPLAINTS AND GRIEVANCES

It is the right and responsibility of school officials to develop a functional and orderly procedure through which consideration of student and parent problems and concerns can be discussed and resolved quickly and equitably.

While the ECU Community School Advisory Board encourages informal resolutions to student and parent grievances, it recognizes that students and parents may want a more formal process for certain types of complaints, or to follow when an informal process is not found to be satisfactory. The Advisory Board directs the Community School Administration to create a grievance procedure to address situations in which a student or parent believes that a violation, misapplication or misinterpretation of ECU Community School policy, or state or federal law or regulation, has occurred, with the exception of appeals related to disciplinary actions under the *Code of Student Conduct* and other situations for which a specific appeal process has been identified by policy.

## **PROCEDURE FOR STUDENT AND PARENT GRIEVANCES**

### **I. School Level**

- A. Students or parents should discuss their grievances with the most immediate and appropriate school official within ten (10) calendar days of the occurrence or knowledge of the occurrence that gives rise to the grievance. [See Sections V & VI below for grievances concerning employees reporting directly to the Advisory Board and/or members of the Advisory Board] At that time, the school official shall advise the grievant of the grievance procedure.
- B. If the situation is not resolved through informal discussion, the grievant may, within ten (10) calendar days, make a written request on Form A for a conference with the school official (or appropriate administrator, if the grievance is not a school-related issue) to discuss the grievance and seek resolution. The request shall include a statement describing the grievance and naming the specific policy, rule or law believed to be violated, if any. A grievance does not include any matter for which the method of review is prescribed by law, for which there is a more specific board policy providing a process for addressing the concern, or upon which the Advisory Board is without authority to act.
- C. The school official shall grant the conference within five (5) school days following receipt of the request. A student may be accompanied by a parent, legal guardian or other person to act *in loco parentis*.
- D. The school official will conduct any necessary investigation of the facts.
- E. The school official will provide a written response to the grievance on Form B within ten (10) school days of the conference. The school official shall state the issues involved in the grievance, his/her findings, and his/her decision. In the response, the school official cannot disclose legally confidential information about other students or employees.

### **II. Director of Partnerships**

- A. If the grievant is dissatisfied with the school official's decision, the grievant may appeal the decision to the Director of Partnerships. The appeal must be made within 5 calendar days of receiving the written response of the school official. The grievant must state the appeal on Form C and must include copies of Forms A and B.

- B. The Director of Partnerships will determine whether or not the matter is grievable. If the matter involves a discrimination, harassment or bullying complaint, Title IX complaint, or violates a ECU Community School policy or law, then the appeal will be accepted.
- C. The Director of Partnerships will then investigate the complaint. The principal and the Dean or his/her designee will then be convened to hear the results of the investigation. Based on the findings of the panel of administrators, the Director of Partnerships will respond in writing to the grievant on Form D and copies to the school official within 10 school days of receiving the grievance.
- D. Every effort will be made to bring the complaint to a satisfactory resolution. If, however, the student and/or parent remains dissatisfied with the result, they may appeal to the Board as outlined below.

#### **IV. Advisory Board Level**

- A. If the grievant is dissatisfied with the response from the Director of Partnerships based on the findings of the panel of administrators who investigated, a written appeal to the Chair of the Advisory Board shall be made on Form E within five (5) calendar days of receiving the response.
- B. If the grievance concerns an alleged violation of a specified federal law, a state law or rule, a State Board of Education policy or a policy of the ECU Community School, the grievant has the right to a hearing by the Advisory Board. For other matters, the grievant shall have the right to petition the Advisory Board for a hearing. In such cases, the Board shall notify the petitioner in writing of its decision whether or not to grant a hearing.
- C. If a hearing is granted, it will be conducted by the Board's Student Disciplinary/Grievance Panel consisting of no less than two (2) Board members, unless otherwise required by law. The panel will hear the grievance within thirty (30) calendar days after the receipt of the request. Any appeal to the Board panel shall be on the record unless the panel determines that additional information may be presented. At the appeal hearing, each side shall be allotted a specified amount of time to present oral argument. The Board panel may affirm, disaffirm, or modify the decision of the panel of administrators who heard the appeal.
- D. The hearing panel will provide a final written decision within ten (10) working days of hearing the appeal, unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

**V. Grievances Regarding Employees Reporting Directly to the Board**

- A. If a student and/or his/her parents have a grievance regarding an employee reporting directly to the Advisory Board, they should discuss their grievance with the employee within thirty (30) calendar days of the occurrence or knowledge of the occurrence that gives rise to the grievance.
- B. If the situation is not resolved through informal discussion, the grievant may report the grievance, within ten (10) days of the informal discussion, to the Board Chairperson who shall look into the matter, take any steps deemed appropriate to resolve the issue, and respond to the grievant.

**VI. Non-Retaliation**

ECU Community School prohibits retaliation against any student who reports or seeks to redress a grievance, or who exercises any rights under ECU Community School Student and Parent Grievance Policy, or under any state or federal law.

**Last Revision/Adoption:**

**Legal References:** G.S. § 115C-45

**Cross References:** By-Law 1.106 (Duties of the Chair), By-Law 1.108 (Board Committees and Hearing Panels), & Policy 7.019 (Anti-Discrimination, Harassment and Bullying)

PARENT AND STUDENT GRIEVANCE FORM A

SCHOOL LEVEL – Parent or Student’s Written Request for a Conference

NOTE: Form to be completed within ten calendar days of the informal discussion with the most immediate and appropriate school staff. The requested conference is to take place within five school days of receipt of the written request.

I request a conference with principal \_\_\_\_\_ (if a school-related matter) or with administrator \_\_\_\_\_ (if a district-wide matter) to

discuss the following grievance and to seek resolution to the problem.

Student or Parent’s Name \_\_\_\_\_

Street Address \_\_\_\_\_ Telephone \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Date(s) and place problem occurred: \_\_\_\_\_

What East Carolina University Policy, ECU Community School Policy, North Carolina, or Federal law has been violated, if known? (ECU Community School policies and procedures are on the ECU Community Schools’ Website) \_\_\_\_\_

Description of problem (You may continue on a second sheet or add attachments if desired.)

With whom did you discuss the matter? \_\_\_\_\_ When? \_\_\_\_\_

What resulted?

What do you think should be done to correct the situation?

\_\_\_\_\_  
Signature of Parent or Student

\_\_\_\_\_  
Date Form Submitted  
To Principal (or Administrator)

PARENT AND STUDENT GRIEVANCE FORM B

SCHOOL LEVEL – Administrator’s Written Response to the Conference

NOTE: Response to be completed within ten school days of the conference and submitted to the parent or student with the grievance.

Student or Parent’s Name \_\_\_\_\_

Street Address \_\_\_\_\_ Telephone \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Meeting Date/Time: \_\_\_\_\_

Persons Attending: \_\_\_\_\_

\_\_\_\_\_

Statement of Issues:

Administrator’s Findings:

Administrator’s Decision:

\_\_\_\_\_  
Signature of Administrator

\_\_\_\_\_  
Date

PARENT AND STUDENT GRIEVANCE FORM C

DIRECTOR OF PARTNERSHIPS – Parent or Student’s Review Request

NOTE: This form, along with copies of School Level Form A and School Level Form B, are to be submitted to the Director of Partnerships’ office within five calendar days of receiving the administrator’s decision.

Student or Parent’s Name \_\_\_\_\_

Street Address \_\_\_\_\_ Telephone \_\_\_\_\_

City, State, Zip \_\_\_\_\_

To the Director of Partnerships: I am not satisfied with the administrator’s decision regarding my grievance and request your review of the matter.

Reason for dissatisfaction:

Desired outcome:

Additional comments, if any

\_\_\_\_\_  
Signature of Parent or Student

\_\_\_\_\_  
Date

NOTE: The Director of Partnerships shall review the written documents and determine whether or not the issue is grievable. Based on this decision, the Director of Partnerships may choose to investigate the grievance further and/or hold a conference with the parent or student and the administrator.



PARENT AND STUDENT GRIEVANCE FORM D

DIRECTOR OF PARTNERSHIPS' LEVEL

Director of Partnerships' Response to Review  
Based on the Findings of the Administrative Panel

NOTE: To be completed within ten school days of receiving the review request.

Student or Parent's Name \_\_\_\_\_

Street Address \_\_\_\_\_ Telephone \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Statement of Issue:

Panel's Findings:

Panel's Decision:

\_\_\_\_\_  
Signature of Director Partnerships

\_\_\_\_\_  
Date

PARENT AND STUDENT GRIEVANCE FORM E

ADVISORY BOARD LEVEL – Parent or Student Appeal to the Board

NOTE: This form, along with copies of School Level Form A and B, Director of Partnerships' and Administrative Panel Forms C and D are to be submitted to the Chair of the Advisory Board within five calendar days of receiving the Director of Partnerships and Administrative Panel's decision.

If the petitioner requests a discretionary hearing, the Board shall notify the petition in writing of its decision whether or not to grant a hearing in a timely manner after receiving the request.

If the Board hears an appeal, the hearing will be scheduled within 60 days after the receipt of the request. The hearing panel will provide the appellant a written final decision within ten calendar days of hearing the appeal.

Student's or Parent's Name \_\_\_\_\_

Street Address \_\_\_\_\_ Telephone \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Check one of the following:

I am petitioning the Board of Education to consider my grievance.

I believe that I have a right to a Board hearing on this matter because the following ECU Community Schools' Advisory Board of Policy, North Carolina law, or Federal law has been violated: \_\_\_\_\_

Comments, if desired:

\_\_\_\_\_  
Signature of Parent or Student

\_\_\_\_\_  
Date

## NETWORK / INTERNET ACCEPTABLE USE POLICY FOR STUDENTS

### I. Objective

This policy is designed to cover students' use of the ECU Community School's computer equipment, local-area and wide-area networks, and Internet access. The goal of the school system in providing this service is to provide access to information and facilitate resource sharing, innovation, and collaboration that are consistent with the educational objectives of the State of North Carolina and the ECU Community School.

Students and parents should be aware that some information on the Internet is not appropriate for students and may contain items that are illegal, defamatory, inaccurate, obscene, harmful or profane. ECU Community School personnel will make every effort to monitor student use of the Internet to insure that materials accessed are for the appropriate age. However, on a global network it is impossible to control all materials.

Internet access is coordinated through a complex association of government agencies as well as regional and state networks. The smooth operation of the network relies upon the proper conduct of those who use it. In general, this requires efficient, ethical and legal utilization of the network resources as well as adherence to university and ECU Community School policies. If a user violates any of these provisions, his or her privilege to use the Internet will be terminated and future access may be denied. In a case where laws or the Student Code of Conduct are broken, further consequences will follow.

### II. Rules for Use

- A. Internet access at school is intended to be used for class, participation, educational or career-development research, and other access that has been approved by school personnel and does not violate the other provisions of this policy, in accordance with local and state educational objectives. Other uses of school access are to be considered inappropriate, and are not allowed.
- B. Student-created websites relating to the school curriculum must have a faculty member sponsoring them. The faculty member is responsible for monitoring the content of the site, and helping the student to update the site regularly. ECU Community School is not responsible for any student-created and student-maintained web sites which are not related to the classroom curriculum.
- C. Users are expected to abide by the common rules of Network etiquette, as follows:
  - 1. Students should use appropriate language and be polite in communications across the network or Internet.
  - 2. Students should not disrupt or attempt to disrupt the functioning of the network communications or equipment in any manner, nor should they gain or

attempt to gain unauthorized access to the network or any electronic records maintained by any other organization (hacking).

3. Students should not reveal last names, ages, telephone numbers, or other personal identifying information about themselves or someone else to another person across the Internet or network.
4. Students should not use another person's network password or give their password to another student for that person's use.
5. Students should not access, publish, save, send or display illegal, defamatory, inaccurate, obscene, harmful, or profane images or text.
6. Students should not violate copyright laws by copying files, media programs, or other materials protected by copyright, or by failing to give credit to Internet sources used in their research.

**D. The following activities and/or materials are specifically not permitted:**

1. Using offensive or harassing statements or language including profanity, vulgarity, and/or disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, and religious or political beliefs.
2. Using threatening or obscene material.
3. Vandalizing or attempting to vandalize hardware or software including the creation or spread of viruses and hacking.
4. Spamming (*i.e.* sending junk mail), political lobbying, advertising or any commercial uses of the network.
5. Wasting limited network resources, including excessive use of the network, unnecessarily downloading files, and loading programs or games to the local workstation or the network without the prior approval of a teacher or administrator.
6. Arranging/agreeing online to meet someone in person who is a stranger or non school district personnel.
7. Demonstrating security problems such as distributing someone else's password, personal information, or access to restricted network software to others or failure to notify a teacher and/or staff member when a violation has occurred.
8. Distributing material protected by trade secret.
9. Sending or soliciting sexually oriented messages or images.

10. Sending chain letters or soliciting money for any reason.
11. Changing settings on computers and/or mobile devices without teacher or administrator permission.
12. Tampering with hardware/peripherals.
13. Disrupting the use of the network.

### III. Social Media Use

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

### IV. Personal Computing Devices

- A. Use of student-owned personal devices is a site-based decision at the discretion of the site administrator.
- B. Student use of personal devices to access the Internet while on ECU Community School property must be limited to the ECU Community School public wireless network. Use of any other network connection is prohibited.
- C. When the site administrator has allowed students to bring personal devices to school, the decision to bring that device remains with the parent/guardian and student. Students will not be required to bring their own personal electronic devices to school to do school work. ECU Community School does not accept liability for personal devices damaged or stolen on school property. Any damage or loss will be the responsibility of the owner of the device.

### V. General Principles

- A. Students and parents should be aware that any files stored in home directories, mobile devices or on the local hard drive(s) and any Internet activity may be screened, supervised or viewed by school and system staff, and parents will be given access to their child's files on request. Students should not expect any privacy in these files.

- B. Students must immediately notify a teacher or staff member when they see or receive a message or materials that is inappropriate or makes them feel uncomfortable. Failure to notify a teacher immediately will constitute culpability on the student's part for any actions they have taken or take thereafter.
- C. ECU Community School does not warrant the service it is providing, including delays, loss of data or connections, service interruptions, and e-mail deliveries. ECU Community School does not control the material available on the Internet, and cannot be responsible for inaccurate data or offensive material encountered on the World Wide Web.
- D. ECU Community School will cooperate with law enforcement agencies on the investigation of any illegal activities involving internet/network use.

#### VI. Disciplinary Actions

Failure to follow this policy will result in Internet and/or network use being revoked. Any activities that violate this policy, the Student Code of Conduct, or ECU Community School policy will make the user subject to disciplinary actions as outlined in the Student Code of Conduct, and will result in termination of their network account.

#### VII. Legal References

All references to obscene, lewd, cyber-stalking, and harmful material or matter shall be defined as in North Carolina General Statutes 14-190.1, 14-196.3, 19-1.1, and 19-12.

**Last Revision/Adoption:**

**Legal References:** North Carolina General Statutes 14-190.1, 14-196.3, 19-1.1, and 19-12

**Cross References:** None

**PHYSICAL RESTRAINT AND CORPORAL PUNISHMENT**

The principal, teachers, substitute teachers, voluntary teachers, teacher assistants and student teachers may use reasonable force in the exercise of lawful authority to restrain or correct students and to maintain order; provided, however, that the use of corporal punishment is not permitted.

The Dean is authorized and directed to promulgate such administrative regulations and procedures as may be appropriate for the implementation of this policy and as may be appropriate for compliance with relevant federal and state laws.

Any employee, as provided herein, shall enjoy the full faith and support, including appropriate legal representation, of the Advisory Board in the proper application of this policy, except for any action not in compliance with this policy and any and all administrative regulations and procedures pursuant thereto.

Nothing herein contained shall be construed to repeal, abrogate, amend or otherwise change any other duly adopted policy or administrative regulation and procedures of the ECU Community School.

## RESTRAINT AND SECLUSION PROCEDURE

NCGS 115C-391.1 defines the permissible use of restraint and seclusion in the public schools. Nothing in it modifies the rights of school personnel to use reasonable force as permitted under NCGS 115C-390 or modifies the rules and procedures governing discipline under NCGS 115C-391(a).

**Physical Restraint**

Physical restraint of students by school personnel shall be considered a reasonable use of force when used in the following circumstances:

- As reasonably needed to obtain possession of a weapon or other dangerous object on a person or within the control of a person
- As reasonably needed to maintain order or prevent or break up a fight
- As reasonably needed for self-defense
- 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
- As reasonably needed to escort a student safely from one area to another
- If used as provided for in a student's IEP or Section 504 Plan or Behavior Intervention Plan
- As reasonably needed to prevent imminent destruction to school property or another person's property

NOTE: Except in the above circumstances, physical restraint of students is prohibited. Physical restraint shall not be considered a reasonable use of force when used solely as a disciplinary consequence.

**Mechanical Restraint**

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

- 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
- When using seat belts or other safety restraints to secure students during transportation
- As reasonably needed to obtain possession of a weapon or other dangerous object on a person or within the control of a person
- As reasonably needed for self-defense
- As reasonably needed to ensure the safety of any student, school employee, volunteer, or other person present

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



## **SECLUSION**

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

- As reasonably needed to respond to a person in control of a weapon or other dangerous object
- As reasonably needed to maintain order or prevent or break-up a fight
- As reasonably needed for self defense
- 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 property or another person's property
- When used as specified in the student IEP, Section 504 Plan or Behavior Intervention Plan AND
  - 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
  - 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
  - The space to which the student is confined has been approved for such use by the local education agency
  - The space is appropriately lighted
  - The space is appropriately ventilated and heated or cooled
  - The space is free of objects that unreasonably expose the student or others to harm

NOTE: Except in the above circumstances, the use of seclusion is prohibited. Seclusion shall not be considered a reasonable use of force when used solely as a disciplinary consequence.

## **ISOLATION**

Isolation is permitted as a behavior management technique provided that:

- The space used for isolation is appropriately lighted, ventilated and heated or cooled
- The duration of the isolation is reasonable in light of the purpose of the isolation
- The student is reasonably monitored while in isolation
- The isolation space is free of objects that unreasonably expose the student or others to harm

## **TIME OUT**

Nothing in the above guidelines is intended to prohibit or regulate the use of time-out as a behavior management technique in which a student is separated from other students for a limited period of time in a monitored setting.

## **AVERSIVE PROCEDURES**

Aversive procedures are prohibited. They are defined as a systematic physical or sensory intervention for modifying the behavior of a student with a disability which causes or may reasonably be expected to cause significant physical harm, serious, foreseeable psychological impairment, or obvious repulsion on the part of observers who cannot reconcile extreme procedures with acceptable standard practice.

## **NOTICE AND REPORTING**

Notice of these requirements will be provided annually to parents in the Student Handbook and to employees in the Employee Handbook.

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, and (4) any prohibited use of seclusion that exceeds ten minutes or the amount of time specified on a student's Behavior Intervention Plan.

A principal or principal's designee with personal knowledge or actual notice of one of the above events shall promptly notify the student's parent or guardian and provide the name of a school employee with whom the parent or guardian can discuss the incident. The school shall provide the parent or guardian with a written report within a reasonable time, but in no event later than 30 days after the incident.

## **NON RETALIATION**

No advisory board or employee of the ECU Community School shall discharge, threaten, or otherwise retaliate against another employee regarding that employee's compensation, terms, conditions, location, or privileges of employment because the employee made 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.

## **NO CAUSE OF ACTION**

According to NCGS 115C-391.1(k), nothing in the permissible use of seclusion and restraint law shall be construed to (1) create a private cause of action against any local board of education, its agents or employees, or against any institutions of teacher education or their agents or employees, or (2) to create a criminal offense.

**DETENTION PROGRAM**

The principal has the authority to set up an in-school and/or after-school detention program. The decision to create a detention program must be approved by the Advisory Board prior to implementation.

**PROCEDURE FOR DETENTION PROGRAM**

Should it appear necessary to set up a detention program, it is recommended that the following steps be followed:

1. Schools will notify parents and students of the detention program's existence, its purpose, and the school's procedure for assigning students to the program. This information should also be included in the student-parent handbook.
2. When a student is assigned to the program, schools will give at least one day's notice so that the student and parents may make arrangements for transportation home.
3. Schools will send a notice to the parent concerning the student's assignment to detention rather than asking the student to tell the parent. Asking the parent to sign the letter of assignment is helpful in documenting that efforts were made to make the parent aware of the problem so that transportation arrangements could be made.
4. The principal shall assign adult supervision to the detention program as is necessary.

**Last Revisions/Adoption:**

**Legal References:** None

**Cross References:** None

### SUSPENSION AND EXPULSION

It is the policy of ECU Community School Advisory Board to establish procedures outlining steps for suspension and expulsion of students to maintain a safe and orderly environment. Such procedures shall meet all provisions of federal and state law relating to suspension and expulsion and shall be in keeping with disciplinary actions as specified in the ECU Community School's *Code of Student Conduct*.

This information shall be made available annually to all students and faculty.

## PROCEDURES FOR SUSPENSIONS AND EXPULSIONS

STATEMENT OF PURPOSE

In meeting its responsibility to safeguard every student's right to an educational opportunity and to assure an atmosphere conducive to learning while protecting the individual rights of all students, the Board of Education has adopted the following procedures for those cases when misconduct is of such a serious nature that it results or might result in material and substantial disruption of normal school functions.

The Advisory Board believes the procedures adopted meet the standards of due process required by law and accepted standards of fairness. For instances of serious misconduct, the procedures provide for

(1) adequate notice of the charge against a student and the evidence to support the charge, (2) a decision supported by the evidence, (3) an opportunity for a hearing, and (4) a fair and impartial decision-maker.

The procedures adopted concern themselves with those disciplinary matters requiring the attention of the principal or his/her administrative assistants. Any suspension is a serious measure, and principals should utilize resources reasonably at their disposal in an effort to achieve a different solution. Parent(s)/guardian(s) must be notified in any instance of serious misconduct.

The principal has the final authority on in-school discipline and short-term suspensions. There is no appeal to the Advisory Board for these decisions under this procedure. For recommended long-term suspensions and/or expulsions, the procedures provide for (1) adequate notice of the charge against a student and the evidence to support the charge, (2) a decision supported by the evidence, (3) an opportunity for a hearing, and (4) a fair and impartial decision-maker.

I. GENERAL PROVISIONS FOR SUSPENSIONSA. Application

The principal or his/her designee ("principal" hereinafter is used to include any school professional to whom the principal may delegate authority) shall deal with instances of alleged misconduct:

1. Whenever a teacher refers a problem of classroom discipline to the principal
2. Whenever the alleged misconduct violates the ECU Community Schools' *Code of Student Conduct*
3. Whenever the principal deems it advisable that he/she deal personally with the misconduct

B. Investigation

The principal shall investigate instances of alleged misconduct and endeavor to hear all available accounts of the controversy. Students may raise any defense believed to be available. The student's record shall be reviewed by the principal to determine whether or not the student is identified according to federal or state law as a student with a disability or special need.

Secure written statements and keep all documents and relevant information received about the misconduct on file.

C. Power to Suspend

If, upon investigation, it is determined that student misconduct has occurred, the principal shall have the authority to suspend for a period of ten days or less any student who willfully violates policies of conduct established by the local Advisory Board, provided that the suspended student shall be given an opportunity to take any quarterly, semester or grading period examinations missed during the suspension period.

II. SUMMARY AND SHORT-TERM SUSPENSIONS

A. Summary Suspensions

If the principal personally observes any serious student misconduct, or receives information about such from a reliable informant, and in the exercise of his/her professional judgment he/she concludes that immediate removal of the student is necessary to restore order or to protect school property or persons on the school grounds, he/she may suspend the student immediately and then investigate as soon as reasonably possible.

B. Short-Term Suspensions

A short-term suspension is a denial to a student of the right to attend school, take part in any school function, or be on any ECU Community School property for a period of time up to ten school days.

The principal may invoke a short-term suspension only after investigating the misconduct and allowing the student an opportunity to be heard, and only for the following reasons:

1. A violation of the ECU Community Schools' *Code of Student Conduct*
2. Misconduct of the same type as that prohibited by the *Code of Student Conduct*
3. Misconduct that is prescribed by the rules adopted by the School Board or the school
4. Misconduct in violation of state or federal law

Once a principal has decided to invoke a short-term suspension, he/she shall follow the procedure for "Sending a Student Home During the School Day" as hereafter set forth.

The principal has the final authority for short-term suspensions.

C. Sending a Student Home During the School Day

When a student is suspended, the principal shall attempt to reach the student's parents or legal guardian ("parent" or "parents" hereinafter includes legal guardian or legal guardians) to inform them of the school's action and to request that they come to the school for their child. If the parents are unable to come for their child, the school may transport the student to his/her home, assuming that a parent is there to receive him/her. If the principal cannot reach the parents, then the student may remain on school property until the close of the school day. The age of the student or any special circumstance would be an important consideration in making this decision.

Notwithstanding the above requirement that a suspended student be released only to a parent or responsible adult approved by the parent, the principal may order students to leave the school premises immediately when faced with mass violations of school rules and when, in the exercise of his/her professional judgment, it is not possible to keep the students on school grounds and restore or maintain order or protect school property or people on the school grounds. Even in this case, distance to home and the age and sex of the student may suggest keeping him/her until his/her parents can be contacted.

D. Advising Parents

When a student is short-term suspended, the principal shall:

1. Inform the student and notify the parent/guardian.
2. Provide a statement on an approved form that describes the student's misconduct and the length of the suspension directly to the parents or to the parents by the student with a copy sent through the mail.
3. Make a good-faith effort to give notice in a language that is understood by the parents and/or student.
4. Make an effort to hold a conference with the parents before the suspension or at the time the student returns to school.

III. LONG-TERM SUSPENSIONS AND EXPULSIONS

A. Definitions

1. Along-term suspension is removal from school for more than ten days but not exceeding the remainder of the school year.
2. A365-daysuspension is a suspension for 365 calendar days. Such suspensions are reserved for students who bring a firearm or powerful explosive onto school property or who make a bomb threat.
3. An expulsion is a permanent removal from school. The principal will recommend expulsion to the Dean or his/her designee for any student whose behavior constitutes a clear threat to the safety of other students or employees. Upon the recommendation of the Dean or his/her designee, the Advisory Board may expel a student who is fourteen years of age or older if the student's behavior indicates that his or her continued presence in school constitutes a clear threat to the safety of other students or employees.

B. Procedural Requirements

1. Principals retain the authority to invoke a short-term suspension or other disciplinary action instead of long-term suspension if, after their investigation, they deem it preferable.
2. If, following a thorough investigation, the principal determines that a long-term suspension, 365-day suspension or expulsion is appropriate, he/she shall invoke a short-term suspension of ten days and immediately forward a recommendation for the long-term suspension, 365-day suspension or expulsion to the Dean or designee. When recommending an expulsion, the principal shall also recommend long-term suspension.
3. The principal shall immediately inform the student and his/her parent(s) of the recommendation (see below) and provide a copy of the Due Process Procedures for Suspension and Expulsion set forth in the *Code of Student Conduct*.
4. A student with disabilities will receive all protections required by law.

C. Due Process for Long-Term Suspensions and Expulsions

1. Notice from the School

- a. When long-term suspension or expulsion is recommended by the principal, the principal shall invoke the Dean or designee.
- b. The principal shall immediately notify the student and his/her parent(s) by personal



contact or by certified mail (return receipt requested) concerning the recommended suspension or expulsion and the right to a hearing. If notice by certified mail (return receipt requested) is returned unclaimed or delivery is refused, the principal or his/her designee shall attempt to notify the student and his/her parent(s) by regular mail, postage prepaid, addressed to the last known address for the student and his/her parent(s).

## 2. Requesting a Hearing

- a. In the event the student or parent(s) desire a hearing on alleged misconduct and penalty, they shall give notice to the Dean or his/her designee within three (3) school days of receipt of the notice from the principal.
- b. Upon the receipt of such notice from the parent or student, the Dean or his/her designee shall immediately refer the matter to the Hearing Officer. The Hearing Officer will suggest a date, time and place for the hearing. The principal, the parents and the student will be notified as to the date of the hearing. It is suggested that a hearing be held within five (5) instructional school days of invoking the penalty and in no event later than ten (10) school days.
- c. If witness statements or written materials are to be presented in the hearing process, the principal must first delete the names of any other students.

## 3. Failure to Attend a Scheduled Hearing

If a student or parent who requested a hearing does not attend the scheduled hearing and has not called in advance to re-schedule it, the right to a hearing is forfeited and the long-term suspension of the student will stand. In this case, there is no further appeal process.

## 4. The Initial Hearing

- a. The Hearing Officer shall be designated by the Dean.
- b. Duties of Hearing Officer
  - (1) Schedule the hearing at a specified date, time, and place; authorized to postpone the date and time or change the place for good cause.
  - (2) Answer any questions that the student, his/her parents, or representative may have about the nature and conduct of the hearing.
  - (3) Retain full charge of the hearing: direct its proceedings and control the conduct of all persons present, subject to the general directions of this procedural code. He/she may limit questioning or testimony that is unproductively lengthy or irrelevant.
  - (4) Make a record of any information orally presented at the hearing. In any case in which the student or parents so request, a copy of the record shall be made for them.
  - (5) Write findings of fact and recommendations for action.
  - (6) Transmit the written findings and recommendations to the Dean for review and action as soon as possible after the hearing.

- c. The hearing may be attended by the Hearing Officer, the Dean of schools, the principal or principal's designee of the school involved, the student, the parents, and the student's representative. Witnesses may be sequestered. If students are alleged to have acted in concert and the facts are basically the same, group hearings may be held at the discretion of the Hearing Officer.
  - d. The student may testify or may remain silent without penalty. The principal or his/her designee shall present all notices, statements and other information relating to the misconduct and the penalty invoked.
  - e. The hearing shall consist of a review of the statements and records presented by the principal or his/her designee and by or on behalf of the student. If the principal, the student, or the Hearing Officer requests that any witnesses appear in person and answer questions, due process requires either that they appear or that their absence be considered by the Hearing Officer in determining the weight to be given to such evidence.
  - f. The student may be represented by an attorney if he/she chooses. The attorney may present the student's views and question witnesses, and otherwise advise the student or the parents. An attorney acts in lieu of the parents. The Hearing Officer and the principal must be advised of the decision to have an attorney at least 48 hours before the time set for the hearing so that the School Attorney may be in attendance as well.
  - g. Parents may be represented by an adult of their choosing in lieu of an attorney.
  - h. At the discretion of the Dean, the Advisory Board may provide the principal with University Counsel.
  - i. The Hearing Officer may limit nonproductive questioning or procedures.
  - j. Based upon the information presented at the hearing, the Hearing Officer shall privately determine whether a preponderance of the evidence has shown that the student engaged in the alleged misconduct. (If the recommended action is expulsion, there must be clear and convincing evidence that the student engaged in the alleged misconduct.) If the Hearing Officer concludes that misconduct occurred, he/she shall provide a recommendation to the Dean of the ECU Community School concerning what action, if any, should be taken with respect to the student. The recommended action may not be more severe than that invoked by the principal.
  - k. The Dean will determine what discipline will be imposed. The Dean may accept, reject or modify the recommendation of the hearing officer.
    - l. The Dean will notify the parents or guardian in writing of his/her decision and the basis for the decision. Once a hearing has been conducted and the Dean has sent his/her written decision, a long-term suspension may be appealed to the Advisory Board.
5. The Board Hearing
- a. The student or parent may appeal the Dean decision to long-term suspend or recommend expulsion of a student to the Advisory Board. A student or parent who desires a Board hearing shall notify the Dean's office within three days of receipt of the Dean's decision.
  - b. A hearing will be scheduled with the Board within 10 days of the request.

- c. The appeal will be based upon the Hearing Officer's report and the written record made from the hearing, in addition to the oral presentations by the parties and their witnesses, if any.
- d. Newly-discovered evidence will be considered only as is necessary to avoid substantial threat of unfairness.
- e. If the parents/guardian and student do not want to be present at the Board hearing, the parents/guardian or student will give notice within three (3) days of the scheduled hearing. The Dean may then provide written evidence to support the recommendation to the Board, provided that the Board may elect to request a hearing or request additional records and documents.
- f. The Board will provide the parents or guardian with a written decision and the basis for the decision.
  - (1) If the Dean/designee has recommended a 365-day suspension, the Advisory Board will indicate whether it finds that a preponderance of the evidence supports the 365-day suspension and whether the Advisory Board accepts any modification recommended by the Dean. In the event of an expulsion, Advisory Board will indicate whether it finds that there is clear and convincing evidence that the student's continued presence in school constitutes a clear threat to the safety of other students or employees.
  - (2) The Advisory Board will consider alternative education services and make a written determination as to whether alternative education services will be provided for any expelled student. So long as required by federal or North Carolina law, students with disabilities recognized by the Individuals with Disabilities Education Act must receive alternative educational services during the time of the expulsion in order to continue to receive a free appropriate public education.
  - (3) The Dean's decision will be altered only if the Advisory Board concludes it to be clearly erroneous or in violation of school policy.
- g. An adverse decision by the Advisory Board may be appealed by the student to superior court.
- h. The Dean will keep all records required by state or federal law on all suspensions made pursuant to this policy.

D. Long-Term Suspensions or Expulsions and Student Records

- 1. Pursuant to Section 115C-402(b) of the General Statutes of North Carolina, any student who has been suspended for a period of more than ten (10) days or has been expelled following the procedures set forth above, shall have notice of said suspension or expulsion and the conduct for which the action was taken placed upon his or her school record.
- 2. Said notice shall be removed from the record of the student if (1) the student or parent requests the removal, (2) the student either graduates from high school or is not expelled or suspended again for a period of two years after his or her return to school, (3) the Dean or designee determines that maintenance of the record is no longer needed to maintain safe and orderly schools, and (4) the Dean or designee determines that maintenance of the record is no longer needed to adequately serve the child.

3. Notwithstanding number two above, a Dean or designee may remove notice of suspension or expulsion from a student's official record without a request from the student or parent if all the other above criteria are met.

#### IV. IDENTIFIED EXCEPTIONAL CHILDREN OR SECTION 504 STUDENTS

A. Refer to the "Guidelines for Discipline of Students with Disabilities" when disciplining Exceptional Children or Section 504 Students.

##### B. Discipline for Drug and Weapon Offenses

1. Students who possess a weapon; who use, possess or sell illegal drugs; or who inflict serious bodily injury upon another person on the school campus, on a school bus, or at a school function, may be placed in an alternative setting for up to 45 calendar days without regard to whether the behavior is determined to be a manifestation of the student's disability.
2. The principal must notify the parents immediately and advise them of their procedural due process rights.
3. Before any disciplinary action can be taken by the school, the IEP Committee/TAT must be convened to determine what the alternative placement will be and to make a manifestation determination. The parent must be invited to attend this meeting.
4. The 45-day alternative placement is not a suspension.
5. If the IEP Committee/TAT finds no relationship between the handicap and the behavior, the principal and committee should refer to the "Guidelines for the Discipline of Students with Disabilities."
6. If there is a relationship between the behavior and the disability, the student must be allowed to return to school at the end of the 45-day period unless the IEP Committee/TAT has changed the student's placement to another setting before the end of the 45-day period. The student's plan must be amended to show dates for each change of placement.

##### C. **Dangerous, Violent or Abusive Students**

1. The IEP Committee/TAT must meet and make a determination regarding the relationship between the behavior and the handicap even for Category III and Category IV offenses.
2. Nothing in federal or state law prohibits a principal from contacting law enforcement to forcibly remove a violent student or a student who has committed a crime at school. Category III and IV offenses require the principal to notify law enforcement.
3. If the student is in possession of drugs, alcohol or drug paraphernalia, all safeguards and appropriate disciplinary procedures apply.
4. The Jeffords Amendment to the Gun-Free Schools Act allows the school to remove a student with disabilities who brings a firearm to school to an interim educational placement for up to 45 days. Even if the parents request a due process hearing to contest the decision, the student "stays put" in the interim placement. During the 45-day period, the IEP Committee/TAT should meet to review and, if appropriate, change the student's placement or seek a court order to remove the student from school.

5. If the student has inflicted serious bodily injury upon another person, the school may remove the student to an alternative education setting. Serious bodily injury is defined by U.S.C. Section 1365(g) to mean a bodily injury that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of a bodily member, organ or faculty.
  6. If the principal believes that maintaining the student in the current placement is substantially likely to result in injury to self or others, he/she should notify the Dean /designee about contacting the school board attorney for guidance in obtaining a court order to change the student's placement.
- D. Principals are to use discretion when disciplining disabled students whose behaviors may be related to their disabilities, especially those with moderate to severe impairments.

#### **V. INVOLUNTARY COMMITMENT**

North Carolina law defines a person as "dangerous to himself or others" when:

- 1) Without the care and supervision of others not readily available, he/she is unable to exercise self-control and judgment in self-care such that there is a reasonable probability of suffering a serious physical debilitation within the near future. (Behavior that is grossly irrational or inappropriate to a situation is a sign that the person is unable to care for himself/herself.)
- 2) He/she has attempted or threatened suicide and there is a reasonable probability of suicide without adequate care and treatment.
- 3) He/she has mutilated or attempted to mutilate himself/herself and there is a reasonable probability of serious self-mutilation unless adequate treatment is given.
- 4) Within the relevant past he/she has inflicted or attempted to inflict serious bodily harm on another, or has acted in a way that created a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property, and there is a reasonable probability that this conduct will be repeated.

When faced with a dangerous student and the need for a school referral of the student for possible commitment to a hospital for treatment, the steps are:

- 1) Call the student's private mental health provider, if known, or Emergency Services at Pitt County Mental Health Center and explain the case to an appropriate person.
- 2) The mental health professional will call a magistrate and advise that the principal will appear to sign a petition against the student.
- 3) The principal will go to the magistrate's office and sign a petition.
- 4) The magistrate will send a law enforcement officer to the school to take the student to the private provider's office or the Mental Health Center for evaluation.
- 5) At the Mental Health Center, a clinician and a physician will evaluate the student if brought in before 4:00 p.m. After 4:00 p.m. the student will be taken to the emergency room of the hospital.

- 6) There will be three possible outcomes:
  - a. The student will not fit the criteria for hospital admission, will be given emergency treatment, and will be sent home.
  - b. It will be unclear whether the student fits the criteria for hospital admission. The student will be referred for outpatient treatment.
  - c. The student will fit the criteria for hospital admission and will be admitted to the hospital.







**STUDENT PHYSICAL EXAMINATIONS**

Pursuant to NCGS 130A-440, all children entering kindergarten in the public schools in Pitt County shall receive a health assessment made no more than 12 months prior to the date of school entry. The parent/guardian shall have 30 calendar days from the first day of attendance to present the required health assessment transmittal form, after which the principal shall not permit the child to attend school until the required health assessment documentation has been presented.

## IMMUNIZATIONS

No student shall attend a school (pre-K-12) unless a certificate of immunization indicating that the child has received the required immunizations has been provided to the school.

North Carolina State Law requires the following minimum doses:

- 5 DTaP, DTP, or DT doses (If 4<sup>th</sup> dose is after 4<sup>th</sup> birthday, 5<sup>th</sup> dose is not required; DT requires medical exemption.)
- 1 Tdap booster required for students entering 6<sup>th</sup> grade on or after 8/1/08 if five or more years since last tetanus/diphtheria booster.
- 4 Polio Vaccine doses (If 3<sup>rd</sup> dose is after 4<sup>th</sup> birthday, 4<sup>th</sup> dose is not required.)
- 1-4 Hib doses (Series complete if at least 1 dose given on/after 15 months and before 5 years of age; not required after age 5.)
- 3 Hep B doses.
- 2 Measles doses (at least 28 days apart; 1<sup>st</sup> dose on/after 12 months of age).
- 2 Mumps dose (at least 28 days apart; 1<sup>st</sup> dose on/after 12 months of age) children who entered school prior to 7/1/08 require only 1 dose.
- 1 Rubella dose (on/after 12 months of age).
- 1 Varicella dose (Children born on or after April 1, 2001 without documented history of disease).

If documentation of the required immunizations is not presented on or before the first day of attendance, it is the duty of the school principal/designee to notify the parent/guardian of the deficiency. The parent/guardian shall have 30 calendar days from the first day of attendance to obtain the required immunization(s).

If the administration of the vaccine in a series of doses given at medically approved intervals requires a period in excess of 30 calendar days, additional days may be allowed to obtain the required immunizations upon certification by a physician.

The student will not be allowed to continue beyond the 30 calendar days or the extended period unless the required immunization(s) has/have been obtained.

Medical or religious exemptions from NC State Immunization law must meet the requirements of the law. Documentation of any exemption must be on file at the school in the student's permanent record. Parents/guardian seeking an exemption should consult the local health department.

**Legal References:** N.C.G.S.A. § 130A-155

**Cross References:** None

**COMMUNICABLE DISEASES**

In accordance with NCGS 130A-136, school principals who have reason to suspect that a student or adult in the school has a communicable disease or condition shall report the information required to the local health director in the county in which the school is located. Confidentiality of such reports is protected by law and school principals making such reports in good faith shall be immune from liability.

A safe and secure environment shall be provided for all students and employees. Under certain circumstances students with communicable diseases or conditions may pose a threat to the health and safety of others. Students with communicable diseases or conditions shall remain at home according to recommended precautions and procedures for reportable and non-reportable diseases and conditions.

**PROCEDURE FOR COMMUNICABLE DISEASES**

Reportable Diseases and Conditions (10A NCAC 41A .0101)

The following named diseases and conditions are declared to be dangerous to the public health. They are reportable within the time period specified after the disease or condition is reasonably suspected to exist. The local health director will advise of precautionary action(s) needed to prevent the spread of disease.

1. Acquired immune deficiency syndrome (AIDS) - 24 hours
2. Anthrax - immediately
3. Botulism - immediately
4. Brucellosis - 7 days
5. Campylobacter infection - 24 hours
6. Chancroid - 24 hours
7. Chlamydial infection (laboratory confirmed) - 7 days
8. Cholera - 24 hours
9. Creutzfeldt-Jakob disease – 7 days
10. Cryptosporidiosis - 24 hours
11. Cyclosporiasis - 24 hours
12. Dengue - 7 days
13. Diphtheria - 24 hours
14. Escherichia coli, shiga toxin-producing - 24 hours
15. Ehrlichiosis - 7 days
16. Encephalitis, arboviral - 7 days
17. Foodborne disease, including but not limited to Clostridium perfringens, staphylococcal, and Bacillus cereus - 24 hours
18. Gonorrhea - 24 hours
19. Granuloma inguinale - 24 hours
20. Haemophilus influenzae, invasive disease - 24 hours
21. Hantavirus infection – 7 days
22. Hemolytic-uremic syndrome/thrombotic thrombocytopenic purpura - 24 hours
23. Hemorrhagic fever virus infection – 24 hours
24. Hepatitis A - 24 hours
25. Hepatitis B - 24 hours
26. Hepatitis B carriage - 7 days
27. Hepatitis C, acute - 7 days
28. Human immunodeficiency virus (HIV) infection confirmed - 24 hours
29. Influenza virus causing death in persons less than 18 years of age – 24 hours
30. Legionellosis - 7 days
31. Leprosy – 7 days
32. Leptospirosis - 7 days
33. Listeriosis – 24 hours
34. Lyme disease - 7 days

35. Lymphogranuloma venereum - 7 days
36. Malaria - 7 days
37. Measles (rubeola) - 24 hours
38. Meningitis, pneumococcal - 7 days
39. Meningococcal disease - 24 hours
40. Monkeypox – 24 hours
41. Mumps - 7 days
42. Nongonococcal urethritis - 7 days
43. Novel influenza virus infection - immediately
44. Plague - 24 hours
45. Paralytic poliomyelitis - 24 hours
46. Pelvic inflammatory disease – 7 days
47. Psittacosis - 7 days
48. Q fever - 7 days
49. Rabies, human - 24 hours
50. Rocky Mountain spotted fever - 7 days
51. Rubella - 24 hours
52. Rubella congenital syndrome - 7 days
53. Salmonellosis - 24 hours
54. Severe acute respiratory syndrome (SARS) – 24 hours
55. Shigellosis - 24 hours
56. Smallpox – 24 hours
57. Staphylococcus aureus with reduced susceptibility to vancomycin – 24 hours
58. Streptococcal infection, Group A, invasive disease - 7 days
59. Syphilis - 24 hours
60. Tetanus - 7 days
61. Toxic shock syndrome - 7 days
62. Trichinosis - 7 days
63. Tuberculosis - 24 hours
64. Tularemia - immediately
65. Typhoid - 24 hours
66. Typhoid carriage (Salmonella typhi) - 7 days
67. Typhus, epidemic (louse-borne) - 7 days
68. Vaccinia – 24 hours
69. Vibrio infection (other than cholera) - 24 hours
70. Whooping cough - 24 hours
71. Yellow fever - 7 days

### Non-Reportable Contagious Conditions

The following procedures are recommended for these non-reportable contagious conditions.

1. Chickenpox: Student is excluded from school until all blisters have formed scabs.
2. Pediculosis (Head Lice): Student is excluded from school until treatment is completed and documentation of treatment is provided to school. Student's hair should be free of lice and nits upon return to school.
3. Scabies: Student is excluded from school until one (1) treatment with prescription medication for 12 to 24 hours is completed.
  - Requires Doctor's note to return to school
4. Conjunctivitis (Pink Eye): student is excluded from school if:
  - There is yellow (purulent) discharge.
  - Condition has lasted more than three (3) days.
  - There is an epidemic in the school or it appears that cases are being transmitted from one student to another.
  - Requires Doctor's note to return to school
5. Impetigo: Student is excluded from school if he/she has two or more draining crusting exposed sores (i.e. face, hands)
  - Requires Doctor's note to return to school
6. Streptococcal and Staphylococcal Infections: Student is excluded from school until treated with a prescription antibiotic for 24 hours.
7. Ringworm: Student is excluded from school at the end of the day.
  - For ringworm of the skin, parent/guardian must send the box top of the antifungal medicine with the child when he/she returns to school.
  - For ringworm of the nails or scalp, parent/guardian must send a doctor's note to school verifying treatment. Students may return to school once treatment begins.
8. MRSA (Methicillin-Resistant Staph Aureus): Student is excluded from school until antibiotic treatment is started or a doctor's note is provided stating that antibiotic treatment is not necessary. Lesion(s) must be covered with a bandage/dressing that is sealed (taped) on all four sides.
9. Vomiting or Diarrhea: Student is excluded from school – should be free from vomiting or diarrhea for 12 to 24 hours before returning to school.

10. Fever: Student is excluded from school with temperature of 100 degrees and above – should be fever-free for 24 hours without use of fever-reducing medications before returning to school.

**Last Revisions/Adoption:**

**Legal References:** None

**Cross References:** None

**STUDENTS WITH HUMAN IMMUNODEFICIENCY VIRUS (HIV)  
AND ACQUIRED IMMUNODEFICIENCY SYNDROME  
(AIDS)**

It is the policy of the **ECU COMMUNITY SCHOOL** to provide an environment that is safe and orderly for all students and staff.

Students suspected or identified as infectious disease carriers shall be evaluated in accordance with the recommendations set forth by the American Academy of Pediatrics relative to school attendance. Children and adolescents with Human Immunodeficiency Virus (HIV) and Acquired Immunodeficiency Syndrome (AIDS) shall be permitted continued school attendance based upon initial and periodic evaluations and recommendations of a qualified physician utilizing the standards prescribed by the American Academy of Pediatrics. Alternative educational programs shall be pursued at such time as a student has been identified as a potential health risk to the school environment.

It shall be the responsibility of the physician and local health director to determine if the student poses a risk of transmission. The health director will decide when to inform the school principal. Violation of confidentiality is a criminal misdemeanor.



## PROCEDURES FOR IMPLEMENTATION

Children who are carriers of the HIV shall be permitted to attend school in accordance with **ECU COMMUNITY SCHOOL** policy.

1. If a physician believes that his/her patient may pose a significant risk of transmission in the school setting, the physician must inform the local health director. If the physician does not believe the patient poses a risk of transmission, he/she is ethically and legally required to keep the child's condition as HIV-infected confidential. (If the patient has AIDS, the physician must file a report with public health officials, but that information is not made available to the schools.)
2. If the child is currently in school or scheduled for admission and the health director agrees with the physician's preliminary assessment that the child may pose a risk of transmission, the health director is required to inform the school principal. If the health director does not believe that the student may pose a risk of transmission, he/she may not inform school officials.
3. After receiving notification, the school has three days to appoint a committee -- consisting of appropriate school personnel (principal and personnel directly involved), a medical expert, and the child's parent or guardian "to assist in investigating whether the child poses a significant risk of transmission and in determining whether a change in the child's educational setting can eliminate such risks." If the school does not appoint the committee, the health director must do so.
4. If the health director decides that a different educational setting is necessary to protect the public health, "appropriate school personnel" are authorized to develop an alternative educational setting. The school personnel committee should ensure that Section 504 of the Rehabilitation Act (PL93-112) and Education of All Handicapped Children Act/Individuals With Disabilities Education Act (PL94-142) have been properly followed with proper documentation. The health director is authorized to determine what protective measures must be followed in that setting.
5. After consulting with the principal, the health director determines whether those directly involved with the student who poses a significant risk of transmission should be informed of the child's infection. Three things should be kept in mind about notification under these regulations. First, if either the physician or the local health director determines that the child does not pose a significant risk of transmission, no one, including the principal, may be told of the student's infection. Second, under no circumstances may anyone not directly involved with the student be told. Third, violation of these

rules is a criminal misdemeanor.

6. All personnel involved with the HIV/AIDS student should review the Blood-Borne Pathogens Policy.
7. Children infected with the HIV may develop immunodeficiency, which increases their risk of experiencing severe complications from infections such as chicken pox, tuberculosis, measles, cytomegalovirus, and herpes simplex virus. Those known to be infected should be excused from regulations which mandate live vaccines as a condition for school attendance.

**ADMINISTRATION OF MEDICATION**

It is the policy of ECU Community School that school personnel should not administer medications to a student during school hours unless the health of the student will be adversely affected. If a student is required to take medication during school hours and the parent cannot be at school to administer the medication, school personnel may administer medication with proper documentation from physician and parent.

ECU Community School defines medication to mean "any prescription or over-the-counter medication or supplement which a medical care source deems essential to be administered during school hours."

The intent of this policy is to encourage that students take required medications prior to school hours and to discourage students from bringing prescription and non-prescription medicines to school or administering such drugs to themselves without the assistance of school officials. Neither the ECU Community School, nor any of its employees are responsible for the improper self-administration of prescription or non-prescription drugs at school.

**LEGAL REFERENCE: G.S. 115C-378**

**PROCEDURES FOR ADMINISTRATION OF MEDICATION**

1. Parents will be informed of medication policy and need for "Authorization for Medication" form. Information will be provided by the student handbook and/or parent letter.
2. "Authorization for Medication" forms may be obtained at the health care provider's office or the school's administrative office.
3. Completed "Authorization for Medication" form with proper documentation shall be maintained at the site where the medication is administered (front office, classroom, etc.)
4. School Personnel responsible for administering medications shall complete annual Medication Administration Training provided by School Nurses.
5. All medication administered (prescription and non-prescription) by school personnel must be presented in the original container.
6. If a student needs a non-prescription (over-the-counter) medication, an "Authorization for Medication" form needs to be signed by the physician and the parent specifying the dosage, time and frequency of medication. If the need is short term (less than a week), only a parents note is required that states the medication, dosage, time and frequency of medication. The parent always has the option to come to school and administer the medication.
7. School personnel responsible for administering medication (prescription and non-prescription) shall document on the "Medication Log." Daily medication logs shall be kept in a locked file or cabinet. In the absence of school personnel designated to dispense medications and document on medications logs, the principal shall delegate and monitor these activities.
8. Medications shall be secured in a locked cabinet, file or box under control of designated staff with the exception of rescue medications, which should be stored in a designated unlocked cabinet, file, or box under control of designated staff. Refrigerated medications shall be stored in an area with limited access.
9. Parents are responsible for informing the school principal of any serious changes in the child's health or any change in the medication to be administered. Changes in medication, including altered dosage and changes in time and frequency of administration, requires authorization from the prescribing physician on an "Authorization for Medication" form.
10. All medications shall be transported to and from school by parent/guardian for

elementary and middle school students. The only exception is that with prior documentation on the "Authorization for Medication" form, students who have permission to self-medicate may carry rescue medications. (Examples: asthma inhalers, insulin, epinephrine)

11. High school students may administer some of their own medication. Proper documentation on the "Authorization for Medication" form, including a physician's consent that students can self-medicate, shall be filed in principal's/designee's office. Class 2 Controlled Substances shall be transported to and from school by parent/guardian for high school students and administered by school personnel (examples: Ritalin, Oxycontin, Percocet, Adderol, Concerta).
12. School personnel responsible for administering medications to an individual student shall ensure that the student receives the scheduled dose during school sponsored field trips which take place during the school day.
13. It is a privilege for students to be allowed to self-medicate during school hours. Abuse of this privilege shall result in its revocation.
14. Unauthorized over-the-counter and prescription medication shall not be given to any student by any member of the school staff under any circumstances.
15. At the end of the school year, "Authorization for Medication" forms and daily medication logs shall be filed in students' health folders.
16. At the end of each school year, schools shall notify parents/guardians that medications should be picked up from school or they shall be disposed of if they remain on school property after a designated date.

**Last Revisions/Adoption:**

**Legal References:** None

**Cross References:** None

**STUDENTS WITH SPECIAL HEALTH CARE NEEDS**

Consistent with State Board of Education Policy, ECU Community School will make a registered nurse available for assessment, care plan development, and ongoing evaluation of students with special health care service needs in the school setting. The school nurse (RN) shall work with the School Administrator(s) to identify appropriate persons to perform care, to delegate health care tasks and procedures, and to monitor care according to her/his professional judgment, in compliance with the North Carolina Nurse Practice Act.

**PROCEDURE FOR STUDENTS WITH SPECIAL HEALTH CARE NEEDS**

1. Parents, teachers, and administrators are responsible for notifying the school nurse (RN) when a child with special health care needs enrolls in school. Students with special health care needs include those who are dependent on technology or are receiving treatments or procedures that could place the child at risk for side effects or injury.

It is recommended that notification occur one-month prior to school entry. During this time the school nurse shall obtain information and assess the child, collaborate with the family and physician to determine health needs that may occur at school, and develop necessary care plans.

2. Parents will be informed of the special health care needs policy and the need for an "Authorization for Specialized Health Care Needs" form. Notification will be provided by the health care provider's office, the school's administrative office and the student handbook and/or parent letter.
3. "Authorization for Specialized Health Care Needs" forms are initiated by the health care provider's office, the school nurse, or the school's administrative office.
4. The school nurse and/or a health care provider shall develop a plan of care describing the Individualized Health Plan (IHP) that is needed to safely care for the student at school. This plan will be based on consultation with the student's medical provider(s), parents/guardians, appropriate teachers and staff, and, when applicable, the student.
5. The school nurse and/or a health care provider will be responsible for teaching and monitoring procedures performed and for evaluating the student's response to care. The school nurse will develop a system of documentation to validate training, performance and ongoing clinical monitoring of designated personnel. Designated personnel shall keep a daily log documenting care given and student's response to care.
6. Students shall be instructed in self-care when appropriate to do so. The school nurse and/or a health care provider will be responsible for teaching and monitoring procedures performed by the student and will develop a system for documenting training, performance, and ongoing supervision.
7. School personnel shall be made aware of the existence of health problems for purposes of emergency care as well as daily programming. Emergency Action Plans (EAPs) or Asthma Action Plans (AAPs) will be provided to teachers and other school personnel as necessary to instruct them in types of emergency care that might be needed (e.g., what to do during a seizure, how to recognize insulin shock or diabetic coma, how to move immobilized students).

8. Equipment related to special health care needs shall be maintained according to manufacturer and school nurse (RN) recommendations for safety and security. This may include storage in a locked cabinet or secure drawer.
9. School personnel responsible for performing health procedures or for monitoring students performing self-care shall document the specific care given on the Procedure Log.
10. At the end of the school year, the "Authorization for Specialized Health Care Needs" form and the "Log for Specialized Treatments and Procedures" shall be filed in the student's health folder. These are maintained and stored indefinitely.
11. Each IHP shall be reviewed annually, and updated by the school nurse. Other changes to the IHP may occur due to significant changes in a student's condition. When a child is identified as receiving services through the Exceptional Children's Program, the school nurse and/or a health care provider will be involved in IEP planning, reassessment, team evaluation, and recommendations for placement.
12. The school nurse and/or a health care provider will determine training for licensed and unlicensed personnel to perform health procedures or monitor self-care procedures. Training will be updated annually and/or with any change in the student's condition. Documentation for training procedures and personnel trained will be maintained in accordance with the professional guidelines for care.

**Last Revisions/Adoption:**

**Legal References:** None

**Cross References:** None



**STUDENT SAFETY**

It is the policy of the **ECU COMMUNITY SCHOOL** to protect the safety and welfare of its students and staff. To that end rules and regulations governing buildings, buses, equipment, and supervision will be enacted.

## PROCEDURE FOR STUDENT SAFETY

1. Students shall be properly supervised before school, during school and after school.
  - a. No student under the age of 18 years shall be permitted to leave school prior to dismissal at the request of or in the company of anyone other than a school employee or the parents or guardian of the student, unless written permission of the parents or guardian is first secured.
  - b. When a student is suspended, the principal shall be held responsible for assuring the safe passage of the student, particularly a K-8 student, from the school to his/her home or otherwise into the care of the parent or guardian following the suspension.
  - c. No student shall be sent from the school grounds during hours to perform an errand or act as a messenger. No exceptions shall be made.
  - d. No student or group of students will be excused for co-curricular activities away from school without prior approval of the D e a n or designee. After obtaining appropriate approval, any individual or group excused must be properly supervised both to and from the activity with sufficient chaperone(s) provided by the school.
  - e. Participants may be permitted to return home from away games/activities with their parents, provided the parents appear in person and request this of the principal or his/her designee, and further provided that the school has approved the request and the appropriate school official has been presented a written note releasing the school from any liability. This action is to be repeated with each request.
2. In cases of custody issues and/or domestic violence, the child shall be released only to the parent/guardian who maintains legal custody. The school must have a current Court Custody Order or Domestic Violence Protective Order on file so that appropriate action can be taken. Though others may assist in providing the school with copies of orders, it is ultimately the responsibility of the custodial parent/guardian to provide these documents. If no court order is filed with the school, the assumption is that both parents have the same rights.
  - a. Copies of court orders will be kept in the student's cumulative record.
  - b. Administrators at individual schools will implement a system to flag students who may be at-risk for being taken from school unlawfully.
  - c. Office staff, support staff, and others on a need to know basis will be informed that orders are on file.

3. A higher standard of care is required of laboratory teachers, physical education teachers and teachers of similar activities. All appropriate precautions must be taken, including safety instruction.
4. The code of conduct for each school shall contain rules which foster the safety of students and staff.
5. There shall be proper precautions taken for the safety of students in all school-sponsored activities on and off school property.
6. Evacuation and emergency procedures shall be posted and practiced.
7. As responsible adults, the staff shall attempt to foresee possible dangers and set up preventive measures.

**EYE PROTECTION**

Administrators and teachers are responsible for insuring compliance with NCGS 115C-166 to NCGS 115C-169, Eye Safety Devices Required.

REVIEWED JUNE 2005

## PROCEDURE FOR EYE SAFETY DEVICES

Students and Teachers

Section 115C-166 requires that every public school shall provide for and require that every student and teacher wear industrial-quality eye protective devices at all times while participating in instructional or experimental programs involving:

- (1) Hot solids, liquids or molten metals;
- (2) Milling, sawing, turning, shaping, cutting or stamping any solid materials;
- (3) Heat treatment, tempering or kiln firing of any metal or other materials;
- (4) Gas or electric arc welding;
- (5) Repair or servicing of any vehicle; or
- (6) Caustic or explosive chemicals or materials.

These industrial-quality eye protective devices shall be furnished free of charge to the student and teacher.

Visitors

Visitors to shops and laboratories shall be furnished with and required to wear such eye safety devices while such programs are in progress.

"Industrial-Quality Eye Care Devices" Defined

Industrial-quality eye protective devices are devices meeting the standards of the U.S.A. Standard Practice for Occupational and Educational Eye and Face Protection, approved by the U.S.A. Standards Institute, Inc.

Corrective-Protective Devices

In those cases where corrective-protective devices that require prescription ophthalmic lenses are necessary, such devices shall only be supplied by those persons licensed by the State to prescribe or supply corrective-protective devices.

**STUDENT ILLNESS AND EMERGENCY CARE**

It is the policy of **ECU COMMUNITY SCHOOL** that the health and safety of the students are of primary concern.

The principal, teachers and other employees of each individual school are responsible for providing for the safety of students. These safety responsibilities include proper supervision. Proper procedures should be followed whenever a student is injured or ill before school, during school, or after school on school property. Proper precaution should be taken for the safety of all students in all school-sponsored activities, both on and off school property.

The principal is responsible for designating at least two staff members at the school site as school first responders for emergency care. First responders will be certified in cardiopulmonary resuscitation (CPR) and first aid. The principal shall maintain a list of all staff members with current certification to be reviewed and updated annually.

School first responders shall provide a first aid review to certified and classified personnel who work directly with students at the beginning of each new school year. Each school shall maintain a master first aid kit. First responders shall have a travel kit. Kits shall be inventoried and restocked at regular intervals by principal's designee.

**Last Revision/Adoption:**

**Legal References:** None

**Cross References:** None

**PROCEDURE FOR STUDENT ILLNESS AND EMERGENCY CARE**

The principal, teachers, and other employees of each individual school are responsible *in loco parentis* for the health and safety of the students. Proper procedures should be followed whenever a student is ill or injured before school, during school, or after school on school property. Proper supervision and precautions should be taken for the safety of all students in all school sponsored activities, both on and off school property.

**1. Student Illness**

A student who appears to be experiencing health problems may be referred to the principal's office or the school nurse if nurse is on site at the discretion of the teacher. If the health problem is of a minor nature, the appropriate care shall be given and the student allowed to return to class. If the problem appears to be more serious, the school personnel will:

- a. Attempt to contact parent or guardian of the student, and if successful, inform them of the illness or injury.
- b. Request the parent or guardian to come to school to pick up the student or assist them in deciding on a recommended course of action.
- c. Supervise the student as long as the student is experiencing any health problems or until the student is in the care of parent or guardian.
- d. Log the information if the student leaves school.

**2. Emergency Care**

Pursuant to N.C.G.S. 115C-307(c), at least two staff members at the school should be certified in CPR and First Aid. Information that may be useful in an emergency situation shall be noted on each student's Health Card and Student Information Data (SIMS) form, which should be updated annually. Emergency Action Plans should be developed by the school nurse for students who may have emergency health needs such as allergies to insect stings, asthma, diabetes, epilepsy, etc., and shall be maintained in a secure location in the main office.

The following emergency procedures shall be followed:

- a. Staff member's responsibility for Emergency Care (first staff member to scene):
  - 1) Contact office immediately.
  - 2) Calm students/clear area.
  - 3) Monitor injured/sick student until first responder arrives.
- b. Office personnel's responsibility
  - 1) Contact first responder
  - 2) Contact parent/guardian if necessary

- c. In the event of an illness or injury that the principal and/or his/her designee(s) - school first responder(s) - determine is of a serious nature, designee shall contact the parent or guardian and arrange for immediate transportation of the student to a doctor or hospital.
- d. In the event the parents cannot be contacted immediately, and if there is sufficient evidence to believe that the student is in a life-threatening condition, it becomes the responsibility of the principal and/or his/her designee(s), such as the school first responder(s), to see that the student receives immediate medical assistance (call 911).
- e. Every effort will be made to contact the parents or guardian. If unsuccessful, school staff will contact the alternate designated by the parent on the Student Information Data form (SIMS).
- f. If the student is sent for emergency treatment, a school employee shall accompany and remain with him/her until parent/guardian arrives.
- g. surgery for a student. The principal should have emergency protocols and emergency numbers provided by parents/guardians for those students with major medical problems. This should be included on Student Information Data form (SIMS).
- h. Whenever a student is injured, a written report should be promptly made and filed, including name and address of the injured party, the activity in which the injury occurred, the date, hour, and place of the injury, the name of the person in charge, the cause and extent of the injury, and the first aid rendered Accident/Injury Report form (Exhibit 10.611).
- i. Parents shall be informed about injuries their children receive at school as soon as possible. Follow-up care may be needed for some situations.
- j. For students with medical problems, emergency protocols shall be developed and placed in Cumulative folder. Teachers responsible for care of these students and first responders shall have access to this information.
- k. Field trips and other off campus activities shall provide for the health and safety of students with preparation for emergency care including: a travel first aid kit; a plan of action; emergency telephone numbers; medications, and individual care plans for students with special medical conditions.

**Last Revision/Adoption:**

**Legal References:** G.S. 115C-47, -307

**Cross References:** None





## SERVICE ANIMALS IN SCHOOLS

The ECU Community School will make reasonable accommodations for qualified persons with disabilities in accordance with state and federal law. An individual with a disability may be accompanied by his or her service animal on school property unless the animal is properly excluded as set forth in section E of this policy. The Superintendent shall establish any necessary administrative regulations for the use of service animals on school property.

### A. DEFINITION OF “SERVICE ANIMAL”

A “service animal” for purposes of this policy normally is any dog that has been individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the individual’s disability or necessary to mitigate a disability. Service animals normally do not include any other species of animal, whether wild or domestic, trained or untrained. Animals whose sole function is to provide emotional support, well-being, comfort, companionship or therapeutic benefits or to act as a crime deterrent are not service animals for the purposes of this policy.

### B. USE OF A SERVICE ANIMAL ON SCHOOL PROPERTY BY STUDENTS AND EMPLOYEES

#### 1. Introduction of a Service Animal

School administrators shall facilitate the introduction of an eligible service animal into the school environment. To promote a successful integration of the service animal into the educational program and to minimize unnecessary disruption, an employee or student with a disability who intends to bring a service animal to school during the school day is encouraged to follow these guidelines.

- a. The employee, student or student’s parent should notify the superintendent and the principal of the applicable school in writing at least 10 work days prior to the date proposed to bring the service animal onto school property.
- b. The employee, student or student’s parent should work with school personnel to create a plan addressing the presence of the service animal during the school day. A plan to integrate a service animal into the school environment should include the following:
  - 1) appropriate training for school personnel and students regarding interaction with the service animal;

- 2) any necessary modifications to the educational program so that the employee or student with a disability may be accompanied by the service animal; and
    - 3) address, when necessary, the presence of a handler other than the employee or student with the disability to control or care for the service animal.
  - c. The service animal should wear identification to provide adequate notice to students, school personnel and school visitors that the dog is a service animal.
  - d. The service animal should be free of parasites and otherwise in good health.
2. Presence of a Service Animal on School Property

An employee or student with a disability accompanied by a service animal must meet the following requirements for a service animal to be present on school property.

- a. A student or employee who elects to be accompanied by a service animal will be expected to care for and supervise the animal. If a student is not capable of providing adequate care and supervision, the parent will be responsible for providing such care and supervision.
- b. If a student requires assistance from a parent or handler to control and care for the service animal while on school property, that individual must submit to a background screening, which may include a criminal history check in accordance with state law and any procedures established by the superintendent.
- c. The service animal must be on a leash or other mechanical restraint at all times. If mechanical restraint is not feasible due to a student's disability, the animal must be under other sufficient means of control.
- d. The service animal must be housebroken, under the control of its handler, and have received all necessary vaccinations as required by state law.

**C. USE OF A SERVICE ANIMAL ON SCHOOL PROPERTY BY SCHOOL VISITORS**

A school visitor who is an individual with a disability may be accompanied by a service animal in accordance with all applicable state and federal laws and regulations. A service animal that is accompanying a school visitor may be properly excluded from school property for a reason(s) set forth in section E of this policy.

**D. LIABILITY**

The board may hold the owner or handler of a service animal liable for any property damage caused by the animal to the same extent required by other board policy or administrative rules that impose liability for property damage. In addition, either the owner or handler, or both may be liable for personal injury caused by the animal or related to the presence of the animal on school property.

**E. EXCLUSION OF A SERVICE ANIMAL FROM SCHOOL PROPERTY**

School personnel shall not ask an individual with a disability about the nature or extent of his or her disability or for proof of a service animal's training as a condition of allowing the animal onto school property. However, when not readily apparent to school personnel, a principal or designee may inquire as to whether the animal is required because of a disability and what work or task the animal has been trained to perform. Such inquiries may be made to confirm that the dog is a service animal and is rightfully present on school property.

A principal or designee may exclude a service animal from school property for the following reasons:

1. The animal poses a direct threat to the health or safety of others that cannot be eliminated by reasonable modifications.
2. The animal is out of control and the animal's handler does not take effective action to control it.
3. The animal is not housebroken.
4. The presence or behavior of the animal fundamentally alters the service, program or activity of the school system.

If a principal or designee excludes a dog or service animal from school property, the principal or designee must document the reasons for the exclusion and notify the superintendent. The superintendent or designee will make a determination on whether a service animal will be allowed to return to the school and, if reasonably possible, notify the individual with the disability in writing of the decision within five work days of the initial exclusion.

If the superintendent determines that an animal does not meet the definition of a service animal or that a service animal should be excluded for one or more of the reasons described in this section, the student's Section 504 or IEP Team shall meet to consider and document whether the animal's presence is necessary for the child to receive an appropriate education or to have equal access to the educational program and, if not, whether the child needs other aids and services or accommodations.

If a service animal is excluded, an individual with a disability will be provided the opportunity to participate in educational services, programs or activities as required by law without having the service animal on the premises.

**Last Revision/Adoption:** None

**Legal References:** Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; G.S. 130A-185, 168 art. 1, 168A-3 through -7

**Cross References:** None

**STUDENT TRANSPORTATION**

It is the policy of the **ECU COMMUNITY SCHOOL** to regulate the transportation of its students according to federal and state guidelines. To that end, the Board will develop procedures that govern said transportation.

The principal, in cooperation with the faculty and students, may formulate school rules and regulations governing the proper and safe use of motor vehicles on school property. Such rules may not be in conflict with governing laws or other LEA guidelines.

## PROCEDURE FOR STUDENT TRANSPORTATION

1. Field Trips and Extracurricular Activities: Except as provided for in Section 4 below, transportation for field trips and extracurricular activities shall be provided in the following order of priority:
  - a. Activity buses
  - b. Privately-chartered buses
2. Athletics: Except as provided for in Section 4 below, transportation for athletics shall be provided by activity buses.
3. Off-Campus Courses/Study: Unless otherwise provided, any student who wishes to enroll in an off-campus course, off-campus study program, or a course which requires off-campus travel on a regular basis (ex: journalism, yearbook, etc.) shall be responsible for his/her own transportation. Prior to enrollment in such a course or program, the student's parent shall complete a written permission form supplied by the school. (Form E).
4. The Board discourages the use of private vehicles as transportation for students to and from school-approved activities. However, the Board recognizes that transportation by private vehicle is necessary at times. The principal shall have the discretion to authorize the use of private vehicles in situations where the use of an activity bus or a privately-chartered bus is not feasible due to the number of students participating.
  - When a private vehicle is used to provide transportation, the principal shall ensure that the driver has proof of liability insurance and an appropriate and valid North Carolina driver's license, a copy of which shall be maintained at the school.
  - The principal shall have a Driver Verification Form completed and submitted to the ECU University Counsel Office at least fourteen (14) days prior to the school-sponsored activity for verification and approval of the driver's record.
  - The principal shall further insure that the private vehicle being used to transport students has at least one seat belt per passenger.
  - The owner of the vehicle assumes full responsibility and liability when private vehicles are used and shall sign an acknowledgement of liability form. (Form B)
  - No student shall be transported by private vehicle until the parent or legal guardian has completed an approved permission form. (Form C)
  - If a student will be providing his/her own transportation by private vehicle, with the permission of the principal, the student's parent must complete an approved permission form. (Form D). However, no student shall be allowed to provide transportation by private vehicle for other students.

5. Upon a written request by the parent or legal guardian and verification of the authenticity of the request, the principal may permit a student to travel to or from school-approved activities with their parent or guardian, provided they complete the approved release form. (Form A) This form must be completed with each request. Prior to releasing a student to ride with a parent or guardian from an activity, the school official supervising the student must make direct contact with the parent at the site of the activity and verify that proper arrangements have been made.
6. If a student is ill and must be taken home, the principal or his designee shall provide transportation only if the parents or the parents' designee cannot come for the child and the parent gives permission for the principal or his/her designee to provide transportation. If the student's parents or their designee are not at home, the student should be retained at school.





FORM A

PERMISSION TO TRAVEL WITH PARENT

As the legal parent or guardian of \_\_\_\_\_, who is a  
(student's name)  
student at \_\_\_\_\_, and who is participating in  
(school name)  
\_\_\_\_\_, I do hereby request permission for my  
(school activity)  
son/daughter to travel \_\_\_\_\_ this school-approved event with me.  
(to / from / to and from)

By assuming responsibility for my son/daughter, I hereby release the ECU Community School, the sponsoring organization or related organizations, and the officers, agents and employees of the above organizations, of any legal responsibilities resulting thereafter.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Parent's Signature

FORM B

ACKNOWLEDGEMENT OF LIABILITY

I, \_\_\_\_\_, acknowledge that I am the owner and operator of the  
(name)

\_\_\_\_\_,  
(make, model and vehicle identification number)

which will be used to transport students from \_\_\_\_\_ to  
(school name)

\_\_\_\_\_ on \_\_\_\_\_.  
(school activity) (date of activity)

I further acknowledge that I accept responsibility for any and all claims and liability arising from the transportation of students by me. I agree to hold ECU Community School and its officers, agents and employees, harmless from said claims and liability. I further acknowledge that I have a good driving record and that the vehicle listed above is in proper working order.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_.

\_\_\_\_\_  
Signature

FORM C

PERMISSION TO TRAVEL IN PRIVATE VEHICLE

As the legal parent or guardian of \_\_\_\_\_, who is  
(student's name)

a student at \_\_\_\_\_, and who is participating in  
(school name)

\_\_\_\_\_, I do hereby give my permission for my  
(school activity)

son/daughter to travel to and from this school-approved event in a private vehicle driven by a driver approved by the principal. By granting permission for my son/daughter to travel in a private vehicle, I do hereby release the above-stated school, ECU Community School, the sponsoring organization or related organizations, and the officers, agents and employees of the above organizations, of any legal responsibilities resulting thereafter.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Parent's signature



**CHILD ABUSE/NEGLECT**

All employees of the ECU Community School who have reasonable cause to suspect the abuse, neglect, or dependency of any child under eighteen (18) years of age shall comply with the provisions of the Child Abuse Reporting Law as contained in Article 44 of the North Carolina Juvenile Code.

All employees of the ECU Community School will extend their full and complete cooperation to personnel from the Pitt County Department of Social Services and to any state and local law enforcement officers who may be called upon by the Department of Social Services to assist in the investigation and evaluation of any report of abuse or neglect.

The Dean or his/her designee shall develop administrative regulations, forms and procedures necessary for the proper implementation of this policy. These regulations shall also include extracts of pertinent sections of the Child Abuse Reporting Law so that all school personnel may familiarize themselves with their duties and responsibilities.



PROCEDURE FOR IMPLEMENTING CHILD ABUSE/NEGLECT

I. Training

- A. The Dean will appoint a school system representative/liaison for child abuse reporting. This person will:
  - 1. Be the school representative/liaison to coordinate information and concerns regarding the Child Abuse Reporting Law between schools and Department of Social Services and other community agencies;
  - 2. Provide materials and other resources for the principal to do in-service with his/her staff about child abuse/neglect;
  - 3. Inform the Dean of any changes in the law or Department of Social Services procedures for handling child abuse/neglect cases.
- B. The principal will provide in-service training for his/her staff regarding the provisions of the Child Abuse Reporting Law including:
  - 1. Definitions of abuse, neglect and dependency
  - 2. Responsibilities of teachers, counselors, and other staff members for reporting instances of abuse or neglect
  - 3. Procedures of reporting
  - 4. Role and responsibilities of department of social services caseworkers and other investigatory agencies
  - 5. Confidentiality

II. Reporting

- A. Reporting is the responsibility of the individual who has first-hand knowledge or who has observed evidence of abuse or neglect. The principal or his/her designee will provide support to other staff members and act as a liaison with the local Department of Social Services.
- B. Any report of suspected child abuse, neglect, dependency, or death due to maltreatment made to the local department of social services should, at a minimum, contain sufficient information to identify the child, his family, and the acts supporting the suspicion of child abuse, neglect or dependency. The report may be made orally, by telephone, or in writing. It may be followed by a written report and must be if requested by the Department of Social Services.



- C. The report of suspected abuse/neglect does not have to come from the school for a Department of Social Services caseworker to be given access to the victim in school.

The presence of school personnel during the interview with the child by an investigator can be jointly decided by the school principal or designated representative and the investigator on a case-by-case basis. In some instances school personnel may request to remain with the child during the interview. However, the principal and school personnel are encouraged to respect the opinions and discretion of the Department of Social Services caseworker in these matters.

- D. School personnel are advised that the N.C. Juvenile Code permits a law enforcement officer or a Department of Social Services worker to take a juvenile into temporary custody without a court order if there are reasonable grounds to believe that the juvenile is abused, neglected, or dependent and that the child would be injured or could not be taken into custody if it were first necessary to obtain a court order. The social services worker or law enforcement officer is required to notify the child's parent or guardian that the child has been taken into temporary custody.
- E. If a report of child abuse, made by a school employee, is not accepted by an intake worker at Department of Social Services, the person making the report may contact the intake supervisor at the Department of Social Services to register concern. If the person making the report is still not satisfied, the school Superintendent's appointed representative/liaison for child abuse reporting may be contacted.
- F. When dealing solely with the fact that a child has accumulated unlawful absences, local school officials should comply with the provisions of the Compulsory Attendance Law. Local school officials are required to notify a student's parents, guardian, or custodian after he/she has accumulated three unlawful absences in a school year. After not more than six unlawful absences, the principal shall notify the parent, guardian, or custodian by certified mail that he may be prosecuted under the Compulsory Attendance Law if the absences cannot be justified under established attendance policies. After ten accumulated unlawful absences, the principal shall determine if the parents have made a good faith effort to comply with the Compulsory Attendance Law. If a good faith effort has not been made, the principal shall notify the local district attorney. If a good faith effort has been made, the principal may file a complaint with the local juvenile intake counselor.

Complying with this provision does not, in any way, preclude mandatory reporting of suspected abuse or neglect to the local Department of Social Services in accord with paragraphs mentioned above.

### III. Investigation

- A. G.S. 7A-544. Investigation by Director; access to confidential information; notification of person making the report. When a report of abuse, neglect or dependency is received, the Director of the Department of Social Services shall make a prompt and thorough investigation in order to ascertain the facts of the case, the extent of the abuse or neglect, and the risk of harm to the juvenile, in order to determine whether protective services should be provided or the complaint filed as a petition. When the report alleges abuse, the Director shall immediately, but no later than 24 hours after receipt of the report, initiate the investigation. When the report alleges neglect or dependency, the Director shall initiate the investigation within 72 hours following receipt of the report. The investigation and evaluation shall include a visit to the place where the juvenile resides. All information received by the Department of Social Services shall be held in strictest confidence by the Department.

When a report of a juvenile's death as a result of suspected maltreatment is received, the Director of the Department of Social Services shall immediately ascertain if other juveniles remain in the home, and, if so, initiate an investigation in order to determine whether they require protective services or whether immediate removal of the juveniles from the home is necessary for their protection.

If the investigation indicates that abuse, neglect, or dependency has occurred, the Director shall decide whether immediate removal of the juvenile or any other juveniles in the home is necessary for their protection. If immediate removal does not seem necessary, the Director shall immediately provide or arrange for protective services. If the parent or other caretaker refuses to accept the protective services provided or arranged by the Director, the Director shall sign a complaint seeking to involve the jurisdiction of the court for the protection of the juvenile or juveniles.

If immediate removal seems necessary for the protection of the juvenile or other juveniles in the home, the Director shall sign a complaint which alleges the applicable facts to invoke the jurisdiction of the court. Where the investigation shows that it is warranted, a protective services worker may assume temporary custody of the juvenile for the juvenile's protection pursuant to Article 46 of this Chapter.

- B. The Department of Social Services and law enforcement personnel, in keeping with their investigative responsibilities, may require direct and immediate access to the victim of an abuse or neglect complaint without parental consent. Seeing the child prior to interviewing the parent could insure the child's safety. In some instances the parents have persuaded the child to "change his/her story" or not talk at all with the protective services worker. The child is sometimes told that if he/she talks to the worker, he/she will be further abused (by the parent). In some instances the child is told that if he/she talks to the protective services worker, Department of Social Services will "take him/her away to a foster home." A visit to the school would enable the Department of Social Services to see the child alone and take pictures of him/her earlier than if they had to wait until the child returned home. During the visit to the school, teachers, counselors, and others who are involved might also be interviewed by the Department of Social Services as they would have knowledge of the child

and his/her situation.

- A. Upon initiating the investigation, the local child protective services worker assigned to the case should assess the situation to determine the necessity of involving or further involving local school personnel.

Interviewing the student at his/her local school is necessary at times; however, it is not standard procedure in every investigation.

- B. If the local protective services worker determines that a situation merits a visit to a local school, the worker should notify the local school principal or contact person to arrange a convenient time that is least disruptive to classes. The principal of that school should:
1. Provide access to the student upon request of a Department of Social Services caseworker or law enforcement personnel without prior consent of the child's parent or guardian. If examination of the child is needed, privacy for the child should be provided, and a member of the child's same sex should be present;
  2. Furnish the worker with all information which could establish child abuse or neglect;
  3. Permit the worker to interview school staff members familiar with the child or the report;
  4. Allow the worker to photograph any evidence of abuse or neglect on the child such as marks, bruises, etc.;
  5. Allow the worker to remove the child from the school if the worker determines that the child is at immediate or imminent risk. A removal of a child from school should usually be accomplished pursuant to a court order, unless the urgency of the situation necessitates removal of the child under the provisions of temporary custody.
- C. The presence of school personnel during the interview with the child by an investigator can be jointly decided by the school principal or designated representative and the investigator on a case by case basis. In some instances, school personnel may request to remain with the child during the interview; however, principal and school personnel are encouraged to respect the opinions and discretion of the Department of Social Services caseworker in such matters.

#### IV. Follow-up

- A. After a thorough investigation is completed, a disposition is made. The report must either be substantiated or unsubstantiated. If protective services cannot verify (substantiate) that abuse or neglect has occurred, the protective service worker cannot, by law, continue working with this child or his/her family in this capacity. However, the family is encouraged to use other supportive services offered by the Department of Social Services, and to request these services through the process of making a written referral.

- B. Within five working days after the receipt of the report of suspected child abuse or neglect from the local school personnel, the local Director of Social Services will provide the person who made the report information concerning the action taken or to be taken by the local Department of Social Services to protect the child's welfare.
- C. If at any time school employees are not satisfied with the Department of Social Services investigation procedures they should:
  - 1. Talk first with the Department of Social Services worker assigned to the case and see if concerns can be resolved;
  - 2. If concerns remain, contact the caseworker's immediate supervisor, the Service Administrator, or the Director of Social Services;
  - 3. If the problem is still unresolved, contact the Superintendent's representative/liaison for child abuse reporting.
- D. In any case of a report of suspected child abuse or neglect which necessitates involving or further involving local school personnel, it is appropriate for the local Department of Social Services to share more detailed information pertinent to the report of suspected child abuse or neglect with local school staff members who are assisting with the investigation or service planning for the child. The two agencies should fully cooperate and collaborate in planning consistent services for the child and his/her family in the treatment of further child abuse or neglect.

#### V. Possible Actions Taken

- A. If it is determined that the child is at immediate risk (imminent danger), immediate removal of the child is required. Protective services does so usually after securing a court order. It is possible that the child may be picked up at his/her school with this order, or under the provisions of temporary custody for twelve hours without a court order.
- B. Taking a juvenile into temporary custody (G.S. 7A-571). Temporary custody means the taking of physical custody and providing personal care and supervision until a court order for secure or non-secure custody can be obtained. A juvenile may be taken into temporary custody without a court order by a law enforcement officer or a Department of Social Services worker if there are reasonable grounds to believe that the juvenile is abused, neglected or dependent and that he would be injured or could not be taken into custody if it were first necessary to obtain a court order.
- C. If the child is removed from the home, the family will receive protective services to alleviate or lessen the problem while the child is in Department of Social Services foster care. One of the treatment goals, when feasible, is to return the child to his/her home.
- D. Custody of the child might be taken at a later date than the initial intervention. After working with a family for a period of time with no progress made, it may be necessary to ask the court to remove the child from the home.

#### VI. Confidentiality

- A. A child's protective services record maintained by the local Department of Social Services is confidential and may only be examined by court order except that the child or his attorney has the right to examine it. This, however, does not preclude the necessary sharing of information among authorized agencies.
- B. School personnel making a report or testifying in any judicial proceeding resulting from the report shall be immune from any civil or criminal with the requirements of the Child Abuse Reporting Law, unless such person acted in bad faith or with malicious purpose.
- C. Both the local Department of Social Services and the local school should take precautions in accordance with applicable law and their own regulations to insure the confidentiality of all information disclosed, discovered or maintained as a result of the investigation.





## **STUDENT RECORDS**

It is the policy of ECU Community Schools to develop and maintain student records to enhance the growth and development of the individual student, to provide information for parents and authorized school staff members, and to provide a basis for evaluating and improving school programs.

The principal will be responsible for seeing that relevant laws, policies and regulations are observed in the collection of information for student records, in the maintenance and protection of them, in the dissemination of information from them, and in the transfer of them from his/her school. She/He will provide for the physical security of these records and see that members of his/her staff periodically receive instruction on the privacy rights of students and parents and on the proper handling of student records.



NOTIFICATION ABOUT STUDENT RECORDS/RIGHTS

All parents of **ECU COMMUNITY SCHOOL**

are informed annually in the student handbook of the following information concerning student records:

1. Types of records maintained
2. Location of the records and policy governing student records
3. Title of the school staff member(s) responsible for the records
4. Procedures regarding access to the records
5. Procedures regarding the filing of complaints about the records
6. Procedures regarding the forwarding of records to other schools
7. Right to complain to the Family Educational Rights and Privacy Act (FERPA) office

A copy of all Board-approved policies and regulations concerning student records is maintained at each school and is available to parents and legal age students to review.

All files, documents and materials containing information which directly relates to and individually identifies a student or former student, and which is kept by the Advisory Board or individual acting for the Board, is part of the record, even though it may temporarily be located away from the student's official record.

<p>NOTICE OF THE RIGHTS AFFORDED FOR STUDENT RECORDS SHALL BE GIVEN ANNUALLY IN THE STUDENT HANDBOOK.</p>
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Complaints to Family Educational Rights and Privacy Act (FERPA) Office

Parents and eligible students may file complaints with the FERPA Office, Department of Education, Washington, DC 20202, which is charged with enforcing FERPA procedures, not substantive decisions.

**PROCEDURE FOR STUDENT RECORDS – COLLECTION AND CLASSIFICATION**

The primary purpose of the permanent record folder is to provide information that can be used to develop the best possible educational program for each student enrolled.

**A. Information that may be maintained WITHOUT parental consent**

**1. Administrative Information**

- a. Identifying information such as name, address, telephone number, birth date, entrance date and identification number
- b. Family information such as the parents' names, student's place of birth, number in the family and names of other siblings
- c. Attendance record
- d. School progress record
- e. Record of withdrawal and re-entry
- f. Activities and honors
- g. Interests and talents
- h. Medical record
- i. Out-of-school activities
- j. Group screening data
- k. Group testing data
- l. State-required testing data
- m. Graduation data and class rank
- n. Driver's education record
- o. Follow-up record

**2. "Working Data"**

Information and observations of a confidential nature may be kept by teachers, counselors, psychologists, social workers, nurses or principal. Such notes do not become part of the permanent record until they are made available to another person. When this information is shared, it automatically becomes subject to the policies and regulations governing student records.

3. Curricular Information

Information that is part of the approved curriculum may be collected. Examples include end-of-the-book tests and assessment of specific skills on a skills continuum.

4. Social Security Number

Federal law prohibits a school from requiring students to report their social security number. When students refuse to provide their social security number, an alternative identification number must be assigned. The alternative number should be assigned when the students are first enrolled in school and should follow students to subsequent schools and/or LEAs.

B. Information that may be collected only WITH parental consent

1. Individual screening and assessment information
2. Psychological reports and individually administered standardized tests
3. Questionnaires and rating scales dealing with personal information
4. Information gathered as part of an approved school research study in which individual students and their parents are identified
5. Records on students with special needs

**PROCEDURE FOR STUDENT RECORDS – LOCATION AND CONTENTS****A. Cumulative Records**

Cumulative folders are kept in each school. No record or information from a record may be removed from the authorized location without permission from the principal or the principal's designee.

The cumulative record should contain personal and family data, information, attendance reports, and scholastic information, including grades and test data.

**1. GRADES**

- a. Community School personnel will record year-end grades on the cumulative folder.

**2. ATTENDANCE**

- a. A copy of Attendance Report (SIMS R101) (Individual Pupil Record on 8.5 X 11 inch paper in condensed print) should be placed in the cumulative folder at the end of each school year.

All R101 reports should be stapled together in chronological order with the most recent year on top. These reports should be secured with a single staple. This would take the place of any type of attendance record being placed in brown envelopes.

- b. A backup of the SIMS system run after the close of school, but prior to running year-end process, should be made, labeled appropriately, and sent to the Director of Student Information at the central office for storage.
- c. When a student transfers in from another school, an Attendance Report (SIMS R101) should accompany the student's records and should be filed in the cumulative folder.
- d. All existing brown envelopes for active and inactive students will be filed PERMANENTLY in the cumulative folder effective June, 1991. (Per PCS policy; community school students transfer from PCS per ECU Lab School and PCS MOU)

**3. HEALTH CARD****4. TESTING INFORMATION**

- a. Test Cards:

Attach labels to the test cards. Test labels that have been stapled onto test cards should be removed and attached to the cards with adhesive. If the test card is full, staple a new card to the old one.

b. Test Printouts:

The printout(s) of the test results (Teacher Reports), NCMSDT, Science, Social Studies, Writing Assessment, End-of-Grade, etc., should be filed in a separate folder by grade level. At the beginning of each year teachers will receive the Teacher Reports, etc., for their present class to be used in planning instruction.

5. SCHOOL PICTURES

Attach school pictures with adhesive. Do not use staples.

B. Supplementary Exceptional Children's Records

Supplementary folders are kept in the school on each identified exceptional student. The supplementary exceptional children's records for handicapped students consists of all confidential records used to place and provide an education for a child, such as achievement and intelligence tests, medical reports, and the Individualized Education Program (IEP). Psychological reports are kept in the supplementary files and copies are kept in a separate locked location at the school.

C. Teacher Assistance Team Records (TAT)

Records of students referred to the Teacher Assistance Team are kept in each school. If a student becomes identified as exceptional, his/her Teacher Assistance Team record will be placed in his/her supplementary folder. If the student is not identified as exceptional, the Teacher Assistance Team record will be placed in the cumulative folder. All psychological evaluations will be filed in a supplementary folder.

D. Inactive Records

All inactive cumulative folders shall be housed in the last school ASSIGNED until placed on microfilm for Pitt County Schools at the Central Record Depository.

Inactive supplementary folders will be maintained for FIVE YEARS. All inactive Teacher Assistance Team folders which do not contain psychological reports will be kept in the student's cumulative folder for up to five years. These records should be sent to feeder schools and other schools the student may transfer to within Pitt County during this five-year period.

E. Administrative Records

Administrative records (such as parental permission slips, unlawful absence forms, exceptional children hearing report records, school discipline records, etc.) should be filed separately from the cumulative folder and should be retained only as long as they are needed for operational purposes.

**Last Revision/Adoption:**

**Legal References:** G.S. 115C-47

**Cross References:** None









## PROCEDURE FOR STUDENT RECORDS – MAINTENANCE AND DISPOSITION

Maintenance of Student Records

The privacy of students and their parents is protected in the maintenance of school records. This process includes verifying information in the records, obtaining the informed consent of parents when their consent is needed, limiting access to student records, using records appropriately, and selectively discarding outdated items.

It is the responsibility of the principal's designee to see that all student records are properly maintained. Annually teachers and other staff members are to receive instruction on the proper handling of student records. The school principal is responsible for assuring that school staff annually review and update cumulative records.

Periodically the principal's designee is to see that outdated material is removed from student records. This is particularly appropriate when the student completes grades 5 or when s/he transfers. A list of information that must remain in each cumulative record is maintained in each school. Items removed from student records are to be destroyed or maintained under conditions of anonymity.

Disposition of Student RecordsA. Cumulative Record Information

1. WITHIN THE LEA(Pitt County Schools): When student record information is requested by another school to which a student has transferred (within the LEA), the cumulative folder shall be sent, including:
  - Attendance report (SIMS R101)
  - Withdrawal form and grades for the current year
  - Teacher Assistance Team folder of non-exceptional students (if applicable)

AT THE END OF THE SCHOOL YEAR when a student progresses from a feeder school to its receiving school, the original cumulative folder shall be sent to the receiving school.
2. OUTSIDE THE LEA: When student record information is requested by another school to which a student has transferred (outside the LEA), photocopies of the following shall be sent:
  - Front cover of the cumulative folder
  - Health Record/Folder

- Test Record/Folder
- Withdrawal form with average for the current marking period
- Computer Report Card for current year
- Test Record/Folder
- Withdrawal form with average for the current marking period
- Computer Report Card for current year
- Attendance Report (SIMS R101)
- Transcript or cumulative folder grades
- Court Orders
- Birth Certificate/Social Security Number

NOTE: These original items shall be maintained in the school in an inactive file until microfilmed.

3. The ECU Community School will maintain a log of record distribution including, but not limited to, dates and locations of records sent or received in or outside the school.

B. Supplementary Exceptional Children's Records

1. WITHIN THE LEA (Pitt County Schools): When student cumulative record information is requested by another school to which a student has transferred (within Pitt County), the original exceptional children's record shall be sent.
2. OUTSIDE THE Pitt County: When student cumulative record information is requested by another school to which a student has transferred (outside Pitt County), photocopies of the required documents for compliance shall be sent.

3. EXITING/ENTERING PUBLIC SCHOOLS

The educational records of handicapped children who leave the public school and enter a human resource or correction program OR who leave a human resource agency or a correction program to enroll in a public school may be transferred without parental consent with notice to the parent that the record has been forwarded. Each item of the record forwarded should be listed. Any records dealing primarily with medical treatment or correction as opposed to education should not be transferred. Only medical records used for placement are transferable.

C. Destruction of Inactive Student Records

1. Supplementary Exceptional Children's Records

Supplementary records shall be kept for five years after termination of special services or five years after graduation or withdrawal from school. These records may then be destroyed. Parents are notified before any of these reports are destroyed.

2. Teacher Assistance Team Records

Prior to graduation, inactive Teacher Assistance Team records for non-exceptional students shall be kept in the cumulative records for five years. Teacher Assistance Team records may then be destroyed. Upon a student's graduation from high school, these records shall be destroyed

## PROCEDURE FOR STUDENT RECORDS – ACCESS

InspectionLog

A record of access, provided by an inspection log, must be kept with, but not be part of, each student's cumulative record. The record is available only to the record custodian, parent/guardian, eligible student, or federal/state/local official. It is maintained as long as educational records are maintained. It is to record each time non-school personnel, a parent/guardian, or an eligible student requests to review the cumulative record.

A. Parent and Pupil Access to Records

1. Each parent of a dependent child shall have access to the student's records maintained by the unit. For the purpose of the student records policy, "parent" shall mean either natural parent, legal guardian, or a foster parent who is acting as a parent in the absence of the natural parents or legal guardian. In the case of separated/divorced parents, both parties will have access to records unless otherwise stated in an official court order.
2. A step-parent does not have access to a student's record without the written consent of the natural parent. If legal adoption of the student by the step-parent has occurred, consent of the natural parent can be assumed.
3. At any time a parent or adult student requests access to the student record, qualified school personnel shall be present to interpret the record.
4. Access shall be granted as soon as reasonably possible but no later than 45 days after receipt of the request.
5. The parents, with written consent, have the right to have a representative of the parent inspect and review the records.
6. If any education record includes information on more than one student, the parents of those students shall have the right to inspect and review only the information relating to their child or to be informed of that specific information.
7. After interpretation, parents shall have the right to request copies of the records or portions of the records.
8. A participating agency may not charge a fee to search for or to retrieve information under this part.

B. LimitationsonParentandStudentAccess

Each parent shall have access to the school records of the child subject to the following qualifications:

1. When the pupil record contains information from a source outside the school district which was accepted into the record with an understanding of confidentiality prior to November 18, 1974, the parent shall not have access to it until the source of the report has been contacted. The information shall be returned to its source, destroyed, or made available to the parent, whichever the source of the report directs. If the non-school source of the information cannot be contacted, the information shall be destroyed. All information for student records received from non-school sources on or after November 19, 1974, shall be accessible to parents.
2. When the student is at least 18 years old and less than half of his/her support is provided by the parent(s), parent(s) shall not have access to the student's records, unless parent(s) can show that child is a dependent.

C. Disclosure without prior consent

1. The amended regulations add several instances when schools may disclose education records without prior consent of parents or eligible students. Such disclosure may be made to state and local officials pursuant to state statutes adopted prior to November 19, 1974 that specifically allow such disclosure and reporting and if the disclosure or reporting concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released. Disclosure to state and local officials may also be made pursuant to state statutes adopted after November 19, 1974 that allow such disclosure.
2. The amended regulations also permit disclosure without prior consent in order to comply with a judicial order or lawfully issued subpoena. However, the school may disclose such information only after making a reasonable effort to notify the parents of the order in advance of compliance so that the parents may seek protective action. The school is absolved of the notification requirement where the subpoena is issued by a federal grand jury or for any law enforcement purpose and the issuing court or agency has ordered that the existence or information furnished in response to the subpoena not to be disclosed. Where the school initiates legal action against a parent or student, it may disclose to the court records relevant to the action but must make reasonable efforts to notify the parents in advance of the disclosure.

### 3. Disclosure in Health or Safety Emergencies

The regulations state that nothing in Family Educational Rights and Privacy Act (FERPA) prevents a school from including in the education records of a student appropriate information concerning disciplinary actions taken against the student for conduct that posed significant risk to the safety or well being of that student, other students, or other members of the school community; or from disclosing such disciplinary actions to teachers and school officials within the school or other schools who have legitimate educational interests in the behavior of the student.

In its commentary preceding the new regulations, the Department indicates that FERPA does not prevent a school from maintaining any type of education records that the school deems necessary or appropriate to maintain. This implies that disciplinary information regarding conduct other than that which posed a significant risk to the health or safety of students could be included if the school deems it appropriate.

In its comments the Department implicitly broadened its restriction on disclosure of disciplinary information to allow disclosure of disciplinary problems other than those posing a significant health and safety risk. The comments make clear that this provision does not impose any obligation to disclose information from a student's disciplinary record, but simply grants schools the discretion to determine whether such disclosure would be appropriate.

### D. Employee and Third Party Access to Cumulative Records without Parent/Student Consent

Information contained in student educational records (cumulative records) shall be disclosed to persons, agencies, institutions, and organizations without parent/student consent as listed below:

#### 1. Directory Information

Directory information may be disclosed WITHOUT parental consent provided public notice is given to the types of directory information to be disclosed and the parent is given the opportunity to indicate in writing that such personally identifiable information about his or her child shall not be disclosed. The following information about a student shall be considered directory information:

- the student's name
- photographs of students
- address, telephone number
- date and place of birth
- major field of study
- dates of attendance in the public schools
- diplomas and awards received
- most recent school attended

- participation in officially-recognized activities/sports
- weight and height of members of athletic teams

The principal

shall give public notice of the categories of directory information to be released and give parents a reasonable period of time to inform the school in writing of any or all directory information not to be released for their particular child.

DIRECTORY INFORMATION SHALL NOT BE RELEASED FOR COMMERCIAL REASONS.

2. Schooldistrictemployeesoragents who need to have access to student information may have access to that portion of the record which is needed. This includes but is not limited to certified staff, clerical staff, teacher assistants and student teachers.
3. Other school units to which a student is transferring shall be provided with a student's record upon official request from that school unit. The parent or adult-aged student shall be notified of the transfer practice annually through a statement in the student/parent handbook published by each school.  
The parent shall receive a copy of the records at his/her expense if requested. Records or portions of records shall be sent to other educational agencies to which students are seeking enrollment upon the request of the parent or adult-aged student. Telephone requests for information from student records shall not be honored unless the identity of the caller is known and the caller is authorized to receive the information under provision of this policy. Written documentation may be requested for verbal telephone requests. A log of telephone requests shall be maintained by the school.
4. Court Order or Subpoena. Student record information shall be released only in compliance with a judicial order or lawfully issued subpoena. School officials shall make every reasonable effort to notify the parent in advance of releasing subpoenaed information. If this is not possible, the information shall be released to comply with the subpoena, and notice shall be sent to the parent simultaneously.
5. Educational Studies. Student record information shall be released to organizations conducting studies for educational agencies for the purpose of developing, validating, or administering predictive tests or improving instruction, provided that such studies are conducted in a manner that will not permit the personal identification of students and their parents by persons other than the representatives of such organizations and that such information will be destroyed when no longer needed for the purpose for which it has been gathered.

Even though an authorized school official may release information for educational studies without parental permission, action shall be taken to ensure that a written statement is received from the requesting organization guaranteeing that the record information will be used in compliance with the provisions of system policy.

6. Health and Safety Emergencies. Student record information may be disclosed provided that the threat to health or safety is serious; the information is necessary, not just convenient, to meet the emergency; the parties receiving the information are the ones that deal with the emergency; and time is of the essence such that parents cannot reasonably be reached to obtain their consent.
  
7. Representatives from the Department of Education or the North Carolina State Superintendent of Public Instruction. Information from students' records shall be released to authorized representatives of the Comptroller General of the United States, the Secretary of Education, the Director of the National Institute of Education, or the North Carolina Superintendent of Public Instruction in connection with the audit and evaluation of federally-supported educational programs or in connection with the enforcement of legal requirements which relate to them.
  
8. North Carolina State Statute. Student record information shall be released to state and local officials to whom such information is specifically required to be reported or disclosed pursuant to North Carolina Statute adopted prior to November 19, 1974.



PROCEDURE FOR STUDENT RECORDS – REVIEWING AND AMENDING

Procedure for Reviewing Records

In order to inspect school records, parents shall contact the school principal, identify the portion of records they wish to see, and request an appointment to review them. If the parents do not specify a particular portion of the records, all records regardless of location shall be assembled at the time of the appointment for parental review.

When parents request access to the student's records, reasonable effort shall be made to have a skilled individual to interpret the information to the parents.

Because of the time necessary to assemble records from diverse locations and to schedule an appointment for personnel to interpret records, the parent's access to the records may be delayed at the discretion of the building principal to a maximum of 45 days after receipt of the parent's request. In order to maintain parent confidence and promote the educational welfare of the student, every reasonable effort shall be made to grant access no later than 5 days after the request.

There shall be no charge for one copy of the records provided to another school unit, to a person or organization assisting the district in working with an enrolled student, to government agencies authorized by the parent, or in response to a judicial order.

Parent Request to Amend Records

Each parent shall have the right to request the amendment of that portion of the student's records which the parent believes to be inaccurate, misleading or otherwise in violation of the privacy rights of the student or parent. If the records are deemed to be such, the parent shall have the right to have the improper contents corrected or deleted. The parent shall have the right to have reasonable statements added to the record to explain its contents.

The principal or such other staff member designated by the Dean shall first meet informally with the parent in an effort to resolve the dispute over the challenged contents of the records. If the parent's challenge is substantially correct or otherwise is reasonable, the principal or designated staff member shall have the authority to change the record. Such informal conferences shall not be used for the purpose of delaying a parent's right to a hearing.

All requests to amend a student's record must be in writing and must address the specific item(s) to be amended.

Procedures for Amending Records

- A. Within five school days following receipt of a parent's request to amend the contents of a student's records, the principal or other designated staff member shall schedule an informal conference with the parent.
- B. The nature of the objection should be identified in advance to permit consultation with appropriate staff members to assist the principal in assessing the accuracy and reasonableness of the challenged records.
- C. In any case, a parent shall be permitted to include in the records a statement explaining the parent's view of the questioned record(s). The insertion shall be clearly identified as the parent's explanation and signed by the parent.
- D. When informal efforts to resolve the dispute fail, the parent shall be notified of the right to request a hearing. The parent shall submit a written request to the De a n stating the nature of the complaint. If the student is a child with special needs, the De a n shall appoint an impartial hearing officer under NORTH CAROLINA G.S. 115C-116. In all other cases, the De a n or designated staff member shall conduct a hearing in accordance with the following procedures:
  1. The hearing shall be conducted within 10 school days after receipt of the written request. The parent shall be notified of the date, place and time of the hearing at least 3 days in advance of the hearing.
  2. The parent shall be permitted to present evidence or witnesses in support of the challenge and may be assisted by an attorney or others. Unit personnel who participated in developing the challenged record and other personnel such as the hearing officer may select shall determine whether the challenged record is inaccurate, misleading or otherwise in violation of the privacy of other rights of the student.
  3. The hearing officer may direct that the challenged records be deleted, modified or retained in their existing form. The decision, with accompanying rationale and summary of the evidence, shall be based only on the evidence presented and be rendered in writing within 10 school days after the hearing ends. Copies of the decision shall be sent to the parent and to the principal.
  4. The hearing officer's decision shall be final subject only to the parent's right as a citizen to register a complaint with the Board of Education. In such event, the Board shall have complete discretion in determining whether or not it will take any action.
- E. If the record of the student or the contested portion of the record is disclosed by the agency to any party, an explanation must also be disclosed to the party.

**CANNOT WITHHOLD STUDENT RECORDS**

A school cannot legally withhold the student's record(s) from another school because of uncollected fees or because the student is not in good standing. This method of retribution places the hardship on the receiving school, not the student.

Under the Buckley Amendment, the parent/guardian or eligible student has a right to cumulative folder information, including the right to copy such information.

A school could deny participation in graduation exercises or a certified copy of a transcript.

## PROCEDURE FOR STUDENT RECORDS INVOLVING JUVENILE COURT

Guidelines for the Receipt, Maintenance, and Use of Information from Juvenile Courts

The Family Educational Rights and Privacy Act (FERPA) establishes the general rule that personally identifiable information in the student's education records must be kept confidential unless the parent agrees in writing to disclose the records or one of several narrow exceptions specified in FERPA exist. In addition, N.C.G.S. 7A-675 requires that the records of juvenile cases maintained by the clerk of superior court be kept confidential, except that the juvenile and his/her parent or guardian may examine the records or the judge may order disclosure. Therefore, the general rule regarding juvenile court records is that these records are strictly confidential.

Recognizing that a juvenile on probation attending school needs the full support of the school to meet the conditions of his/her probation and that school officials need to provide a safe environment for students and staff, the General Assembly amended N.C.G.S. 7A-649(8)(b) to provide a narrow exception to the general rule that juvenile court records be maintained in strictest confidence. N.C.G.S. 7A-649(8)(b), as amended, permits judges to determine that the principal of the juvenile's school be notified of the nature of the juvenile's offense and the probation requirements related to school attendance when each of the following exists:

- the court has found the juvenile to be delinquent;
- the offense involved a threat to the safety of the juvenile or others;
- the court has placed the juvenile on probation; and
- the court has ordered the juvenile to attend school as a condition of probation.

N.C.G.S. 7A-649(8)(b) goes on to provide that if the judge orders that the principal is to be notified, the juvenile court counselor must within five days or before the juvenile begins to attend school, whichever happens first, notify the principal in writing of the nature of the offense and the probation requirements related to school attendance.

The following ECU Community School guidelines control the principal's disclosure and maintenance of the notification received from the juvenile court counselor.

1. The principal receives notification from the juvenile court counselor after the court has entered a probation order.
2. The principal may disclose the notification to appropriate staff members in a conference. At the conclusion of the conference, the staff members must state in writing that they have read the notification and agree to maintain its confidentiality.
3. Appropriate staff members are (a) school employees or agents who have direct guidance, teaching, or supervisory responsibility for the student or (b) other school employees or agents who have a specific need to know in order to protect the safety

of the student or other persons.



FORM 1 —ECU Community School

Grades PK-5

**DO NOT DISCLOSE DIRECTORY**

**INFORMATION\***

Under the Family Educational Rights and Privacy Act (FERPA)

**Filled Out by Parent OR**

I, \_\_\_\_\_, parent of \_\_\_\_\_, a  
student at \_\_\_\_\_ School, direct that ECU Community School  
NOT

disclose directory information about my son/daughter during the 2017-2018 School Year.

\_\_\_\_\_  
*Signature*

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

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**PLEDGE OF ALLEGIANCE TO THE FLAG**

United States and North Carolina flags that are donated or otherwise available shall be displayed in each classroom.

Each school shall 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.

The curriculum shall include instruction that promotes understanding of the meaning and historical origins of the flag and the Pledge of Allegiance.

Legal References: G.S. 115C-47(29a), -81(g), (h) and (h1).



## CONCUSSION MANAGEMENT

In October 2015, the NC State Board of Education approved policy SHLT-001, titled *Return-to-Learn After Concussion*. This education policy includes guidelines for safe and appropriate return to the educational environment for ALL students post-concussion. Although this policy includes student athletes protected under the Gfellar-Waller Concussion Awareness Act, it is further reaching. Return-to-Learn After Concussion includes requirements for safe return to school for any student in NC public schools who sustains a mild Traumatic Brain Injury (mTBI), more commonly referred to as a concussion.

The ECU Community School will implement the following guidelines:

1. ***Removal of a student from physical and mental activity when there is a suspicion of concussion:*** Any teacher, school administrator, school counselor, school psychologist, school drug counselor, school nurse, or other school professional who suspects that any student has suffered a concussion or other head injury shall immediately remove the student from any activities that may result in a further risk of head injury (e.g., physical education, recess, athletic competition, etc.)
2. ***Notification procedure to education staff regarding removal from learn(ing) or play:*** If a student has a diagnosed concussion, then all stakeholders in the student's education must be notified (e.g., teachers, coaches, administrators, etc.). This procedure should be in written form and accessible by all staff. The Integrated Health Navigator at the ECU Community School will serve as the case manager for any student identified as possibly having a concussion. The Navigator will follow up with the parent to ensure the student's needs are being addressed and will coordinate the development of and follow up with an Educational Plan of Care. The Navigator will follow these procedures:
  - Contact immediately notifies the parent(s), teacher(s), and school nurse. Others should be notified (i.e., psychologist, coach, etc.) as needed. This written notification serves the following purposes:
    - Assignment of case manager
    - Informs others of concussion
    - Includes symptoms for parent(s) and teachers to watch for
    - Asks teachers to note needed accommodations/modifications
    - Lists recommendations from physician (if available)
    - Gives directions to contact concussion contact with questions/concerns
3. ***Expectations regarding annual medical care update from parents, medical care plan/school accommodations in the event of concussion:*** If the student is experiencing difficulties due to the concussion, development of an Educational and/or Medical Care Plan would occur. It is recommended that this occur via a face-to-face meeting.
  - Initiation and coordination of this meeting would involve the concussion contact and the Integrated Health Navigator at the Community School.
  - Suggested participants (if not already included as concussion contact and

case manager) include: teacher(s), parent(s), school counselor, school nurse.

- Others could include the student, school psychologist, coach, etc., as needed and appropriate.

*Medical Care Plan:* A document outlining the accommodations and modifications a student may need to address medical symptoms while recovering from a concussion.

This plan is reviewed as often as necessary, (recommended - weekly).

- The Medical Care Plan is led by the school-based health care professional.

- The Medical Care Plan may also be referred to as the Individual Health Care Plan.

*Educational Care Plan:* A document outlining the supports that a student may need to address academic, emotional, and behavioral difficulties while recovering from a concussion. This plan is reviewed as often as necessary (recommended as frequently as the Medical Care Plan). - The Educational Care Plan is led by the designated school professional.

#### **4. Delineation of requirements for safe return-to-learn or play following concussion:**

- a. If a concussion is diagnosed by a medical care provider, then appropriate steps should be taken to address that student's learning, emotional, and behavioral needs throughout the course of recovery. The continuum of support provided could include appropriate monitoring of recovery, academic and/or functional accommodations, or temporary removal from the formal classroom environment.

Prolonged symptoms must be addressed in a manner that matches the student's needs to the level of intervention. If the Return-to-Learn Plan (Medical Care Plan, Educational Care Plan) is found to be insufficient in meeting the needs of a student at any point during the monitoring process, the Integrated Health team should become involved in order to identify appropriate targeted interventions for the student.

- When possible, a School Psychologist who is certified as an approved provider for assessment of TBI, should be part of this decision-making process.
- The Educational Care Plan is reviewed as often as necessary, (recommended as often as the Medical Care Plan).
- As a student progresses in recovery, decrease the intensity of the accommodations and modifications until the student has been symptom free without accommodations/modifications for two or more weeks. The plan can then be discontinued.
- If an Educational Care Plan has been in place and proven insufficient in improving the educational (academic and/or functional) performance of the student, then the student should be referred to the school-based problem solving team for direct support specific to

academic and/or functional needs. Return to Learn After Concussion: Implementation Guide 9

- For students with existing 504 plans/IEPs, these plans are not amended unless a student demonstrates a significant need in direct relation to their concussion.
  - If state testing accommodations are needed, the use of the transitory impairment procedure may be appropriate.
- b. The ECU Community School school will appoint a team of people responsible for identifying the return-to-learn or play needs of a student who has suffered a concussion. This team may include the student, student's parent, the principal, school nurse, school counselor, school psychologist, or other appropriate designated professional.
- If an Educational or Medical Care Plan is deemed necessary, this should be developed by a designated team of school-based professionals, the student's parent(s)/guardian(s) and medical care providers in order to address the needs of that student as they progress through recovery.
  - The parent/guardian and Integrated Health Navigator (or other designated school professional) are present in the development of the plan of care.
  - The student should be invited at the team's discretion.
  - If the student's teacher(s) cannot be present when the plan is developed, input should be gathered prior to development.
  - Individuals that may also be consulted, but are not required members of the team, may include the school nurse, school counselor, school psychologist and/or a coach/athletic director.
- c. The ECU Community School must provide information and staff development on an annual basis to all teachers and other school personnel in order to support and assist students who have sustained a concussion in accordance with their learning and behavioral needs. This annual training should include information on concussion and other brain injuries, with a particular focus on return-to-learn issues and concerns.

This annual updating will remind all school personnel of concussions and their impact on students' school functioning, the concussion policy, and the specific procedures developed by the school to implement the state concussion policy. This also will permit discussion of any needed changes to the school level procedures for assisting students who have sustained a concussion.

- d. The ECU Community School will include in its annual student health history and emergency medical information update a question related to any head injury/concussion a student may have incurred during the past year. This information will be collected within the Integrated Health dashboard in order to track student information.

Legal References: G.S. 115C-47(29a), -81(g), (h) and (h1).