



2021-2022

STUDENT HANDBOOK

NEW HANOVER COUNTY SCHOOLS

TABLE OF CONTENTS

BOARD POLICY	TOPIC
	<u>American with Disabilities Act (ADA)/Section 504</u>
<u>4400</u>	<u>Attendance</u>
<u>4239/7311</u>	<u>Bullying/Harassment</u>
	<u>Child Find</u>
<u>3530</u>	<u>Citizenship and Character Education</u>
<u>3610</u>	<u>Counseling Program</u>
<u>4315</u>	<u>Disruptive Behavior</u>
	<u>Family Educational Rights and Privacy Act (FERPA) Notice and Notice of Directory Information</u>
<u>4328</u>	<u>Gang-Related Activity</u>
<u>4125</u>	<u>Homeless Students (McKinney-Vento Act)</u>
<u>4110</u>	<u>Immunization and Health requirements</u>

TABLE OF CONTENTS (continued)

BOARD POLICY	TOPIC
	<u>Individuals with Disabilities Education Act (IDEA)</u>
<u>4310</u>	<u>Integrity and Civility</u>
	<u>Medication</u>
<u>1730/4022/7231</u>	<u>Nondiscrimination on the Basis of Disabilities</u>
	<u>Parent Rights and Responsibilities in Special Education</u>
	<u>Request for Research within NHCS</u>
<u>4302-R</u>	<u>Rules for Use of Seclusion and Restraint in Schools</u>
	<u>Safe Surrender (Surrender Newborns Safely)</u>
	<u>Special Education Program Descriptions</u>
	<u>Special Education Transition Fair</u>
	<u>Special Needs Registry for Emergency Management</u>
	<u>Statement of Nondiscrimination</u>
	<u>Student Code of Conduct</u>
<u>4316</u>	<u>Student Dress Code</u>
<u>4317</u>	<u>Student Identification Cards</u>
<u>4342</u>	<u>Student Searches</u>
<u>4720/8305</u>	<u>Student Surveys (list of all potential for school year)</u> <u>*include protected classes</u>



TABLE OF CONTENTS (continued)

BOARD POLICY	TOPIC
<u>1720/4030/7235</u>	<u>Title IX Nondiscrimination on the Basis of Sex</u>
<u>4320</u>	<u>Tobacco Policy</u>
	<u>Transportation Parent Waiver for Afternoon Release</u>
	<u>Trillium Health Services</u>
<u>4318</u>	<u>Use of Wireless Communication Devices</u>
	<u>Vocational Rehabilitation Services</u>



Policy Code: 4400 Attendance

School attendance and class participation are integral parts of academic achievement and the teaching-learning process. Through regular attendance, students develop patterns of behavior essential to professional and personal success in life. Regular attendance by every student is mandatory. The State of North Carolina requires that every child in the State between the ages of 7 (or younger if enrolled) and 16 attend school. Even with students over the age of 16, school employees must continue to encourage continuous attendance.

The board seeks full cooperation from parents and guardians in promoting good attendance and punctuality and strongly encourages that: when possible, medical and dental appointments be scheduled after school hours; and family vacations be taken during school vacation and recess periods. While the primary responsibility for ensuring that students attend and remain at school daily rests with students and parents or guardians, school employees also have a responsibility to facilitate proper attendance by maintaining safe and inviting school environments. School administrators shall communicate attendance expectations to parents and guardians and work with students and their families to overcome barriers to attendance.

A. Attendance Records

School officials shall keep accurate records of attendance, including accurate attendance records in each class. Teachers are expected to account for attendance in their classes and are responsible for documentation of student attendance. In high schools, attendance must be taken for each class period. The attendance office will complete absence reports for each student, maintain documentation of absences, and report this information to teachers, the school's social worker, the administration, and parents.

Students will be considered in attendance for the day if present at least half of the instructional day on-site in the school or at a place other than the school attending an authorized school-related activity. To be in attendance during remote instruction days, students must: (1) complete their daily assignments, either online or offline; and/or (2) have a daily check-in through two-way communication with (a) the homeroom teacher for grades K-5 or (b) for all other grade levels, each course teacher as scheduled.

B. Late Arrivals and Early Departures

Students are expected to be at school on time and to remain at school until dismissed. During the school day, students are expected to be present at the scheduled starting time for each class and to remain until the class ends.

Elementary and middle school students arriving late or requesting early departure must be accompanied by a parent or guardian or responsible adult designated in writing by a parent or guardian at the designated check-in/check-out location at the school. The administration will follow up with the parent or guardian if the expectation is not met. Each high school must establish protocols to address late arrivals and early departures. Late arrivals or early departures may be excused for any of the reasons listed below in Section C.

Patterns of unexcused late arrivals and early departures will be monitored and problem solved by the student support staff, including the school social worker.

C. Excused Absences

When a student must miss school, a written excuse signed by a parent or guardian must be presented to the student's teacher on the day the student returns after an absence. If a student fails to bring an excuse, the absence may be deemed unexcused. Absences due to extended illnesses or injury will be monitored by the school social worker and may also require a statement from a health care practitioner. When total absences for a student (excused and unexcused) exceeds 10 days per semester, further documentation may be required (health care practitioner's statement, court documentation, etc.).

Requests for absences for an educational opportunity should be submitted, in writing, to the principal in advance of the opportunity. The request should include the learning objective of the opportunity and how the objective links to coursework or the educational development of the student.

An absence may be excused for any of the following reasons:

1. personal illness or injury that makes the student physically unable to attend school;
2. isolation ordered by the local health officer or by the State Board of Health;
3. death in the immediate family (immediate family includes, but is not necessarily limited to, grandparents, parents, brothers, and sisters);
4. medical or dental appointment;
5. attendance at the proceedings of a court or administrative tribunal if the student is party to the action or under

subpoena as a witness;

6. observance of an event required or suggested by the religion of the student or the student's parent or legal guardian (the principal must excuse at least two such absences each academic year; additional such absences require approval of the superintendent or designee);

7. with prior approval from the principal, participation in a valid educational opportunity, such as travel, service as a legislative or Governor's page, cultural exposure or experiences with clear alignment to course content standards, or college tours (juniors and seniors will be considered present for two post-secondary college visits; any additional college visits will be considered excused absences);

8. pregnancy and related conditions or parenting, when medically necessary; or

9. visitation with the student's parent or legal guardian if the student is not identified as at risk of academic failure because of unexcused absences and the student's parent or legal guardian (a) is an active duty member of the uniformed services as defined by policy 4050, Children of Military Families, and (b) has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat support posting (the principal must excuse at least two such absences each academic year).

D. School-Related Activities

While recognizing the importance of classroom learning, the board also acknowledges that out-of-classroom, school-related activities can provide students with valuable experiences not available in the classroom setting. The following school-related activities will not be counted as absences from either class or school:

1. field trips sponsored by the school;
2. job shadows and other work-based learning opportunities, as described in [G.S. 115C-47](#)(34a);
3. school-initiated and -scheduled activities;
4. athletic events that require early dismissal from school; and
5. Career and Technical Education student organization activities approved in advance by the principal.

In addition, students participating in disciplinary techniques categorized as in-school suspension will not be counted as absent.

E. Makeup Work

1. Makeup Assignments (All Students)

In the case of excused absences, short-term out-of-school suspensions, and absences under [G.S. 130A-440](#) (for failure to submit a school health assessment form within 30 days of entering school), the student will be permitted to make up his or her missed work. (See also policies 4110, Immunization and Health Requirements for School Admission, and 4351, Short-Term Suspension.) Assignments missed due to participation in school-related activities also are eligible for makeup by the student. The teacher shall determine when work is to be made up. The student is responsible for finding out what assignments are due and completing them within the specified time period.

2. Makeup Days (Students at Risk)

Students who are identified as at risk may be permitted to make up missed classes or days during non-school hours. Time must be made up on an hour-for-hour or day-for-day basis with participation limited to those students who fit the criteria for identification as a student at risk (see policy 3405, Students at Risk of Academic Failure).

F. Unexcused Absences

The principal shall notify parents and take all other steps required by [G.S. 115C-378](#) for excessive, unexcused absences.

G. Chronic Absenteeism

Because class attendance and participation are critical elements of the educational process, any absences, whether excused or unexcused, can have a negative impact on a student's academic achievement. Regular attendance must be prioritized within each school and throughout the community. School administrators shall monitor and analyze attendance data to develop and implement strategies for reducing chronic absenteeism. Such strategies should involve engaging students and parents, recognizing good and improved attendance, providing early outreach to families of students missing school, and identifying and addressing barriers to attendance.

H. Special Circumstances

1. Students with Chronic Health Problems

No penalties will be imposed for absences due to documented chronic health problems.

2. Students Experiencing Homelessness

For students experiencing homelessness (see board policy 4125, Homeless Students), school officials must consider issues related to the student's homelessness, such as a change of caregivers or nighttime residence, before taking disciplinary action or imposing other barriers to school attendance based on excessive absences or tardies.

3. Attendance Requirements for Extracurricular Activities

Absences may impact eligibility for participation in extracurricular activities. Once a secondary student has exceeded 10 absences, the student may lose the privilege of participating in extracurricular activities. Principals shall inform students and parents of the applicable attendance standards for the various types of extracurricular activities, including interscholastic athletics. See also policy 3620, Extracurricular Activities and Student Organizations.

Legal References: McKinney-Vento Homeless Assistance Act, [42 U.S.C. 11431](#), *et seq.*; [G.S. 115C-47](#), [-84.2](#), [-288\(a\)](#), [-375.5](#), [-378 to -383](#), [-390.2\(d\)](#), [-390.2\(l\)](#), [-390.5](#), [-407.5](#); [130A-440](#); [16 N.C.A.C. 6E .0102](#), [-.0103](#), [.0106](#); State Board of Education Policies [ATND-000](#), [-003](#)

Cross References: Students at Risk of Academic Failure (policy 3405), Extracurricular Activities and Student Organizations (policy 3620), Education for Pregnant and Parenting Students (policy 4023), Children of Military Families (policy 4050), Immunization and Health Requirements for School Admission (policy 4110), Homeless Students (policy 4125), Student Behavior Policies (policy 4300), Short-Term Suspension (policy 4351)

Other Resources: NC DPI Multi-Tiered System of Support Implementation Guide, available at <https://www.livebinders.com/play/play/2052295?tabid=180c26e7-0236-1ff0-3f53-291910458e28#anchor>

Adopted: June 8, 2021

New Hanover County Public Schools

Policy Code: 4329/7311 Bullying and Harassing Behavior Prohibited

The board is committed to providing a safe, inviting, and civil educational environment for all students, employees, and other members of the school community. The board expects all students, employees, volunteers, and visitors to behave in a manner consistent with that goal. The board recognizes that bullying and harassing behavior creates an atmosphere of intimidation and fear, detracts from the safe environment necessary for student learning, and may lead to more serious misconduct or to violence. Accordingly, the board prohibits all forms of bullying and harassing behavior, including encouragement of such behavior, by students, employees, volunteers, and 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.

This policy prohibits bullying and harassing behavior, or the encouragement of bullying or harassing behavior, that takes place (1) in any school building or on any school premises before, during or after school hours; (2) on any bus or other vehicle as part of any school activity; (3) at any bus stop; (4) during any school-sponsored activity or extracurricular activity; (5) at any time or place when the student, employee, or other person is subject to the authority of school personnel; or (6) at any time or place when the bullying has a direct and immediate effect on maintaining order and discipline in the schools.

This policy is not intended to prohibit expression of religious, philosophical, social, or political views, provided that the expression does not substantially disrupt the educational environment.

A. Relationship to Other Policies

This policy applies to bullying and harassing behavior that is not otherwise prohibited by the following board policies that address discriminatory harassment in violation of federal law:

- Discrimination and Harassment Prohibited by Federal Law, policy 1710/4020/7230 (prohibiting harassment based on race, color, national origin, disability, or religion)
- Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, policy 1725/4035/7236 (prohibiting sexual harassment)
- Discrimination and Harassment in the Workplace, policy 7232 (prohibiting harassment of employees and applicants based on race, color, national origin, sex, age, disability, military affiliation, or genetic information)

Individuals who wish to report bullying or harassing behavior that is based on sex, race, color, national origin, disability, religion, or other personal characteristic addressed by the policies above should refer to and follow the reporting processes provided in those policies.

Conduct that may constitute discriminatory harassment under federal law must be addressed first in accordance with the requirements of the applicable policy(ies) listed above. If subsequently, the conduct is determined not to rise to the level of discriminatory harassment prohibited by those policies, the conduct may be addressed under this policy. Conduct that does not rise to the level of bullying or harassing behavior as defined and prohibited in this policy may nevertheless violate other board policies or school rules.

B. Conduct that is Considered Bullying or Harassing Behavior

1. Bullying is deliberate conduct intended to harm another person or group of persons. It is characterized by repeated unwanted aggressive behavior that typically involves a real or perceived imbalance of power, such as a difference in physical size, strength, social standing, intellectual ability, or authority. It may consist of either physical, verbal, or nonverbal behavior. Cyberbullying is a form of bullying that is carried out using electronic communication media, such as words, action, or conduct conveyed through email, instant messages, text messages, tweets, blogs, photo or video sharing, chat rooms, or websites, and may exist in the absence of a power imbalance typical of other forms of bullying.
2. Harassing behavior is conduct that is intimidating, hostile, or abusive, or is unwelcome conduct of a sexual nature. Harassing behavior may violate this policy even if no harm is intended to the target and no power imbalance is evident.
3. Bullying or harassing behavior includes conduct that is, or reasonably appears to be, motivated by actual or perceived differentiating personal characteristics, or by a person's association with someone who has or is perceived to have a differentiating personal characteristic. Differentiating personal characteristics include, but are not limited to race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability. Bullying and harassing behavior can violate this policy regardless of a student's motivation.
4. Examples of behavior that may constitute bullying or harassing behavior are repeated acts of disrespect, intimidation, or threats, such as verbal taunts, name-calling and put-downs, epithets, derogatory or lewd comments, spreading rumors, extortion of money or possessions, implied or stated threats, assault, offensive touching, physical interference with normal work or movement, visual insults, such as derogatory posters or cartoons, and sharing

intimate photos or video of a person or sharing photos or videos that may subject a person to ridicule or insult.

5. Other behaviors that may constitute bullying or harassing behavior under this policy are deliberate, unwelcome touching that has sexual connotations or is of a sexual nature, pressure for sexual activity, offensive sexual flirtations, advances or propositions, 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.

6. These examples are not exhaustive but are intended to illustrate the wide range of behavior that may constitute bullying and harassing behavior.

7. Conduct such as the following is not considered bullying or harassing behavior: legitimate pedagogical techniques, the exercise of legitimate authority, and academic or work performance monitoring and evaluation.

C. When Bullying or Harassing Behavior Violates this Policy

Not all conduct that may be described as bullying or harassing behavior violates this policy. Bullying or harassing behavior violates this policy when any pattern of repeated gestures or written, electronic, or verbal communications, or any physical act or threatening communication:

1. places a student, an employee, or other person in actual and reasonable fear of harm to their person or property; or
2. creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities, or benefits.

"Hostile environment" means that the victim subjectively views the conduct as bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior.

The definition of bullying and harassing behavior in this section is intended to be no less inclusive than the definition of bullying and harassing behavior in [G.S. 115C-407.15](#).

Bullying or harassing behavior based on sex, race, color, national origin, disability, or religion may also constitute discriminatory harassment in violation of federal law and other board policies as described in Section A, above.

D. Reporting Bullying and Harassing Behavior

1. Reports by Students and/or Parents and Guardians

- a. The board encourages students or parents/guardians of students who have been the victim of or who have witnessed bullying or harassing behavior in violation of this policy to immediately report such incidents to a teacher, counselor, coach, assistant principal, or the principal.
- b. Reports may be made orally or in writing and may be made anonymously.
- c. All reports of serious violations and complaints made under this policy will be investigated expeditiously. Anonymous reports will be investigated to the extent reasonably possible under the circumstances.
- d. If, at any time, school officials determine that the alleged bullying or harassing behavior appears to be based on sex, race, color, national origin, disability, or religion, the matter will be investigated in accordance with the applicable policy listed in Section A above.

2. Mandatory Reporting by School Employees

An employee who witnesses or who has reliable information that a student or other individual has been bullied or harassed in violation of this policy must report the incident to his or her supervisor or to the building principal immediately. If sexual harassment is suspected, the employee also must report the incident to the Title IX coordinator. An employee who does not promptly report possible bullying or harassing behavior will be subject to disciplinary action.

3. Reporting by Other Third Parties

Other members of the school community may report incidents of bullying or harassment to the school principal or the superintendent or designee.

4. Reporting False Allegations

It is a violation of board policy to knowingly report false allegations of bullying or harassing behavior. A student or

employee found to knowingly report or corroborate false allegations will be subject to disciplinary action.

E. Reports of Bullying or Harassing Behavior Based on Sex, Race, Color, National Origin, Disability, or Religion

Bullying or harassing behavior that is based on sex, race, color, national origin, disability, or religion may constitute discriminatory harassment that is a violation of the individual's civil rights. A school employee who receives a report of bullying or harassing behavior that may constitute sexual harassment must immediately contact the Title IX coordinator. If the reported behavior appears to be based on any other such personal characteristic, the employee must immediately notify the appropriate civil rights coordinator designated in policy 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law. Uncertainty as to whether alleged bullying or harassing behavior is based on sex, race, color, national origin, disability, or religion should be resolved by notifying the Title IX Coordinator.

F. Response to Reports of Bullying or Harassing Behavior

1. Reports of bullying and harassing behavior or the encouragement of such behavior under this policy will be investigated promptly by the principal or the principal's designee and addressed in accordance with this policy and policy 4340, School-Level Investigations. If the principal is the alleged perpetrator, the superintendent will designate an appropriate investigator.

2. If at any time before, during, or after the investigation under this policy, the principal or designee determines or suspects that the alleged bullying or harassing behavior is based on sex, race, color, national origin, disability, or religion, the principal or designee shall notify the appropriate civil rights coordinator and proceed in accordance with the applicable board policy as described in Section A, above. However, referral to the civil rights coordinator will not preclude appropriate disciplinary consequences for a violation of this policy if, following the designated investigation and resolution process under the appropriate board policy, the behavior is determined not to constitute discriminatory harassment in violation of federal law.

3. No reprisals or retaliation of any kind are permitted as a result of good faith reports of bullying or harassing behavior. An employee who engages in reprisal or retaliation will be subject to disciplinary action, up to and including dismissal. A student who does so is subject to disciplinary consequences as provided in Section G, below.

G. Consequences

1. Students

The disciplinary consequences for violations of this policy should take into consideration the frequency of incidents, the developmental age of the student involved, and the severity of the conduct and must be consistent with the Code of Student Conduct. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy.

A student who is convicted under [G.S. 14-458.2](#) of cyberbullying a school employee will be transferred to another school. If there is no other appropriate school within the school system, the student will be transferred to a different class or assigned to a teacher who was not involved as a victim of the cyberbullying. The superintendent may modify the required transfer of an individual student on a case-by-case basis and shall provide a written statement of this modification in the student's record.

2. Employees

Employees who violate this policy will be subject to disciplinary action, up to and including dismissal.

3. Others

Volunteers and visitors who violate this policy will be directed to leave school property and/or reported to law enforcement, as appropriate, in accordance with policy 5020, Visitors to the Schools. A third party under the supervision and control of the school system will be subject to termination of contracts/agreements, restricted from school property, and/or subject to other consequences, as appropriate.

H. Other Interventions

Interventions designed to remediate the impact of a violation of this policy and to restore a positive school climate will be provided as determined necessary by school officials.

I. Notice

This policy must be provided to employees, students, and parents, guardians, and caregivers at the beginning of each school year. Notice of this policy must be included in the Code of Student Conduct and in all student and employee handbooks. Principals are encouraged to post a copy or summary of this policy in each classroom and in a prominent

location within the school building and to make an age-appropriate summary of the policy available to elementary students. Information about this policy must also be incorporated into employee training programs.

J. Records

The superintendent or designee shall maintain confidential records of complaints or reports of bullying or harassing behavior under this policy. The records must identify the names of all individuals accused of such offenses and the resolution of such complaints or reports. The superintendent also shall maintain records of any remedial interventions or other steps taken by the school system to provide an environment free of bullying.

Legal References: [G.S. 14-458.2](#); [115C-105.51](#), [-366.4](#), [-407.15 through -407.18](#)

Cross References: Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Title IX Sexual Harassment – Prohibited Conduct and Reporting Process (policy 1725/4035/7236), School-Level Investigations (policy 4340), Visitors to the Schools (policy 5020), Discrimination and Harassment in the Workplace (policy 7232)

Adopted: October 6, 2020

New Hanover County Public Schools

Policy Code: 3530 Citizenship and Character Education

The board encourages all students to develop an understanding of citizenship, including the importance of a citizen's rights and responsibilities.

The curriculum committee established in policy 3100, Curriculum Development, shall develop the curriculum to include citizenship instruction. At a minimum, the curriculum will incorporate all statutory and State Board of Education requirements concerning civics, citizenship, and character education. In addition to meeting any state requirements, the curriculum also should be designed to reinforce the student behavior management plan.

The curriculum will include character education instruction as required by [G.S. 115C-81.60](#). Such instruction should address character traits including, but not limited to, courage, good judgment, integrity, kindness, perseverance, respect, responsibility, and self-discipline, as well as responsibilities such as respect for school personnel, responsibility for school safety, service to others, and good citizenship.

The curriculum also must require that appropriate instruction be provided on the meaning and historical origins of the North Carolina and United States flags and the Pledge of Allegiance and may include guidelines for the use and display of the North Carolina and United States flags. Any North Carolina or United States flags donated or otherwise made available will be displayed in each classroom, and recitation of the Pledge of Allegiance will be scheduled on a daily basis. The principal shall ensure that no student is compelled to salute the flag, recite the Pledge of Allegiance, stand to acknowledge the flag or stand to participate in the Pledge of Allegiance, or otherwise feel coerced to participate. The curriculum may encourage teachers to use the recitation of the Pledge of Allegiance as an opportunity to teach students about the history concerning coercion and the importance of the First Amendment to the Bill of Rights.

All schools will commemorate Constitution Day and Citizenship Day and also Memorial Day. If students are in attendance on September 17, which is Constitution Day and Citizenship Day, an educational program about the United States Constitution will be held. If students are not in attendance on September 17, the program will be held during the week preceding or following September 17. Likewise, if students are in attendance on Memorial Day, they will receive instruction on the significance of Memorial Day. If students are not in attendance on Memorial Day, instruction on the significance of Memorial Day will be provided the week before the holiday.

Legal References: [P.L. 108-447](#), div. J, title I, sec. 111 (codified as a statutory note to [36 U.S.C. 106\(d\)](#)); [G.S. 115C-12\(33\)](#), -[47\(29a\)](#), [-81.45](#), [-81.60](#)

Cross References: Goals and Objectives of the Educational Program (policy 3000), Curriculum Development (policy 3100)

Adopted: February 2, 2021

New Hanover County Public Schools

Policy Code: 3610 Counseling Program

Guidance and counseling programs are provided by the school system with the ultimate aim of improving student performance by implementing strategies and activities that support and maximize student learning; helping students to grow in their personal and social development; and providing a foundation for acquiring the skills that enable students to make a successful transition from school to the workforce. School counselors shall apply leadership, advocacy, and collaboration skills to promote student success, provide preventative services, and respond to identified student needs. The school counseling program will mirror the American School Counselor Association National Model for school counseling programs and meet the objectives of the State Board of Education's comprehensive school counseling program curriculum and the needs of the student population.

A. Academic Guidance

School counselors and other guiding adults in middle and high schools shall provide guidance and information to students about high school course selections and requirements prior to ninth grade, in order to inform them about the requirements for college entry, including accelerated preparation for college entry. School counselors shall encourage ninth grade students to complete these requirements in less than four years if feasible and appropriate.

B. Involvement of Parents and Others

The counseling program is the shared responsibility of teachers, counselors, parents, and community members, and should operate with the collaboration of all individuals involved in educating students, including those who assist children with special needs or students who are at risk of dropping out of school or not meeting performance expectations. Input from parents and students should be sought in accordance with the school's plan for involvement of the community in school programs. All school personnel must follow the parental involvement plan (policy 1310/4002) in regard to parental notification and permission for counseling programs.

C. Notification of Safe Surrender Law

School personnel shall annually provide all students in grades 9 through 12 with information on the manner in which a parent may lawfully abandon a newborn baby with a responsible person, in accordance with [G.S. 7B-500](#).

D. Provision of Counseling Services

Counseling may be provided on an individual basis or in small or large groups. Recognizing the unique and varied needs of high school students, counselors will have a conference with each high school student assigned to them at least once per semester. All students are encouraged to avail themselves of the help of counselors at any time. Students also may be referred to counseling by staff or parents. School officials and teachers may recommend a counseling program to help a student meet standards of conduct and academic performance established by the board and school system administrators. If students have extensive needs or needs that go beyond the purpose of the counseling program, school counselors may refer them to community resources.

Counseling programs are most effective when voluntarily entered into by a student. Students will not be required to attend individual or small group counseling sessions to address identified significant personal issues unless agreement has been reached with the parent and student in a behavior contract, an intervention plan, or, for special education students, an individualized education plan. (See Student Behavior Policies (4300 series), policy 3420, Student Promotion and Accountability, and policy 3520, Special Education Programs/Rights of Students with Disabilities.)

E. Employee Mandatory Reporting

Any staff member who is aware that a student is contemplating suicide or is otherwise suffering from an emotional or psychological crisis must immediately notify the counseling program in accordance with any rules established by the superintendent or principal.

Any counselor or other staff member who knows or has cause to suspect child abuse, neglect, dependency, or death as a result of maltreatment must report the information as provided in policy 4240/7312, Child Abuse and Related Threats to Child Safety, and as required by law.

F. Confidentiality

Information obtained in a session with a counselor may be privileged and protected from disclosure as provided by law. A counselor cannot be required to testify concerning privileged information unless, as provided by [G.S. 8-53.4](#), the student waives the privilege or the court compels testimony as necessary to the proper administration of justice. The school counselor privilege does not, however, exempt the counselor from reporting child abuse as required by [G.S. 7B-301](#).

Any notation made by a counselor for his or her own use is a confidential document and is neither a public record nor a part of the student's record. Such confidential documents do not have to be shared with parents or others except as required by law. Any document prepared by a counselor that is shared or intended to be shared with other staff is

considered an educational record of the student and is available to the parent or eligible student in accordance with policy 4700, Student Records.

Legal References: Family Educational Rights and Privacy Act, [20 U.S.C. 1232g](#); [G.S. 7B-301](#), [-500](#); [8-53.4](#); [115C-12](#), [-47](#), [-401](#); State Board of Education Policies [GRAD-006](#), [SCOS-011](#)

Cross References: Parental Involvement (policy 1310/4002), Goals and Objectives of the Educational Program (policy 3000), Student Promotion and Accountability (policy 3420), Special Education Programs/Rights of Students with Disabilities (policy 3520), Child Abuse and Related Threats to Child Safety (policy 4240/7312), Student Behavior Policies (4300 series), Student Records (policy 4700)

Adopted: February 2, 2021

New Hanover County Public Schools

Policy Code: 4315 Disruptive Behavior

An orderly school environment is necessary for teachers to be able to teach and for students to be able to learn. Students are encouraged to participate in efforts to create a safe, orderly, and inviting school environment. Students also are entitled to exercise their constitutional right to free speech as part of a stimulating, inviting educational environment. A student's right to free speech will not be infringed upon; however, school officials may place reasonable, constitutional restrictions on time, place, and manner in order to preserve a safe, orderly environment.

Principals and teachers have full authority as provided by law to establish and enforce standards and rules as necessary to create orderly schools and classrooms.

A. Prohibited Behavior

Students are prohibited from disrupting teaching, the orderly conduct of school activities, or any other lawful function of the school or school system. The following conduct is illustrative of disruptive behavior and is prohibited:

1. intentional verbal or physical acts that result or have the potential to result in blocking access to school functions, facilities, or school buses or preventing the convening or continuation of school-related functions;
2. appearance or clothing that violates policy 4316, Student Dress Code;
3. possessing or distributing literature or illustrations that significantly disrupt the educational process or that are obscene or unlawful;
4. engaging in behavior that is immoral, indecent, lewd, disreputable, or of an overly sexual nature in the school setting;
5. gambling, defined as the direct or indirect taking, receiving, or accepting from any person, or giving to any person, money or an item of value contingent upon the result of an uncertain event;
6. failing to observe established safety rules, standards, and regulations, including on buses and in hallways; and
7. interfering with the operation of school buses, including delaying the bus schedule, getting off at an unauthorized stop, and willfully trespassing upon a school bus.

B. Consequences

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

Legal References: [U.S. Const. amend. I](#); [N.C. Const. art. I](#), § 14; [G.S. 14-132](#) [G.S. 14-132](#), [-132.2](#), [-288.2](#), [-288.4](#); [115C-47](#), [-288](#), [-307](#), [-390.2](#)

Cross References: Student Behavior Policies (policy 4300), Student Dress Code (policy 4316)

Adopted: March 2, 2021

New Hanover County Public Schools

Policy Code: 4328 Gang-Related Activity

The board strives to create a safe, orderly, caring, and inviting school environment. Gangs and gang-related activities have proven contrary to that mission and are prohibited within the schools. A gang is any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of criminal acts and having a common name or common identifying sign, colors, or symbols. The violence and crime that accompany gangs pose a serious threat to the safety of students and employees of the school system. Even absent acts of violence or crime, the existence of gang-related activity within the schools creates an atmosphere of fear and hostility that obstructs student learning and achievement. Thus, the board condemns the existence of gangs and will not tolerate gang-related activity in the school system.

A. Prohibited Behavior

Gang-related activity is strictly prohibited within the schools. For the purposes of this policy, "gang-related activity" means: (1) any conduct that is prohibited by another board policy and is engaged in by a student on behalf of an identified gang or as a result of the student's gang membership; or (2) any conduct engaged in by a student to perpetuate, proliferate, or display the existence of any identified gang.

Conduct prohibited by this policy includes:

1. wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, emblems, badges, symbols, signs, or other items with the intent to convey membership or affiliation in a gang;
2. communicating either verbally or non-verbally (gestures, handshakes, slogans, drawings, etc.) with the intent to convey membership or affiliation in a gang;
3. tagging, or otherwise defacing school or personal property with symbols or slogans intended to convey membership or affiliation in a gang (see policy 4330, Theft, Trespass, and Damage to Property);
4. requiring payment of protection or insurance or otherwise intimidating or threatening any person related to gang activity (see policy 4331, Assaults and Threats);
5. inciting others to intimidate or to act with physical violence upon any other person related to gang activity (see policy 4331);
6. soliciting others for gang membership; and
7. committing any other illegal act or other violation of school system policies in connection with gang-related activity.

B. Notice

The superintendent or designee shall regularly consult with law enforcement officials to maintain current examples of gang-related activities, including but not limited to gang names and particularized examples of potential gang indicators including symbols, hand signals, graffiti, clothing, accessories, and behaviors. Each principal shall maintain a list of current examples of gang-related activities to assist students, parents, and teachers in identifying gang symbols and practices. The list shall be available in an easily accessible location in the main office of the school. Parents, students, and school employees may, upon request, access the list, which shall include a warning that wearing or displaying clothing, hand signs, or symbols identified in the list with the intent to convey membership or affiliation in any gang may subject a student to discipline under this policy.

In addition, the Code of Student Conduct and all student handbooks (or such other similar materials distributed to parents and students in lieu of a student handbook) shall contain notice that (1) current information on gang-related activities is maintained in the main office at each school; (2) information on gang-related activities is subject to change and the principal should be consulted for updates; and (3) wearing or displaying clothing, hand signs, or symbols identified in the list with the intent to convey membership or affiliation in any gang may subject a student to discipline under this policy.

In providing this information for students and parents, the board acknowledges that not all potential gang indicators connote actual membership in a gang.

C. Consequences

Before receiving disciplinary consequences for a violation of subsection A.1 or A.2, above, a student shall receive an individualized warning as to what item or conduct is in violation of this policy and shall be permitted to immediately change or remove any prohibited items. A student may be disciplined only if he or she previously received notice that the specific item or conduct is prohibited.

Disciplinary consequences for violations of subsections A.1, A.2 and A.6, above, shall be consistent with Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the

specific range of consequences that may be imposed on a student for violations of these subsections.

Violations of subsections A.3, A.4, A.5 and A.7, above, are violations of both this policy and other board policies. Disciplinary consequences for such violations shall be consistent with Section D of policy 4300 and the specific range of consequences listed in the Code of Student Conduct for the other board policy violated. That the violation was gang-related shall be an aggravating factor when determining the appropriate consequences.

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

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

Legal References: [G.S. 115C-390.2](#)

Cross References: Student Behavior Policies (policy 4300), Student Dress Code (policy 4316), Theft, Trespass, and Damage to Property (policy 4330), Assaults and Threats (policy 4331), Criminal Behavior (policy 4335)

Adopted: March 2, 2021

New Hanover County Public Schools

Policy Code: 4125 Homeless Students

As required by the [North Carolina Constitution](#) and North Carolina law, the board of education is committed to providing a free public school education to all children who are legally entitled to enroll in the school system. In accordance with the McKinney-Vento Homeless Assistance Act and the North Carolina State Plan for Educating Homeless Children, the board will make reasonable efforts to identify homeless children and youth of school age located within the area served by the school system, encourage their enrollment, and eliminate barriers to their receiving an education that may exist in school system policies or practices. Based on individual need, homeless students will be provided services available to all students, such as preschool, free or reduced price school meals, services for English learners, special education, career and technical education (CTE), academically or intellectually gifted (AIG) services, and before- and after-school care.

The provisions of this policy will supersede any and all conflicting provisions in board policies that address the areas discussed in this policy.

A. Definition of Homeless Students

Homeless students are children and youth who lack a fixed, regular, and adequate nighttime residence. The term "homeless student" will also be deemed to include the term "unaccompanied youth," which includes a youth who is not in the physical custody of a parent or guardian. Homeless children and youth include those students who are as follows:

1. sharing the house of other persons due to loss of housing, economic hardship, or a similar reason;
2. living in motels, hotels, transient trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
3. living in emergency or transitional shelters;
4. abandoned in hospitals;
5. living in a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodations for human beings;
6. living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; or
7. living in a migratory situation that qualifies as homeless because the child lacks a fixed, regular, and adequate nighttime residence.

B. Enrollment, Assignment, and Transportation of Homeless Students

1. Enrollment

a. Eligibility

Notwithstanding the enrollment eligibility requirements established by the board elsewhere in policy, school personnel shall immediately enroll homeless students even if they do not have proof of residency, school and immunization records, birth certificates, or other documents; have missed application or enrollment deadlines during a period of homelessness; have outstanding fees; or are not accompanied by an adult. The homeless liaison shall assist the students and parents or guardians in securing appropriate records or otherwise meeting enrollment requirements.

b. Records

Homeless students transferring into the school system may provide cumulative and other records directly to school system personnel. The superintendent or designee shall not require that such records be forwarded from another school system before the student may enroll. However, school personnel shall immediately request the official records from the previous school.

Information regarding a child or youth's homeless situation must be treated as a student record and protected accordingly. See policy 4700, Student Records.

2. Assignment

A homeless student (or the student's parent or guardian) may request to attend (1) his or her school of origin or (2) any public school that other students living in the same attendance area are eligible to attend. The school of origin is defined as the school the student attended before losing permanent housing or the school in which the student was last enrolled, including a preschool. When a student completes the final grade level served by the school of origin, the school of origin includes the designated receiving school at the next grade level for all feeder schools. Unless not

in the student's best interest, a homeless student who continues attending the school of origin will remain enrolled in the school of origin for the entire time the student is homeless and until the end of any academic year in which the student moves into permanent housing.

The superintendent shall designate the assistant superintendent of student support or other appropriate personnel to decide, in consultation with the homeless liaison, which school a homeless student will attend. The decision must be based upon consideration of student-centered factors related to the student's best interest, including factors concerning the impact of mobility on achievement, education, health, and safety of homeless students, giving priority to the request of the student's parent or guardian or the unaccompanied youth. The superintendent's designee must presume that keeping the student in the school of origin is in the student's best interest unless contradicted by the student's parent or guardian or the unaccompanied youth.

If the superintendent's designee determines that it is not in the student's best interest to attend the school of origin or the school requested by the parent or guardian or unaccompanied youth, he or she must provide a written explanation of the reasons for the determination to the parent or guardian or unaccompanied youth, along with information regarding the right to appeal the placement decision as described in Section D, below.

3. Transportation

The board of education will provide homeless students with transportation services comparable to those of other students. In addition, at the parent or guardian's request (or at the request of the homeless liaison for unaccompanied youth), the board will provide transportation services to/from the school of origin. The superintendent or designee and the homeless liaison shall coordinate homeless students' transportation needs, based on the child's best interest. In situations in which a student attends school in this system but his or her temporary housing is in another system (or vice versa), the superintendent or designee shall work with the other system to share the cost and/or responsibility for transportation. If an agreement cannot be reached between the systems, the cost of such transportation will be divided evenly.

If a homeless student becomes permanently housed and chooses to remain in his or her school of origin, the board will provide transportation to the student for the remainder of the school year.

C. Eligibility for Title I Services

Homeless students are automatically eligible for Title I services. The homeless liaison and the Title I director shall collaborate to identify the needs of homeless students.

D. Dispute Resolution Process

A parent, guardian, or unaccompanied youth who disagrees with a decision of school officials with regard to eligibility, school selection, or enrollment of a student who is homeless (hereinafter, referred to as a "complainant") may appeal the decision to the school system's homeless liaison in accordance with this section upon registering or attempting to register the child or youth at the school in which enrollment is sought.

Any employee who is aware that an unaccompanied youth or a parent or guardian of a homeless student is dissatisfied with a decision of school officials with regard to eligibility, school selection, or enrollment should immediately refer that individual to the school system's liaison for homeless students.

As used in this section, "school days" means days when students are scheduled to be in attendance.

1. Notice, Stay Put, and Informal Resolution

Upon learning of a complainant's disagreement with a decision of school officials, the homeless liaison shall take the following actions.

a. The homeless liaison shall arrange to have the student immediately admitted to the school in which enrollment is sought (either the school of origin or the school located in the attendance zone of the student's temporary residence) if enrollment is at issue. Once enrolled, the student must receive all services for which he or she is eligible and must be allowed to participate fully in school activities, pending resolution of the dispute.

b. Within one school day of learning of the complainant's disagreement, the homeless liaison shall provide the complainant a copy of the school system's uniform statement of rights and procedures that is written in a language, manner, and form the complainant can understand, to the extent the school system deems practicable. The written statement must include all of the following:

- 1) contact information, including telephone number, e-mail address, and physical address of the homeless liaison and of the State Coordinator for homeless education, with a brief description of their roles;

- 2) notice that the complainant has the right to notify the homeless liaison that the complainant intends to appeal the decision;
- 3) an explanation of the appeal procedure, including the timeline and process for making the initial appeal and for pursuing a subsequent appeal to the superintendent or designee and board, as provided by this policy;
- 4) a complaint form that a complainant can understand, complete, and submit to the homeless liaison to initiate the dispute resolution process and to pursue any subsequent appeals to the superintendent or designee and board;
- 5) notice that the board of education or a designated panel of the board will make the final decision on behalf of the school system;
- 6) notice of the right to appeal, or request an extension of time to appeal, the final decision of the school system to the State Coordinator within three school days of receipt of the final decision;
- 7) notice of the right to enroll immediately in the school located in the assignment area of the student's temporary residence or remain in the school of origin with transportation provided by the school system pending resolution of the dispute if such transportation is requested by the parent, guardian, or homeless liaison on behalf of the youth;
- 8) notice that the right to enroll includes the right to fully participate in all school activities;
- 9) notice of the right to obtain assistance of advocates or attorneys; and
- 10) notice of the right to provide supporting written or oral documentation during the appeals process.

c. The homeless liaison shall attempt to informally resolve the matter. Complainants are encouraged to attempt informal resolution through discussion with the homeless liaison when possible.

d. If informal resolution is unsuccessful, the homeless liaison shall inform the complainant of the right to appeal the matter by initiating the dispute resolution process provided in subsection D.2, below.

e. If the complaint initiates the dispute resolution process, the homeless liaison shall expedite the process so that a final decision in the dispute is reached within 15 school days or 30 calendar days, whichever is less.

2. Steps in the Dispute Resolution Process and Related Timelines

a. Homeless Liaison Review

- 1) If informal resolution of a complaint is unsuccessful, the complainant may initiate the dispute resolution process by making a formal appeal to the homeless liaison, either directly or through the principal of the school in which enrollment is sought. The appeal must be presented within five school days of the decision giving rise to the complaint unless the homeless liaison agrees to an extension of up to five additional school days for good cause.
- 2) The appeal may be made orally or in writing on the designated complaint form. If the complainant makes an oral appeal, the homeless liaison shall complete the written complaint form on the complainant's behalf without delay.
- 3) The complaint should include the date of the filing, a description of the disputed action pertaining to eligibility, school selection, or enrollment, the name of the person(s) involved, and a description of the relief requested. The complainant must be informed of the right to provide supporting written or oral documentation and to seek the assistance of an advocate or attorney.
- 4) No more than two school days after the complainant initiates the dispute resolution process, the local liaison shall (1) inform the superintendent, other school officials participating in the dispute resolution process, and the State Coordinator of the dispute and (2) provide a written decision, including the reasons for the decision, to the complainant and the superintendent and designee.

b. Appeal to the Superintendent or Designee of the Liaison's Decision

- 1) Within two school days of receiving the liaison's decision, the complainant may appeal the decision to the superintendent or designee orally or in writing using the form designated for this purpose. Oral appeals must be made to the homeless liaison, who shall commit the appeal to writing on the designated form. The homeless liaison shall ensure that the superintendent or designee receives copies of the written complaint and the response of the liaison.

2) The superintendent or designee shall schedule a conference with the complainant to discuss the complaint.

3) Within four school days of receiving the appeal, the superintendent or designee shall provide a written decision to the complainant including a statement of the reasons for the decision.

c. Appeal to the Board of the Decision of the Superintendent or Designee

1) If the complainant is dissatisfied with the decision of the superintendent or designee, he or she may file an appeal with the board of education within two days.

2) The appeal may be filed orally or in writing using the form designated for this purpose. Oral appeals must be made to the homeless liaison, who shall commit the appeal to writing on the designated form.

3) The board or a panel of at least two board members acting on behalf of the board will render a decision on the appeal. The board or board panel will provide the complainant with a written decision within five school days of receiving the appeal. In unusual circumstances the board or board panel may extend this time but will avoid exceeding the lesser of 15 school days from when the complaint was received or 30 calendar days from when the complaint was received.

4) The board or board panel's decision will constitute the final decision of the school system for purposes of the complaint's right to appeal to the State Coordinator.

5) If the matter under appeal is a school assignment, a board panel decision will be a recommendation that must be submitted to the full board for a final determination as required by state law and policy 4150, School Assignment. However, in order to ensure an expedited appeals process for students who are homeless, the recommendation of the board panel shall be considered the final decision of the board for purposes of appeal to the State Coordinator if a final determination by the full board reasonably cannot be accomplished by the deadline described in the previous paragraph.

6) The written statement of the final decision will include the name and contact information of the State Coordinator for homeless education and will describe the appeal rights to the State Coordinator. If the matter under appeal is a school assignment and the appeal was not heard by the full board, the written decision will also note that review of the matter by the full board as required by state law is pending.

d. Appeal to the State Coordinator of the Board's Decision

If the complainant is dissatisfied with the decision of the board or board panel, he or she may file an oral or written appeal with the State Coordinator for homeless education within three school days of receiving the board or panel's decision or within the period of any extension granted. The State Coordinator will issue a final decision on the complaint. The appeal must include:

1) the name of the complainant and, if available, his or her physical address, e-mail address, and telephone number;

2) the relationship or connection of the person to the child in question;

3) the name of the school system and the school in question;

4) the federal requirement alleged to have been violated;

5) how the requirement is alleged to have been violated; and

6) the relief the person is seeking.

Within three school days following a request from the State Coordinator, the homeless liaison shall provide the record of complaint, a copy of the board or panel's decision, and any other documents necessary to complete the record.

E. Homeless Liaison

The superintendent or designee shall appoint and train a school employee to serve as the homeless liaison. In addition to the duties specifically assigned elsewhere in this policy, the homeless liaison's duties shall include, but not be limited to, the following:

1. ensuring that school personnel identify homeless children and youth;

2. ensuring school/preschool enrollment of and opportunities for academic success for homeless children and youth;

3. ensuring that homeless families and children have access to and receive educational services for which they are eligible;
4. ensuring that homeless families and children receive referrals to healthcare, dental, mental health and substance abuse, housing, and other appropriate services;
5. informing parents or guardians and any unaccompanied youth of available transportation services and helping to coordinate such services;
6. ensuring that public notice of the educational rights of homeless students is disseminated in locations frequented by parents or guardians and unaccompanied youth;
7. informing parents or guardians of educational and related opportunities available to their children and ensuring that parents or guardians have meaningful opportunities to participate in their children's educations;
8. communicating the dispute resolution process to parents, guardians, and unaccompanied youth experiencing homelessness;
9. helping to mediate enrollment disputes, including ensuring that a homeless child or youth is enrolled immediately pending final resolution of the dispute;
10. developing a uniform written notice that explains to parents, guardians, and unaccompanied youth their rights and the process for appealing a decision of school officials, as required by subsection D.1.b of this policy. The notice must be written in a simple and understandable format and translated to other languages as needed and practicable;
11. ensuring that when parents, students, and unaccompanied youth initiate the dispute resolution process, all parties comply with the dispute resolution policy and that parents, students, and unaccompanied youth are provided with the information listed in subsection D.1.b of this policy;
12. informing unaccompanied youth of their status as independent students and assisting in verifying such status for the purposes of the Free Application for Federal Student Aid;
13. ensuring that school personnel providing services to homeless students receive professional development and other support;
14. working with school personnel, the student, parents or guardians, and/or other agencies to obtain critical enrollment records, including immunization and medical records, in a timely manner; and
15. working with the superintendent or designee to identify board policies or procedures that might serve as a barrier to enrollment of homeless students, including those related to immunization records, medical records, uniforms or dress codes, school fees, and school admission.

Legal References: McKinney-Vento Homeless Assistance Act, [42 U.S.C. 11431](#), *et seq.*; *Non-Regulatory Guidance on Education for Homeless Children and Youths Program*, U.S. Department of Education (July 2016); [G.S. 115C-366\(a2\)](#), [-369](#); [16 N.C.A.C. 6H .0114](#), [.0115](#), [.0116](#); State Board of Education Policy [SPLN-000](#)

Cross References: Immunization and Health Requirements for School Admission (policy 4110), Domicile or Residence Requirements (policy 4120), Discretionary Admission (policy 4130), School Assignment (policy 4150), Student Records (policy 4700)

Adopted: June 8, 2021

New Hanover County Public Schools

Policy Code: 4110 Immunization and Health Requirements for School Admission

The board of education requires all students to meet the eligibility requirements for school admission established by the State and the board, including immunization and health assessments. The principal or designee shall maintain on file immunization and health assessment records for all students, and these records may be inspected by officials of the county or state health departments in accordance with state and federal law. Each school principal shall file required reports with the Department of Health and Human Services and the Department of Public Instruction.

A. Immunization

1. Requirements for Initial Entry

Within 30 calendar days of his or her first day of attendance in the school system, each student must show evidence of age-appropriate vaccination in accordance with state law and regulation, including the following vaccines as applicable:

- a. DTaP (diphtheria, tetanus, and pertussis);
- b. poliomyelitis (polio);
- c. measles (rubeola);
- d. rubella (German measles);
- e. mumps;
- f. Haemophilus influenzae, type b (Hib);
- g. hepatitis B;
- h. varicella (chickenpox); and
- i. any other vaccine as may be required by law or regulation.

The current required vaccination schedule is available from the N.C. Immunization Branch online at <http://www.immunize.nc.gov/>.

2. Additional Requirements

- a. All students entering seventh grade or who have reached age 12, whichever comes first, are required to receive the following:
 - i. booster dose of Tdap (tetanus, diphtheria, and pertussis vaccine), if they have not previously received it; and
 - ii. the meningococcal conjugate vaccine (MCV).
- b. All students entering the twelfth grade or who have reached age 17 are required to receive a booster dose of MCV.

3. Certificate of Immunization

- a. Evidence of immunizations must be shown in the form of a certificate furnished by a licensed physician or by the health department. A student who received immunizations in a state other than North Carolina must present an official certificate that meets the immunizations requirements of [G.S. 130A-154\(b\)](#).
- b. Principals are required to refuse admittance to any child whose parent or guardian does not present a medical certification of proper immunizations within the allotted time. If, following approved medical practice, the administration of a vaccine requires more than 30 calendar days to complete, upon certification of this fact by a physician, additional days may be allowed in order to obtain the required immunizations.
- c. Exceptions to the immunization requirements will be made only for religious reasons or for medical reasons approved by a physician pursuant to state law and regulation.

B. Health Assessment/Vision Screening

Within 30 calendar days of the first day of school entry, all kindergarten students and, beginning with the 2016-17 school year, all students entering public schools for the first time, regardless of grade level, must furnish to the principal a form that meets the requirements of state law indicating that the student has received a health assessment pursuant to [G.S. 130A-](#)

440. A student who fails to meet this requirement will not be permitted to attend school until the required health assessment form has been presented. Such absences will not be considered suspensions, and the student will be given an opportunity to make up work missed during the absence as described below. The principal or designee shall, at the time of enrollment, notify the parent, guardian, or person standing *in loco parentis* that the completed health assessment form is needed on or before the child's first day of attendance. The date the student's health assessment form is received will be recorded in the student's official record, and the form will be maintained on file in the school.

The assessment must include a medical history and physical examination with screening for vision and hearing and, if appropriate, testing for anemia and tuberculosis. The health assessment must be conducted no more than 12 months prior to the date of school entry. Exceptions to the health assessment requirement will be made only for religious reasons.

Vision screening must comply with the vision screening standards adopted by the former Governor's Commission on Early Childhood Vision Care. Within 180 days of the start of the school year, the parent of the child must present to the principal or designee certification that within the past 12 months, the child has obtained a comprehensive eye examination performed by an ophthalmologist or optometrist or has obtained a vision screening conducted by a licensed physician, an optometrist, a physician assistant, a nurse practitioner, a registered nurse, an orthoptist or a vision screener certified by Prevent Blindness North Carolina.

Children who receive and fail to pass the required vision screening must obtain a comprehensive eye exam conducted by a duly licensed optometrist or ophthalmologist. The provider of the exam must present to the parent a signed transmittal form, which the parent must submit to the school. If a member of the school staff has reason to believe that a child enrolled in kindergarten through third grade is having problems with vision, the staff member may recommend to the child's parent that the child have a comprehensive eye examination.

No child will be excluded from attending school solely for a parent's failure to obtain a comprehensive eye exam. If a parent fails or refuses to obtain a comprehensive eye exam or to provide the certification of a comprehensive eye exam, school officials shall send a written reminder to the parent of required eye exams.

Upon request, the teacher(s) of a student subject to an absence from school for failure to provide the health assessment form required by this section shall provide to the student all missed assignments, and to the extent practicable, the materials distributed to students in connection with the assignments. The principal or designee shall arrange for the student to take home textbooks and school-furnished digital devices for the duration of the absence and shall permit the student to take any quarterly, semester, or grading period examinations missed during the absence period.

C. Homeless Students

Notwithstanding the provisions of this policy, admissions for homeless students will not be prohibited or delayed due to the student's inability to provide documentation of immunizations or health assessments. The homeless liaison shall work with the student, parent/guardian, school personnel or other agencies to obtain documentation of immunization and/or the health assessment or to arrange for such immunizations and/or assessments in a timely manner.

D. Foster Children

Notwithstanding the provisions of this policy, admissions for students in foster care will not be prohibited or delayed due to the student's inability to provide documentation of immunizations or health assessments. The enrolling school will immediately contact the school last attended by the foster child to obtain any relevant documentation.

E. Children of Military Families

The board acknowledges that immunization requirements for newly enrolling military children are governed by the Interstate Compact on Educational Opportunity for Military Children. Children of military families, as defined in policy 4050, Children of Military Families, will have 30 days from the date of enrollment or within such time as reasonably determined by the rules of the Interstate Commission to obtain any required immunization. For a series of immunizations, initial vaccinations must be obtained within 30 days or within such time as is reasonably determined under the Interstate Commission.

Legal References: Elementary and Secondary Education Act, [20 U.S.C. 6311\(g\)\(1\)\(E\)](#); McKinney-Vento Homeless Assistance Act, [42 U.S.C. 11431 et seq.](#); [G.S. 115C-390.2\(l\)](#), [-407.5](#); [130A-152 to -157](#), [-440 to -443](#); [10A N.C.A.C. 41A .0401](#)

Cross References: Children of Military Families (policy 4050), Homeless Students (policy 4125), Attendance (policy 4400)

Other Resources: N.C. Immunization Branch, available at <http://www.immunize.nc.gov/>

Adopted: May 4, 2021

Policy Code: 4310 Integrity and Civility

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

A. Prohibited Behavior

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

1. insubordination or disrespect of school personnel or school resource officers, including directing disrespectful or discourteous remarks to an adult, showing an adult contempt in speech or action, or failing to carry out an adult's reasonable request;
2. cheating, including the actual giving or receiving of any unauthorized assistance or the actual giving or receiving of an unfair advantage on any form of academic work;
3. plagiarizing, including copying the language, structure, idea, and/or thought of another and representing it as one's own original work;
4. violating copyright laws, including the unauthorized reproduction, duplication, and/or use of printed or electronic work, computer software, or other copyrighted material;
5. committing forgery by fraudulently signing the name of another person or falsifying times, dates, grades, addresses, or other data on school forms;
6. littering, defined as the dumping, depositing, placing, throwing, or leaving of litter in and upon school system property other than in receptacles set aside for such purposes;
7. cursing or using vulgar, abusive, or demeaning language toward another person; and
8. playing abusive or dangerous tricks, hazing, or otherwise subjecting a student or an employee to personal indignity.

B. Consequences

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

Legal References: [17 U.S.C. 101](#), [102](#), [106](#), [107](#), [110](#), [117](#); [G.S. 115C-47](#), [-288](#), [-307](#), [-390.2](#)

Cross References: Goals and Objectives of the Educational Program (policy 3000), Copyright Compliance (policy 3230/7330), Student Behavior Policies (policy 4300)

Adopted: March 2, 2021

New Hanover County Public Schools

Policy Code: 1730/4022/7231 Nondiscrimination on the Basis of Disabilities

The board of education will not discriminate against qualified persons with disabilities on the basis of a disability. This non-discrimination policy includes, but is not limited to, benefits of and participation in system programs and activities. The system will provide aids, benefits, and school services to a person with disabilities in the most integrated school setting appropriate to his or her needs so that he or she may have an opportunity commensurate to that provided to persons without disabilities to obtain the same results, gain the same benefit, or reach the same level of achievement.

The superintendent is directed to develop appropriate procedures to implement this nondiscrimination policy. The superintendent or designee shall:

1. submit an assurance of nondiscrimination with each application for federal financial assistance;
2. designate a person to coordinate the system's efforts to comply with Section 504 of the Rehabilitation Act of 1973 ("Section 504") and its regulations;
3. designate a person to coordinate the system's efforts to comply with the Americans with Disabilities Act and its regulations;
4. publish the name, office address, and phone number of the compliance coordinator(s) in a manner intended to ensure that employees, applicants, students, parents, and other individuals who participate in the school system's programs are aware of the coordinator(s);
5. make complaint procedures available as provided in policy 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law, which provides opportunities for prompt and equitable resolutions to complaints alleging actions prohibited by Section 504 or ADA or regulations for these statutes;
6. provide notice that the school system does not discriminate on the basis of disability in violation of Section 504 or the ADA, or their implementing regulations, and make such notice accessible to employees, applicants, students, and parents;
7. make reasonable accommodations for qualifying applicants or employees with disabilities; however, a reasonable accommodation does not include an accommodation that demonstrably would impose an undue hardship on the program or would fundamentally alter the nature of the service, program, or activity;
8. not inquire about any disabilities that may need accommodation until after an applicant has been made an offer and, additionally, avoid using employment tests or other selection criteria that tend to screen out persons with disabilities unless the criteria are demonstrably job-related and effective alternatives are not available;
9. provide a free appropriate public education to each qualified student with disabilities in accordance with Section 504 and its regulations; and
10. establish and implement a system of procedural safeguards with respect to the identification, evaluation, or educational placement of a student with disabilities under Section 504 which includes an opportunity for the student's parent or guardian to examine relevant records, an impartial hearing with the opportunity for participation by the parent or guardian and representation by counsel, and a review procedure.

Legal References: 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](#)

Cross References: Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Service Animals in Schools (policy 4202/5029/7272)

Adopted: October 6, 2020

New Hanover County Public Schools

Regulation Code: 4302-R Rules for Use of Seclusion and Restraint in Schools

The following rules will govern the use of seclusion and restraint by school personnel. As used in this regulation, "school personnel" means employees of the board and any persons working on school grounds or at a school function (1) under a contract or written agreement with the school system to provide educational or related services to students or (2) for another agency providing educational or related services to students.

1. Physical Restraint

Physical restraint means the use of physical force to restrict the free movement of all or a part of a student's body.

Physical restraint will be considered to be a reasonable use of force when used in the following circumstances:

- a. as reasonably needed to obtain possession of weapons or other dangerous objects on the person or within the control of a student;
- b. as reasonably needed to maintain order or to prevent or break up a fight;
- c. as reasonably needed for self-defense;
- d. as reasonably needed to ensure the safety of any student, employee, volunteer, or other person present;
- e. as reasonably needed to teach a skill, to calm or comfort a student, or to prevent self-injurious behavior;
- f. as reasonably needed to escort a student safely from one area to another;
- g. if used as provided for in an IEP, Section 504 plan, or behavior intervention plan; or
- h. as reasonably needed to prevent imminent destruction to school or another person's property.

Except as set forth above, physical restraint of students will not be considered a reasonable use of force, and its use is prohibited. In addition, physical restraint will not be considered a reasonable use of force when used solely as a disciplinary consequence.

2. Mechanical Restraint

Mechanical restraint means the use of any device or material attached or adjacent to a student's body that restricts freedom of movement or normal access to any portion of the student's body and that the student cannot easily remove.

Mechanical restraint of a student by school personnel is permissible only in the following circumstances:

- a. when properly used as an assistive technology device included in the student's IEP, Section 504 plan, or behavior intervention plan, or as otherwise prescribed by a medical or related service provider;
- b. when using seat belts or other safety restraints to secure a student during transportation;
- c. as reasonably needed to obtain possession of weapons or other dangerous objects on the person or within the control of a student;
- d. as reasonably needed for self-defense;
- e. as reasonably needed to ensure the safety of any student, employee, volunteer, or other person.

Except as set forth above, mechanical restraint, including the tying, taping, or strapping down of a student, will not be considered to be a reasonable use of force, and its use is prohibited.

3. Seclusion

Seclusion means the confinement of a student alone in an enclosed space from which the student is (a) physically prevented from leaving by locking hardware or other means or (b) incapable of leaving due to physical or intellectual capacity.

Seclusion of a student by school personnel may be used in the following circumstances:

- a. as reasonably needed to respond to a person in control of a weapon or other dangerous object;
- b. as reasonably needed to maintain order or prevent or break up a fight;
- c. as reasonably needed for self-defense;

- d. as reasonably needed when a student's behavior poses a threat of imminent physical harm to self or others or imminent substantial destruction of school or another person's property; or
- e. when used as specified in the student's IEP, Section 504 plan, or behavior intervention plan; and
 - 1) the student is monitored by an adult in close proximity who is able to see and hear the student at all times while the student is in seclusion;
 - 2) the student is released from seclusion upon cessation of the behaviors that led to the seclusion, or as otherwise specified in the student's IEP, Section 504 plan, or behavior intervention plan;
 - 3) the confining space has been approved for such use by the local education agency;
 - 4) the space is appropriately lighted, ventilated, and heated or cooled; and
 - 5) the space is free from objects that unreasonably expose the student or others to harm.

Except as set forth above, the use of seclusion is not considered to be reasonable force, and its use is prohibited. In addition, seclusion will not be considered a reasonable use of force when used solely as a disciplinary consequence.

4. Isolation

Isolation means a behavior management technique in which a student is placed alone in an enclosed space from which the student is not prevented from leaving.

Isolation is permitted as a behavior management technique provided that:

- a. the isolation space is appropriately lighted, ventilated, and heated or cooled;
- b. the duration of the isolation is reasonable in light of the purpose for the isolation;
- c. the student is reasonably monitored while in isolation; and
- d. the isolation space is free from objects that unreasonably expose the student or others to harm.

5. Time-Out

Time-out means a behavior management technique in which a student is separated from other students for a limited period of time in a monitored setting. Teachers are authorized to use time-out to regulate behavior within their classrooms.

6. Aversive Procedures

Aversive procedure means a systematic physical or sensory intervention program for modifying the behavior of a student with a disability that causes or reasonably may be expected to cause one or more of the following:

- a. significant physical harm, such as tissue damage, physical illness, or death;
- b. serious and foreseeable long-term psychological impairment;
- c. obvious repulsion on the part of observers who cannot reconcile such extreme procedures with acceptable standard practice, for example:
 - 1) electric shock applied to the body;
 - 2) extremely loud auditory stimuli;
 - 3) forcible introduction of foul substances to the mouth, eyes, ears, nose, or skin;
 - 4) placement in a tub of cold water or shower;
 - 5) slapping, pinching, hitting, or pulling hair;
 - 6) blindfolding or other forms of visual blocking;
 - 7) unreasonable withholding of meals;
 - 8) eating one's own vomit; or
 - 9) denial of reasonable access to toileting facilities.

The use of aversive procedures is prohibited.

7. Notice, Reporting, and Documentation

a. School personnel shall promptly notify the principal or designee of any of the following:

- 1) any use of aversive procedures;
- 2) any prohibited use of mechanical restraint;
- 3) any use of physical restraint resulting in observable physical injury to a student;
- 4) any prohibited use of seclusion; or
- 5) any seclusion exceeding 10 minutes or the amount of time specified in a student's behavior intervention plan.

b. Notice to Parents

When a principal or designee has personal or actual knowledge of any of the events listed in subsection 7.a, above, he or she shall promptly notify the student's parent or guardian and shall provide the name of the school employee whom the parent or guardian may contact regarding the incident. Such notice shall be provided by the end of the workday during which the incident occurred when reasonably possible, but no later than the end of the following workday. Such notice also shall be provided in addition to the written incident report required in subsection 7.c, below.

c. Written Report to Parents

Within a reasonable period of time not to exceed 30 days after any incident involving the use of physical restraint, mechanical restraint, seclusion, isolation, or aversive procedures, the principal or designee shall provide the parent or guardian with a written incident report. This report must include the following:

- 1) the date, time of day, location, duration, and description of the incident and interventions;
- 2) the events or events that led up to the incident;
- 3) the nature and extent of any injury to the student; and
- 4) the name of a school employee the parent or guardian can contact regarding the incident.

d. Reporting to State Board

The board will maintain a record of incidents reported under the procedure described in subsection 7.c, above, and will provide this information annually to the State Board of Education.

e. Non-Retaliation for Reporting

Any employee making a report alleging a prohibited use of physical or mechanical restraint, seclusion, or aversive procedure will not be discharged, threatened, or retaliated against through compensation, terms, conditions, location, or privileges of employment unless the employee knew or should have known that the report was false.

Issued by the Superintendent: March 2, 2021

Reviewed:

Revised:

New Hanover County Public Schools

Policy Code: 4316 Student Dress Code

The board believes that responsibility for the dress and grooming of a student rests primarily with the student and his or her parents or guardians and that appropriate dress and grooming contribute to a productive learning environment. The board expects students to give proper attention to personal cleanliness and to wear clothes that are suitable for the school activities in which they participate.

The board respects students' rights to express themselves in the way they dress in accordance with the dress and grooming standards established in this policy. The board recognizes that clothes are not gender specific.

A. Minimum Dress and Grooming Standards

The board requires that student appearance and clothing comply with the following standards. Enforcement must reasonably accommodate clothing or accessories worn by students as an expression of sincerely held religious beliefs or by students with disabilities.

1. Students must wear clothing that includes both a shirt with pants or a skirt, or the equivalent (for example, a dress or a shirt with shorts), and shoes with a solid sole.
2. Headgear, including hats, hoodies, and caps, are not allowed.
3. Upper clothing must cover the chest, from armpit to armpit, and the torso. Straps are required.
4. Lower clothing, specifically dresses and skirts, must extend to the mid-thigh. Shorts or pants must not reveal undergarments or buttocks. Holes/designs in lower clothing must meet the above criteria.
5. Sunglasses may not be worn inside the building.
6. Clothing and accessories must be suitable for all scheduled classroom activities, including activities in physical education courses, science labs, and shop classes, and other activities where unique hazards exist or specialized attire or safety gear is required.

Additionally, students are prohibited from wearing, carrying or displaying any clothing or accessories that:

1. Depict, imply, advertise, or advocate unlawful violence or other illegal conduct, or the use of alcohol, tobacco, marijuana, or other controlled substances.
2. Display or imply vulgar, lewd, or obscene language or images. Clothing and accessories may not depict or imply pornography, nudity, or sexual acts.
3. Endanger student or staff safety.
4. Are prohibited under policy 4328, Gang-Related Activity, or any other provision of the Code of Student Conduct; or
5. Create a substantial disruption of the educational process or operations of the school.

B. Individual School Dress Codes

The administration at individual schools may enact a standard school uniform or dress code with the approval of the school improvement team and the board. Individual school dress codes must not be inconsistent with this policy.

Schools may not use "dress down days" for economic gain.

C. Consequences

Before receiving disciplinary consequences, a student who is not in compliance with this policy or a school dress code will be given a reasonable period of time to make adjustments so that he or she will be in compliance. Disciplinary consequences for a student who fails to comply after being offered this opportunity will be consistent with Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violation of the dress code.

Legal References: [G.S. 115C-47](#), [-390.2](#)

Cross References: Student Behavior Policies (policy 4300), School Plan for Management of Student Behavior (policy 4302), Disruptive Behavior (policy 4315), Student Identification Cards (policy 4317), Gang-Related Activity (policy 4328)

Adopted: March 2, 2021

Policy Code: 4317 Student Identification Cards

All high school students are required to maintain a student identification (ID) card on their person at all times when they are on school campus and present it as requested by school staff.

ID cards are issued free of charge and replaced for a fee at the respective schools. In addition to the student's name, photograph, and grade level, each card will contain a scanner bar code, which can be used for student check-in and check-out, for library book loans, and for cafeteria purchases.

Failure to display the ID card may result in disciplinary action, as well as denial of access to facilities and services.

Legal References:

Cross References:

Adopted: March 2, 2021

New Hanover County Public Schools

Policy Code: 4342 Student Searches

School officials have the authority to conduct reasonable searches of students and to seize students' unauthorized materials for the purposes of maintaining a safe, orderly environment and upholding standards of conduct established by the board or school. Any searches or seizures must be conducted in accordance with the standards described in this policy and any other applicable legal requirements. All school officials carrying out a search or seizure are expected to be knowledgeable about the constitutional rights of students and the appropriate procedures for conducting the search or seizure. A search must be justified at its inception and permissible in scope. School officials shall make reasonable, good faith efforts to investigate allegations of misconduct before a student search is conducted.

This policy applies to searches conducted on school grounds, in school facilities, or at school-sponsored events.

Policy 3225/4312/7320, Technology Responsible Use, not this policy, applies to the search of school system-owned technological resources and the data located on school system-owned electronic equipment.

A. Searches Based on Individualized Reasonable Suspicion

A student or the student's possessions may be searched when a school official has reasonable suspicion that the search will turn up evidence that the particular student has violated or is violating a specific law or school rule. This reasonable suspicion must be based upon specific and articulable facts, which have been acquired through reliable and/or corroborated information from employees, students, law enforcement officers, or other credible sources, or upon visual or other evidence (e.g., the smell of alcohol or marijuana, an alert from a metal detector or drug dog) viewed in light of the totality of the circumstances and the school official's professional judgment. The scope of the search and the methods used to conduct the search must be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

Reasonable suspicion is not required if a student freely and voluntarily consents to the search of his or her person or possessions.

In accordance with the standards described above, the board authorizes the following types of searches based on reasonable suspicion.

1. Searches of Personal Effects

School officials may search a student's desk, locker, and/or personal effects, including but not limited to purses, book bags, and outer clothing. Policy 4318, Use of Wireless Communication Devices, addresses the circumstances under which searches of student cell phones and other electronic devices may be conducted.

2. Searches of Motor Vehicles

School officials may search the interior of a student's motor vehicle.

3. "Pat-down" Searches

A school official may conduct a frisk or "pat-down" search of a student's person. The search must be conducted in private by a school official of the same gender or gender identity with an adult witness present.

4. More Intrusive Personal Searches

School officials shall not conduct more intrusive personal searches that extend beyond a student's personal effects and outer clothing and potentially expose intimate body parts and/or undergarments.

5. Metal Detector Searches

Except as provided in Section B.2, below, a metal detector may be used to search a student's person and/or personal effects. The search must be conducted by a school official and will be done in private, when feasible.

B. Suspicionless General Searches

In an effort to maintain a safe, drug-free, and weapon-free learning environment, school officials may conduct certain types of general, suspicionless searches in the schools. All general searches must be conducted in a minimally-intrusive, nondiscriminatory manner (e.g., all students in randomly selected classrooms, every third individual entering a school-sponsored extracurricular activity) and may not be used to single out a particular individual or category of individuals. The searches must be conducted in accordance with standardized procedures established by the superintendent or designee. Absent exigent circumstances (e.g., a report of a weapon on campus), prior to conducting general searches, school administrators must: (1) demonstrate to the superintendent or designee the need for general searches based upon a pattern or expectation of violence, drug activity, or disruption; and (2) provide written notice to students and parents of the school policy and/or procedures governing general searches, but not of specific times when or places where searches will

be conducted.

When conducted in accordance with the standards described above and any corresponding procedures, the board authorizes the following types of general, suspicionless searches.

1. Searches of Desks and Lockers

School officials may conduct routine searches of student desks and lockers. Student desks and lockers are school property and remain at all times under the control of the school. However, students are expected to assume full responsibility for the security of their desks and lockers. Student desks and lockers may not be used to store illegal, unauthorized, or contraband materials.

A student's personal effects found within a desk or locker, such as a backpack, gym bag, or purse, may be searched only in accordance with the guidelines for individualized searches of personal effects described in Section A, above.

2. Point-of-Entry Metal Detector Searches

School officials may use metal detectors to conduct general point-of-entry searches of students and other persons for weapons.

3. Use of Trained Dogs

With the prior approval of the superintendent, and in conjunction with local law enforcement, school officials may use trained dogs (canines) to locate illegal materials. All dogs must be accompanied by a certified and authorized trainer who is responsible for the dog's actions and who is able to verify the dog's reliability and accuracy in sniffing out illegal material. Trained dogs may sniff lockers, desks, book bags, motor vehicles, and other inanimate objects. Dogs may not be used to sniff students or other persons under any circumstances. No students should be present during a dog search. Before a search occurs in a classroom, students will first be moved to a location outside the classroom.

C. Seized Items

Any illegal contraband seized by school officials must be promptly turned over to the proper law enforcement authorities.

D. Failure to Cooperate

A student's failure to cooperate with a reasonable search or seizure as provided in this policy will be considered a violation of the expected standard of behavior, and will subject the student to appropriate consequences.

Any person who is not a student who refuses to permit a general metal detector search of his or her person and/or belongings at the point-of-entry to a school-sponsored activity may be denied entry to the activity.

E. Surveillance Cameras

Video and audio surveillance recorders may be used by administrators to monitor students on school system grounds, on buses, at bus stops, and at school sponsored functions, except that bathrooms and locker rooms will not be monitored if doing so would violate a student's right to privacy under the [United States](#) or [North Carolina Constitutions](#).

F. Notice

The superintendent or designee shall ensure that students and their parents or guardians receive notification of the provisions of this policy at least annually.

Legal References: [U.S. Const. amend. IV](#); [New Jersey v. T.L.O.](#), 469 U.S. 325 (1985), [Safford United School District #1 v. Redding](#), 557 U.S. 364 (2009); [G.S. 115C-47, -288, -307, -390.2](#)

Cross References: Technology Responsible Use (policy 3225/4312/7320), School Plan for Management of Student Behavior (policy 4302), Use of Wireless Communication Devices (policy 4318), School-Level Investigations (policy 4340)

Adopted: March 2, 2021

Policy Code: 4720 Surveys of Students

The superintendent shall ensure that all notification requirements of the Protection of Pupil Rights Amendment are met, along with any other legal requirements regarding the surveying of students.

A. Protected Topics

The school system must obtain prior written consent of a parent or eligible student before the student is required to participate in any Department of Education-funded survey, analysis, or evaluation that reveals information concerning the following "protected topics":

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

Upon request, parents have the right to review any survey that concerns one of the protected topics or any instructional materials used in any such survey. The school system will take measures to protect the identification and privacy of students participating in any survey concerning any of the protected topics. These measures may include limiting access to completed surveys and to survey results, as allowed by law.

The school system will notify parents at the beginning of each school year of the specific or approximate dates of administration of surveys concerning the protected topics that are not funded in whole or in part by the Department of Education. Parents have the right to review any survey that concerns one of the protected topics or any instructional materials used in any such survey. Parents also will have the opportunity to opt their children out of participating in the survey(s).

B. Collection of Student Data for Marketing Purposes

The school system generally will not collect, disclose, or use personal student information for the purpose of marketing or selling the information or otherwise providing the information to others for that purpose. However, the school system may collect such information from students if the information is used for the exclusive purpose of developing, evaluating, or providing educational products or services for or to students or educational institutions, such as the following:

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

If the school system collects such information from students for the purpose of marketing or selling the information to develop, evaluate, or provide educational products or services as described above, upon request, parents may inspect any instrument used to collect the information before it is administered or distributed to a student.

C. Parent Involvement

The board and superintendent will work with parents to create policies and guidelines concerning: (1) the administration of surveys by third parties; (2) arrangements to protect student privacy in the administration of surveys containing a protected

topic; (3) parental rights to review and inspect instructional materials or survey instruments; and (4) the collection, disclosure, or use of personal information for marketing or selling purposes.

Legal References: Family Educational Rights and Privacy Act, [20 U.S.C. 1232g, h](#), [34 C.F.R. pt. 99](#); [G.S. 115C-36](#)

Cross References: Parental Involvement (policy 1310/4002), Student and Parent Grievance Procedure (policy 1740/4010), Student Discipline Records (policy 4345)

Adopted: June 8, 2021

New Hanover County Public Schools

Policy Code: 1720/4030/7235 Title IX Nondiscrimination on the Basis of Sex

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

A. Inquiries About Title IX

The board 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.

Office Address: 6410 Carolina Beach Rd, Wilmington, NC 28412

Email Address: titleix@nhcs.net

Phone Number: (910) 254-4200

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 board 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 policy 1740/4010, Student and Parent Grievance Procedure. Employees and applicants may use the process provided in policy 1750/7220, Grievance Procedure for Employees.

The board 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 policy 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process. Those who believe they have been sexually harassed may also file a formal complaint of sexual harassment in accordance with policy 1726/4036/7237, Title IX Sexual Harassment Grievance Process, 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 policy 1725/4035/7236 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 policies 1740/4010 and 1750/7220. Acts of retaliation may also be subject to policy 1760/7280, Prohibition Against Retaliation.

D. Notice of the Board's Policy of Nondiscrimination Based on Sex

The superintendent 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 superintendent shall also ensure that each principal or site supervisor 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](#)

Cross References: Title IX Sexual Harassment – Prohibited Conduct and Reporting Process (policy 1725/4035/7236), Title IX Sexual Harassment Grievance Process (policy 1726/4036/7237), Student and Parent Grievance Procedure (policy 1740/4010), Responding to Complaints (policy 1742/5060), Grievance Procedure for Employees (policy 1750/7220), Prohibition Against

Retaliation (policy 1760/7280), Staff-Student Relations (policy 4040/7310)

Adopted: 08/11/20

New Hanover County Public Schools

Policy Code: 4320 Tobacco Products – Students

The board is committed to creating safe, orderly, clean, and inviting schools for all students and staff. To this end, the board supports state laws that prohibit the sale or distribution of tobacco products to minors and that prohibit the use of tobacco products by minors. The board also supports state and federal laws that prohibit the use of tobacco products in school buildings, on school campuses, and in or on any other school property owned or operated by the school board. For the purposes of this policy, the term “tobacco product” means any product that contains or that is made or derived from tobacco and is intended for human consumption, including all lighted and smokeless tobacco products, as well as electronic cigarettes, vaporizers, and other electronic smoking devices even if they do not contain tobacco or nicotine.

A. Prohibited Behavior

In support of the board’s commitments and state and federal law, students are prohibited from using or possessing any tobacco product (1) in any school building, on any school campus, and in or on any other school property owned or operated by the school board, including school vehicles; (2) at any school-related activity, including athletic events; or (3) at any time when the student is subject to the supervision of school personnel, including during school trips.

Nothing in this policy prohibits the use or possession of tobacco products for an instructional or research activity conducted in a school building, provided that the activity is conducted or supervised by a faculty member and that the activity does not include smoking, chewing, or otherwise ingesting tobacco.

B. Consequences

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

Each principal shall develop specific regulations providing a series of escalating consequences for offenders, to include counseling and treatment when needed. In determining appropriate consequences for violations of this policy, school officials are encouraged to identify programs or opportunities that will provide students with a greater understanding of the health hazards of tobacco use, the hazards of secondhand smoke, and the impact of tobacco use on efforts to provide a safe, orderly, clean, and inviting school environment.

C. Services for Students

The administration shall consult with the county health department and other appropriate organizations to provide students with information and access to support systems and programs to encourage students to abstain from the use of tobacco products. The school system may, from time to time, provide free non-smoking programs and services to its students.

D. Notice

Students will be provided with notice of the information in this policy through the Code of Student Conduct, student handbooks or other means identified by the principal. In addition, the principal shall post signs in a manner and at locations that adequately notify students, school personnel, and visitors about prohibitions against the use of tobacco products in all school facilities, on all school grounds, and at all school-sponsored events.

Legal References: Pro-Children Act of 1994, [20 U.S.C. 6081](#) *et seq.*; [21 U.S.C. 321](#)(rr); [21 C.F.R. 1100](#) *et seq.*; [G.S. 14-313](#); [115C-47](#), [-288](#), [-307](#), [-390.2](#), [-407](#)

Cross References: Student Behavior Policies (policy 4300), Smoking and Tobacco Products (policy 5026/7250)

Adopted: March 2, 2021

New Hanover County Public Schools

Policy Code: 4318 Use of Wireless Communication Devices

The board recognizes that cellular phones and other wireless communication devices have become an important tool through which parents communicate with their children. Therefore, students are permitted to possess such devices on school property so long as the devices are not activated, used, displayed, or visible during the instructional day unless otherwise allowed or directed by school rules or school personnel. Wireless communication devices include, but are not limited to, cellular phones, electronic devices with internet capability, two-way radios, and similar devices.

A. Authorized Use

Administrators and teachers may authorize individual students to use wireless communication devices for personal purposes when there is a reasonable need for such communication. Teachers and administrators may authorize individual students to use the devices for instructional purposes, provided that they supervise the students during such use. If students are using their wireless communication devices to access the Internet during the school day, they must do so through the school's wireless network.

Although use generally is permitted before and after school, elementary and middle school students who participate in after-school programs are prohibited from using wireless communication devices during such programs. The use of cellular phones and other wireless communication devices also may be prohibited on school buses when noise from such devices interferes with the safe operation of the buses.

B. Consequences for Unauthorized Use

Teachers and school administrators may immediately confiscate any wireless communication devices that are on, used, displayed, or visible in violation of this policy. Absent compelling and unusual circumstances, confiscated wireless communication devices will be returned to the student at the end of the school day.

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

The following factors should be considered when determining appropriate consequences: whether the wireless communication device was used (1) to reproduce images of tests, obtain unauthorized access to school information, or assist students in any aspect of their instructional program in a manner that violates any school board policy, administrative regulation, or school rule; (2) to bully or harass other students; (3) to send illicit text messages; (4) to take and/or send illicit photographs; or (5) in any other manner that would make more severe disciplinary consequences appropriate.

C. Search of Wireless Communication Devices

In accordance with policy 4342, Student Searches, a student's wireless communication device and its contents, including, but not limited to, text messages and digital photos, may be searched whenever a school official has reason to believe the search will provide evidence that the student has violated or is violating a law, board policy, the Code of Student Conduct, or a school rule. The scope of such searches must be reasonably related to the objectives of the search and not excessively intrusive in light of the nature of the suspected infraction.

D. Liability

Students are personally and solely responsible for the security of their wireless communication devices. The school system is not responsible for the theft, loss, or damage of a cellular phone or other personal wireless communication device.

Legal References: [G.S. 115C-36](#), [-390.2](#)

Cross References: Student Behavior Policies (policy 4300), Disruptive Behavior (policy 4315), Student Searches (policy 4342)

Adopted: March 2, 2021