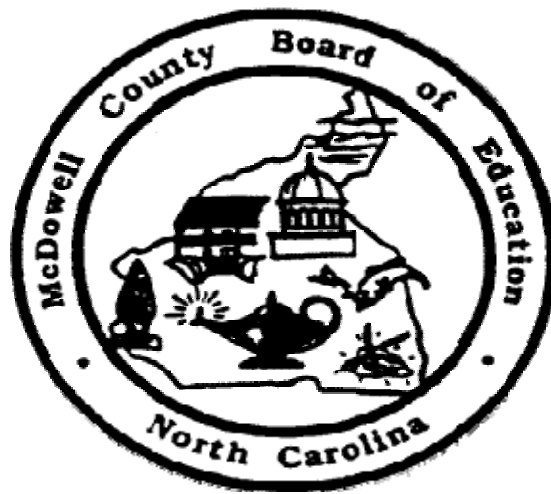


# **McDowell County Schools**



## **Elementary Parent Handbook 2008-09**

# **MCDOWELL COUNTY SCHOOLS**

## **Mission Statement**

To Educate All Children ... TEACH

The mission of McDowell County Schools is to provide quality education in a safe and supportive environment where we respect students' individual and cultural differences, develop their talents in partnership with family and community, and ensure that they possess the life skills necessary for personal successes and civic responsibility.

## **Statement of Beliefs**

1. **We believe all children can learn and it is our responsibility to teach them well.**
2. **We believe a safe, supportive, and inviting school climate is essential for student learning.**
3. **We believe students learn best when expectations are high and they are held accountable for their academic performance and personal behavior.**
4. **We believe students learn best when the family, school, and community are partners sharing in the responsibilities of the learning process.**
5. **We believe students become good citizens when they have daily interaction with caring, competent, and positive models.**
6. **We believe it is our responsibility to provide a variety of instructional approaches to support students' learning styles and cultural differences.**

Under the guidelines of The Students Citizen Act of 2001 and the North Carolina Partnership in Character Education McDowell County Schools is responsible for integrating elements of character across the curriculum. Using the Wake County Matrix for Integration provided through North Carolina's Department of Public Instruction, McDowell County Schools has chosen as the main focus areas, English/Language Arts, Social Studies, Healthful Living, and Guidance. Even though focus areas are listed, McDowell County Schools believe character education should be integrated into every area of the curriculum. The following character traits have been selected for integration across the curriculum.

## **NINE CHARACTER CONCEPTS**

### **Courage**

Having the determination to do the right thing even when others don't; having the strength to follow your conscience rather than the crowd; attempting difficult things that are worthwhile.

### **Good Judgment**

Choosing worthy goals and setting proper priorities; thinking through the consequences of your actions; and basing decisions on practical wisdom and good sense.

### **Integrity**

Having the inner strength to be truthful, trustworthy, and honest in all things; acting justly and honorably.

### **Kindness**

Being considerate, courteous, helpful, and understanding of others; showing care, compassion, friendship, and generosity; and treating others, as you would like to be treated.

### **Perseverance**

Being persistent in the pursuit of worthy objectives in spite of difficulty, opposition, or discouragement; and exhibiting patience and having the fortitude to try again when confronted with delays, mistakes, or failures.

### **Respect**

Showing high regard for authority, for other people, for self, for property, and for country; and understanding that all people have value as human beings.

### **Responsibility**

Being dependable in carrying out obligations and duties; showing reliability and consistency in words and conduct; being accountable for your own actions; and being committed to active involvement in your community.

### **Self-Discipline**

Demonstrating hard work and commitment to purpose; regulating yourself for improvement and restraining from inappropriate behaviors; being in proper control of words, actions, impulses, and desires; choosing abstinence from premarital sex, drugs, alcohol, and other harmful substances and behaviors; and doing your best in all situations.

### **Citizenship/Civic Virtue**

Obedying the laws of the nation and state; abiding by school rules; and understanding the rights and responsibilities of a member of the United States of America.

**As the Student Citizen Act of 2001 encourages, in addition to the above list of traits, McDowell County Schools will include instruction in the following:**

1. **Respect for Others** – holding students, teachers, school personnel, and members of the community in high esteem and demonstrating in words and deeds that everyone deserves to be treated with courtesy, respect, and proper deference.
2. **Respect for School Property and Personal Property** – holding students and school personnel responsible for appreciation, care, and maintenance of personal and school property.

3. **Responsibility for School Safety** – helping to create a harmonious school atmosphere that is free from threats, weapons, and violent or disruptive behavior cultivating an orderly learning environment in which students and school personnel feel safe and secure; and encouraging the resolution of conflict and disagreements through peaceful means including peer mediation.
4. **Service to Others** – engaging in meaningful service to their schools and communities. Schools may teach service learning by (i) incorporating it into their standard curriculum or (ii) involving a classroom or another group of students in hands-on community service projects.

*(This list was developed by the Wake County Character Education Task Force in 1994, on behalf of the Wake County Public Schools System. It was selected to be used in the 1996 legislation McDowell County Schools listed Good Citizenship in the first list instead of in the second list and added Respect for School Property.)*

## SCHOOLWIDE TITLE I PROGRAMS

All McDowell County Elementary Schools operate school-wide Title I programs. Title I provides federal funding for schools to help students who are behind academically or are at risk of falling behind. Funding is based on the number of lower-income children in a school but services are provided to help all students achieve academic success. Title I money may be combined with other funds to provide more services and resources for students. These services can include additional personnel, parental involvement activities, professional development, purchase of materials and supplies, and pre-kindergarten programs. A school-wide Title I program can offer programs that can help improve your child's education. A good education can give your child a better chance of success in life!

Title I schools are required to notify parents of their rights to receive certain information.

- Parents may request information concerning the professional qualifications of their child's teacher(s), including the degrees held, certifications held, and whether the teacher is certified in the area he/she is teaching.
- Schools must notify parents if their child has been assigned, or has been taught for at least four consecutive weeks by a teacher who does not meet the Highly Qualified definition.
- Parents may request information concerning whether or not their child is receiving instruction by a teacher assistant, and if so, his/her qualifications.

Parent communication and involvement are important, especially under the *No Child Left Behind* legislation. Parents in Title I schools have certain rights concerning parent involvement.

- Parents must be a part of developing or revising, as needed, a written parent involvement policy that is distributed to all parents.
- Parents must be invited to an annual public meeting.
- Parents have a right to be involved in planning and implementing the parent involvement program in their school.
- Parents can receive materials and training to foster greater parent involvement.
- Parents have the right to see yearly "report cards" showing how their child and the school are performing under the school-wide Title I program.

Parents can help!

- Look at your child's performance and be sure you understand where your child stands in reading and mathematics.
- Talk with your child's teacher (s) and principal to find out how you and your school can work together to improve your child's performance.
- Attend parent conferences
- Participate in parent involvement activities and opportunities.
- Be aware of your school's performance under *No Child Left Behind* and the state testing program.
- Communicate your school's successes to your community and look for ways to support your school.

*Educators cannot improve schools alone. In North Carolina, we reach these high standards as a partnership with parents, schools, and communities.*

## **POLICY ON TITLE I PARENTAL INVOLVEMENT**

The McDowell County Board of Education believes that the education of children is a cooperative effort between homes and schools. Parents/Guardians are their children's first teachers and involvement of families of Title I students improves the educational achievement of the children served by this program.

Title I staff at each participating school will convene an annual meeting to which parents of participating children will be invited and encouraged to attend. The purpose of this meeting will be to inform parents of their school's participation in Title I, to explain the requirements of the Title I program, and to explain the right of the parent to be involved in an organized, ongoing, and timely way in the planning, review, and improvement of the Title I program.

Title I will offer a flexible number of meetings to provide parents the opportunities to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children.

Title I programs will have in place a parent-school compact that outlines how parents, the entire school staff, and students will share the responsibility for improved student academic achievements and the means by which the school and parents will build and develop a partnership to help children achieve state standards.

Title I programs will provide assistance, materials, and training to parents of participating students on topics required under federal guidelines or deemed necessary and/or appropriate to the participants of the program.

Title I programs will coordinate and integrate parent programs and activities with Head Start, public school preschool and other programs to extent feasible and appropriate.

Title I, to the extent practical, will provide full opportunities for the participation of parents with limited English proficiency, parents with disabilities, and parents of migratory children, including providing information and school reports required by Title I guidelines in a language and format that such parents can understand.

*This policy meets the statutory requirements of sections 1118 of the No Child Left Behind Act (NCLB).*

Adopted by McDowell County Board of Education: May 25, 1987. Revised by the McDowell County Board of Education: September 16, 2002.

## MCDOWELL COUNTY SCHOOLS DRESS CODE

The following expectations for student dress have been established by the McDowell County Board of Education to promote a safe and optimum learning environment.

The following dress standards shall be observed in all McDowell County Schools:

1. Pants must be worn at or above the hip line and should not extend below the shoes due to safety reasons.
2. Shirts, blouses, and dresses shall cover the abdomen, back, and both shoulders. There will be no see-through clothing. Shirts and tops must meet the waistband of pants, shorts, or skirts at all times with no midriff, cleavage, or underwear visible at any time.
3. Footwear is required and must be safe and appropriate for classroom activities. With the exception of medically prescribed footwear, soles and heels are not to exceed a total height of 3 inches.
4. Any clothing, jewelry, accessories, or book bags that depict, advertise, or promote gangs, drugs, alcohol, or tobacco or that conveys sexually explicit, inflammatory, or vulgar language or images are prohibited. There will be no trench coats.
5. Skirts, dresses, and shorts must be no more than 4 inches above the top of the knee.
6. Jewelry and accessories that could be used as weapons are prohibited.
7. No head covering of any sort shall be worn in the classroom.

The principal may allow exceptions to this dress code only on special occasions, such as holidays, pep rallies, and special performances. A principal may further prescribe additional dress requirements appropriate to certain classes, such as physical education, career and technical education (vocational), and science classes.

Violations of the dress code shall result in disciplinary action as follows:

- **1st Violation:** Warning by the teacher. Teacher will document the offense and forward a referral to the appropriate class principal for the record. The dress code violation will be corrected before the student may return to class. Students are to sign an acknowledgement of their first violation of the policy and of the penalty for a second violation of the policy. If a student refuses to sign such acknowledgement, the principal or designee may sign a statement of notice to the student or the student's parents.
- **2nd Violation:** Two days ISD. The dress code violation will be corrected before the student can return to class.
- **3rd Violation:** One day OSS. Parents will be notified.
- Subsequent violations will increase OSS and parent involvement and may result in suspension up to the end of the school year.

# **CODE OF STUDENT CONDUCT**

## **STATEMENT OF PURPOSE**

The intention of the McDowell County Board of Education in adopting and implementing this policy is to create an orderly environment where students can learn; to teach expected standards of behavior; to help students learn to accept the consequences of their behavior; and to provide students with the opportunity to develop self-control.

## **APPLICABILITY**

### **When Policies must be followed**

Students must follow all Board and school behavior policies in all of the following circumstances:

- while in any school building or on any school premises before, during or after school hours;
- while on any bus or other vehicle as part of any school activity;
- while waiting at any school bus stop;
- during any school function, extracurricular activity or other school activity or event;
- when subject to the authority of school personnel;
- any time or place when the student's behavior has a direct and immediate effect on maintaining order and discipline in the schools.

### **Educational Services for Exceptional Children**

Students with disabilities recognized by the Individuals with Disabilities Education Act must receive alternative educational services during periods of suspension or expulsion to the extent required by law.

Disciplinary actions for students identified as exceptional children according to North Carolina guidelines will conform to **Procedures Governing Programs and Services for Children with Special Needs** as adopted by the State Board of Education. If the Procedures manual does not fully address a particular issue, the director of exceptional children will develop any necessary protocols consistent with state and federal law.

All disabled children will be accorded all rights as required by state and federal law.

### **Teachers, Teacher Assistants and Substitute Teachers**

The teacher is primarily responsible for managing student behavior in the classroom. The teacher will establish clear, consistent rules and regulations pertaining to the behavior of students. At the beginning of each school year, teachers will review with students the school system's Code of Conduct, the local school rules and regulations, and the teacher's individual classroom rules. Teachers will require students to sign a statement that they have been presented and understand the rules and regulations.

Teachers and teacher assistants are responsible for knowing and complying with all school system policies and regulations and school rules pertaining to student behavior as well as school system and school level safe school plans. Each teacher and each assistant will hold all students accountable for infractions of school system or local school rules. Teachers will deal appropriately with students who engage in disruptive or disorderly conduct. Teachers will make reasonable efforts to contact parents to inform them of student misbehavior. (See Policy 2100, Philosophy of McDowell County Board of Education.)

A teacher, student teacher, substitute teacher, voluntary teacher or teacher assistant will report acts of violence in school to the principal.

### **Principals**

Each principal is responsible for establishing clear, consistent rules and regulations pertinent to the behavior of students and for interpreting such regulations. The principal will hold all students accountable for infractions of school system or local school rules. The principal will ensure that each student in grades 4-12 receives a copy of the Code of Student Conduct at the beginning of each school year or upon enrollment. (See Policy 2100, Philosophy of McDowell County Board of Education.) The principal also is responsible for duties established by statute, including those specified in G.S. 115C-105.47(b)(3) and 115C-228 and for any requirements specified in the school system or school level safe school plans.

# STANDARDS OF EXPECTED STUDENT BEHAVIOR

## 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.

The following acts are illustrative of behavior that is prohibited by this policy:

- **Cheating** – Cheating includes the actual giving or receiving of any unauthorized aid or assistance or the actual giving or receiving of unfair advantage on any form of academic work. Secondary school honor code applies to grades 7-12.
- **Plagiarism** – Plagiarism includes the copying of the language, structure, idea, and/or thought of another and representing it as one's own original work.
- **Falsification** – Falsification includes the verbal or written statement of any untruth.
- **Stealing** – Stealing includes intentionally acquiring another's possessions without right or permission.
- **Computer Hacking** – Computer hacking includes the unauthorized use or misuse of any PC, Printer Network, or any other device related to computer signal propagation, storage, process or modulation.
- **Attempts** – Attempts toward completion of any act described above will constitute a violation and may be punishable to the same extent as if the attempted act had been completed.

## Orderly Behavior

Students and school officials share the responsibility of maintaining a safe, secure and orderly learning environment through their compliance with all lawful directions of principals, teachers, substitute teachers, teacher assistants and other personnel authorized to give directions. 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:

- **Blocking/Preventing School Functions** – intentional verbal or physical acts that result or have the potential to result in blocking access to school functions or facilities or preventing the convening or continuation of school-related functions.
- **Disruptive Appearance/Clothing** – appearance or clothing that (1) violates a reasonable dress code adopted and publicized by the school, or (2) is substantially disruptive, or (3) is provocative or obscene, including see-through shirts, clothing or adornments that convey obscene messages, and for students in grades 4-12, shirts that expose bare midriffs; (4) endangers the health or safety of the student or others, or (5) promotes undesirable attitudes or practices. Any clothing or adornments intended to identify membership in gangs is also prohibited.
- **Disruptive Literature/Illustrations** – possessing or distributing literature or illustrations that significantly disrupt the educational process or that are obscene or unlawful.
- **Indecent Behavior** – engaging in behavior which is immoral, indecent, lewd, disreputable or of a sexual nature in the school setting.
- **Violating Safety Rules** – failing to observe established safety rules, standards and regulations, including when on the bus and in hallways.

- **Interfering With School Buses** – interfering with the operation of school buses, including delaying the bus schedule, getting on or off at an unauthorized stop, and willfully trespassing upon a school bus.
- **Gambling** – participating in any event, action or statement which relies on chance for the monetary advantage of one participant at the expense of others, including exchanging items of value as well as currency and extends to keeping score for later settlement.
- **Mechanical/Electronic Devices** – possessing or using any type of electronic or mechanical device which disrupts or impedes the educational process such as radios, tape recorders, beepers, cellular telephones and electronic games is prohibited. Exceptions may be made on an individual basis by the principal.
- **Cursing** – using profanity, abusive or offensive language.
- **Trespassing** – a student will be considered a trespasser and may be criminally prosecuted under any of the following circumstances: (1) a student who is on the campus of a school to which he or she is not assigned during the school day without the knowledge and consent of the officials of the school the student is visiting; (2) any student who loiters at any school after the close of the school day without specific need or supervision; (3) any student who has been suspended from school who appears on the property of any school during the suspension period without the express permission of the principal; or (4) any student who has been duly warned not to be on specified school property.
- **Fighting** – fighting is prohibited.

## CELL PHONE POLICY

(Effective beginning with the 2009-2010 school year) During the formal, instructional school day, the use of cell phones on school property is prohibited.

\*Disciplinary Consequences:

1<sup>st</sup> Offense: Teacher takes phone, an office referral is made, parent is notified and must pick up the phone.

2<sup>nd</sup> Offense: 1 Day In-School Suspension

3<sup>rd</sup> Offense: 3 Days In-School Suspension

4<sup>th</sup> Offense: 1 Day Out-of-School Suspension

\*Consequences may be modified for elementary students.

## FOLLOWING REQUIREMENTS FOR SAFE TRANSPORTATION SCHOOL BUS REQUIREMENTS

The safety and well being of the driver and passengers cannot be jeopardized for any reason. Riding the school bus, for whatever purpose, is a privilege. Should that privilege be abused, it may be revoked for a specified period of time or permanently.

The following acts are illustrative of behavior that interferes with the orderly operation of school buses and are prohibited:

- delaying the bus schedule;
- consumption of food or drinks;
- fighting;
- using tobacco products;
- using profanity;
- refusing to obey instructions;
- tampering with or damage to the bus;
- refusing to meet the bus at designated stops;
- unauthorized leaving of the bus;
- distracting the driver's attention while the bus is in operation;
- failing to observe established safety rules and regulations;
- committing offensive actions towards others both inside and outside the bus; or
- violating any other expected standard of behavior while on the bus.

### **Pre-Established Consequences for Not Meeting School Bus Requirements, Grades 7-12**

In addition to the pre-established consequences, other consequences may be imposed if the conduct also violates any other expected standard of behavior in this policy.

**First Offense:** The student's parents will be notified and the student will be placed on probation for the remainder of the year. Suspension from the bus and/or school may occur.

**Second Offense:** The student will be suspended from the bus for five days.

**Third Offense:** The student will be suspended from the bus for ten school days.

**Fourth Offense:** The student will be suspended indefinitely from the school bus.

**Motor Vehicle Drivers:** Not applicable to elementary school students.

### **Bicycle Riders**

Unless prohibited by the individual schools, bicycles may be ridden to and parked at elementary, junior and high schools. The rider is responsible for securing bicycles in designated areas. Riding bicycles, skateboards or other wheeled device on school property at any time is prohibited unless it is part of an approved organized activity.

### **Walkers**

Students in elementary, junior and high schools who live within the designated walkers' zones may walk to school, but are expected to arrive promptly at school.

## **NOT USING TOBACCO PRODUCTS**

The use or possession of tobacco products is prohibited in all of the following circumstances:

- by all students on school property at all times or at any school related function;
- by anyone inside any school facility.

Violation of the policy will be handled through the disciplinary procedures at each school.

## **USING LEGAL DRUGS APPROPRIATELY AND NOT USING ILLEGAL DRUGS OR ALCOHOL**

It is the goal of the McDowell County Board of Education for all students to have a healthy learning and working environment, which is free of alcohol and other drugs. Achieving this goal necessitates the full support of parents and the entire community. The Board supports an educational component to make students and school personnel aware of the dangers of chemical/substance abuse; a process to provide assistance to those students and school personnel who need treatment; and a disciplinary procedure for those students and school personnel who violate Board rules and the law.

### **K-12 Alcohol and Drug Education Curriculum**

The McDowell County Board of Education endorses a drug prevention curriculum. Students in grades K-12 will have made available to them a health curriculum and/or an educational program that focuses on the consequences of alcohol and drug abuse and the skills necessary to reject alcohol and drugs as part of their lives.

### **Chemical/Substance Abuse Counseling, Treatment**

The McDowell County Board of Education is committed to meeting the needs of students by involving the administration, staff, family and community in addressing and solving the problems of substance abuse and related behaviors. To accomplish this goal, the Tin Man Student Assistance Program exists. This program is designed to respond systematically and professionally to student needs as they are manifested in school through early identification, intervention, effective treatment and support.

The Student Assistance Program also will serve as a liaison between the school and outside resources by providing students with recommendations for drug/alcohol counseling, treatment programs, and rehabilitation services. (See Student Assistance Procedural Guidelines)

## **PROHIBITED BEHAVIORS**

The McDowell County Board of Education will not tolerate the use of alcohol and illicit drugs by students. The use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful.

The following conduct is prohibited:

- **Drugs** – Students are prohibited from possessing, using, transmitting, selling or being under the influence of any of the following substances:
  - narcotic drugs;
  - hallucinogenic drugs;
  - amphetamines;
  - barbiturates;
  - marijuana or any other controlled substance;
  - any alcoholic beverages;
  - any chemicals or products with the intention or bringing about a state of exhilaration or euphoria or otherwise altering the student's mood or behavior, including but not limited to over-the-counter products such as cough syrup, diet pills, or caffeine pills; or
  - prescription drugs when not used according to the prescription

- **Paraphernalia, Counterfeit Drugs** – Students also are prohibited from possessing, using, transmitting or selling drug paraphernalia or counterfeit (fake) drugs.
- **Selling/Transmitting Prohibited Substances** – Students may not in any way participate in the selling or transmitting of prohibited substances, regardless of whether the sale or transmission ultimately occurs on school property.

Prescription and over-the-counter drugs are not in violation of this policy if the possession, use or transmission is authorized by a valid medical prescription from a registered physician and the drug is taken by the person for whom the drug was prescribed, or if the use conforms with other Board policy or school rules. (See Policy 6402 – Administration of Medication.) The principal may authorize other lawful uses of substances otherwise prohibited by this policy, such as for approved school projects.

### **Pre-Established Consequences for Violating the Drug and Alcohol Policy**

#### **Requirements**

##### *Grades K-6*

A conference with the parents/guardian, principal, counselor and teacher will occur when an elementary student is found to be in violation of this policy for selling, distributing, possessing, using or being under the influence of prohibited drugs or alcohol. Further action may be taken contingent upon the situation.

Recommendations may include but are not limited to the following:

- suspension from school for the remainder of the year;
- out of school suspension;
- referral to the Department of Social Services
- referral to law enforcement agencies;
- in-school suspension; and
- student and/or family counseling.

##### *Grades 7-12*

Not applicable to elementary students

### **NOT ENGAGING IN ANTI-SOCIAL BEHAVIOR**

The board will not tolerate anti-social behavior from any student. Anti-social behavior is any behavior that substantially disrupts the educational environment or that may cause property damage or physical or psychological harm to the student or others. Any student exhibiting such behavior will be removed from the classroom or school environment for as long as necessary to ensure a safe and orderly environment for learning.

The following list is not inclusive but is intended to reflect the types of behaviors that are considered anti-social and are prohibited:

- **Assault, Injury** – Students are prohibited from assaulting, physically injuring, attempting to injure or intentionally behaving in such a way as could reasonably cause injury to any other person. Assault may include engaging in a fight.

#### **Pre-Established Consequences**

*Serious Assaults on Personnel by Students Who Are At Least 13 Years Old:*

In accordance with G.S. 115C-391(d2), any student who is at least 13 years of age and is found to have physically assaulted and/or seriously injured school personnel will be suspended for no less than 300 days but no more than 365 days unless an appropriate alternative educational setting is available. If an appropriate alternative educational setting is available, the superintendent shall remove the student to the alternative educational setting, based on the limits established by law and, in part, upon recommendations of the principal.

*Certain Physical Assaults by Students Who Are At Least 13 Years Old:*

The superintendent, upon recommendation of the principal, may suspend a student for up to 365 days or place a student in an appropriate alternative educational setting if the student is at least 13 and has:

- physically assaulted a teacher or other adult who is not a student; or
- physically assaulted and seriously injured another student

*Assaults by Students Who Are Under Age 13:*

The consequences for assault will be determined in accordance with the general guidelines in this policy for determining appropriate consequences. In addition, consideration should be given to the developmental age of the student, and the student's ability to comprehend rules and laws and understand the consequences of his or her actions.

- **Weapons and Weapon-Like Items** – Students are prohibited from possessing, handling or transmitting any weapon or any instrument that reasonably looks like a weapon or could be used as a weapon. Weapons include all, but are not restricted to, the following:
  - loaded or unloaded firearm, including a gun, pistol or rifle;
  - explosives, including a bomb, smoke bomb, bottle rocket, grenade or mine;
  - knife, including a pocket knife, bowie knife, switchblade, dirk or dagger;
  - slingshot;
  - leaded cane;
  - blackjack;
  - metal knuckles;
  - BB gun;
  - air rifle or air pistol;
  - stun gun or other electric shock weapon;
  - ice pick;
  - razor or razor blade (except solely for personal shaving); and
  - any sharp pointed or edged instrument except unaltered nail files and clips and tools used solely for preparation of food, instruction and maintenance.

No student shall knowingly or willfully cause, encourage or aid any other student to possess, handle or transmit any of the weapons or weapon-like items listed above.

This section will not apply to pupils who are members of the NJROTC, rifle team, individual sports programs or other situations where firearms, etc. are used as a part of school-approved instruction or ceremonies.

**Pre-Established Consequences**

*Firearms and Explosive:*

As required by law, a student who brings a firearm or powerful explosive onto school property will be suspended for 365 days, unless the superintendent recommends and the Board approves a modification. A firearm includes any gun, rifle, pistol or other

weapon used for firing a projectile. A powerful explosive includes a dynamite cartridge, blasting cap, trinitrotoluene (TNT), nitroglycerin, grenade or mine. A student who brings a firearm or powerful explosive to school also will be referred to the criminal justice or juvenile delinquency system.

- **Threatening Acts** – Students are prohibited from directly toward any other person any language which threatens force, violence or disruption, or any sign or act which constitutes a threat of force, violence or disruption. Threats of verbal or physical abuse to extort money or goods are prohibited. Bomb threats are specifically prohibited and perpetrators will be prosecuted.
- **Harassment** – Students are prohibited from engaging in or encouraging any form of harassment against students, employees or any other individuals on school grounds or at school-related functions.  
Harassment is unwanted, un-welcomed and uninvited behavior that demeans, threatens or offends the victim and results in a hostile environment for the victim. The hostile environment can be created through pervasive or persistent misbehavior or a single incident if sufficiently severe. Harassment and sexual harassment are further defined in policy 4416 – Policy on Sexual Harassment.
- **Theft or Damage to Property** – Students are prohibited from stealing or attempting to steal school or private property, and/or from knowingly being in possession of stolen property. Students are prohibited from damaging or attempting to damage any school property or private property at any time when board policies are applicable, including buildings, both exteriors and interiors thereof, books, school buses, private automobiles or school grounds. Arson, or the intentional and malicious burning of any structure or personal property, including vehicles, also is prohibited.

In addition to other consequences, any student who has damaged or stolen property will be expected to provide restitution.

## **Pre-Established Consequences for Anti-Social Behavior**

### *Kindergarten and Elementary Schools:*

Except where certain consequences for misbehavior are required by law, principals in the elementary grades are expected to use good judgment and reasonable discretion in determining the appropriate consequence for violation of board policies or school rules. The criteria established for middle and high schools can be reviewed to assist in uniformly applying policies.

### *Middle and High Schools:*

Depending on the seriousness of the act, either of the following pre-established consequences may be imposed:

**Short-Term Suspension** – Suspension from school for up to ten days and from all school activities during the period of suspension.

**Long-Term Suspension** – Suspension from school for over ten days and up to the remainder of the school year from school and from all school activities.

**Suspension for 365 days** – Suspension from school and from all school activities for one full calendar year, 365 days.

**Expulsion** – Expulsion is the permanent removal of a student from School and all school activities. Upon the recommendation of the Superintendent, the board may expel a student

who is 14 years of age or older if the student's behavior indicates that his or her continued presence in the school constitutes a clear threat to the safety of other students or employees. (See G.S. 115C-391(d).)

In order to determine which consequence should be imposed, the principal should consider and document the culpability of the student, the dangerousness of the student and the harm caused by the student. For any consequence beyond short-term suspension, the principal should support recommendations to the superintendent with a documented review of the following:

1. **Culpability of Student** – The culpability of the student for his or her behavior will be assessed by considering criteria such as:
  - the student's age;
  - the ability to form intent to cause harm that occurred or could have occurred; and
  - evidence of the student's intent in engaging in the conduct.
2. **Dangerousness of the Student** – The dangerousness of the student will be assessed by considering criteria such as:
  - the student discipline record or criminal record related to anti-social behavior or drugs and alcohol;
  - whether any weapon was involved and the capacity to inflict serious injury or death with it; and
  - any evidence of the student's capability to cause the harm intended or that occurred.
3. **Harm Caused by the Student** – The severity of harm caused by the student will be assessed by considering criteria such as whether any of the following occurred:
  - anyone was physically injured or killed;
  - anyone was directly threatened or property extorted by the use of the weapon;
  - anyone was directly harmed emotionally or psychologically; school property or personal property of others was damaged; or
  - students, school employees or parents were aware of the presence of the weapon or other behavior.

(See G.S. 115C-391(d).)

## **Potential Interventions and Consequences for Prohibited Behavior**

The McDowell County Board of Education recognizes that schools must have a variety of interventions and consequences available in order to create a safe and orderly environment and to help each student learn and demonstrate appropriate behavior.

Consequences and interventions for violating Board policies or school rules may include, but are not limited to, any of the following actions used individually or in some combination:

- **Parent Contact** – Teachers, counselors and administrators will make reasonable efforts to contact parents by telephone or letter to inform parents of student behavior which should be brought to a parent's attention.
- **School Conference With Parent** – School officials may request a conference with parents. Parents are strongly encouraged to attend conferences in order to develop strategies for assisting and managing the student's behavior.
- **Student Conference** – Conferences may be required between a student and teacher. If a problem becomes more serious, an administrator may confer with the student and/or teacher.

- **Assessments** – To assess the needs of students engaging in disruptive or disorderly behavior, school system personnel may examine relevant school records, review testing and assessments done with that student, consult with the parent or if needed, gather more information through appropriate means.
- **Behavior Improvement Agreements** – School officials may develop a behavior contract to specifically address behaviors and potential interventions and consequences.
- **Disciplinary Committees** – A teacher may request a school-based disciplinary committee to review and make recommendations regarding a student’s disruptive behavior in accordance with the conditions established in G.S. 115C-397.1. In addition, a principal may at any time convene a disciplinary committee to assist in developing strategies to address a student’s behavior.
- **Counseling** – When a student experiences repeated problems in school, school officials may refer the student to a school counselor, psychologist or other appropriate and available resources for individual and family counseling.
- **Confiscation** – Any student’s property that disrupts the learning environment may be removed from that student’s possession.
- **Restitution** – The replacement of or payment for property taken, damaged, or destroyed will be required.
- **Use Of Reasonable Force** – School personnel may use reasonable force to control behavior or to remove a person from the scene in those situations when necessary:
  - to quell a disturbance threatening injury to others;
  - to obtain possession of a weapon or other dangerous object on the person or within the control of a student;
  - for self-defense;
  - for the protection of persons or property; or
  - to maintain order on school property, in the classroom or at a school-related activity on or off school property.
- **Corporal Punishment** – In accordance with state law G.S. 115C-390 and G.S. 115C-391, corporal punishment is available as an option if parent consent is given. (See PROCEDURES FOR IMPLEMENTING CERTAIN CONSEQUENCES: Corporal Punishment)
- **Detention** – Any teacher or principal may detain a student before or after regular school hours as long as the parent or guardian has been given one day’s prior notice. A student may be kept after school on the same day if permission has been obtained from a parent or guardian.
- **In-School Detention** – A student who is excluded from attending regular classes but not from attending school is required to complete assignments developed by his or her regular teachers. Credit is given for this work. Principals and assistant-principals will notify parents whenever a student is assigned to in-school suspension.
- **Isolation** – The teacher has the authority to remove disruptive or dangerous students. Students may be removed from regular class activities but placed under adult supervision.
- **Suspension From Extracurricular Activities** – A student may be suspended from participating in any or all extracurricular activities including graduation exercises. Certain infractions, such as honor code violations, driving violations, or other repeated infractions, may result in penalties that extend 365 days or longer.
- **Suspension From Bus Privileges** – Riding the bus is a privilege, not a right. A student may be suspended from bus privileges if the student does not meet the requirements for riding the school bus or for other violations of the standards of expected student behavior.

- **Removal Of Student During The School Day** – A student may be suspended and removed during the school day.
- **Summary Suspension** – A student may be removed immediately from school grounds for up to three days if the principal reasonably believes that the student engaged in serious misconduct or anti-social behavior and that the immediate removal of the student is necessary to provide a safe, orderly school environment. The student may be removed before the principal has completed an investigation of the student’s behavior and actions.
- **Short-Term Suspension** – A short-term suspension is the denial to a student of the right to attend school and to take part in any school function for any period of time up to and including ten school days. A short-term suspension does not include the removal of a student from class by the classroom teacher, principal or other authorized school personnel for the remainder of the subject period or school day and/or changing the student’s location to another room or place on the school premises. Principals have the authority to impose short-term suspensions.
- **Long-Term Suspension** – A long-term suspension is a denial to a student of the right to attend school and to take part in any school function for any period in excess of ten school days, up to the remainder of the school year. The principal may impose a long-term suspension after receiving approval from the superintendent.
- **365 Days Suspension** – A 365 days suspension is a denial to a student of the right to attend school and to take part in any school function for a full 365 days. A 365 days suspension may be imposed for certain offenses as specified in this policy in “Standards of Expected Student Behavior/Non Engaging in Anti-Social Behavior/Assault, Injury and Weapons and Weapon Like Items”. The process for imposing a 365 days suspension is specified in the relevant sections of this policy.
- **Expulsion** – An expulsion is the permanent removal of a student from school and all the rights and privileges related to school attendance. Upon the recommendation of the superintendent, the board may expel a student who is 14 years of age or older if the student’s behavior indicates that his or her continued presence in school constitutes a clear threat to the safety of other students or employees.
- **Placement In An Alternative School** – A student may be assigned to the alternative school.

The Board is committed to creating a safe, orderly environment for students and staff. Principals are authorized and responsible for investigating anti-social behavior and other conduct that may violate Board policies or school rules.

All employees and students, including students alleged to have engaged in misconduct, are expected to respond fully and truthfully to any questions or issues raised in the course of the investigation and any other related proceedings.

## **Investigations of Behavior Which May Result in Out-of-School Suspension**

As a part of the investigation of behavior which may result in out-of-school suspension:

- the student will be given the opportunity to explain;
- the principal will question relevant witnesses.

## **AUTHORITY TO CONDUCT SEARCHES AND SEIZURES**

School administrators have the authority to conduct reasonable searches and seize materials in accordance with this policy for the purpose of maintaining a safe, orderly environment and for upholding standards of conduct established by the Board or school. This policy does not apply to investigations conducted by law enforcement officials or to investigations conducted exclusively for the purpose of criminal prosecution.

Any school official carrying out a search or seizure is expected to be knowledgeable regarding the constitutional rights of students and the appropriate procedures for conducting the search or seizure.

Reasonable suspicion that a student has unauthorized or illegal materials is generally required before an individual will be singled out for a search. Reasonable suspicion is not required if a student freely, voluntarily and knowingly consents and agrees to the search of his or her person or personal effects.

As used in this policy, the term “unauthorized” means any item dangerous to the health or safety of students or school personnel, or disruptive of any lawful function, mission or process of the school, or any item described as unauthorized in school rules or board policy published and made available to the student.

A student’s failure to permit reasonable searches and/or seizures as provided in this policy will be considered a violation of the expected standard of student behavior and appropriate consequences may be imposed. A student may be detained until the search is accomplished.

### **Personal Searches**

A student’s person and/or personal effects (e.g. purse, book bag, etc.) may be searched whenever a school authority has reasonable suspicion to believe that the student is in possession of illegal or unauthorized material and that the material could be found on the student’s person or in the personal effects, given its size or shape.

If a frisk or “pat down” search of a student’s person is conducted, it will be conducted in private by a school official of the same sex and with an adult witness present.

If the school official has reasonable suspicion to believe that the student has on his or her person an item imminently dangerous to the student or to others, a more intrusive search of the student’s person may be conducted. Such a search may be conducted only in private by a school official of the same sex, with an adult witness of the same sex present, and only upon the prior approval of the superintendent or his or her designee, unless the health or safety of students will be endangered by the delay which might be caused by following these procedures.

### **Use Of Metal Detectors**

A school is authorized to conduct general searches of students and their personal effects with a metal detector before a student can gain entry to the school campus or any school-sponsored extracurricular activity. The search must be conducted in accordance with procedures established by the superintendent or designee. Any search conducted pursuant to this policy must be conducted by a school official. A metal detector can be used to search a student’s person and/or personal effects whenever a school official has a reasonable suspicion to believe that the student is in possession of a weapon.

### **Locker Searches**

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

### **Searches of Student Motor Vehicles**

High school students are permitted to park on school premises as a matter of privilege, not of right. The school retains authority to patrol student parking lots at any time, without notice or consent. The interior of a student's motor vehicle parked on the school premises may be searched if a school official has a reasonable suspicion to believe that illegal, unauthorized or contraband items are contained inside.

### **Use of Trained Dogs in Conducting Searches**

With the prior approval of the superintendent, school officials may use trained dog in inspections for illegal, unauthorized or contraband materials in school facilities, grounds and school parking lots. Trained dogs may sniff lockers, student motor vehicles, book bags and other inanimate objects. Such inspections are not considered searches and do not require notice or consent.

All dogs must be accompanied by a qualified and authorized trainer who will be responsible for the dog's actions and who can verify the dog's reliability and accuracy in sniffing out contraband. Dogs may not be used for random searches of students or other persons. If a school official has reasonable suspicion that a student possesses illegal, unauthorized or contraband material on his or her person, a dog may sniff the air near the student. Such a search will be conducted in private with the school official and an adult witness present, when feasible.

## **PROCEDURES FOR IMPLEMENTING CERTAIN CONSEQUENCES**

### **Corporal Punishment**

The following procedures will be observed by those who administer corporal punishment: (Revised 3-11-2008)

- I. The student body will be informed beforehand what general types of misconduct could result in corporal punishment.
- II. An appropriate school official shall contact the child's parents or guardian **before** corporal punishment is administered. Corporal punishment or an alternative punishment will only be administered after the misconduct resulting in corporal punishment is discussed with the child's parent or guardian and after a choice of punishment is made by the child's parent or guardian.
- III. If corporal punishment is selected, the school official shall provide the child's parent or guardian with the names of the school officials who will be present for the corporal punishment.

- IV. Only a principal, assistant principal, or teacher may administer corporal punishment and may do so only in the presence of a principal, assistant principal, teacher, substitute teacher, teacher assistant, or student teacher, who shall be informed beforehand and in the student's presence of the reason for the punishment.

Corporal punishment shall not be administered in the presence of other children.

### **Removal of Student during the School Day**

The principal may remove a student from school grounds who has been suspended during the school day, under any of the following circumstances:

- the parent or guardian is notified and the parent or guardian is able to make arrangements for the student to leave the school or agrees to the student using public transportation or driving himself or herself home;
  - the parent or guardian is notified and is available to receive the child and the school is able to provide transportation from the school to the home; or
  - the principal involves law enforcement in the removal of the student from school grounds because removal is necessary to provide a safe, orderly environment.
- If none of these circumstances exist, the suspension will begin on the next school day.

### **Summary or Short-Term Suspension**

#### **Principal**

The principal has the authority to invoke summary or short-term suspensions up to ten days.

A parent may request to meet informally with the principal and/or the superintendent to discuss the consequences of the student's behavior. The consequence imposed by the school administrator will not be postponed pending the outcome of the meeting.

#### **Make-Up Work from Summary or Short-Term Suspensions**

Any student given a summary or short-term suspension will be given the opportunity to take any major tests or their equivalent as determined by the subject matter teacher. Students must request makeup work immediately upon return to school. A student will have one day for each day of suspension to complete make-up work.

### **Suspensions beyond Ten Days and Expulsion**

#### **Principal**

If the principal determines that a suspension beyond ten days is an appropriate consequence, the principal will make a recommendation to the superintendent, stating:

1. the nature of the offense;
2. the particular violation of board policy or school rules;
3. the substance of the evidence involved;
4. the length of suspension recommended; and
5. any other information relevant to the particular offense or proposed consequence.

The principal also will consider and make a recommendation in regard to any alternative education, counseling or other program that should be a part of the consequence. The principal will send a copy of the report to the parent. The parent may request to meet informally with the principal and/or the superintendent to discuss the proposed consequences

and the student's behavior. Parents may request such meetings before or after the superintendent makes a decision regarding the recommended consequences.

### **Superintendent**

The superintendent will make a decision regarding whether to approve any recommendation for long-term suspension or 365 days suspension. The superintendent will not impose a more severe consequence than what was recommended by the principal unless necessary to comply with board policy or the law. If the superintendent determines that the student did not violate any board policy or school rule, any reference to the alleged misbehavior will be removed from the student's record.

The superintendent also will determine whether any other consequence is appropriate or mandated by law, including expulsion and any modifications to the consequences, such as the length of the suspension or provision of alternative education or other services. If a 365 days suspension is to be imposed for a weapons violation, the superintendent may recommend a modification in the suspension to the board.

The superintendent will notify the parent of the decision regarding long-term suspension or 365 days suspension and provide a copy of any recommendation to the Board regarding modification of a 365 days suspension for weapons, or expulsion.

### **Review and Appeal to the Board**

The parent may request an opportunity to meet with the superintendent and/or the board regarding the superintendent's decisions for long-term suspensions or 365 days suspension or recommendations to the board for modifying a weapons 365 days suspension or for expulsion. The parent also may meet informally with the board in closed session. Alternatively, within ten days of receiving the superintendent's decision, the parent and student also may request a formal hearing before the Board.

If the parent requests either an informal meeting or a hearing with the Board regarding the superintendent's approval of a long-term suspension, the Board will review the superintendent's decision and the record will reflect the Board's determination of whether (1) there was a reasonable basis for determining that the student engaged in the specified behavior; (2) that a Board policy, school standard or rule was violated; (3) that the consequence for the violation was reasonable; and (4) that procedures required by board policy were followed.

If the superintendent has recommended a modification to a 365 days suspension for weapons, the Board will determine whether it accepts the modification.

If expulsion has been recommended, the Board will determine whether or not the recommendation is appropriate.

### **Student Records**

If the superintendent determines that the student did not violate any board policy, school standard or rule, any references to the alleged misbehavior will be removed from the student's record.

Should the results of the principal's investigation convince the principal that the student suspended is not guilty of the misconduct in question, any discipline records will be removed.

## **CRIMINAL ACTS**

Criminal or other illegal behavior is prohibited. Any student who the principal reasonably believes to have engaged in criminal behavior on the school premises or at school activities will be subject to appropriate disciplinary action as stated in applicable board policies and may be criminally prosecuted as well.

The principal or the superintendent may report any potential criminal acts to law enforcement. In addition, the principal must report immediately to law enforcement officers and the superintendent the following acts when the principal has personal knowledge or actual notice from school personnel that such acts occurred on school property, regardless of the age or grade of the perpetrator or victim:

- assault resulting in personal injury;
- sexual assault;
- sexual offense;
- rape;
- kidnapping;
- indecent liberties with a minor;
- assault involving the use of a weapon;
- possession of a firearm in violation of the law;
- possession of a weapon in violation of the law;
- possession of a controlled substance in violation of the law;
- assault on school officials, employees and/or volunteers;
- homicide, including murder, manslaughter and death by vehicle;
- robbery;
- armed robbery;
- bomb threats; or
- false fire alarms.

## **STUDENT DISCIPLINE RECORDS**

The principal will retain in the student's file for that school year all records related to violations of board policies or school rules. At the end of the school year, all records will be removed except (1) notice of any suspension for a period of more than ten days or (2) of any expulsion under G.S. 115C-391 and the conduct for which the student was suspended or expelled. The notice of suspension or expulsion will be expunged from the record if the student (1) graduates from high school, or (2) is not suspended or expelled again during the two-year period commencing on the date of the student's return to school after the expulsion or suspension.

Confidential student records concerning conduct that posed a significant safety risk to the student or others in the school community may be disclosed to teachers and school officials, including teachers and school officials in other schools, who have legitimate educational interests in the behavior of the student.

As required by law, the superintendent will maintain the following data on each student who has received a long term suspension or who is expelled: race, gender, age, the duration of the suspension, whether an alternative education was considered or provided, and whether the student had multiple suspensions.

As secretary to the board, the superintendent also will maintain records from the board's consideration of 365 days suspensions and expulsions, including information required by G.S. 115C-391(d).

### **Cross References:**

#### **LEGAL REFERENCES**

U.S. Const. amend. I

U.S. Const. amend. IV

U.S. Const. amend. XIV, § 1

Family Educational Rights and Privacy Act, 20 U.S.C. 1232g(h)

Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et. seq.*, 34 C.F.R. pt. 300, 20 U.S.C. § 6083

Gun-Free Schools Act of 1994, 20 U.S.C. § 8921, 8922

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

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

IDEA Improvement Act of 1997, Pub. L. No. 105-17s

N.C. Const. art. I, § 14 - Freedom of Speech and Press.

N.C. Const. art. I, § 19 - Law of the land; equal protection of the laws.

G.S. 14-17 Murder in the first and second degree defined; punishment.

G.S. 14-18 Punishment for manslaughter.

G.S. 14-27.2 First-degree rape.

G.S. 14-27.3 Second-degree rape.

G.S. 14-27.4 First-degree sexual assault.

G.S. 14-27.5 Second-degree sexual assault.

G.S. 14-32 Felonious assault with deadly weapon with intent to kill or inflicting serious injury; punishments.

G.S. 14-33 Misdemeanor assaults, batteries, and affrays, simple and aggravate punishments.

G.S. 14-34 Assaulting by pointing gun.

G.S. 14-34.1 Discharging certain barreled weapons or a firearm into occupied property.

G.S. 14-34.2 Assault with a firearm or other deadly weapon upon governmental officers or Employees, company police officers, or campus police officers.

G.S. 14-41 Abduction of children.

G.S. 14-60 Burning of schoolhouses or buildings of educational institutions.

G.S. 14-69.1 Making a false report concerning destructive devices.

G.S. 14-69.2 Perpetrating hoax by use of false bomb or other device.

G.S. 14-87 Robbery with firearms or other dangerous weapons.

G.S. 14-87.1 Punishment for common-law robbery.

G.S. 14-132 Disorderly conduct in and injuries to public buildings and facilities.

G.S. 14-132.2 Willfully trespassing upon or damaging a public school bus.

G.S. 14-202.1 Taking indecent liberties with children.

G.S. 14-269.2 Weapons on campus or other educational property.

G.S. 14-288.2 Riot; inciting to riot; punishments.

G.S. 14-288.4 Disorderly conduct.

G.S. 14-313 Youth access to tobacco products.

G.S. 18B-301 Possession and consumption of fortified wine and spirituous liquor.

G.S. 90, art. 5 North Carolina Controlled Substances Act

G.S. 115C-45 Judicial functions board.

G.S. 115C-45(c) Appeals to Board of Education and to Superior Court.

G.S. 115C-47 Powers and duties generally (of local boards of education).

G.S. 115C, art. 9 Special Education.

G.S. 115C-105.47 Local safe school plans.  
G.S. 115C-276 Duties of superintendent.  
G.S. 115C-276(r) To Maintain Student Discipline.  
G.S. 115C-288 Powers and Duties of principal.  
G.S. 115C-307 Duties of teachers.  
G.S. 115C-390 School personnel may use reasonable force.  
G.S. 115C-39 Corporal punishment, suspension, or expulsion of pupils.  
G.S. 115C-397. Management and placement of disruptive students.

**Procedures Governing Programs and Services for Children with Special Needs, State Board Policy Number 10A100.**

Guidelines: Alternative Learning Programs, Public Schools of North Carolina, State Board of Education, April, 1997.

State Board of Education Guidelines of Acts and Conduct That Are A Clear Threat to the Safety of Students and Others.

**Secondary Attendance Policy (Grades7-12)**

Not applicable to elementary school students.

Adopted by the Board: July 15, 1985

Revised Section: JB-Attendance Policy Governing Students In The McDowell County Secondary Schools

Adopted by Board: December 14, 1988

Revised Section: V. Student Behavior

Adopted by Board: September 17, 1990

Revised Section: IV. Attendance

Adopted by Board: July 8, 1991

Revised and Adopted by Board: May 28, 1992

Revised and Adopted by Board: May 24, 1993

Revised and Adopted by Board: June 24, 1996

Revised and Adopted by Board: May 26, 1997

Revised and Adopted by Board: June 22, 1998

Revised and Adopted by Board: May 17, 1999

Reviewed by Board March, 2002

**NEW REGULATION**

**Insufficient Funds**

Beginning July 1, 2003 a fee of \$25.00 will be assessed for any returned checks due to insufficient funds or closed accounts.

# **MCDOWELL COUNTY POLICY TO REDUCE ELEMENTARY NONPROMOTIONS BY ESTABLISHING BENCHMARKS FOR ACHIEVEMENT**

McDowell County students shall meet all local Board of Education standards for promotion to the next grade level in grades 3-6. These standards include student grades, attendance, and End-of-Grade test performance. The End-of-Grade (EOG) test standard is established herein.

## **I. END-OF-GRADE TEST STANDARD**

### **Grades 3-6:**

Students in grades 3-6 who score at or above Achievement Level III on the End-of-Grade test in reading and mathematics will generally be promoted if they meet other established promotion standards. Students who perform at Level I or II on the reading and/or mathematics End-of-Grade test must attend additional, principal-approved remediation programs in order to be eligible for promotion.

Parent(s) or guardian must be notified that their child has not met the End-of-Grade test standard. Information on remediation and retesting opportunities must be provided with this notification. (See Parent Notification Procedures.)

Opportunities for remediation and retesting will be provided as outlined in Sections II and III. All students who scores below Level III in reading and/or mathematics on the End-of-Grade test will be required to participate in any and all remediation and retesting opportunities provided.

## **II. OPPORTUNITIES FOR REMEDIATION**

### **Grades 3-6:**

Each school will provide immediate remediation opportunities for any student not scoring at Level III or above in reading and/or mathematics and/or science on the End-of-Grade test. Remediation will focus on helping students acquire the skills necessary to meet the End-of-Grade test standard. Each student scoring at Level II in reading and/or mathematics is required to participate in scheduled remediation activities prior to retaking the End-of-Grade test.

## **III. OPPORTUNITIES FOR RETESTING**

### **Grades 3-6:**

Students in grades 3-6 who score at Achievement Level I or II on the initial End-of-Grade Test will be provided with remediation and will be retested prior to the beginning of summer remediation or other school-designed remediation option. A score at Achievement Level III or higher on the first test or the retest will meet the End-of-Grade test standard for promotion. By state standards, both End-of-Grade scores are reported to the state for accountability purposes.

Students in grades 3-6 who fail to score at Achievement Level III or higher in reading and/or mathematics on either administration of the End-of-Grade test will be required to attend school-designed remediation option. These students must retake the End-of-Grade test at the end of this remediation in order to be eligible for promotion.

Students who score at Achievement Level III or higher on the test given at the end of school-designed remediation option will be promoted if all other requirements for promotion have been met.

## **IV. EXCEPTIONAL STUDENTS**

Identified disabled/exceptional students who will be pursuing a high school diploma shall follow the same Standard Course of Study and meet the same standards for promotion and/or course credits as non-disabled/non-exceptional students.

Identified disabled/exceptional students who will not be pursuing a high school diploma, but a certificate of attendance, may be exempt from the End-of-Grade testing requirement if the Student Services Management

Team feels that the certificate track is more appropriate. However, the student's parent(s) or guardian must sign a statement that they understand that failure to participate in the End-of-Grade testing program will result in the student's inability to receive a high school diploma. This signed statement must be placed in the student's records.

## **V. STUDENTS WITH LIMITED ENGLISH PROFICIENCY**

Students with documented Limited English Proficiency may be exempt from End-of-Grade testing requirements for the first two school years or first twenty-four months that the student is enrolled in any school in McDowell County or North Carolina. Being exempt from a testing requirement does not exempt a student from state graduation/diploma requirements.

After the two-year state exemption, if applicable, any documented Limited English Proficiency student will take the End-of-Grade tests. Those Limited English Proficiency students who do not score at Level III or above in reading and/or mathematics and/or science are expected to participate in scheduled remediation opportunities and retests.

Documented Limited English Proficiency students may be eligible for a waiver from the End-of-Grade test standard for a maximum of two years after the two-year state test exemption period. The eligibility for this waiver will be determined by the student's score on a test of English Proficiency (WIDA ACCESS).

## **VI. REVIEW FOR WAIVER FROM TEST STANDARDS**

After summer remediation or other school-designed remediation option and retesting, the records of students who score below Level III in reading and/or mathematics and/or science will be reviewed to determine if a waiver from the End-of-Grade test standard is appropriate.

The review committee will be composed of the principal and at least two staff members. The student records reviewed may include the classroom teacher's grade book, the student's report card, test scores, remediation information, and/or student work samples. The school principal will record the committee's decision for future reference.

The principal shall notify the student's parent(s) or guardian of the student's End-of-Grade test performance and the review committee's decision within three days of the review committee's meeting date. (See Parent Notification Procedure.)

## **VII. APPEALS TO THE PRINCIPAL**

An appeal of the decision of the review committee may be made to the student's principal. Appeals to the principal should be made within five days of receiving notification of the review committee decision. The principal shall review the student records and notify the student's parent(s) or guardian of his/her decision within ten days of receiving a request for an appeal.

The principal in all cases has the actual authority to "grade and classify pupils." (GS 115C-228 entitled "Powers and Duties of Principal")

## **VIII. PARENTAL RESPONSIBILITIES**

When parents are involved in their children's education and school, the level of student academic performance is greatly enhanced. Getting parents involved in the educational process in meaningful ways is one of the best and most effective ways to improve student learning. Therefore, beginning with the 2000-2001 school year, the parent(s) or guardian must meet with their child's teacher by the end of the first month of school. At this time parents will receive information about the requirements and expectations for the year.

Parents will be requested to either sign a Student Accountability Agreement in which they will agree to be a partner in ensuring the success of their child or sign a statement acknowledging that they understand and have received a copy of this policy. Failure to sign the agreement in the established time frame will result in the

student's being excluded from participation in any extracurricular activities, and being ineligible to receive a report card.

Parents of new students enrolling during the school year must complete this same process within twenty (20) school days of enrollment.

Note: With the exception of "Section VII Parent Responsibilities," this policy will become effective upon adoption by the McDowell County Board of Education. "Section VII Parent Responsibilities" will become effective with the 2000-2001 school year. Adopted by Board: March 20, 2000

## **PROCEDURES FOR "POLICY TO REDUCE ELEMENTARY NON-PROMOTIONS BY ESTABLISHING BENCHMARKS FOR ACHIEVEMENT" PARENT NOTIFICATION**

### **A. After Initial End-of-Grade Testing**

1. Immediately after receiving test scores, the guidance counselor or principal designee will share EOG scores with the principal and classroom teacher to identify students who scored below Level III on the EOG test in either reading or mathematics.
2. Within 24 hours of receiving this information from the guidance counselor, the classroom teacher will notify the parent(s) or guardian in writing that their child has not met the End-of-Grade test standard. This notification must also provide information on remediation and retesting.
3. The teacher shall provide the principal and guidance counselor a list of all students whose EOG scores in either reading, mathematics, or science were below Level III and whose parents were notified.

### **B. After the End-of-Grade Retest 1**

1. Immediately after receiving test scores, the guidance counselor will share EOG scores with the principal and classroom teacher.
2. Within two days of receiving this information from the guidance counselor, the classroom teacher will notify the parent(s) or guardian in writing that their child has or has not met the End-of-Grade test standard. All parents of any student who does not score Level III or above on reading, mathematics and/or science will be notified.
3. The teacher shall provide the principal and guidance counselor a list of all students whose EOG scores in either reading, mathematics, or science were below Level III and whose parents were notified.

## **MOMENT OF SILENCE**

North Carolina General Statutes Section 115C-47(29) states that local school boards are empowered by the Legislature:

“(29) To Authorize the Observance of a Moment of Silence. – To afford students and teachers a moment of quiet reflection at the beginning of each day in the public schools to create a boundary between school and non-school time, and to set a tone of decorum in the classroom that will be conducive to discipline and learning, each local board of education may adopt a policy to authorize the observance of a moment of silence at the commencement of the first class of each day in all grades in the public schools. Such a policy shall provide that the teacher in charge of the room in which each class is held may announce that a period of silence not to exceed one minute in duration shall be observed and that during that period of silence shall be maintained and no one may engage in any other activities. Such period of silence shall be totally and completely unstructured and free of guidance or influence of any kind from any sources.”

Given this information, it shall be the policy of the McDowell County Board of Education that all schools within this system will observe a moment of silence at the beginning of each school day for the purposes contained in this statute.

Approved by Board: March 18, 2002

Reviewed by Policy Committee: May 2004

**MCDOWELL COUNTY POLICY  
TO REDUCE ELEMENTARY SCHOOLS' ABSENTEEISM**

Recognizing that regular school attendance is the foundation for learning and that the North Carolina Attendance Law requires attendance of students between the ages of seven and sixteen, these regulations are intended to inform, to encourage regular attendance, and to hold students and parents responsible for attendance. Children under age 7 are subject to the compulsory attendance law as long as they are enrolled in public school (G.S. 115C-378).

The McDowell County Board of Education believes that regular school attendance is of crucial importance for educational achievement, that learning experiences that occur in the classroom are essential components of its learning process, that time lost from class tends to be irretrievable in terms of opportunity for instructional interaction, and, therefore, that each student should attend school every day. Further, the Board affirms that the primary responsibility for regular daily attendance resides with the parents/guardians.

The McDowell County Board of Education shall adhere to North Carolina State Laws pertaining to student attendance except to the extent that this policy imposes stricter regulations. Furthermore, the Board is committed to the implementation of a student attendance policy that is nondiscriminatory, discourages dropouts, encourages regular attendance, and holds students and parents accountable for unnecessary absences.

**DEFINITIONS:**

- Tardy: Arriving any time after the tardy bell.
- Early Checkout: Leaving any time before dismissal bell.
- School Term: One hundred eighty (180) school days.
- School Day: Morning tardy bell to dismissal bell.
- One-Half Day: One-half (1/2) of the time scheduled in a regular school day.
- Make-Up Day: Five hours and 35 minutes of instructional time.
- Grading Period: Six-week period or nine week period.

Report of Unlawful Absences: Principal notifies McDowell County Schools' Attendance Counselor.

## **NORTH CAROLINA LAWS, REGULATIONS, AND POLICIES COMPULSORY ATTENDANCE AGES**

In accordance with G.S. 115C-378, every parent, guardian or other person in North Carolina having charge or control of a student between the ages of seven (7) and sixteen (16) years and/or a student 4 1/2 to 7 years of age that is enrolled in school shall cause such student to attend school continuously for a period equal to the time which the school where the student is assigned is in session. No person shall encourage, entice, or counsel any such student to be unlawfully absent from school.

### **ATTENDANCE**

In order to be considered in attendance, a student must be present in the school for the school day or at a place other than the school for the purpose of attending an authorized school activity. Such activities may include field trips, athletic contests, student conventions, musical festivals, in-school suspension or any similar approved activity. School systems may adopt rules, which allow teachers to consider a student's absences in the computation of a student's grades. (16NCAC 6 E.0103). To be counted present for the day, the student must be in attendance one-half of the regular school day.

### **LAWFUL ABSENCES**

Students are expected to be in attendance for each day of the regular school year, which normally consists of 180 school days. In order for an absence to be excused it must, upon presentation of satisfactory evidence, be a lawful absence. Excusable absences permitted by the NC State Board of Education Attendance Rules are as follows:

1. Illness or injury that prevents the student from being physically able to attend school.
2. The local health officer or the State Board of Health orders the isolation of the student.
3. The student is absent due to the death of a member of the immediate family.
4. The student has an emergency medical or dental appointment or an appointment which has been approved by the principal. Regular appointments during the school day should be avoided. In order to be an excused absence, a statement from the doctor/dentist must be presented.
5. The student is a party to or is under subpoena as a witness in the proceedings of a court or administrative tribunal.
6. The student has obtained prior approval by the principal to be absent due to the observance of an event required or suggested by the religion of the student or the student's parents. The event should not be of such duration as to interfere with the student's educational progress.
7. The student obtains prior approval from the principal to take advantage of a valid educational opportunity.

### **UNLAWFUL ABSENCES**

Unlawful and inexcusable absences include all reasons not covered above. Truancies are any unexcused absences with or without the knowledge or approval of the parent/guardian. Notes from home are required within 3 days upon the student's return to school. Children in grades K-6 with 10 accumulated absences may be required to provide medical verification of illness for any additional absences to be considered excused. A *Report of Unlawful Absences* may be filed with the District Attorney and Juvenile Intake Counselor if the child continues to accumulate unexcused absences.

### **MCDOWELL COUNTY REGULATIONS AND POLICIES ON ABSENCES**

Elementary students who are absent from school more than twenty (20) days will generally not be promoted. Schools may develop plans to consider student attendance in the computation of student grades. The Board expects teachers to enforce the following attendance make-up work regulations:

Within a reasonable time following a student's return to school after an absence, teachers will expect that student to make up work missed during the absence.

Students who are absent because of out-of-school suspension may make up daily work. G.S. 115C-391 requires that students suspended for ten (10) days or less must be permitted to take "any quarterly, semester, or grading period examinations missed during the suspension period." This is to be done within a reasonable time.

The principal/designee may review the case in extenuating circumstances.

If an exceptional child has excessive absences, promotion and/or summer school attendance shall be determined by the IEP and by the School Based Committee.

Any child who has nits or lice will be sent home from school. Parents are required to provide transportation from school as soon as they are notified. Parents are expected to treat and remove nits and/or lice from the child's head immediately. The student will not be allowed to return to school until all nits and/or lice are gone. Only the day the student is originally sent home will be excused; all other days related to this occurrence will be unexcused.

#### **TARDIES/EARLY CHECKOUTS:**

Students are not to leave the school premises without permission from the principal or designee. At the time students leave school; a parent/guardian must sign them out in accordance with school policy.

Students are expected to arrive on time and remain in school the full day. Tardiness and early checkouts are strongly discouraged because students miss important information and instruction. Three (3) tardies and/or three (3) early checkouts equal one (1) absence.

#### **PARENT NOTIFICATION:**

##### **Unexcused Absences**

After the equivalent of three (3) accumulated unexcused absences, a parent or guardian shall be notified. After not more than six (6) unexcused absences, the principal shall notify the parent, guardian, or custodian by mail that he may be in violation of the Compulsory Attendance Law and may be prosecuted if the absences cannot be justified. The Principal or designee will notify the attendance counselor and the attendance counselor will work with the student and parents in an effort to eliminate the student's attendance problems. After the equivalent of ten (10) accumulated unexcused absences (including tardies or early check-outs\*), the parent/guardian will be notified. In addition, the principal/designee shall review the record for compliance with G.S. 115C-378 to determine if there is prima facie evidence that the child's parent/guardian is responsible for the absence. Depending upon the circumstances, the principal shall notify the McDowell County Schools attendance counselor and may notify the district attorney, Social Services, or file a complaint with the juvenile intake counselor (G.S. 115C-378). If applicable, notices will be sent to the Social Services Work First Director, and Family Assistance payments may be reduced in accordance with state law.

##### **Excused Absences**

After the equivalent of six (6) accumulated absences per semester (including tardies or early checkouts\*), a parent or guardian shall be notified by mail that there may be a violation of the Compulsory Attendance Law and/or the McDowell County Attendance Policy.

After the equivalent of ten (10) accumulated absences per semester (including tardies or early check-outs\*), a parent or guardian will be notified that the child may be in danger of non-promotion and that a doctor's excuse may be required for future absences to be excused.

\*Three (3) tardies and/or three (3) early checkouts will equal one absence.

**ATTENDANCE, TARDY AND EARLY CHECK-OUT MAKE-UP:**

At the elementary level all absences (excused or unexcused) in excess of 10 per semester must be made up before or after school, in Attendance Makeup School, on Saturday, or any other means that the school deems appropriate. Parents shall provide transportation. Three (3) tardies and/or three (3) early checkouts equal one absence. The school principal will make every effort to accommodate extenuating circumstances of students and families. The principal has the authority to grant waivers in extreme circumstances. (NCGS 115C-378 and NCGS 115C-379).

During the makeup school sessions, failure to participate, absence, tardiness, or disruptive behavior will result in dismissal from the program. This may result in a grade level retention. A copy of this policy shall be distributed to all students at the beginning of the school year. Students transferring from another administrative unit will be provided a copy of this policy at the time of enrollment and will be allowed to have absences prorated based on the number of school days remaining in the school year. Students transferring within the county will carry their absences with them.

The school principal is expected to deal appropriately with those students who are chronically tardy or who leave early.

In summary, parents of students who have been determined to be unlawfully and/or habitually failing to cause their children to attend school will first, be notified; secondly, be given a notice of unlawful absence; and then, if appropriate, be charged with violating the compulsory attendance law (G.S. 115C-378) and/or failing to provide an opportunity for an appropriate education. This will apply to students who are absent, tardy and/or leaving early, whether or not the parents or guardians know or give permission for the lack of attendance.

The Board-approved transfer of an out-of-district student who is habitually absent, late or who habitually signs out early is subject to revocation, if recommended by the principal.

Adopted by Board: June 22, 1998

Revised and Adopted by Board: May 27, 1999

Revised and Adopted by Boa: July 5, 2001

## **SECTION VI 3519-R**

### **NOTIFICATION of RIGHTS UNDER FERPA**

At the beginning of each school year, the McDowell County School System shall send the following notice to parents of students under the age of eighteen and to students who are at least eighteen and are currently attending school within the system:

**TO ALL PARENTS OF STUDENTS CURRENTLY ATTENDING THE MCDOWELL COUNTY SCHOOL SYSTEM AND ALL STUDENTS CURRENTLY ATTENDING THE SYSTEM WHO HAVE REACHED THE AGE OF 18:**

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

The right to inspect and review the student's education records within 45 days of the day the School receives a request for access. Parents or eligible students should submit to the School principal a written request that identifies the record(s) they wish to inspect. The School principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

The right to request the amendment of the student's education records that the parent or eligible student believes to be inaccurate. Parents or eligible students may ask the School to amend a record that they believe is inaccurate. They should write the School principal, clearly identify the part of the record they want changed, and specify why it is inaccurate. If the School decides not to amend the record as requested by the parent or eligible student, the School will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the School as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the School has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Upon request, the School discloses education records without consent to officials of another school district in which a student seeks or intends to enroll.

The right to file a complaint with the U.S. Department of Education concerning alleged failures by McDowell County Schools to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-5901

According to FERPA, information designated as directory information may be released by the district without parental consent, provided annual notification has been given. Directory information is information that is generally considered NOT harmful or an invasion of privacy if released. In addition, Federal No Child Left Behind legislation requires that McDowell County Schools provide military recruiters, upon request, with 3 directory information categories – names, addresses and telephone listings – unless parents have advised McDowell County Schools in writing that they do not want their student's information disclosed to the military. Traditionally, military recruiters only request this information for current 11th and 12th grade students.

**Directory information may include, but is not limited to, the information listed below:**

Name of student  
Address of student

Telephone number of student

Photographs

Audio recordings

Video recordings

Dates of attendance

Grade level

Major Field of Study

Date and Place of Birth

The most recent educational agency or institution attended

Participation in officially recognized activities and sports

Weight and height of members of athletic teams

Degrees, honors, and awards received

Schools do use discretion when releasing directory information and will not release such information if it is the principal's judgment that releasing such information would not be in the best interest of the student.

Please consider very carefully any decision to withhold "directory information." If you inform McDowell County Schools in writing not to release information, any requests for such information from individuals or entities not affiliated with McDowell County Schools shall be refused. FOR EXAMPLE: REFUSAL COULD MEAN NO INFORMATION TO NEWSPAPER, SCHOOL PHOTOGRAPHER, ANNUAL PUBLISHER (NO PICTURE OR NAME IN THE ANNUAL), NO INCLUSION IN ANY SCHOOL NEWS RELEASE (EXAMPLE: HONOR ROLL), ETC. Any parent/guardian or eligible student (18 years of age or older), who wants to withhold the release of directory information entirely, or who only wants to withhold the release of directory information to the military, must notify the principal of the school where the student is enrolled, in writing, within (14) days of the student's first day of school. A request to withhold directory information does not carry over from one school year to the next or from one school to another.

**Request to Withhold Release of Directory Information forms are available on the McDowell County School District website and at your child's school**

**3519**

**SECTION II ~ PRIVACY OF STUDENT RECORDS  
RIGHT OF PARENTS TO REVIEW AND INSPECT STUDENT  
CUMULATIVE RECORDS**

Those who have the right to inspect and review the cumulative record folder kept about the student include (1) parents/guardians of students who are under 18 years of age, (2) parents/guardians who claim students who are at least 18 as dependents under Section 152 of the Internal Revenue Code, and (3) students who are at least 18(hereafter called eligible students).

The McDowell County School system presumes that parents of students who are currently attending a school within the McDowell County School System claim the student as a dependent for tax purposes. Any student at least 18 years of age and attending a school within the system who does not want the parents to have access to the cumulative record folder must so inform the principal of the school where the records are kept and prove that he/she is not a tax dependent of the parents. If a parent of a student who is at least 18 and no longer attending a

school within the district wishes to inspect and review the child's cumulative record file, the parent must prove to the principal that the student is a dependent for federal income tax purposes.

Requests from parents or eligible students who wish to review the cumulative record folder shall be made to the principal of the student's school. When the principal receives a request for review of the records from a parent or a student who has a right to inspect the records, the principal shall schedule the review.

The appointment date should be as early as possible but never later than 45 days after the request is made. The inspection and review shall be made in the office of the principal or at another designated place.

A school official competent in interpreting student records shall be present to explain the implications of the records that are examined.

Parents or eligible students who wish to inspect records and live within fifty miles of the place where the records are kept must do so at the place designated by the school system. After the inspection, they may request copies of the records they inspected. Parents or students who live farther than 50 miles from the place where the records are kept may request copies of the records without first inspecting them at the school or central office. The copies shall be sent by registered mail, return receipt requested.