

- D. They shall not be portrayed in a school's yearbook as a school-sponsored club or activity.
- E. They shall not identify their group or organization with a particular school in any way or manner that would cause a person to believe or assume that the group is sponsored by the school. For example, a student-initiated, non-school-sponsored group may not identify itself as any Forsyth High School _____ Club or the _____ Club of any Forsyth High School.

— July 1992

Policy 5131

Student Rights, Responsibilities, and Conduct

I. Introduction

A. The Winston-Salem/Forsyth County Board of Education recognizes its responsibility to provide each student an equal opportunity to receive an education and to provide an atmosphere in its schools which is conducive to learning and which protects student freedoms guaranteed by the Constitution of the United States. In order to meet these responsibilities the Board adopts this statement of policy concerning students' rights, responsibilities, and conduct.

B. The statements on student conduct and freedoms that follow have been adopted to achieve the established goals of this Board. It is important that everyone associated with WS/FCS understands the rules of student conduct, respects these student rights, and utilizes these due process procedures for student discipline to the end that the quality of education in WS/FCS will be greatly enhanced.

II. Philosophy

A. The Board supports educators in their efforts to improve classroom conduct and discipline. All personnel are expected to treat students with respect and dignity. It is the belief of the Board that the skills and ability of educators to meet the discipline needs of students will improve by continuously seeking alternatives and solutions for improving student conduct through parental and community involvement, as well as ongoing staff development and training. Finally, the authority of the teacher to control student behavior in the classroom must be recognized and respected by all students, parents, and school officials.

B. Students, like citizens in any other community, must obey the rules that guide the conduct of the community. This is commonly referred to as being disciplined. Discipline is defined as well-ordered, directed behavior. It is the function of rules and discipline to assure that individual rights, privileges and freedoms are not violated by the misconduct or disruptive acts of individuals or groups. While every person in the school community – parents, guardians, students, teachers, principals, administrators,

support personnel, community agencies, the superintendent and Board of Education – shares responsibility for the positive development and maintenance of disciplined behavior, administrators and teachers are delegated the authority and responsibility to enforce the rules and to ensure that the desired goals of equal educational opportunity and the maintenance of an environment conducive to learning are achieved. However, these goals cannot be achieved without students' cooperation and respect. The respect of students is gained by recognizing and protecting their rights and freedoms.

I. Public School Attendance

A. It is the policy of this state and of this Board that every person between the ages of 5 and 21 has a right to a free, appropriate, publicly supported education wherein equal opportunities shall be provided for all students (N.C.G.S. §115C-264 and §115C-106.2).

B. It is the responsibility of every student to attend school daily. Students between the ages of 7 and 16 are required to attend school by law (G.S. 115C-378). In addition, every parent, guardian or other person having control of a child under age 7 who is enrolled in a public school in kindergarten through second grade shall cause such child to attend school continuously for a period equal to the time which the public school is in session unless the child has withdrawn from school (G.S. 115C-378). Students may be excused from attendance for legitimate reasons as set forth in Board Policy and AR 5110.

C. The Board of Education authorizes the superintendent and the principal of any school to deny admission or place reasonable conditions on the admission of a student who has been suspended or expelled from a school in accordance with N.C.G.S. §115C-391 or a similar law in any other state for conduct that could have led to a suspension or expulsion from WS/FCS until the period of the suspension or expulsion has expired. A student who has been expelled may petition the Board for re-admission as provided by N.C.G.S. §115C-391(d) and Article IV of this policy.

D. The Board of Education directs administrators to consider assigning a student to alternative education in lieu of long-term suspension or expulsion at every level of the discipline process, and to articulate an important or significant reason for denying the student access to alternative education whenever a student is long-term suspended or expelled.¹

II. Freedom from Fear, Harm, and Violence

A. Every student has the right to be free from fear, harm, and violence at school, on the school bus and at school-related activities. In order to preserve this right, every student is responsible for observing the following rules at school, on the school bus and at school related activities:

1. Students shall obey the policies of the Board and the regulations of their schools and classrooms.

2. Administrators and teachers are charged with the responsibility of maintaining order at school and providing an equal opportunity for education to all students. Students must share this responsibility by respecting the authority of administrators and teachers and by complying with all lawful directions of principals, teachers, substitute teachers, teacher assistants, or other school personnel who are authorized to give such directions.
3. Students shall not assault, hit, kick, punch, fight, intentionally harm or threaten to harm another person. Specifically, students 13 years of age or older are subject to a 365-day suspension if they physically assault a teacher or other adult who is not a student; physically assault another student in the presence of school personnel, including bus drivers; or physically assault and seriously injure another student.²
4. A student shall not incite or instigate a fight, assault or riot. The terms "incite" and "instigate" mean to urge or direct others by words or actions to engage in a fight, assault or riot. A student commits this offense by actively urging or directing others to take part in the prohibited behavior or by causing or instigating the prohibited behavior to occur. Students committing this offense should be disciplined in the same manner as those students actually engaging in the fight, assault or riot.
5. A student shall not aid or assist another student in violating any board policy or administrative regulation of local school rule. A student is guilty of this offense if he/she knowingly advises, induces, encourages, aids or assists another student to commit an offense, shares in the purpose of the act (to commit the offense) and aids or is in a position to aid the other student when the offense is committed. A student committing this offense should be disciplined in the same manner as those students actively committing the offense.
6. A student should avoid a fight by walking away from a threatened conflict and/or reporting the other student's threats to a teacher or other school employee. A student may, in a defensive manner, restrain the other student or block punches, kicks, etc. However, if the student retaliates by kicking, hitting, striking, etc., the other student, that action is considered fighting.
7. Students shall not take the property of another person or the school without permission. Theft, larceny, robbery and extortion are forbidden. Students shall not knowingly sell stolen items at school.
8. Students shall not intentionally vandalize, scratch, mark, or damage the property of the school or any person at the school.
9. Students shall not bring to, or have on school property, or at any school-related activity, any weapon or explosive of any kind, including, but not limited to, knives, guns, brass knuckles, firecrackers, or any look-alike weapon, including but not limited to, plastic guns, water pistols, and rubber knives, or use any weapon or look-alike weapon to harm or threaten to harm another person. Students shall not bring to, or have on school property or at any school related activity any other item which may be used as a weapon,

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- such as a saw or unaltered nail file, unless such item is being used for a school-related project or activity.
10. Students shall not use an aerosol spray can, bottle or other type container as a weapon to threaten to injure, to injure, harm, harass or annoy any other person or to disrupt class or any school program or activity.
 11. Students shall not start fires or ignite explosives or threaten to do so.
 12. Students shall not wrongfully break and/or enter into school buildings, school buses, classrooms, storerooms or lockers.
 13. Students shall not trespass on school grounds when told not to do so by authorized school personnel. During the term of assignment to an alternative school, students are prohibited from being present on any WS/FCS campus or at any school-sponsored event other than the campus of the alternative school to which the students are assigned. During the term of a suspension or expulsion, students are prohibited from being present on any WS/FCS campus or at any school-sponsored event.
 14. Students shall not engage in a disorderly conduct, including misconduct involving three or more persons, that results in or threatens to cause an injury or damage to the school or other persons, or that materially and substantially disrupts any school activity.
 15. Students shall not possess, use, give away, attempt to sell or purchase, or be under the influence of any illegal narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, malt beverage (including beer and other malt beverages that contain less than .5 of one percent of alcohol), wine, alcoholic beverage, or any other controlled substance as defined by North Carolina law with the exception of a drug authorized by a prescription from a physician.
 16. Students shall not insert a foreign substance in the food or drink of another person with the intent of injuring or harming the other person or causing an adverse reaction, including but not limited to hallucinations, sleep or euphoria. Students shall not knowingly bring containers of urine or any other bodily fluid or substance to school unless required for an academic or other required assignment or activity.
 17. Students may not possess, display or use tobacco products at any time in any building, facility, or vehicle owned, leased, rented or chartered by the Board or a school, on any school grounds and property, including athletic fields and parking lots, owned, leased, rented or chartered by the Board, or at any school-sponsored or school-related event on-campus or off-campus.
 18. Students in grades 10, 11, and 12 may park motor vehicles on campus in student parking areas designated by the principal, provided that: (1) they register the vehicle in accordance with Policy 5131.3, Parking on School Grounds; (2) they comply with the rules and regulations set forth in Policy 5131.3 and this policy; and (3) student parking spaces are available.
 19. Students shall not engage in any other behavior which is clearly inappropriate conduct at school, on the school bus or school-related activities, including but not limited to gambling, taking or attempting to take immoral or indecent liberties with another student, exposing private body parts (genitals, buttocks and/or female breasts) or engaging in consensual sexual misconduct or engaging in inappropriate public displays of affection including but not limited to hugging or embracing, kissing, petting, and/or making out when such conduct is repeated after a warning or a directive from a school official or is severe or pervasive.
 20. Students shall not possess and/or use playing cards unless approved by a teacher or school officials for an educational purpose.
 21. Students shall not use or possess electronic devices such as mp3/4 players, portable radios, tape recorders, tape/CD players, digital cameras, laser pens, or other similar electronic equipment in school during regular school hours except as approved by a principal or his designee. Students shall not use any type of electronic device on school property or during a school activity, whether on or off school property, for the purpose of immoral or pornographic activities, including, but not limited to, sexting. Sexting shall be defined as the sending, taking, disseminating, transferring, sharing, or receiving of obscene, pornographic, lewd, indecent, or otherwise sexually explicit messages, photographs or images on or by electronic devices.
 22. Students shall not possess a portable communication device of any kind, including, but not limited to, a cellular telephone, portable electronic paging device of any kind or digital camera at any school that has expressly prohibited such items.
 23. Students enrolled in or assigned to any other school or program may possess but shall not display or use a portable communication device of any type, including but not limited to, a cellular telephone, portable electronic paging device of any kind, commonly known as a "beeper," or a digital camera of any kind in school during regular school hours except as approved by a principal or his designee. "Regular school hours" means from the beginning of the student instructional day to the end of the student instructional day.
 - a. Portable communications devices shall be turned off in class or any instructional setting. If a portable communications device rings, vibrates or is otherwise used during class or instruction without permission from the principal or his/her designee, it may be confiscated and the student may be denied the privilege of possessing a communication device at school for up to the remainder of the school year. The confiscated device shall be returned to the student's parent/guardian.
 - b. Cellular telephones and digital cameras of any type shall not be used to take photographs and/or video in rest rooms or locker rooms.
 - c. Cellular telephones, digital cameras, text messaging or other electronic or portable communication device shall not be used in any way to cheat on a test. If a school administrator has reasonable suspicion a device has been used in this manner, the school administrator may search the device for evidence of this misconduct.
 - d. By virtue of the ringing, vibration, or other evidence of use of a portable communication device during regular school hours without permission from the principal or his designee and, therefore, in contravention of this policy, the owner of the device thereby consents to the search of such portable communication device by a school administrator.
 24. Students and their parent(s)/guardian(s) are solely responsible for any loss or damage to their portable radio, tape recorders, tape/CD/DVD players, cell phone or any other similar electronic equipment in school while it is in their care, custody or control. WS/FCS accepts no responsibility for theft, loss or damage to a student's personal electronic equipment.
 25. Commercial solicitation of or by students is prohibited on school grounds or at school-sponsored events. Charitable solicitation of students is permitted subject to the provisions of Policy 1324.
 26. Students shall not engage in hazing. Hazing is defined in state law as subjecting another student to physical injury as part of an initiation, or as a prerequisite to membership, into any organized school group, including any society, athletic team, fraternity or sorority, or other similar group.
 27. Students shall not litter or loiter on school property.
 28. Students shall not make false statements to teachers and school officials or forge a signature on any papers or documents.
 29. Students shall not make or publish false statements on the Internet, by fax or by any other means of communication that defame the character or reputation of a school employee or student. While students have a constitutional right to criticize school personnel or students, that right does not include making false statements accusing school personnel or students of engaging in criminal or immoral acts that are intended to injure, harass and/or harm an individual.
 30. Students shall not download to or otherwise place upon a computer owned and/or maintained by the school or school system any software or computer program which enables the student and/or others to load content or programs to school system computers which would otherwise be prohibited by school system policy. Students are not to download software or programs or view content prohibited by AR 6161.1.

31. Due to the risk or injury to the student and others, students shall not ride a skateboard, roller skate or in-line skate on school property, unless approved in advance by the principal or designee as a school sponsored program or activity.
 32. Students shall not skip/leave class or school without permission.
 33. Students shall not knowingly make a false report to law enforcement (i.e., a false 911 call).
 34. Bomb threats and false fire alarms prohibited. A student is subject to a 365-day suspension if, by any means of communication to any person or group of persons, he or she makes a report, knowing or having reason to know the report is false, that there is located on educational property or at a school-sponsored curricular or extracurricular activity off educational property any device designed to destroy or damage property by explosion, blasting, or burning, or who, with intent to perpetrate a hoax, conceals, places, or displays any device, machine, instrument, or artifact on educational property or at a school-sponsored curricular or extracurricular activity off educational property, so as to cause any person reasonably to believe the same to be a bomb or other device capable of causing injury to persons or property.³
 35. Terrorist threats are prohibited. A student may be suspended for up to 365 days who:
 - a. By any means of communication to any person or group of persons, makes a report, knowing or having reason to know the report is false, that there is located on educational property or at a school-sponsored curricular or extracurricular activity off educational property any device, substance, or material designed to cause harmful or life-threatening illness or injury to another person.
 - b. With intent to perpetrate a hoax, conceals, places, disseminates, or displays on educational property or at a school-sponsored curricular or extracurricular activity off educational property any device, machine, instrument, artifact, letter, package, material, or substance, so as to cause any person reasonably to believe the same to be a substance or material capable of causing harmful or life-threatening illness or injury to another person.
 - c. Threatens to commit on educational property or at a school-sponsored curricular or extracurricular activity off educational property an act of terror that is likely to cause serious injury or death, when that threat is intended to cause a significant disruption to the instructional day or a school-sponsored activity or causes that disruption.
 - d. Makes a report, knowing or having reason to know the report is false, that there is about to occur or is occurring on educational property or at a school-sponsored curricular or extracurricular activity off educational property an act of terror that is likely to cause serious injury or death, when that report is intended to cause a significant disruption to the instructional day or a school-sponsored activity or causes that disruption.
 - e. Conspires to commit any of the acts described in this subsection.⁴
 36. Students shall not possess on school property or on a school activity or use counterfeit currency, unless such item is being used for a school-related project or activity.
- B. Every student and school employee has the right to be free from fear, harm, and violence arising from or in any way out of school-related activities, including acts of violence that occur off campus that impact the safety of students or school employees.**
1. General Standard. Any student 14 years of age or older who commits an act of violence on or off campus against another student or a school employee off campus may be expelled if the student's continued presence in school constitutes a clear threat to the safety of other students or employees.
 2. Commission of a Felony. Any student 14 years of age or older who commits or is charged with a felony on or off campus and whose continued presence in school constitutes a clear threat to the safety of other students or employees may be expelled.
- C. Bullying and Harassing Behavior**
1. Students shall not engage in bullying or harassing behavior at school or during a school activity or school-sponsored function, whether on or off campus, or on the school bus. No student or school employee shall be subjected to bullying or harassing behavior by school employees or students.
 2. The term "bullying or harassing behavior" shall be defined as any pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication, that:
 - a. Places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property; or
 - b. Creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities, or benefits.
 3. For purposes of this Policy, "hostile environment" shall be defined as a victim subjectively views the conduct as bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree it is bullying or harassing behavior.
 4. Bullying or harassing behavior includes, but is not limited to, acts reasonably perceived as being motivated by any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics.
- D. Searches of students, student lockers and student desks**
1. Student lockers and desks are the property of WS/FCS may be searched or inspected at any time without prior notice or consent of the

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student. While students may store their books, papers, clothing and other personal items in them, they may not place any prohibited substance as defined in Policy 5131.6, weapon, explosive or fire hazard in a desk or locker. Students shall keep their locker and desks in a neat, clean and orderly manner.

2. A school official may search a student's person, possessions (such as a pocket book, book bag, gym bag, etc.) or motor vehicle if reasonable grounds exist for suspecting the search will turn up evidence the student has violated or is violating either the law or the policies, regulations or rules of WS/FCS or the student's school. A search will be permissible in its scope when the manner in which the search is conducted is reasonably related to the objectives of the search and not excessively intrusive in light of the student's age and sex and the nature of the infraction.⁵
3. Reasonable suspicion may be based on information provided by a reliable confidential informant, circumstantial evidence, and/or the principal's "common-sense conclusions about human behavior" upon which "practical people" - including government officials - are entitled to rely in making decisions.
4. Anything seen by a school official or a school resource officer in plain view inside a student's vehicle may be used as evidence to suspend or expel a student. Otherwise, a school official needs reasonable suspicion to search a student's vehicle.
5. If there is reason to suspect a bomb or firearm is on campus and students are at risk of serious bodily injury or death, the administration may conduct a complete search of the school as well as student vehicles, book bags, pocket books, etc. for a weapon, bomb or other explosive device.
6. The use of trained drug- or bomb-sniffing dogs to detect the presence of a controlled substance or explosives in a student's desk, locker, book bag or car is acceptable. If a dog "hits" on an item, such a "hit" is reason to suspect the item contains a controlled substance or explosive and the item may be searched. However, dogs shall not be used to detect drugs or an explosive on a student's person.
7. No school official shall strip search a student. A strip search is defined as removing outer garments (other than a hat, boot/shoe, jacket or coat) to determine if a student is concealing drugs or other evidence of misconduct within undergarments.

III. Freedom From Sexual Harassment as well as harassment on the basis of race, national origin, religion, gender or disability

A. Sexual harassment prohibited. Students have a right to be free from sexual harassment at school or while attending school activities.

B. Definition of sexual harassment.

1. It is sexual harassment when a student explicitly or implicitly conditions a student's participation in an educational program or activity or bases an educational decision on the student's submission to unwelcomed sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual nature.
2. Sexual harassment also means and includes any unwelcomed sexual advances, requests for sexual favors, and any other non-consensual and/or offensive verbal, nonverbal or physical contact of a sexual nature by another student or by a third party that is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from an educational program or activity, or to create a hostile or abusive environment. It includes misconduct by males against females, females against males and between students of the same gender.
3. Sexual harassment also may include two types of misconduct:
 - a. Physical:** This form of sexual harassment includes but is not limited to touching, fondling, grabbing and/or other physical touching of a student in a sexual way without that student's consent or when the student finds such behavior offensive; and
 - b. Verbal and nonverbal:** This form of sexual harassment includes but is not limited to teasing, joking, making lewd remarks or gestures and/or other verbal and nonverbal conduct of a sexual nature to a student without that student's consent or when the other student finds such behavior offensive.

C. Harassment on the basis of race, national origin, religion, gender or disability prohibited. Harassment means and includes any offensive verbal, nonverbal or physical contact by a student against another student that is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from an educational program or activity, or to create a hostile or abusive environment. It includes, but is not limited to, abusive jokes about a student's race, national/ethnic origin, religion, gender or disability, crude name-calling, threats, and bullying.

D. Procedures for reporting and investigating harassment

1. Any student who believes that he/she has been harassed by a school employee or another student should report such behavior immediately to any school official at his/her school (such as an administrator, teacher or school counselor).
2. **Reporting Allegations Against a Student.** If allegations of harassment, whether physical, nonverbal or verbal, are made by a student or an employee against a student, the school official receiving the report shall notify as soon as possible the principal or assistant principal of the school. The principal or assistant principal shall coordinate an investigation of the alleged conduct.

E. Right to due process. If the allegations of harassment are found to be true, the administrator shall recommend an appropriate disciplinary action against the student. The student accused of harassment shall be afforded the due process procedures contained in Board policy and state law as is appropriate to their status and the severity of the disciplinary action recommended.

F. Right to file a grievance. Any student who believes that he/she is the victim of harassment may file a grievance in accordance with Policy 5145, Student and Parent Grievance Procedure.

IV. Academic and Personal Freedoms and Responsibilities

A. Freedom of speech. Students have a right to express their thoughts and opinions at reasonable times and places. The school is an appropriate place for debate, discussion, and the expression of ideas. However, certain kinds of speech, whether spoken, written or symbolic, may be prohibited at schools. Understanding the meaning of the First Amendment's protection of free speech is an important responsibility that students must accept in their learning process. The following types of speech are not generally protected by the Constitution and are prohibited at schools or at school related activities:

1. **Profanity:** words that are clearly considered profane by contemporary community standards of behavior.
2. **Obscenity:** words that describe sexual conduct and which, read as a whole, appeal to a prurient interest in sex, portray sex in a manner offensive to contemporary community standards and do not have serious literary, artistic, political, or scientific value.
3. **Fighting or abusive words:** words that are spoken solely to harass or injure other people, such as threats of violence, defamation of character or defamation of a person's race, religion or ethnic origin.
4. **Disruption:** speech, be it verbal, written or symbolic that materially and substantially disrupts classroom work, school activities or school functions, such as demonstrations, "sit-ins," "boycotts," or simply talking in class when told not to do so by the teacher.

5. Lewd, vulgar or indecent speech or conduct.

6. Gang-related verbal and non-verbal communication and acts as described in AR 5131.4.

B. Freedom of the press

1. The right of students to express their thoughts and opinions in nonschool-sponsored publications also is generally protected by the Constitution. There are certain limitations on this right, however, that students are responsible to learn in the process of their education. In order to prevent the disruption of classroom instruction, the principal may restrict the distribution of any publication at school and school-related activities to reasonable times and places. In addition, principals may prohibit the distribution at school and school-related activities of a publication if they consider the publication:

- a. To be obscene.
 - b. To be libelous.
 - c. To contain “fighting or abusive” words, such as threats of violence to students or staff members.
 - d. To be lewd, vulgar or indecent.
 - e. To be materially and substantially disruptive of school work, activities or functions.
2. If a principal prohibits the distribution of a publication, the student shall be informed that he or she may file a grievance in accordance with the Policy 5145, Student and Parent Grievance Procedure.

C. Dress and Appearance.

1. Students are expected to adhere to standards of dress and appearance that are compatible with an effective learning environment when attending school. If a student’s dress or lack of cleanliness is detrimental to his or her health or safety, the principal may require the student and the student’s parents or guardians to take appropriate action to remedy this situation. In addition, if a student’s dress or appearance is so unusual, inappropriate or lacking in cleanliness that it clearly and substantially disrupts class or learning activities, the student may be required to change his or her dress or appearance. Examples of prohibited dress or appearance include, but are not limited to, those listed below.
2. At a minimum, the following dress or appearance is prohibited:
 - a. Clothing that contains advertisements for tobacco, alcohol or drugs; pictures or graphics of nudity; words that are profane, lewd, vulgar, or indecent;
 - b. Halter or bare midriff tops, or bare midriffs;
 - c. Spaghetti straps or tank tops.
 - d. Strapless shirts or tube tops.
 - e. Bare feet.
 - f. Short shorts or skirts.
 - g. Pants, slacks or jeans that sag below waist.
 - h. Hats, caps, bandanas or garments that cover the student’s face or conceal the student’s identity, unless the headwear is worn based on a sincerely held religious belief or practice.
 - i. Underpants or bras showing or worn as outerwear.
 - j. Provocative, revealing attire that exposes cleavage.
 - k. Any symbols, styles or attire frequently associated with gangs, intimidation, violence or violent groups about which students at a particular school have been notified, as described in AR 5131.4.
3. Teachers and principals shall exercise appropriate discretion and common sense in implementing this policy, including making reasonable accommodations on the basis of students’ religious beliefs or medical conditions. Individual schools may maintain written guidelines in addition to those above to assist

students in determining appropriate dress for school, copies of which shall be made available to parents and students. Students and parents should be involved in the formulation of the local school guidelines. All such guidelines are subject to the review of the superintendent.

4. **Standard Mode of Dress.** As set forth in Board Policy 5117 and its implementing regulations (AR 5117.1-5117.5) individual schools in a zone shall have the authority to adopt policies requiring the wearing of a standard mode of dress so long as the parent(s) of a student have the choice to enroll their child in a school within their zone that does not require the wearing of uniforms. Such standard modes of dress may be more restrictive than the minimum dress code set forth hereinabove.

D. Freedom from discrimination. It is the policy of this Board of Education that no student shall be denied the benefits of or the right to participate in any program or activity offered by this school system on the basis of race, religion, national origin, sex (except as provided by Title IX of the Education Amendments of 1971) or handicap (except as provided by Section 504 of the Rehabilitation Act of 1973).

E. Freedom of religion. The Constitution of the United States grants individuals the right to choose their own religious beliefs and prohibits any governmental action to influence the individual’s freedom of choice. The separation of the church and state is a fundamental legal principle upon which this nation was founded. Students are responsible to understand this principle and to respect the religious beliefs of others. Religious worship services, devotional assembly programs, efforts to convert students to a religious belief, or any other imposition of one person’s religious beliefs or teachings on another shall not be permitted during school hours. The study of religion or religions and the recognition of religious holidays when done for educational purposes such as to acquaint students with the variety of religious beliefs and practices in society are permissible activities, so long as individuals’ rights to freedom of religion are not violated.

F. Right to Privacy of Student Records. The contents of a student’s educational records are private and confidential and may only be disclosed as permitted by the Family Educational Rights and Privacy Act⁷ and Board Policy and Administrative Regulation 5125.

G. Academic misconduct

1. **Cheating is prohibited.** For example, students shall not copy another student’s answers to a test, homework or any other school work and submit it as their own work for evaluation and grading. In addition, unless permitted in advance, students shall not bring any materials in any form with them for use in answering questions on a test, such as a “cheat sheet.”
2. Plagiarism is prohibited. Students shall not copy an author’s work and submit it as their own original work for evaluation and grading.
3. Students committing any form of academic

misconduct shall receive a grade of 0 for the assignment or test in which the student has committed academic misconduct and shall be disciplined in accordance with AR 5131.

VI. Discipline and Due Process Procedures

Discipline and Due Process Procedures shall be as set forth in AR 5131.

VI. Requests for Readmission of Expelled Students.

A. At any time after the first July 1 that is at least six (6) months after the hearing panel’s decision to expel a student, a student may make a written request to the Board of Education to reconsider that decision on the grounds the student is no longer a threat to the safety of students or employees.

B. The Superintendent shall designate the appropriate grade level Assistant Superintendents as his designees for considering requests for readmission.

C. A student’s request for readmission shall be submitted in writing to the appropriate Assistant Superintendent. The student shall submit with the request a full and complete copy of the student’s criminal and/or juvenile court record, if any, or the student and the student’s parent/guardian may sign an agreement authorizing the Superintendent or his designee to obtain a copy of the student’s criminal and/or juvenile court record, if any. In addition, the student may provide any other documents supporting the request for readmission.

D. The appropriate Assistant Superintendent shall review and investigate the student’s request for readmission. Within thirty (30) days of the receipt of the request or during the next regularly scheduled Board panel hearing if one is not scheduled within thirty (30) days of receipt of the request, the appropriate Assistant Superintendent shall provide a copy of the student’s request for readmission, the supporting documentation, and a recommendation to a hearing panel of the Board of Education.

E. The hearing panel shall review the student’s request, the supporting documentation, and the Assistant Superintendent’s recommendation and render a decision in writing. The hearing panel, at its discretion, may render its decision based on the written records or it may offer the student, the student’s parents/guardians, the Assistant Superintendent and the Principal the opportunity to appear before the panel in closed session to make oral presentations regarding the request for readmission.

F. In order to be readmitted, the student must demonstrate to the satisfaction of the hearing panel the student’s presence in school no longer constitutes a threat to the safety of students or employees.

G. If the hearing panel decides to grant the student’s request for readmission, it shall establish the date for the student’s readmission, generally the beginning of the next semester or academic quarter, and the school or program to which the student will be assigned.

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H. If the hearing panel decides to deny the request for readmission, the student may not apply for readmission for a minimum of four (4) months or sixty (60) days prior to the next succeeding school semester.

VII. Maintenance of Discipline Records, Expungement.

A. When notice is given to students or parents of a suspension of more than ten (10) school days or expulsion, the notice shall inform them the records of the disciplinary action will be included in the student's official record and will give them information the procedure for expungement of this information under N.C.G.S. § 115C-402.

B. A student's parent, legal guardian, or custodian or a student, if the student is at least 16 years old or is emancipated, may request that records of a long term suspension or expulsion be removed from his/her cumulative records based on the following criteria.

1. The student has either graduated from high school or is not expelled or suspended again during the two-year period commencing on the date of the student's return to school after the expulsion or suspension;
2. The Superintendent or the Superintendent's designee determines that the maintenance of the record is no longer needed to maintain safe and orderly schools; and
3. The Superintendent or the Superintendent's designee determines that the maintenance of the record is no longer needed to adequately serve the child.

C. If the above criteria are met, the Superintendent or the Superintendent's designee shall expunge the notice of suspension or expulsion from a student's cumulative record.

D. The Superintendent or the Superintendent's designee may expunge from a student's official record any notice of suspension or expulsion provided all other criteria set forth above are met even if the student, the student's parent or guardian do not request that the record be removed.

—March 2011

1 King v. Beaufort County Board of Education; 364 N.C. 368 (October 2010).

2 N.C.G.S. §115C-391(d2)(2)

3 N.C.G.S. §115C-391(d3)

4 N.C.G.S. §115C-391(d4)

5 New Jersey v. TLO, 469 U.S. 325, (1985); In re Murray, 136 N.C. App. 648, 525 S.E.2d 496 (2000).

6 Unless the headwear is worn based on a sincerely held religious belief or practice.

7 20 U.S.C. 1232g

AR 5131

Guidelines for Student Discipline

See page 52.

AR 5131.1

Discipline on School Buses

VI. Code of Bus Conduct

A. Conduct at the bus stop

1. Students will arrive at the bus stop in adequate time to catch their bus. If the bus leaves too soon or too late, this fact should be reported to the principal.
2. Students will wait for their buses at the location designated by transportation division personnel.
3. Students will not stand or play in the street while waiting for the bus.
4. Students will report any acts of misconduct at the bus stop to the principal.

B. Conduct when boarding and leaving the bus

1. Students will board and ride only the bus to which they are assigned unless a change is authorized by the principal or area transportation supervisor. Requests for temporary changes in bus assignments should be made in writing to the principal.
2. Students will not enter a bus while it is parked on school grounds without the permission of the principal or area transportation supervisor.
3. The only adults allowed to ride a school bus are the driver, the monitor, and other persons as approved by the principal.
4. Students will not board the bus unless the driver or a school official is present.
5. Seating on the buses should take place from the rear of the bus to the front unless seats are assigned by the driver, principal, or principal's designee. No holding of seats by one pupil for another is allowed.

6. No student shall be allowed to stand or ride in the area beside the driver's seat or in the step well.
7. Upon arrival at school, students will move from the bus to their homerooms or assigned areas in an orderly manner. Upon dismissal of school, students will go directly to their buses and board in an orderly manner.

C. Conduct while on the bus or en route

1. Students will obey the bus driver.
2. Students will take a seat and remain seated until the bus stops at the student's destination.
3. Students will keep all parts of their bodies inside the bus at all times.
4. Students will not throw any object off the bus at any time.
5. Students will not engage in any activity that might distract the driver's attention, such as shouting, fighting, throwing objects about the

bus, or moving up and down the aisle while the bus is en route.

6. Students will not damage or deface the bus in any way.
7. Students will not eat, drink or use tobacco products or controlled substances on the bus.
8. Students will conduct themselves in the same manner as they would in class and will give the bus driver the same respect that they give their teachers.
9. Students shall not bring on or possess on a school bus weapons, gasoline, explosives, drugs, alcoholic beverages of any kind or any other objects that are prohibited on public school campuses in accordance with the policies of the Board.

D. Punishment for misconduct on the bus

1. The principal has the same authority and responsibility to discipline students for misconduct on the bus as he/she has to discipline pupils for misconduct at school; including the authority to suspend bus-riding privileges, and to suspend from school.
2. Parents will be notified of their child's misconduct on the bus in the same manner as if the misconduct had occurred at school.
3. In the event a student is suspended from riding the bus, he/she will be given the same due process as if he/she were being suspended from school.

— August 1992

Policy 5131.2

Closed Campus

I. Students. It is the policy of the Winston-Salem/Forsyth County Board of Education that students may not leave the campus of the school to which they are assigned during the normal school day without the prior approval of the principal or the principal's designee. The approval of the principal shall be based on one of the reasons below:

- A. To participate in a school program or activity off campus or at another school's campus, i.e., the Career Center.
- B. For medical and dental appointments.
- C. For any other reason which is grounds for an excused absence under the State Board of Education's attendance regulations.
- D. Any other reasons deemed acceptable by the principal.

II. Visitors. Parents, guardians, caretakers and others.

A. Parents, legal guardians and caretakers are encouraged and welcome to observe their student's classes, extra-class activities and other school programs. However, the principal or the principal's designee has the authority to limit and control their access to classrooms and other school facilities based on the need to respect and preserve the quality of the student instructional day and time from interruptions by visitors and to maintain a safe and secure educational environment. All visitors must

comply with the behavior standards set forth in Policy 1170, Civility Policy.

- C. All visitors shall be expected and directed to report their presence to the school's office immediately upon entering a school facility. They may be required by school personnel to sign a visitor log book, to state the reason for their visit, to show a picture ID if requested, to obtain permission from the principal or his/her designee to enter the remainder of the building and to wear a "visitor" badge.
- D. This policy is not intended to prohibit a principal, in his/her discretion, from allowing parents with legal visitation rights to have lunch with their child or children at school but parents, guardians etc. have no right to visit socially with their child during the student instructional day. Except in the case of an emergency, no student should be removed from class to visit with a parent or guardian.
- E. This policy is not intended to prohibit volunteers from entering a school facility, but they also shall be required to sign a volunteer log book, to obtain permission from the principal or his/her designee to enter the remainder of the building and to wear a "volunteer" badge if requested.

— January 2006

AR 5131.4

Student Rights, Responsibilities, and Conduct - Gang Activities and Conduct

I. Introduction. Students in Forsyth County have a right to a sound basic education and deserve to be safe and secure in their persons on school property, on the school bus, and on school activities, whether on or off campus. The Board of Education is aware threats and messages of violence have the capacity to profoundly disrupt an otherwise effective learning environment, and, furthermore, school dress, particularly gang-related apparel, significantly influences pupil behavior. As such, the Board of Education elects to publish these Guidelines in an effort to assist school staff in identifying articles of clothing and other items frequently associated with gang-related activity.

While it is important parents, students and school officials understand the particular brands, styles and subtleties of apparel and other items which indicate a student's membership in, affiliation with, or support for a gang are ever-changing and, therefore, these Guidelines must remain fluid to meet practical changes as they arise within the schools, following is a non-exhaustive list of items which, if worn, possessed, distributed, displayed, or sold, may subject the student to disciplinary actions in accordance with Board Policy and AR 5131.

II. Prohibition of Gangs and Gang Activities

- A. No student shall commit any act that furthers gangs or gang-related activities.
- B. Definition of Gang. A gang is any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of criminal acts and having a common name or common identifying signs, colors, or symbols.
- C. Conduct prohibited by this policy includes:
 - 1. Wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, emblems, badges, symbols, signs or other items which indicate a student's membership in or affiliation with a gang;
 - 2. Communicating either verbally or non-verbally (gestures, handshakes, slogans, drawings, etc.), to convey membership or affiliation in a gang;
 - 3. Tagging or otherwise defacing school or personal property with gang-related graffiti, symbols or slogans;
 - 4. Requiring payment of protection, insurance, or otherwise intimidating or threatening any person related to gang activity;
 - 5. Inciting other students to intimidate or to act with physical violence upon any other person related to gang activity;
 - 6. Soliciting others for gang membership; or
 - 7. Committing any other illegal act or other violation of school district policies that relates to gang activity.
- D. Notice of prohibited activity. The superintendent or his designee shall consult with law enforcement officials no fewer than two times per school year to obtain information about gang-related activities and to establish a list of gang-related items, symbols and behaviors. This information shall be shared with principals, who should maintain this list in the main office of their schools and notify students of the items, symbols and behaviors prohibited by this Policy. Beginning with the 2010-11 school year, this notice shall be printed in the student handbook.
- E. Guidelines for discipline

- 1. It is the Board of Education's desire to develop and/or implement an alternative to gang participation program for school-aged gang members or initial violators of this Article as an alternative to suspension. Until such program is developed and/or implemented, students violating this Article shall be disciplined in the manner set forth in AR 5131.
- 2. If gang-related activity is associated with another act of misconduct, evidence of gang activity shall be considered an aggravating factor in accordance with AR 5131, Guidelines for Student Discipline.

— August 2009

Policy 5131.6

Alcohol and Drug Abuse

- I. Alcohol and Drug Prevention Education
 - A. Alcohol and drug prevention education empowers youth to avoid problems related to the use/abuse of chemical substances prior to their onset. Chemical use/abuse is being fueled to epidemic proportions by many negative social conditions that stimulate and sustain this type of dysfunctional behavior. Chemical substances are available in large supply and are easily accessible to youth. Adult usage and media representation of chemical use are most persuasive. All societal institutions must play a crucial role in fostering a drug-free environment for youth. Schools are uniquely situated to be a part of the solution to student alcohol/drug use and will act in cooperation with students, parents, families, and the community to achieve this end.
 - B. The school system will provide instruction to students, grades K-12, with an age-appropriate, grade sequential, alcohol-and-drug-specific curriculum to equip them with accurate information and life skills that influence their decisions concerning the use of alcohol/drugs. The curriculum will reflect a "NO" use message as opposed to a "responsible" use message. It also will follow the sequence of study as outlined in the Healthful Living Section of the Basic Education Plan in the skills and subject area, "Chemicals and Substance Abuse."

II. Intervention

Recognizing that alcohol/drug abuse is an addictive illness that is progressive, it is imperative that processes be in place to interrupt the use/abuse cycle of alcohol/drug users in order for them to receive appropriate assistance at the earliest possible time. Staff members at each school shall be trained to assist by providing intervention strategies and referrals. One of the best examples of early intervention strategies is the "Student Assistance Team," which provides early identification, recommendations and referrals, incorporates school system and community resources, and maintains a follow-up process that provides ongoing personal contact and support for those at-risk (such as students returning from treatment facilities). The Board encourages each school to establish a Student Assistance Team.

Youth who experiment with any type of mood-altering substance could be at any place in the continuum of drug abuse, from early experimentation to addiction, and indicates a need for a thorough screening. This screening could determine an appropriate intervention for each individual. While the school system can provide referrals for free screenings, it is not required to provide professional or treatment services for students.

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III. Possession, Use or Sale of Alcohol or Drugs Prohibited

The possession, use, sale or distribution of any prohibited substance, as defined herein, at school or any school-related activity is strictly prohibited. Students are also strictly prohibited from possessing, using or distributing any prescription medication for which the student does not hold a prescription. Policy 5141, Student Health Care, governs the proper use of authorized prescription and OTC medicines at school.

A. The word "possession" shall mean having the power or intent to control a prohibited substance and shall include, but is not necessarily limited to, the possession of a prohibited substance in a student's automobile, locker, book bag or desk, or on a student's person.

B. A "prohibited substance" shall include:

1. Wine, wine cooler, beer, and any other malt beverage; including "non-alcoholic" beer and malt beverages that contain less than .5 of one percent of alcohol.
 2. Alcohol, liquor, liqueurs, and mixed alcoholic beverages.
 3. Any drugs listed in the N.C. Controlled Substances Act¹ including, but not necessarily limited to, narcotics, depressants, stimulants, hallucinogens, and cannabis, which drugs are commonly known or referred to as marijuana, acid, LSD, speed, quaaludes, valium, cocaine, crack, PCP, ice, steroids, and other names.
 4. hallucinogenic herbs, such as salvia divinorum (commonly referred to a "Magic Mint" or "Sally D").
 5. Any counterfeit controlled substance.
 6. any substance used with the intention of mimicking the hallucinatory, intoxicating, euphoric, or depressive effects of illegal substances.
 6. Any chemical compound that will induce a condition of intoxication when inhaled for that purpose.²
- C. The word "use" shall mean the consumption, injection, inhalation or absorption of a prohibited substance or prescription medication for which the student does not have a prescription, into a student's body by any means, when the prohibited substance remains in the student's body or influences a student's behavior to any degree at school or a school-related activity.
- D. The word "sale" shall mean the exchange of a prohibited substance or prescription medication for which the student does not have a prescription, for money, property, or any other consideration.
- E. The word "distribution" shall mean the giving or exchanging of a prohibited substance or prescription medication for which the student does not have a prescription, or the possession of an amount of a particular controlled substance which would establish an intent to sell or distribute the substance under the North Carolina Controlled Substances Act.
- F. The phrase "abuse of OTC medications" shall mean deliberately consuming an excessive

quantity (more than the recommended dosage) of an over-the-counter (OTC) medication sufficient to significantly impair the student's mental and/or physical capability to function in the school environment.

G. The term "OTC medications" includes but is not limited to: medications that can be purchased legally without a prescription, and vitamins or herbal supplements containing ephedrine and/or caffeine. Taking an excessive quantity of such pills may cause health problems, even death.

IV. Possession of Drug Paraphernalia

A. A student shall not knowingly use or possess with the intent to use at school or any school activity drug paraphernalia, as defined in N.C.G.S. §90-113.21 and this policy.

B. The term "drug paraphernalia," as defined in N.C.G.S. §90-113.21 and this policy means all equipment, products and materials of any kind that are used to facilitate or are intended or designed to facilitate, violations of this policy and/or the Controlled Substances Act, including planting, growing, making, producing, processing, testing, analyzing, packaging, containing, injecting, and/or inhaling controlled substances.

C. The term "drug paraphernalia" includes, but is not limited to, the following:

1. Testing equipment for identifying or analyzing the strength, effectiveness or purity of controlled substances;
2. Scales and balances for weighing or measuring controlled substances;
3. Capsules, envelopes, balloons or other containers for packaging small quantities of controlled substances;
4. Hypodermic syringes, needles, and other objects for injecting controlled substances into the body;
5. Objects for ingesting, inhaling or otherwise introducing marijuana, cocaine, crack, or PCP into the body such as:
 - (a) metal, wooden, glass, ceramic and other kinds of pipes or glass stems or vials commonly used for smoking or inhaling controlled substances;
 - (b) water pipes;
 - (c) roach clips or similar objects for holding burning material such as a marijuana cigarette that has become to small or too short to be held in the hand;
 - (d) miniature cocaine or crack spoons and vials;
 - (e) bongs; and
 - (f) rolling papers for making marijuana cigarettes.

D. In determining whether an object is drug paraphernalia, the school official may consider along with all other information obtained:

1. statements by the owner or anyone in control of the object concerning its use;
2. prior records of use or possession of controlled substances by the owner or person in control of the object;
3. the proximity of the object to a controlled

substance or the residue of a controlled substance;

4. instructions provided with the object concerning its use; and
 5. possible legitimate uses for the object.
- E. Exception for school equipment and supplies. The term drug paraphernalia does not include chemicals, supplies and equipment purchased, used and possessed for use in school sponsored and approved classes, projects and activities.

V. Advertising of Alcoholic Beverages and the Use of Controlled Substances Discouraged

A. The commercial advertisement of beer, wine, wine coolers, mixed alcoholic beverages and any other kind of alcoholic beverage; the commercial advertisement of drug paraphernalia; and the commercial advertisement of controlled substances or the advantages of their use is discouraged at school or at school-related activities for students.

B. For the purposes of this policy, the term "commercial advertisement" shall mean any form or medium of commercial expression that is designed or intended to promote the sale, possession, and use of the prohibited substances defined in this policy the possession, use and sale of which are prohibited at school or school-related activities.

C. The discouragement of commercial advertisement of prohibited substances shall not apply to the use of such advertisements by students and/or teachers in a school program or activity on the harmful effects of alcohol and drugs. The discouragement of commercial advertisement of prohibited substances shall not apply to magazines, newspapers and other publications having a general circulation in the community, state and/or nation that are purchased by the school or school system for their educational value. The Board recognizes the inconsistency of this exception to the policy, but it has determined that this exception is justified for the following reasons:

- (1) The Board has no authority, legal or otherwise, to control the content of such publications.
- (2) The educational value of the publications overrides the Board's concerns about their advertisement of alcoholic beverages.

VI. Presumptive Disciplinary Actions

Changes in state law during the summer of 2011 require the Board of Education to make substantial changes to its discipline policies, including disciplinary actions for drug and alcohol offenses. The board is scheduled to update its policies in August 2011, which is after this book is printed. Copies of the new policies will be printed and given to all students once they are approved. In the meantime, please ask your principal or the school attorney if you have questions about specific consequences.

VII. Due Process

The due process procedures for short- and long-term suspensions contained in Article V of Policy 5131, "Statement on Student's Rights, Responsibilities and Conduct," shall be observed prior to the implementation of disciplinary actions described above.

VIII. Notification and Involvement of Parents

- A. A student's parents or guardian(s) shall be notified at any time a student violates or is believed to have violated the policy.
- B. In accordance with paragraph VI, C, I, a, the parent(s) or guardian(s) of a student guilty of using or possessing a prohibited substance, first offense, shall be urged to participate in an approved alcohol and drug education program as a condition for the waiver of the six-week suspension. However, a parent's or guardian's attendance may be excused by the superintendent or his designee for a good and valid cause.

IX. Notification and Involvement of Law Enforcement Officials

- A. The principal or assistant principal shall inform the appropriate law enforcement agency (WSPD, KPD, or FCSD)⁵ when any controlled substance is possessed, used, sold, or distributed at school or at any school-related activity.
- B. Any controlled substance confiscated by school officials shall be turned over to the police or sheriff for identification, if necessary, and for disposal. The report of the law-enforcement agency attesting to the nature of any confiscated substance shall be admissible as prima facie evidence of the identity of the substance at any student disciplinary hearing.
- C. School officials shall assist law-enforcement officials with the prosecution of any person who sells or who is believed to have sold any controlled substance at school or at a school-related activity.
- D. The superintendent is delegated the authority and power to authorize any local, state, or federal law-enforcement agency to place an undercover officer or officers or a drug-detecting dog in a school of this school system for the purpose of gathering evidence by lawful means that will lead to the arrest and conviction of any person who is violating the Controlled Substances Act of this state when the superintendent believes, at his discretion, that the incidence of alcohol and/or drug abuse at a school is endangering the health and welfare of the students assigned to the school.

X. Alcohol and Drug Incidence Surveys

- A. Surveys of students should be conducted periodically to determine the prevalence and incidence of alcohol and drug use among the students of this school system.
- B. The survey shall be conducted in a manner that ensures the confidentiality of each student's

responses. The information provided by a student on the survey shall not be used in any way or manner as an admission of alcohol or drug use by the student responding for the purpose of administering school discipline.

XI. Record Keeping

- A. The superintendent or his designee shall be notified of each violation of this policy and periodic reports shall be produced by the superintendent or his designee on the incidence of alcohol and drug violations in the schools.
- B. Any violation of this policy shall be recorded and placed in the student's cumulative folder. The records of a violation shall remain in the student's permanent record until the student graduates or withdraws from the school system, shall be retained for five years and then shall be destroyed unless expunged as provided by N.C.G.S. 115C-402.

XII. Drug Testing of Students

A. Reasonable cause alcohol/drug testing

When a principal or assistant principal has reasonable basis to believe that a student is using or is under the influence of alcohol or a controlled substance at school or a school activity in violation of this policy, the school administrator may offer the student and the student's parents the opportunity for an alcohol and/or drug test, at Board expense, to determine whether the administrator's belief is justified. If the test results are negative for the presence of alcohol or an illegal drug, the student shall be found innocent of the allegations of misconduct. A decision by the student or the student's parent not to be tested shall not be used against the student. In that event, the school administrator shall base his/her disciplinary decision solely on the information obtained during the investigation of the alleged misconduct. If test results are positive for the presence of drug or alcohol, the results shall be considered relevant corroborative evidence of a violation of this policy.

B. Random testing of students participating in extracurricular activities

1. **Participation in extracurricular activities is a privilege and not a right.** Students involved in extracurricular activities represent the school and school system in interscholastic competition, public performances and various other activities. They are role models for other students. Their use or abstinence in the use of alcohol or illegal drugs is likely to influence the choices of other high school students. In addition, the use or abuse of alcohol and/or illegal drugs by these athletes is likely to increase student injuries to the user or others with whom he/she is playing. Finally, the Board believes that the adoption of this random alcohol and drug testing policy will deter the use of alcohol and drugs among high school students. Therefore, the Board has adopted this policy on the random alcohol and drug testing of student who participate in extracurricular activities.

2. Students subject to random alcohol and drug testing

This policy applies to all high school students who elect on a voluntary basis to participate in any school-sponsored extracurricular activity as defined in Policy 6145.

3. Consequences of a positive test

a. First offense

In the event a student fails or refuses to participate in the alcohol and/or drug test when selected at random or tests positive for alcohol or drugs, the student shall be ineligible to participate in extracurricular activities for 365 calendar days. However, if the student agrees to be assessed by Insight Human Services and enroll in and successfully complete a substance abuse education and/or intervention program recommended by Insight Human Services and provided by Insight Human Services or a similar organization approved by the superintendent at Board expense (if funds are appropriated for this purpose)⁶, the student shall regain eligibility to participate in extracurricular activities immediately. A student may choose to participate in an alternative program not provided by Insight Human Services with Superintendent's approval and at parent's expense.

b. Second offense

If a student tests positive a second time or fails or refuses to participate in the second alcohol and/or drug test when randomly selected, the student shall be ineligible to participate in extracurricular activities for 365 calendar days.

- c. The student shall not be subject to suspension from school as a result of a positive test.

C. Voluntary random drug testing program

1. The Board authorizes and directs the superintendent to develop and implement a voluntary random alcohol and drug-testing program.
2. Participation in the program must be based upon the voluntary written permission of the student and the student's parent or guardian.
3. A student must participate in the "It's My Call" program in order to participate in any extracurricular activity.
4. If a student tests positive for alcohol or drugs, the report must be shared in a confidential manner with the student and the student's parents and information shall be provided to the student and the student's parents regarding alcohol and drug abuse prevention and intervention programs in the community. The report shall not be made a part of the student's education or discipline records.
5. No student may be disciplined, suspended or expelled for a positive test administered through this voluntary program.

D. Testing procedures. It is the responsibility of the superintendent to develop and implement testing procedures for each of the above programs that:

1. Respect the privacy interests of the students

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during the collection of urine samples.

2. Provide a secure chain of custody of each student's urine sample.
3. Provide for a screening and confirming tests using generally accepted testing procedures by an approved laboratory.
4. Provide an opportunity for a student who tests positive for anabolic steroids, alcohol or drugs to submit appropriate documentation of any medications he/she is using to a medical review officer to explain the test results before the results are reported to school officials. If the medical review officer is satisfied that the positive test result was caused by the use of prescribed or lawful medications, the test shall be reported as negative to school officials.
5. Provide an opportunity for a student who tests positive to submit a portion of his/her urine sample to a private approved laboratory at the student's expense for a second confirming test.

1. N. C. G. S. 90-86 et seq.

2. N. C. G. S. 90-113.10

3. *Provided the student is 14 years of age or older. In the event the student is less than 14 years of age, the student shall be recommended for a suspension for the remainder of the school year.*

4. *Provided the student is 14 years of age or older. In the event the student is less than 14 years of age, the student shall be recommended for suspension for the remainder of the school year.*

5. *Provided the student is 14 years of age or older. In the event the student is less than 14 years of age, the student shall be recommended for suspension for the remainder of the school year.*

6. *If sufficient funds were not provided for this purpose, the student's parent or guardian would be responsible for providing this service as a condition for the student's continued participation in extra-class activities.*

— May 2010

Excerpts from AR 5131.6

Alcohol & Drug Abuse

I. Publication of Policy

- A. It shall be the responsibility of the administrative staff to acquaint students, parents, guardians and the community with the provisions of the Board of Education's alcohol and drug abuse policy.
- B. The policy will be explained to students and faculty members at least once per year.
- C. Principals and school administrators are encouraged to discuss the policy with local PTAs, citizens advisory councils, community organizations, and the news media.

II. Responsibility of Schools to Parents

- A. The principal or the principal's designee shall notify a student's parent(s) or guardian(s) at any time the policy is violated or is suspected to have been violated.

B. If a principal or teacher suspects a student is using a prohibited substance, but the school official does not have sufficient evidence to provide that the student is using a prohibited substance, the purpose of the communication with the child's parent is simply to inform the parent about the problems of alcohol and drug abuse among school age children and not to discipline the child.

C. Staff members shall be available to assist parents whose children are suspected to be using prohibited substances by providing information about and referrals to community resources such as Insight Human Services.

D. If a medical crisis caused by the use of a prohibited substance occurs at school or at a school-related activity, immediate emergency assistance should be sought and the student's parents notified.

III. Advertisement of Alcoholic Beverages and the Use of Controlled Substances Discouraged

A. In accordance with School Board Policy 5131.6, Section III, the commercial advertisement of beer, wine coolers and alcoholic beverages; the commercial advertisement of drug paraphernalia; and the commercial advertisement of controlled substances is and shall be discouraged at school or school-related activities for students. The term commercial advertisement shall include but is not limited to:

1. School-sponsored publications, such as newspapers, yearbooks and sports programs.
2. Non-school sponsored student publications.
3. Posters, bulletin boards, bumper stickers, and handbills.
4. Clothing, such as t-shirts and hats.
5. Jewelry, buttons and patches.
6. Personal possessions, such as book bags and book covers.
7. Glasses and beverage containers.
8. Towels, blankets and banners.

B. If a student possess or wears at school or a school activity anything that contains a commercial advertisement discouraged by Board policy, the student and the student's parent(s) should be reminded of the Board's policy and asked, but not required, to remove the commercial advertisement. The student shall not be punished in any way if he/she refuses to remove the garment with the advertisement at school or school activities.

IV. Resources

A. Assistant principals and guidance counselors of each school staff shall be knowledgeable about the problems of alcohol and drug abuse and community resources like Insight Human Services that are available for the assessment, intervention, and treatment of students who may need it.

B. Reasonable efforts should be made to assist a student who is experiencing alcohol and drug-related problems before the student's behavior becomes a health or discipline problem.

V. Responsibility of School Officials

A. The provisions of the Board's policy shall be included in all secondary school student handbooks.

B. All staff members, guidance counselors in particular, have a responsibility to assist students when they need counsel on drug-related matters and to refer students, when appropriate, to community agencies.

C. All faculty members shall receive training in how to identify the signs and/or symptoms of alcohol and drug use; shall be responsible to screen and observe students in order to detect alcohol or drug use at school or school activities; and shall report any incidents of use, possession, sale or distribution of a prohibited substance to the principal's office.

D. Principals shall investigate all incidents of alcohol and drug abuse reported to them. Students accused of violating the Board's policy shall be accorded the due process rights set forth in Policy 5131. If it is determined that a student has violated the policy, the student shall be disciplined in accordance with the policy of the Board.

VI. Authority

A. Lockers and Desks: A school official has the authority to search a student's locker and desk at any time. A student's locker and desk are the property of the school. Students shall be advised that their lockers and desks may be searched. The search should be done in the presence of at least one other adult person, a record should be made of the persons present, of the date and time of the search, and of the items found in the locker or desk.

B. Personal Possessions: School officials have the right to search a student's clothing, including book bags and handbags, if they have a reasonable suspicion that the student has in his or her possession a prohibited substance. However, school officials shall not conduct a "strip search" unless they have obtained a search warrant.

C. Automobiles: As a condition for obtaining a permit to park a vehicle on the school grounds, a student and the student's parents, if they are the owners of the vehicle, must agree in writing to allow school officials to search his or her vehicle if a school official has a reasonable cause to suspect that the student has a prohibited substance (or a weapon or the fruits of a crime) in his or her vehicle.

VII. Communication and Coordination with Law Enforcement Personnel

- A. The principal shall inform the appropriate law enforcement officials (WSPD, KPD, or FCSD) orally or in writing whenever a controlled substance is used, possessed, sold or distributed at school for at any school-related activity in violation of state law and school board policy.
- B. The report may be made orally or by mailing a copy of the discipline record form to the WSPD, KPD, or FCSD, as needed.
- C. Any confiscated controlled substance shall be turned over to law enforcement personnel for identification, if necessary, or disposal.

VII. Drug Testing Regulations and Procedures

A. Types of testing

1. Voluntary random alcohol/drug testing. This is an expansion of the "It's My Call Program" to include all middle and high schools.
2. Mandatory random alcohol/drug testing program. All high school students who participate in extra-class activities as defined in Policy and AR 6145, "School Sponsored Extra-Class Activities", will be required to participate in random alcohol/drug testing, the "It's Our Call" Program. If participation in an after school activity is required to earn credit or a grade in a course, the activity is not considered an extra-class activity. Participation in extra-class activities does not include attendance at school events such as athletic contests and drama productions.
3. Reasonable cause alcohol/drug testing program. In the event a school administrator determines after appropriate investigation that a student is at school or a school activity under the influence of alcohol/drugs and the student denies being under the influence, the student will be offered the opportunity for an alcohol/drug test with parent knowledge and/or consent.

B. Permission forms, sign ups, data collection and record keeping.

1. Student/parent permission required. Each student and each student's custodial parent/guardian (unless the student is 18 years old or emancipated) wishing to participate in extra-class activities, the "It's Our Call" Program, and in the voluntary "It's My Call" Program must give consent in writing for random alcohol and drug testing and for the release of the test results to: WS/FCS's Drug Testing Administrator, the Medical Review Officer (MRO); the student and the student's custodial parent/guardian; and the school principal or his/her designee on a form provided by WS/FCS.
2. Creation of databases. Each school shall create using SIMS software a unified student database listing those students who have joined the "It's My Call/It's Our Call" programs.

3. Sign-up schedule. Students will be encouraged to "sign-up" for both the "It's My Call" and "It's Our Call" programs during the first week of the school year. The enrollment shall be for the entire time that a student is in high school rather than for one year. Students may sign-up at any time in the school year.

4. Process of random selection. It shall be the responsibility of the WS/FCS's test administrator to maintain for each of the regular high schools and the two special high schools, Carter Vocational and Griffith, a separate but unified database consisting of all students who have given permission for testing under both the "It's My Call" and "It's Our Call" programs. Based on the WS/FCS budget, the test administrator will randomly select approximately 1 percent of the students subject to testing at each school 10 times per school year on a random schedule. The day of testing shall be varied so that testing does not become predictable. Because of their low enrollments, the students at Carter Vocational High School may be tested at Parkland High School.

C. (Method of collection of urine samples)

D. Substances tested for and types of tests.

1. Substances.

- a. Students may be tested for any of the following substances: alcohol, marijuana, amphetamines, barbiturates, cocaine, opiates and benzodiazepines.
- b. At the recommendation of the test administrator, students may be tested any other or additional substances.

2. (Screening test)

3. (Confirming test)

4. (Split sample)

5. (Reasonable cause testing for alcohol)

6. (Standards for positive test)

7. (Use of licensed laboratory only)

E. (Duties of medical review officer)

F. Consequences of a positive test

1. It's My Call Program. A student who tests positive shall be excluded from the "It's My Call Program" unless the student with his/her parent's/guardian's knowledge and consent agrees to participate in an assessment provided by Step One within five (5) days of the receipt of the results and an intervention program recommended by Step One and shall be suspended from the "It's My Call Program" for 365 days.
2. It's Our Call Program. A student who tests positive shall be ineligible for participation in extracurricular activities, including athletics, for a period of 365 calendar days unless the student with his/her parent's/guardian's knowledge and consent agrees to participate in an assessment provided by Step One within five (5) days of the receipt of the results and an intervention program provided by Step One at WS/FCS expense. If the student needs a more intensive treatment program than can be provided by Step One, the student shall be

referred to an appropriate service provider by Step One. In addition, a student and a student's parent may prefer to enroll the student in an alternative intervention program.

Programs not provided by Step One must be provided at parent's expense. If the student agrees to the assessment and enrolls in the recommended intervention program, the student may continue his/her participation in extra-class activities.

3. Reasonable cause testing. A positive test shall be considered corroborative evidence in support of the other findings that the student was under the influence of alcohol or drugs at school or a school activity. If it is the student's first offense and the student agrees to be assessed by the Step One and to participate in the intervention program, the student shall be re-admitted to the regular school program subject to the student's continued participation in the intervention program. If it is a second offense, the student is subject to expulsion.

G. Confidentiality

The test administrator and his/her agent and employees shall maintain the confidentiality of all personally identifiable student information and test results.

— June 2005

AR 5131

Guidelines for Student Discipline

Changes in state law during the summer of 2011 require the Board of Education to make substantial changes to its discipline policies. The board is scheduled to update its policies in August 2011, which is after this book is printed. Copies of the new policies will be printed and given to all students once they are approved. In the meantime, please ask your principal or the school attorney if you have questions about specific consequences.

