

Swain County Schools Code of Conduct

Welcome to the Swain County school family. Our system is home to five schools and over 2000 students. We believe success is only possible if our community, staff, parents and students work together. This Code of Conduct is designed to provide a foundation of understanding toward that goal. You are encouraged to review this document with your son or daughter and discuss the information. Please note, this is not a comprehensive list of policies and procedures. The school board policies serve as the basis for all decisions in the school system. You can find these policies at <https://bit.ly/2mlfu36>. Each individual school develops procedures to fulfill the responsibilities outlined in these policies. You are able to access each school handbook by visiting the school webpage. If you need more information or have questions, please begin by contacting one of these schools at the numbers below. Thank you for becoming a partner with us in educating our youth. We are pleased to work with you and look forward to a safe and successful school year.

Swain County Schools
828-488-3129
150 Main Street
Bryson City, NC 28713
Superintendent - Mark Sale

Swain West Elementary
828-488-2119
4142 Hwy. 19 West
Bryson City, NC 28713
Principal - Vicki Davis

Bright Adventures Pre-K
828-488-1494
249 School Drive
Bryson City, NC 28713
Director-Trisha Chapman

Swain Middle School
828-488-3480
135 Arlington Ave.
Bryson City, NC 28713
Principal - Brandon Sutton

Swain East Elementary
828-488-0939
4747 Ela Road
Bryson City, NC 28713
Principal - Evan Clapsaddle

Swain High School
828-488-2152
1415 Fontana Rd.
Bryson City, NC 28713
Principal - Sonya Blankenship

Swain County Schools Strategic Plan 2018-2021

Motto:

Our Best and
Then Some

Hashtags:

#MaroonStrong
#SwainFamily

Vision:

To prepare every student
to pursue a career and
to lead a balanced life

Mission:

We will:

*Take personal responsibility for our
actions and think before we act
Know our goals and create a plan
to achieve them*

*Identify priorities and work before we play
Work for the benefit of all without
compromising principles*

*Treat others with respect, listening to
understand before we respond*

*Accomplish more by working together
Strive to live a balanced life, taking care
of body, mind, heart, and spirit*

**Live *The Leader in Me* Principles
Daily**

Areas of Focus

Relationships

By 2020, every school in the
Swain County School district will be a
transforming school.

Leadership

By 2020, every school in the
Swain County School district will be an
innovative school.

Curriculum and Instruction

By 2020, every school in the
Swain County School district will be a
transforming school in the areas of:

- Instructional Planning
- Assessment and Data
- Innovative Instruction

*Engagement, Personalized Learning,
Instructional Tools, and Learning Spaces*

System Priorities

Intentionality in creating a culture of

- Success for every child
- Health and Wellness
- High expectations
- Planning and Reflection
- Safety

The Swain County School Board has developed policies in collaboration with the North Carolina School Board Association to meet the requirements of a sound basic education for every student as defined in Leandro v. State (Board policy 1010 <https://bit.ly/2mUhfF2>). We are committed to working with students, parents, and the community in our pursuit of success for every student.

Attendance

To achieve success in these areas it is vital all students regularly attend school. School board policy 4400 states:

Through regular attendance, students develop patterns of behavior essential to professional and personal success in life. Regular attendance by every student is mandatory. The State of North Carolina requires that every child in the State between the ages of 7 (or younger if enrolled) and 16 attend school. Parents and legal guardians are responsible for ensuring that students attend and remain at school daily. <https://bit.ly/2mS3syr>

Please be familiar with the procedures from each school regarding attendance. You can find these in the student handbooks. Also, remember each student begins the school year with five days that can be excused through parent notes according to board policy. After this, excuses must be provided by a doctor or other official verifying the occurrence of a lawful absence.

Arriving at school on time and staying through the end of the school day are equally important. Excused tardy and dismissal follow the same guidelines as absences. Arriving late or leaving early too often will naturally affect the grades of students. Student handbooks will also provide guidance for these procedures.

Student Grading

Swain County schools wants to work with every family for student growth. This requires student assessment system as stated in board policy 3400. The elementary schools have heavily invested in the standards based learning process. Information regarding this can be found at Youtube - [Standards Based Learning https://bit.ly/2zMrxju](https://bit.ly/2zMrxju).

The middle and high school largely use a ten point grading system. Report cards normally go home with students five days after the end of each nine weeks and at mid quarter reports at 4/12 weeks. The freshman academy in the high school follows a more frequent reporting timeline and is also using standards based learning and assessment. Student grades can always be accessed through the Parent Portal in Powerschool. An app is available at the Google Playstore and itunes.

North Carolina requires high school students must take all end-of-course (EOC) tests, NC Final Exams, and Career and Technical Education State Assessments (CTE Post-Assessments) required by the State Board of Education. The results of EOC tests, NC Final Exams, and CTE Post-Assessments will count as 20 percent of a student's final grade in each high school course for which there is an EOC test, NC Final Exam, or CTE Post-Assessment. This requirement does not apply to EOC tests for students following the Occupational Course of Study. Further, CTE

students who earn a credential will not be required to take the CTE Post-Assessment in the course.

Standardized Testing

Most standardized testing is scheduled for the end of the fall and spring semester. Please do not schedule trips or absences during the last ten days of semester to insure student participation in these tests.

Promotion

The Swain County Board of Education believes that students should progress to the next level of study only after they are proficient in their knowledge and application of the current curriculum level. To the extent reasonably possible, students should be given as much time or as little time as they need to be proficient at a particular level of study.

The standards will be based, in part, upon proficiency in reading. The standards and process for promotion must provide multiple methods for determining a student's readiness. These will include reading progress, formative assessment and test grades, standardized test scores, diagnostic assessments, a portfolio of the student's work, and, when appropriate, accepted standards for assessing developmental growth. Principals have the authority to promote or retain students. To the extent possible, students with disabilities must be held to the same promotion standards as all other students. However, for students who take alternative assessments in lieu of the end-of-grade (EOG) or end-of-course (EOC) tests, promotion decisions must be based on criteria recommended by the IEP team. (Board Policy 3420 <https://bit.ly/2mkFfk7>)

Credit by Demonstrated Mastery

Students in grades 9 through 12 to earn course credit by demonstrating mastery of course material without first completing the regular period of classroom instruction in the course. Students in grades 6 through 8 may earn credit by demonstrated mastery for high school courses offered in middle school. To earn credit by demonstrated mastery, students must demonstrate a deep understanding of the content standards and application of knowledge through a multi-phase assessment, in accordance with standards established by the State Board of Education and any additional standards established by the superintendent. For more information, contact the guidance counselor at the middle or high school. (Board Policy 3420) for more information <https://bit.ly/2NRNeSe>

Graduation

In order to graduate from high school, students must meet the following requirements:

1. successful completion of 28 course credits (22 for students in the Occupational Course of Study) in the chosen course of study and all other course requirements mandated by the State Board of Education;
2. successful completion of cardiopulmonary resuscitation instruction; and
3. successful completion of all additional courses and other requirements mandated by the local board of education. (Board Policy 3460 <https://bit.ly/2mlvoKY>)

Parent Participation

The Swain County Board of Education recognizes the critical role of parents in the education of

their children and in the schools. Each parent is encouraged to learn about his or her student's growth and the goals of the schools. Parents are also encouraged to participate in support through parent-teacher organizations, booster clubs, and volunteer opportunities. Several opportunities to attend school events will be scheduled at each school during the school year including open houses, special events, and after school or extra curricular programs. Each school provides a calendar of events on their school webpage. Parent conferences with teachers and administration are vital for the growth of every student. They can be scheduled at any time by contacting the office of each school. Communication can also be through email using the address provided by the school system for each employee. For more information about parent involvement and communication please go to school board policy 1310/1402 (<https://bit.ly/2LsEQqG>)

Parents, guardians and school employees must work together in helping students to learn and practice acceptable standards of behavior. At a minimum, parents should be involved in conferences whenever there are repeated violations of the board policies, the Code of Conduct, school standards or school rules or whenever there is a serious violation that may result in removing the student from his or her regular educational environment for any extended period of time. Parents also have the right to inspect or obtain copies of student records as provided in policy 4700 (<https://bit.ly/2zMc9Ug>) Student Records. If a principal decides to impose a short-term suspension or recommend a long-term suspension, the guideline of board policies 4351 (<https://bit.ly/2zJu5iB>) and 4353 (<https://bit.ly/2urJQ8M>) will be followed.

All records of parental contact should be maintained in the student's records and retained at least through the end of the school year in accordance with board policy 4345 <https://bit.ly/2zQDq8f> Student Discipline Records.

Student Behavior

All decisions related to student behavior are guided by the Swain County Board of Education's educational objective to teach responsibility and respect for cultural and ideological differences and by the board's commitment to creating safe, orderly and inviting schools.

The reasons for managing student behavior are to (1) create an orderly environment in which students can learn; (2) teach expected standards of behavior; (3) help students learn to accept the consequences of their behavior; and (4) provide students with the opportunity to develop self-control. The following principles apply in managing student behavior:

1. Student behavior management strategies will complement other efforts to create a safe, orderly and inviting environment.
2. Positive behavioral interventions will be employed as appropriate to improve student behavior.
3. Responsibility, integrity, civility and other standards of behavior will be integrated into the curriculum.
4. Disruptive behavior in the classroom will not be tolerated.
5. Consequences for unacceptable behavior will be designed to help a student learn to comply with rules, to be respectful, to accept responsibility for his or her behavior and to develop self-control.
6. Strategies and consequences will be age and developmentally appropriate.

At the beginning of each school year, principals shall make available to each student and parent all of the following: (1) the Code of Student Conduct; (2) any board policies related to behavior that are not part of the Code of Conduct; (3) any related administrative procedures; (4) any additional discipline-related information from the school's student behavior management plan, including behavior standards, prohibited conduct or disciplinary measures; and (5) any other school rules. This information must be available at other times upon request and must be made available to students enrolling during the school year and their parents.

Students must comply with the Code of Conduct and board and school behavior policies in the following circumstances:

1. while in any school building or on any school premises before, during or after school hours;
2. while on any bus or other vehicle as part of any school activity;
3. while waiting at any school bus stop;
4. during any school-sponsored activity or extracurricular activity;
5. when subject to the authority of school employees; and
6. at any place or time when the student's behavior has or is reasonably expected to have a direct and immediate impact on the orderly and efficient operation of the schools or the safety of individuals in the school environment.

Violations of the Code of Student Conduct must be dealt with in accordance with the guidelines established in the school's behavior management plan

Minor violations of the Code of Student Conduct are those less severe infractions involving a lower degree of dangerousness and harm. Examples of minor violations include the use of inappropriate or disrespectful language, noncompliance with a staff directive, dress code violations and minor physical altercations that do not involve a weapon or an injury. Aggravating circumstances, however, may justify treating an otherwise minor violation as a serious violation.

Minor violations of the Code of Student Conduct may result in disciplinary measures or responses up to and including short-term suspension. Further information regarding the procedures for short-term suspensions is provided in policy 4351 <https://bit.ly/2zJu5iB> , Short-Term Suspension. Other disciplinary measures or responses may include, but are not limited to, the following:

- a. parental involvement, such as conferences;
- b. isolation or time-out for short periods of time;
- c. behavior improvement agreements;
- d. instruction in conflict resolution and anger management;
- e. peer mediation;
- f. individual or small group sessions with the school counselor;
- g. academic intervention;

- h. in-school suspension;
- i. detention before and/or after school or on Saturday;
- j. community service;
- k. exclusion from graduation ceremonies;
- l. exclusion from extracurricular activities;
- m. suspension from bus privileges; and
- n. placement in an alternative school.

The parent is responsible for transportation that may be required to carry out a consequence. With the exception of suspension from bus privileges, if a parent is unable to provide transportation, another consequence will be substituted.

2. Serious Violations

Serious violations of the Code of Student Conduct may result in any of the consequences that may be imposed for minor violations. In addition, serious violations that threaten to substantially disrupt the educational environment may result in long-term suspension, and serious violations that threaten the safety of students, school employees or school visitors may result in long-term suspension or expulsion. Certain violations involving firearms or destructive devices may result in a 365-day suspension. Further information regarding the standards and procedures for long-term suspensions, 365-day suspensions and expulsions is provided in policies 4351 <https://bit.ly/2zJu5iB> , Short-Term Suspension, and 4353 <https://bit.ly/2urJQ8M> , Long-Term Suspension, 365-Day Suspension, Expulsion. (See also policy 4333 <https://bit.ly/2NWO1Bt> , Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety, for information regarding 365-day suspensions for certain violations involving firearms or destructive devices.)

The superintendent is responsible for supervising the enforcement of student behavior policies and the Code of Student Conduct to ensure that school disciplinary policies are uniformly and fairly applied throughout the school system

Athletic and Extra-Curricular Activities

The Swain County School District is committed to promoting the well-being, personal development, safety and successful performance of all of its students. For the violation of any school or school system policies, Code of Student Conduct, and any other school rule and regulation, the student involved in the activity/athletic program shall be treated as any other student and may be further penalized as set out hereinbelow. Students suspended or expelled from school may not participate in extracurricular activities during the period of school exclusion.

Basic Conduct for Athletic and Activity Participants

Because students involved in athletics and activities perform and represent their schools in public, they are expected to conduct themselves at all times in a manner that will reflect the high standards and ideals of their activity, team, school, school system and community. They are expected to demonstrate their non-use and non-tolerance of harmful substances and they are

expected to conduct themselves and their behavior in accordance with their respective school and school system disciplinary policies and regulations, and Codes of Student Conduct.

Any student participant who willfully performs any act which materially interferes with or is detrimental to the orderly operation of a school's activities, treatment of other students, teachers and school staff, and the athletic and extracurricular activity program itself will be subject to athletic/extracurricular activities discipline. Such acts may include school and non-school activity performed either on or off campuses and the discipline may include temporary or permanent suspension of a participant from the activities/athletic program.

In deciding the discipline school officials may consider the student's intent, disciplinary and academic history, the potential benefits to the student of alternatives to suspension, and other mitigating or aggravating factors when deciding whether to recommend or impose suspension from participation in student athletic and extracurricular activities. Further, school officials may use a full range of responses to violations of disciplinary rules, such as conferences, counseling, peer mediation, behavior contracts, instruction in conflict resolution and anger management, detention, community service, and other similar tools that do not temporarily or permanently remove a student from extra-curricular activities.

*Each student activity participant and their parents/guardians shall be required to review and sign a copy of this policy as they enter Middle School and High School or when the student commences participating in athletics or the extra-curricular activity at either school.

School Personnel Authority

The principal has the authority and responsibility to investigate and take appropriate action regarding any prohibited or criminal student behavior and any other behavior appropriately referred to him or her. The principal is responsible for informing students and parents of any standards or rules that, if violated, could result in short-term or long-term suspension or expulsion.

The teacher has the authority and responsibility to manage student behavior in the classroom and when students are under his or her supervision. The teacher is expected to implement the student behavior management plan and any other school standards or rules. The teacher may develop other standards or rules consistent with the direction provided by the board, superintendent and school principal. Every teacher, student teacher, substitute teacher, voluntary teacher, teacher assistant or other school employee is required to report to the principal all acts of violence occurring in school, on school grounds or at any school-sponsored activity.

Teachers and other school personnel have the authority to manage or remove disruptive or dangerous students from the classroom and other locations within the school building. School personnel may use reasonable force to control behavior or to remove a person from the scene in those situations when necessary:

1. to correct students;
2. to quell a disturbance threatening injury to others;
3. to obtain possession of a weapon or another dangerous object on the person, or within the control, of a student;
4. for self-defense;

5. for the protection of persons or property; or
6. to maintain order on school property, in the classroom, or at a school-related activity whether on or off school property.

Except as restricted by G.S. 115C-391.1, school personnel may use appropriate seclusion and restraint techniques reasonably needed in the circumstances described above as long as such use is consistent with state law and applicable board policies and procedures.

Students must comply with all directions of principals, teachers, substitute teachers, student teachers, teacher assistants, bus drivers and all other school personnel who are authorized to give such directions during any period of time when they are subject to the authority of such personnel.

Civility, Integrity, Honesty

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

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

1. cheating, including the actual giving or receiving of any unauthorized assistance or the actual giving or receiving of an unfair advantage on any form of academic work;
2. plagiarizing, including copying the language, structure, idea and/or thought of another and representing it as one's own original work;
3. violating copyright laws, including the unauthorized reproduction, duplication and/or use of printed or electronic work, computer software, or other copyrighted material;
4. cursing or using vulgar, abusive or demeaning language toward another person; and
5. playing abusive or dangerous tricks or otherwise subjecting a student or an employee to personal indignity.

Board Policy 4310 <https://bit.ly/2L3ss4k>

Discrimination, Bullying, Harassment

The Swain County Board of Education acknowledges the dignity and worth of all students and employees and strives to create a safe, orderly, caring, and inviting school environment to facilitate student learning and achievement. The board prohibits discrimination on the basis of race, color, national origin, sex, disability, or age and will provide equal access to the Boy Scouts and other designated youth groups as required by law. The board will not tolerate any form of unlawful discrimination, harassment, or bullying in any of its educational or employment activities or programs. Any violation of this policy will be considered serious and school officials shall promptly take appropriate action to address the violation.

Students, school system employees, volunteers, and visitors are expected to behave in a civil and respectful manner. The board expressly prohibits unlawful discrimination, harassment, and

bullying by students, employees, board members, volunteers, or visitors. “Visitors” includes parents and other family members and individuals from the community, as well as vendors, contractors, and other persons doing business with or performing services for the school system.

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

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

For definitions of discrimination, bullying, and harassment please see Board Policy 1710/4021/7230 (<https://bit.ly/2L2A0Ep>).

Any person who believes that he or she has been discriminated against, harassed, or bullied in violation of this policy by any student, employee, or other person under the supervision and control of the school system, or any third person who knows or suspects conduct that may constitute discrimination, harassment, or bullying, should inform a school official designated to receive such complaints, as described in policy 1720/4015/7225 Discrimination, Harassment, and Bullying Complaint Procedure <https://bit.ly/2uu5t8i> .

Students will be disciplined in accordance with the school’s student behavior management plan (see policy 4302 School Plan for Management of Student Behavior <https://bit.ly/2NWVe3x>). Based on the nature and severity of the offense and the circumstances surrounding the incident, the student will be subject to appropriate consequences and remedial actions ranging from positive behavioral interventions up to, and including, expulsion. In addition, the violation may also be reported to law enforcement, as appropriate.

Incidents of misbehavior that do not rise to the level of discriminatory harassment or bullying may violate acceptable standards of student behavior, including, but not limited to, the expectation that students will demonstrate civility and integrity in their actions and interactions with others. See policy 4310 Integrity and Civility <https://bit.ly/2L3ss4k>. The consequences for such behavior will be consistent with applicable board policy and the Code of Student Conduct.

This policy will not be construed to allow school officials to punish student expression or speech based on undifferentiated fear or apprehension of a disturbance or out of a desire to avoid the discomfort and unpleasantness that may accompany an unpopular viewpoint.

School administrators shall consider whether the misconduct warrants more than just a response at the individual level. Given the nature and severity of the misconduct, the administrators may determine that a classroom, school-wide, or school system-wide response is necessary. Such classroom, school-wide, or school system-wide responses may include additional staff training, harassment and bullying prevention programs, and other measures deemed appropriate by the superintendent to address the behavior. The actions taken must be reasonably calculated to end the behavior, eliminate a hostile environment and its effects if one has been created, and prevent

recurrence of the behavior.

The superintendent has appointed the following individuals to coordinate the school system's efforts to comply with and carry out its responsibilities under federal non-discrimination laws. These responsibilities include investigating any complaints communicated to school officials alleging noncompliance with Title VI or Title IX of the Civil Rights Act, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act (ADA), the Age Discrimination Act and/or the Boy Scouts Act, or alleging actions which would be prohibited by those laws.

Title Name: Phone Number: - 828-488-3129	IX Tommy	Coordinator Dills
Section Name: Phone Number: 828-488-3129	504 Mike	Coordinator Treadway
ADA Name: Phone Number: 828-488-3129	Mike	Coordinator Treadway
Coordinator Name: Phone Number: 828-488-3129	for Other Toby	Non-discrimination Laws Burrell

(Board Policy 1710/4021/7230 <https://bit.ly/2L2A0Ep>)

Reporting Discrimination, Bullying, Harassment

The Swain County Board of Education takes seriously all complaints of unlawful discrimination, harassment, and bullying. The process provided in this policy is designed for those individuals who believe that they may have been discriminated against, bullied, or harassed in violation of policy 1710/4021/7230, Prohibition Against Discrimination, Harassment, and Bullying, or policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities. Individuals who have witnessed or who have reliable information that another person has been subject to unlawful discrimination, harassment, or bullying also should use the process provided in this policy to report such violations to one of the school system officials listed in subsection C.1. In addition, the process in this policy should be used to report a violation of policy 4040/7310, Staff-Student Relations.

Any report made through the process established in this policy may be made anonymously, except mandatory employee reports. The school system will ensure that institutional interests do not interfere with the impartiality of the process for investigating and resolving complaints established in this policy.

Any individual, who believes that he or she has been discriminated against, harassed, or bullied is strongly encouraged to file a complaint orally or in writing to any of the following individuals:

A. the principal or assistant principal of the school at which either the alleged perpetrator or alleged victim attends or is employed;

- B. an immediate supervisor if the individual making the complaint is an employee;
- C. the superintendent if the alleged perpetrator or alleged victim is an employee of the school system (or the superintendent if the superintendent is the alleged perpetrator);
- D. any board member if the alleged perpetrator is the superintendent;
- E. the Title IX coordinator for claims of sex discrimination or sexual harassment (see policy 1710/4021/7230 for contact information);
- F. the Section 504 coordinator or the ADA coordinator for claims of discrimination on the basis of a disability (see policy 1710/4021/7230 for contact information); or for claims of other forms of prohibited discrimination, the applicable civil rights coordinator as established in policy 1710/4021/7230.

School officials shall sufficiently investigate all reports of discrimination, harassment, or bullying, even if the alleged victim does not file a complaint or seek action by school officials, to understand what occurred and to determine whether further action under this policy or otherwise is necessary. School officials shall take such action as appropriate under the circumstances, regardless of the alleged victim's willingness to cooperate. At the option of the alleged victim, the report may be treated as a complaint by the alleged victim under this policy.

A complaint should be filed as soon as possible but no later than 30 days after disclosure or discovery of the facts giving rise to the complaint. Complaints submitted after the 30-day period may be investigated; however, individuals should recognize that delays in reporting may significantly impair the ability of school officials to investigate and respond to such complaints.

Many complaints may be addressed informally without a full investigation and/or hearing, through such methods as conferences or mediation. The school system will attempt to use informal procedures such as mediation to the extent possible in appropriate cases and when all parties voluntarily agree after receiving a full disclosure of the allegations and the option for formal resolution; however, mediation or other informal procedures will not be used to resolve complaints alleging sexual assault or sexual violence, complaints by a student of sexual harassment perpetrated by an employee, or when otherwise deemed inappropriate by the investigator or applicable civil rights coordinator.

If an informal process is used, the principal or other designated personnel must (1) notify the complainant that he or she has the option to end the informal process and request begin formal procedures at any time and (2) make a copy of this policy and other relevant policies available to the complainant. Any informal process should be completed within a reasonable period of time, not to exceed 30 days unless special circumstances necessitate more time. In those circumstances in which informal procedures fail to resolve the matter in a reasonable period of time or are inappropriate, or if in which the complainant requests formal procedures, the complaints will be investigated promptly, impartially, and thoroughly according to the procedures outlined in the remainder of this policy.

For an explanation of the investigation and appeals process, please refer to Board Policy 1720/4015/7225 <https://bit.ly/2uu5t8i>.

Assault Threats Harassment

The Swain County Board of Education will not tolerate assaults, threats or harassment from any student. Any student engaging in such behavior will be removed from the classroom or school environment for as long as is necessary to provide a safe and orderly environment for learning.

1. Assault

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 includes engaging in a fight.

2. Threatening Acts

Students are prohibited from directing toward any other person any language that threatens force, violence or disruption, or any sign or act that constitutes a threat of force, violence or disruption.

3. Harassment

Students are prohibited from engaging in or encouraging any form of harassment, including bullying and cyberbullying of students, employees or other individuals on school grounds, at school-related functions, and at any time or place when the behavior has a direct and immediate effect on maintaining order and discipline in the schools. Harassment is unwanted, unwelcome and uninvited behavior that demeans, threatens or offends the victim and results in a hostile environment for the victim. The hostile environment may be created through pervasive or persistent misbehavior or a single incident if sufficiently severe. Board Policy 4331 <https://bit.ly/2LnZmcg>

Use of Wireless Technology

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

A. Authorized Use
Administrators may authorize individual students to use wireless communication devices for personal purposes when there is a reasonable need for such communication. Students with medical conditions requiring wireless communication should work with the school administration for approval. Teachers and administrators may authorize individual students to use the devices for instructional purposes, provided that they supervise the students during such use. In addition, elementary and middle All school students who participate in after-school and extracurricular programs are prohibited from using wireless communication devices during such programs. Although use generally is permitted before and after school, use of cellular phones and other wireless communication devices may be prohibited on school buses when noise from such devices interferes with the safe operation of the buses

B. Consequences for Unauthorized Use
School employees may immediately confiscate any wireless communication devices that are on,

used, displayed or visible in violation of this policy. Absent compelling and unusual circumstances, confiscated wireless communication devices will be returned only to the student's parent.

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

The following factors should be considered when determining appropriate consequences: whether the wireless communication device was used (1) to reproduce images of tests, obtain unauthorized access to school information or assist students in any aspect of their instructional program in a manner that violates any school board policy, administrative regulation or school rule; (2) to take illicit photographs; (3) to use cell phones for any type of bullying or harassment; (4) to make bomb threats or fraudulent calls to a school, police or emergency management services; or (5) in any other manner that would make more severe disciplinary consequences appropriate.

C. Search of Wireless Communication Devices

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

D. Liability
Students are personally and solely responsible for the security of their wireless communication devices. The school system is not responsible for the theft, loss or damage of a cellular phone or other personal wireless communication device. Board Policy 4318 <https://bit.ly/2Ak7BF7>

Use of School Technology

The use of school system technological resources, including access to the Internet, is a privilege, not a right. Individual users of the school system's technological resources are responsible for their behavior and communications when using those resources. Responsible use of school system technological resources is use that is ethical, respectful, academically honest and supportive of student learning. Each user has the responsibility to respect others in the school community and on the Internet. Users are expected to abide by the generally accepted rules of network etiquette. These rules are intended to clarify expectations for conduct but should not be construed as all-inclusive.

All students and employees must be informed annually of the requirements of this policy and the methods by which they may obtain a copy of this policy. Before using school system technological resources, students and employees must sign a statement indicating that they understand and will strictly comply with these requirements and acknowledging awareness that the school system uses monitoring systems to monitor and detect inappropriate use of technological resources. Failure to adhere to these requirements will result in disciplinary action, including revocation of user privileges. Willful misuse may result in disciplinary action and/or criminal prosecution under applicable state and federal law.

Rules for Use of School Technical Resources

1. School system technological resources are provided for school-related purposes only. Acceptable uses of such technological resources are limited to responsible, efficient and legal activities that support learning and teaching. Use of school system technological resources for commercial gain or profit is prohibited. Student personal use of school system technological resources for amusement or entertainment is also prohibited. Because some incidental and occasional personal use by employees is inevitable, the board permits infrequent and brief personal use by employee so long as it occurs on personal time, does not interfere with school system business and it not otherwise prohibited by board policy or procedure.
2. Under no circumstances may software purchased by the school system be copied for personal use except where allowed by the terms of use of the software.
3. Students and employees must comply with all applicable laws, including those relating to copyrights and trademarks, confidential information, and public records. Any use that violates state or federal law is strictly prohibited. Plagiarism of Internet resources will be treated in the same manner as any other incidents of plagiarism.
4. No user of technological resources, including a person sending or receiving electronic communications, may engage in creating, intentionally viewing, accessing, downloading, storing, printing or transmitting images, graphics (including still or moving pictures), sound files, text files, documents, messages or other material that is obscene, defamatory, profane, pornographic, harassing, abusive or considered to be harmful to minors.
5. The use of anonymous proxies to circumvent content filtering is prohibited.
6. Users may not install or use any Internet-based file sharing program designed to facilitate sharing of copyrighted material.
7. Users of technological resources may not send electronic communications fraudulently (i.e., by misrepresenting the identity of the sender).
8. Users must respect the privacy of others. When using e-mail, chat rooms, blogs or other forms of electronic communication, students must not reveal personal identifying information, or information that is private or confidential, such as the home address or telephone number, credit or checking account information or social security number of themselves or fellow students. For further information regarding what constitutes personal identifying information, see policy 4705/7825 (<https://bit.ly/2JyomM7>) Confidentiality of Personal Identifying Information. In addition, school employees must not disclose on school system websites or web pages or elsewhere on the Internet any personally identifiable, private or confidential information concerning students (including names, addresses or pictures) without the written permission of a parent or guardian or an eligible student, except as otherwise permitted by the Family Educational Rights and Privacy Act (FERPA) or policy 4700 (<https://bit.ly/2zMc9Ug>) Student Records. Users also may not forward or post personal communications without the author's prior consent.
9. Users may not intentionally or negligently damage computers, computer systems, electronic devices, software, computer networks or data of any user connected to school system technological resources. Users may not knowingly or negligently transmit computer viruses or self-replicating messages or deliberately try to degrade or disrupt system

performance. Users must scan any downloaded files for viruses.

10. Users may not create or introduce games, network communications programs or any foreign program or software onto any school system computer, electronic device or network without the express permission of the technology director or designee.

11. Users are prohibited from engaging in unauthorized or unlawful activities, such as "hacking" or using the computer network to gain or attempt to gain unauthorized or unlawful access to other computers, computer systems or accounts.

12. Users are prohibited from using another individual's ID or password for any technological resource without permission from the individual. Students must also have permission from the teacher or other school official

13. Users may not read, alter, change, block, execute or delete files or communications belonging to another user without the owner's express prior permission.

14. Employees shall not use passwords or user IDs for any data system (e.g., the state student information and instructional improvement system applications, time-keeping software, etc.) for an unauthorized or improper purpose.

15. If a user identifies a security problem on a technological resource, he or she must immediately notify a system administrator. Users must not demonstrate the problem to other users. Any user identified as a security risk will be denied access.

16. Teachers shall make reasonable efforts to supervise students' use of the Internet during instructional time.

17. Views may be expressed on the Internet or other technological resources as representing the view of the school system or part of the school system only with prior approval by the superintendent or designee.

Board Policy 3225/4312/7320 <https://bit.ly/2uuBm0K>

Disruptive Behavior

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

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

1. intentional verbal or physical acts that result or have the potential to result in blocking access to school functions or facilities or preventing the convening or continuation of school-related functions;

2. appearance or clothing that (1) violates a reasonable dress code adopted and publicized by the school; (2) is substantially disruptive; (3) is provocative or obscene; or (4) endangers the health or safety of the student or others
3. possessing or distributing literature or illustrations that significantly disrupt the educational process or that are obscene or unlawful;
4. engaging in behavior that is immoral, indecent, lewd, disreputable or of an overly sexual nature in the school setting;
5. failing to observe established safety rules, standards and regulations, including on buses and in hallways; and
6. interfering with the operation of school buses, including delaying the bus schedule, getting off at an unauthorized stop, and willfully trespassing upon a school bus.) Board Policy 4315 <https://bit.ly/2Jw7IIQ>)

School Transportation

School transportation service is a privilege. Students shall observe the directives of the school bus driver at all times while riding the bus or any school vehicle. Video cameras are used as supportive information concerning bus behavior. The following is prohibited and may result in temporary or permanent suspension from school transportation or other sanctions:

1. Intentionally delaying the bus schedule.
2. Fighting, tobacco use or possession, using profanity or refusing to obey the driver's instructions.
3. Tampering with or willfully damaging a school vehicle.
4. Possessing, being under the influence, using, or distributing unauthorized or illegal drugs of intoxicating beverages as outlined in board policy 4325.
5. Leaving the bus at an unauthorized stop.
6. Distracting the driver's attention by participating in disruptive behavior while the vehicle is in operation.
7. Failing to observe established safety rules and regulations.
8. Willfully trespassing upon a school bus.
9. Violating any other rule in the Code of Student Conduct while on a school bus or other school vehicle.

Trespassing

Students are prohibited from trespassing on school property. A student will be considered a trespasser and may be criminally prosecuted in any of the following circumstances:

- a. the student 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 that school;
- b. the student is loitering at any school after the close of the school day without any specific need or supervision; or
- c. the student has been suspended from school but is on the property of any school during the suspension period without the express permission of the principal.

Dress Code

The Swain County Board of Education believes that the dress and personal appearance of students greatly affect their academic performance and their interaction with other students. Students are expected to adhere to standards of cleanliness and dress that are conducive to learning. Generally, dress and grooming standards as determined by the student and his or her parents will be deemed acceptable. However, the board prohibits any appearance or clothing that violates a reasonable dress code adopted and publicized by the school; is substantially disruptive; is provocative or obscene; or endangers the health or safety of the student or others.

Each principal shall maintain a dress code, subject to the approval of the superintendent, to assist students in determining appropriate dress for school. Principals are responsible for determining a **developmentally appropriate** the dress code at each school and should seek input from students, parents and staff. The following standards shall be included in the dress code of each school and shall apply to all students.

1. All undergarments shall be covered at all times when sitting or standing.
2. Shirts and tops must be long enough to cover the midriff when sitting or standing, and shirts, tops and dresses must cover the back, chest and shoulders. The top of the collar may not dip more than three inches below the collar bone.
3. Shorts, dresses and skirts must be long enough to reach five inches above the knee. the fingertips when the arms and fingertips are extended toward the knees. An exception will be for activity appropriate clothing for extra-curricular or athletic participation under the direct supervision of a coach, teacher, or sponsor.

Copies of the dress code shall be provided to parents and students at the beginning of each school year. Reasonable accommodations shall be allowed for students who, for religious, cultural or medical reasons, request permission to waive a particular provision of the dress code. Such requests shall require prior approval by the principal. (Board Policy 4316 <https://bit.ly/2NpbTfU>)

Tobacco

The Swain County school system is committed to the health and safety of all students and staff. The school board believes the use of tobacco on school grounds, in buildings, or on any school property is detrimental to the students, staff, and visitors. For this reason, the board has adopted a tobacco free policy that prohibits smoking, the use of smokeless tobacco or any product derived from tobacco that is intended for human consumption while on school property. This includes electronic cigarettes, vaporizers, and any other smoking devices even if they do not contain tobacco or nicotine. This policy applies during any school event or school sponsored event. (Board Policy 5026 <https://bit.ly/2zJYwFp>)

Drugs and Alcohol

Unauthorized or illegal drugs and alcohol are a threat to safe and orderly schools and will not be

tolerated. Students are not to possess, use, transmit, sell, or be under influence of the following:

1. narcotic drugs;
2. hallucinogenic drugs;
3. amphetamines;
4. barbiturates;
5. marijuana or any other controlled substance;
6. synthetic stimulants, such as MDPV and mephedrone (e.g., "bath salts"), and synthetic cannabinoids (e.g., "Spice," "K2");
7. any alcoholic beverage, malt beverage fortified or unfortified wine or other intoxicating liquor; or
8. any chemicals, substances or products procured or used with the intention of bringing about a state of exhilaration or euphoria or of otherwise altering the student's mood or behavior.

Students also are prohibited from possessing, using, transmitting or selling drug paraphernalia or counterfeit (fake) drugs. Students may not participate in any way in the selling or transmitting of prohibited substances, regardless of whether the sale or transmission ultimately occurs on school property.

Possession or use of prescription and over-the-counter drugs is not in violation of this policy if such drugs are possessed and used in accordance with policy 6125 Administering Medicines to Students (<https://bit.ly/2L3F4bN>). The principal may authorize other lawful uses of substances that are otherwise prohibited by this policy, such as for approved school projects.

As required by policy 4335, Criminal Behavior (<https://bit.ly/2zO4cya>), the principal must report to the appropriate law enforcement agency any student who has used or possessed prohibited substances in violation of this policy.

The disciplinary consequences for violations of this policy shall be consistent with Section D of policy 4300, Student Behavior Policies (<https://bit.ly/2NWndRZ>). School sanctions are as outlined below.

1. Kindergarten and Elementary Schools

Principals in the elementary grades are directed to use good judgment and reasonable discretion in applying board policies and in determining the appropriate consequences for violation of board policies, school standards or school rules.

2. Middle and High Schools

An appropriate consequence for a student who has been found to have sold or otherwise transmitted prohibited substances includes a suspension for the remainder of the school year. An appropriate consequence for a student who has been found to have possessed a prohibited substance includes suspension for a minimum of 10 days. For all other violations of this policy, an appropriate consequence is presumed to be suspension for a

minimum of three days, but may include long-term suspension or expulsion. Repeated violations of this policy may also result in long-term suspension or expulsion.

For all violations, the principal may take corrective actions as deemed appropriate, including but not limited to, probation, conferences with parents, work/service assignments, restrictions on participation in school activities and required participation in alcohol or drug rehabilitation programs. Board Policy 4325 <https://bit.ly/2mpBLx1>)

Gang Related Behavior

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

Conduct prohibited by this policy includes:

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

Board Policy 4328 <https://bit.ly/2mptKIh>

Weapons and Threats to Safety

The Swain County Board of Education will not tolerate the presence of weapons or destructive devices, bomb or terrorist threats, or actions that constitute a clear threat to the safety of students or employees. Any student who violates this policy will be removed from the classroom or school environment for as long as is necessary to provide a safe and orderly environment for learning.

Students are prohibited from possessing, handling, using or transmitting, whether concealed or open, any weapon or any instrument that reasonably looks like a weapon or could be used as a

weapon. f. blackjacks;

No student may knowingly or willfully cause, encourage or aid another student to possess, handle or use any of the weapons or weapon-like items listed above. A student who finds a weapon or weapon-like item, who witnesses another student or other person with such an item, or who becomes aware that another student or other person intends to possess, handle or use such an item must notify a teacher or the principal immediately.

Students are prohibited from making, aiding and/or abetting in making a bomb threat or perpetrating a bomb hoax against school system property by making a false report that a device designed to cause damage or destruction by explosion, blasting or burning is located on school property.

No student may knowingly or willfully cause, encourage or aid another student to make a bomb threat or perpetrate a bomb hoax. Any student who becomes aware that another student or other person intends to use a bomb, make a bomb threat or perpetrate a bomb hoax must notify a teacher or the principal immediately.

Students are prohibited from making, aiding, conspiring and/or abetting in making a terrorist threat or perpetrating a terrorist hoax against school system property by making a false report that a device, substance or material designed to cause harmful or life-threatening injury to another person is located on school property or at a school event.

No student may knowingly or willfully cause, encourage or aid another student to make a terrorist threat or perpetrate a terrorist hoax. Any student who becomes aware that another student or other person intends to use a device, substance or material designed to cause harmful or life-threatening illness or injury to another person, make a terrorist threat or perpetrate a terrorist hoax must notify a teacher or the principal immediately.

Students are prohibited from engaging in behavior that constitutes a clear threat to the safety of other students or employees, seriousness, or significant bruising or pain; or whereby the victim requires hospitalization or treatment in a hospital emergency room as a result of the attack

The disciplinary consequences for violations of this policy shall be consistent with Section D of policy 4300, Student Behavior Policies (<https://bit.ly/2NWndRZ>). As required by law, a student who brings or possesses a firearm or destructive device on school property or at a school-sponsored event must be suspended for 365 days, unless the superintendent modifies, in writing, the required 365-day suspension for an individual student on a case-by-case basis. (Board Policy 4333 <https://bit.ly/2NWO1Bt>)

Suspensions

Short-term

A short-term suspension is the disciplinary exclusion of a student from attending his or her assigned school for up to 10 school days. A student who is placed on a short-term suspension will not be permitted to be on school property or to take part in any school function during the period of suspension without prior approval from the principal.

The principal or designee has the authority to determine when a short-term suspension is an appropriate consequence and to impose the suspension, so long as all relevant board policies are followed. In accordance with G.S. 115C-390.6(e) and 115C-45(c)(1), a student is not entitled to appeal the principal's decision to impose a short-term suspension to either the superintendent or

the board unless it is appealable on some other basis.

Except in the circumstances described below, a student must be provided with an opportunity for an informal hearing with the principal or designee before a short-term suspension is imposed. The principal or designee may hold the hearing immediately after giving the student oral or written notice of the charges against him or her. At the informal hearing, the student has the right to be present, to be informed of the charges and the basis for the accusations against him or her, and to make statements in defense or mitigation of the charges.

The principal or designee may impose a short-term suspension without first providing the student with an opportunity for a hearing if the presence of the student (1) creates a direct and immediate threat to the safety of other students or staff or (2) substantially disrupts or interferes with the education of other students or the maintenance of discipline at the school. In such cases, the principal or designee shall give the student notice of the charges and an opportunity for an informal hearing as soon as practicable.

A student under a short-term suspension must be provided with the following:

1. the opportunity to take textbooks home for the duration of the suspension;
2. upon request, the right to receive all missed assignments and, to the extent practicable, the materials distributed to students in connection with such assignments; and
3. the opportunity to take any quarterly, semester or grading period examinations missed during the suspension period.

When imposing a short-term suspension, the principal or designee shall provide the student's parent with notice that includes the reason for the suspension and a description of the student conduct upon which the suspension is based. The principal or designee must give this notice by the end of the workday during which the suspension is imposed when reasonably possible, but in no event more than two days after the suspension is imposed. If English is the second language of the parent, the notice must be provided in English and in the parent's primary language, when the appropriate foreign language resources are readily available. (Board Policy 4351 <https://bit.ly/2zJu5iB>)

Long-term Suspension, 365 Suspension, Expulsion

A long-term suspension is the disciplinary exclusion of a student from attending his or her assigned school for more than 10 school days. Disciplinary reassignment of a student to a full-time educational program that meets the academic requirements of the standard course of study established by the State Board of Education and that provides the student with the opportunity to make timely progress toward graduation and grade promotion is not a long-term suspension requiring the due process procedures set out in this policy, nor is an absence under G.S. 130A-440 (for failure to submit a school health assessment form within 30 days of entering school).

Upon the recommendation of the principal, the superintendent may impose a long-term suspension on a student who willfully engages in a serious violation of the Code of Student Conduct and the violation either (1) threatens the safety of students, staff or school visitors, or (2) threatens to substantially disrupt the educational environment. The principal may recommend long-term suspension for a minor violation if aggravating circumstances justify treating the student's behavior as a serious violation.

If the offense leading to the long-term suspension occurred before the final quarter of the school year, the exclusion must be no longer than the remainder of the school year in which the offense was committed. If the offense leading to the long-term suspension occurred during the final quarter of the school year, the exclusion may include a period up to the remainder of the school year in which the offense was committed and the first semester of the following school year.

A 365-day suspension is the disciplinary exclusion of a student from attending his or her assigned school for 365 calendar days. The superintendent may impose a 365-day suspension only for certain firearm and destructive device violations, as identified in policy 4333, Weapons, Bomb Threats (<https://bit.ly/2NWO1Bt>), Terrorist Threats and Clear Threats to Safety

An expulsion is the indefinite exclusion of a student from school enrollment for disciplinary purposes. Upon the recommendation of the superintendent, the board may expel a student who is 14 years of age or older for certain types of misbehavior as provided in policy 4325(<https://bit.ly/2mpBLx1>) Drugs and Alcohol, policy participation in alcohol or drug rehabilitation programs, 4330 (<https://bit.ly/2uuRfUT>) Theft, Trespass and Damage to Property, policy 4331 (<https://bit.ly/2LnZmcg>) Assaults, Threats and Harassment, and policy 4333 (<https://bit.ly/2NWO1Bt>), Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety, if the student's continued presence in school constitutes a clear threat to the safety of other students or employees. Additionally, a student who is subject to policy 4260 (<https://boardpolicyonline.com/bl/?b=swain#&&hs=184091>) Student Sex Offenders, may be expelled if the student's continued presence in school constitutes a clear threat to the safety of other students or employees. During the expulsion, the student is not entitled to be present on educational property and is not considered a student of the school system. (Board Policy 4353 <https://bit.ly/2urJQ8M>)

Re-admission of 365-day suspension or expulsion

A student who is serving a 365-day suspension may submit a request to the superintendent for readmission any time after the 180th calendar day of his or her suspension. Upon receipt of the request, the superintendent shall offer the student an opportunity for an in-person meeting to be held within five days. The student may provide documents in support of the request, such as signed statements from individuals knowledgeable about the student or documents verifying that the student is participating in or has completed counseling or rehabilitation programs. If the student demonstrates to the satisfaction of the superintendent that the student's presence in school no longer constitutes a threat to the safety of other students or employees, the superintendent must readmit the student.

A student who has been expelled may submit a request to the board for readmission any time after 180 calendar days from the start date of the student's expulsion. The board chairperson immediately will forward the request to the superintendent, who shall arrange in a timely manner a hearing before the board. The hearing will be conducted in accordance with policy 2500 (<https://bit.ly/2Nq7pFN>) After considering the student's request and the superintendent's recommendation regarding readmission, if the board determines that the student has satisfactorily demonstrated that his or her presence in school no longer constitutes a clear threat to the safety of other students or employees, the board will readmit the student. The board will notify the

student, the student's parents and the superintendent in writing of its decision within 30 days of the submission of the request for readmission.

For more information, please consult Board Policy 4362 <https://bit.ly/2ms7n50> .

Disciplinary Hearings

The rules set out below will govern hearings held by the superintendent in assessing misbehavior and appropriate consequences. The purpose of the hearing will be to determine the facts relevant to the alleged misbehavior and the credibility of witnesses, based on the evidence presented at the hearing.

1. The hearing will be informal and conducted in private.
2. Prior to the hearing, the student and his or her parents and representative will have an opportunity to review any audio or video recordings of the incident and, consistent with federal and state student records laws and regulations, the information that may be presented as evidence against the student, including statements made by witnesses whose names are withheld in accordance with number 5, below.
3. The hearing must be attended by the superintendent or designee, the principal and/or assistant administrators and any persons the superintendent deems necessary. The student has the right to be present at the hearing, to be accompanied by his or her parents and to be represented by an attorney or non-attorney advocate. Witnesses should be present only when providing information.
4. The school representatives have the burden of proving the misbehavior; the violation of board policy, the Code of Student Conduct, school standards or school rules; and the appropriateness of the recommended consequence for the violation.
5. The school representatives will present the witnesses and documentary evidence against the student first. School officials may withhold witness names or other identifying information if identification of a witness could threaten the witness's safety.
6. After the school representatives have presented their evidence, the student or his or her representative may present evidence relating to the alleged disciplinary infraction, the student's intent at the time of the incident, any mitigating or aggravating factors involved, the disciplinary and academic history of the student and the potential benefits to the student of alternatives to suspension. Such evidence may include oral testimony by the student or witnesses, written statements and other documents.
7. Both the school representatives and the student or his or her parent or representative may examine the witnesses presented by the other side. The superintendent has the authority to limit questioning by any person if the questioning is unproductive, unnecessarily lengthy, repetitive or irrelevant.
8. In reaching a determination in the matter, the superintendent shall consider the documents produced in the hearing, the testimony of the witnesses and other evidence presented at the hearing. If the superintendent determines that a violation occurred, the superintendent also shall determine the appropriateness of the recommended consequences for the violation. Formal rules of evidence do not apply, and the superintendent may rely on evidence that a reasonably prudent person would consider in the conduct of serious affairs.

9. Following the hearing, the superintendent shall render a written decision based on substantial evidence presented at the hearing and shall notify the student and parent of that decision in accordance with the requirements of policy 4353 (<https://bit.ly/2urJQ8M>) Long-Term Suspension, 365-Day Suspension, Expulsion.

10. The superintendent shall provide for making a record of the hearing, including any findings or conclusions made by the superintendent. The student will have the right to make his or her own audio recording of the hearing.

Appeal of a Long-Term or 365-Day Suspension

The board will provide the opportunity for a hearing that follows the procedures established for administrative hearings, except that (1) the superintendent or designee will represent the school system and the board or a panel of the board will be the decision maker, and (2) unless the board requests otherwise or doing so would create a substantial threat of unfairness, the board will limit presentations of testimony to the student, the student's parent and representative, and the school system's representative and will limit documentation to the records and evidence presented at the administrative hearing. The board, at its discretion, may request additional information or evidence.

The board will review any records created by the superintendent's decision and the record created from any administrative hearing held. The board will review the superintendent's decision to be sure that: (1) there was a reasonable basis for determining that the student engaged in the specified misbehavior; (2) a board policy, the Code of Student Conduct, a school standard or a school rule was violated; (3) the consequence for the violation was reasonable; and (4) procedures established by board policy were followed.

Board Decision on Expulsion

The board will provide an opportunity for a hearing to review the superintendent's recommendation for expulsion. The rules established for administrative hearings will be followed, except that the superintendent or designee will represent the school system and the board will be the decision maker. The board may request additional records or witnesses. A decision will be made on the superintendent's recommendation following the standards for expulsion established in policy 4353 (<https://bit.ly/2urJQ8M>) Long-Term Suspension, 365-Day Suspension, Expulsion.

Grievance

The Swain County Board of Education strives to resolve concerns and complaints whenever possible. To this end, the board has provided opportunities for students and parents to express their concerns through processes established in board policies. Policy 1742/5060 (<https://bit.ly/2Lh4fqO>) Responding to Complaints, identifies these different processes, including a mechanism for resolving complaints in an informal manner.

While the board encourages resolutions of complaints through informal means, it recognizes that, at times, a formal process may be necessary for certain types of complaints or if the informal process did not produce satisfactory results. Any parent or student who has questions about the options for proceeding with a complaint or concern may contact the principal or the superintendent for further information and copies of all applicable board policies.

E. PROCESS FOR GRIEVANCE

1. Filing a Grievance

- a. Whenever a student or parent or guardian believes that he or she has been adversely affected by a decision of a school employee, the student or parent or guardian may file a grievance as provided in this policy.
- b. A grievance must be filed as soon as possible but no later than 15 days after disclosure or discovery of the facts giving rise to the grievance. For a grievance submitted after the 15 day period that claims a violation, misapplication or misinterpretation of state or federal law, the superintendent or designee shall determine whether the grievance will be investigated after considering factors such as the reason for the delay; the extent of the delay; the effect of the delay on the ability of the school system to investigate and respond to the complaint; and whether the investigation of the complaint is necessary to meet any legal obligations. However, students, parents and guardians should recognize that delays in filing a grievance may significantly impair the ability of the school system to investigate and respond effectively to such complaints.
- c. A student or parent or guardian who has a grievance must provide the following information in writing to the principal: (1) the name of the school system employee or other individual whose decision or action is at issue; (2) the specific decision(s) or action(s) at issue; (3) any board policy, state or federal law, state or federal regulation, or State Board of Education policy or procedure that the parent or guardian or student believes has been misapplied, misinterpreted or violated; and (4) the specific resolution desired. If there is not a specific decision or action at issue and no concern that state or federal law has been misapplied, misinterpreted or violated, then the procedure established in policy 1742/5060 (<https://bit.ly/2Lh4fqO>) is appropriate, and the principal shall address the concern following that policy.
- d. Even if the principal is the employee whose decision or action is at issue, the student must submit the grievance first to the principal in order for the principal to address the issue within the formal process. If, however, the grievance claims that a state or federal law has been misapplied, misinterpreted or violated, the student may submit the grievance directly to the superintendent or designee.
- e. If a student wants to initiate a formal grievance regarding a decision by the superintendent that directly and specifically affects the student, the general process described in this policy will be used, except that the grievance will be submitted to the Director of Human Resources, who shall forward the grievance to the board chairperson.

2. Investigation

- a. The principal shall schedule and hold a meeting with the student and/or parent or guardian within five school days of receiving the request. The student may be accompanied by a parent, legal guardian or other person who is in a position of *loco parentis* to the student.
- b. The principal shall conduct any investigation of the facts necessary before rendering a decision.

3. Response by Principal

a. The principal shall provide a written response to the written grievance within five days of the meeting. The response will include the principal's decision regarding resolution of the grievance and the basis for the decision. In responding, the principal may not disclose information about other students or employees that is considered confidential by law.

b. A copy of the grievance and the principal's response will be filed with the superintendent.

4. Response by Superintendent

a. If the grievant is dissatisfied with the principal's decision, the grievant may appeal the decision to the superintendent. The appeal must be made in writing within five days of receiving the principal's decision.

b. The superintendent may review the written documents and respond or the superintendent may schedule and hold a conference with the grievant, principal and any other individuals the superintendent determines to be appropriate within five school days after receiving the appeal. The student may be accompanied by a parent, legal guardian or other person who is in a position of *loco parentis* to the student.

c. The superintendent shall provide a written response within 10 days after receiving the appeal. In responding, the superintendent may not disclose information about other students or employees that is considered confidential by law.

5. Appeal to the Board

If the grievant has alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board of education policy or procedure, the grievant will have the right to appeal a final administrative decision to the board of education (see subsection E.5.a, Mandatory Appeals, below). If a grievant has not alleged such specific violations, he or she may request a board hearing, which the board may grant at its discretion (see subsection E.5.b, Discretionary Appeals, below).

a. Mandatory Appeals

1) If the grievant is dissatisfied with the superintendent's response to his or her grievance and has alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board of education policy or procedure, the grievant may appeal the decision to the board within 10 days of receiving the superintendent's response.

2) A hearing will be conducted pursuant to policy 2500 (<https://bit.ly/2Nq7pFN>) Hearings Before the Board.

3) The board will provide a final written decision within 30 days of receiving the appeal unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

b. Discretionary Appeals

1) If the grievant is dissatisfied with the superintendent's response to his or her grievance but has *not* alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board of education policy or procedure, then within 10 days of receiving the superintendent's

response, the grievant may submit to the superintendent a written request for a hearing before the board of education.

2) If the full board will be meeting within two weeks of the request for a hearing, the board will decide at that time whether to grant a hearing. Otherwise, the board chairperson will appoint a three-person panel to review the request and determine whether to (1) deny the appeal; (2) review the superintendent's decision on the written record only; or (3) grant a hearing. The panel will report the decision to the board. The board may modify the decision of the panel upon majority vote at a board meeting.

3) If the board denies the appeal, the decision of the superintendent will be final and the grievant will be notified within five days of the board's decision.

4) If the board decides to grant a hearing, the hearing will be conducted pursuant to policy 2500 (<https://bit.ly/2Nq7pFN>).

5) The board will provide a final written decision within 30 days of the decision to grant a hearing, unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

No reprisals of any kind will be taken by the board or by an employee of the school system against any grievant or other student or employee because of his or her participation in a grievance filed and decided pursuant to this policy.

All meetings and hearings conducted pursuant to this policy will be private.

The board and school system officials will consider requests to hear grievances from a group of grievants, but the board and officials have the discretion to hear and respond to grievants individually.

The grievant may have a representative, including an attorney, at any stage of the grievance. However, if the grievant intends to be represented by legal counsel, he or she must notify the appropriate school official in advance so that school personnel also will have the opportunity to be represented by legal counsel.

Annual Public Notices

Student Records: Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act ("FERPA"), a federal law, gives parents and students over eighteen (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 your child's education records within forty-five (45) days of the day the school receives a request for access. You should submit to the school principal a written request that identifies the record(s) you wish to inspect. The principal will make arrangements for access and notify you of the time and place where the records may be inspected.
- The right to request an amendment of your child's education records that you believe are inaccurate or misleading. You should write the school principal, clearly identify the part of the record you want changed and specify why it is inaccurate or misleading. If the school decides not to amend the record as requested, the school will notify you of the decision and advise you of your right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to you when you are notified of the right to a hearing.
- The right to consent to disclosures of personally identifiable information contained in your child's education records. FERPA requires that the school obtain your written consent prior to the disclosure of any such information with certain exceptions. School Officials with a legitimate educational interest are an exception and do not need parental consent. For a complete list of the disclosures that elementary and secondary schools may make without parental consent see 34 CFR Part 99.37.
- A School Official includes any of the following when that person has a "*legitimate educational interest*" in having access to the information:
 - a. Any administrator, certified staff member, or support staff member (including health, medical, safety, and security staff) employed by the school district;
 - b. A school board member;
 - c. A contractor, consultant, volunteer, or other party to whom the school district has outsourced services or functions, such as (but not limited to) an attorney, auditor, cloud storage provider, consultant, expert witness, hearing officer, investigator, insurer/insurance company adjuster, investigator, or any other claims representative, medical providers or consultants, or counselors/therapists, provided that the person is performing a service or function for which the school district would otherwise use employees, is under the direct control of the school district with respect to the use and maintenance of education records, and is subject to FERPA requirements governing the use and re-disclosure of PII from education records;
 - d. A person serving on a committee appointed by the school board or by the administration of the school district, such as a disciplinary or grievance committee or other review committee.

Student's Name	Degrees, honors, and awards received
Address	Date and place of birth
Telephone listing	Electronic mail address
Photograph	Participation in officially recognized activities and sports
Major field of study	Weight and height of members of athletic teams
Grade level	Most recent educational agency or institution attended
Dates of attendance	Enrollment status

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.

- The School District may release "directory information" about a student unless you have advised the school to the contrary. The School District has designated the following information as directory information:
 - The primary purpose of directory information is to allow the school to include this type of information from your child's education records in certain school publications. Examples include:
 - i. A playbill, showing your student's role in a drama production;
 - ii. The annual yearbook;
 - iii. Honor roll or other recognition lists;
 - iv. Graduation programs; or
 - v. Sports activity sheets, showing weight and height of team members.
 - Directory information may also be disclosed to outside organizations without your prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks.
 - In addition, under federal law, we are required to provide military recruiters and institutions of higher education, upon their request, with the names, addresses and telephone numbers of high school students unless the student or parent has advised the school that they do not want such information disclosed without their prior written consent.
 - If you do not want the school to disclose some or all of the directory information described above from your child's education records to all or certain recipients without your prior written consent, the School District must be notified in writing within fourteen (14) days of the beginning of the school year or within fourteen (14) days of your enrolling in the School District. For your convenience, a form that can be used for this purpose is provided at the end of this Notice. An "opt out" is perpetual and can only be rescinded in writing.
 - The right to file a complaint with the U.S. Department of Education concerning alleged failures of the School District to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office

U.S. Department of Education
 400 Maryland Avenue, SW
 Washington, DC 20202-5901

Non-Discrimination: Title VI of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; The Rehabilitation Act of 1973 (Section 504); and The Americans with Disabilities Act of 1990 (ADA)

It is the School District's policy not to discriminate on the basis of race, color, national origin, sex, disability, religion, age, genetic information or veteran's status in its educational programs, activities or employment policies.

For inquiries or complaints or to request a copy of the School District's grievance procedures, please contact:

Title IX Coordinator Tommy Dills Swain County Schools P.O. Box 2340 Bryson City, NC 28713 828-488-3129	504/ADA Coordinator Mike Treadway Swain County Schools P.O. Box 2340 Bryson City, N.C. 28713 828-488-3129
---	--

Students with Disabilities: Individuals with Disabilities Act (IDEA)

Pursuant to the IDEA, a federal law, the School District must provide special education services to all children residing in the school district who are between the ages of three (3) and twenty-one (21) who have been diagnosed with or are suspected to have mental, physical or emotional disabilities and who are unable to benefit from a regular school program without special assistance. If your child or a child you know may qualify for such special assistance, please contact:

Director of Exceptional Children Mike Treadway Swain County Schools P.O. Box 2340 Bryson City, N.C. 28713 828-488-3129

Homeless Students: McKinney-Vento Homeless Assistance Act

For information concerning the educational rights of homeless students, please consult:

Homeless Coordinator Mike Treadway Swain County Schools P.O. Box 2340 Bryson City, N.C. 28713 828-488-3129

Protection of Pupil Rights Amendment

The Protection of Pupil Rights Amendment requires that the School District notify you and obtain consent or allow you to opt-out your child from participating in certain school activities. These activities include a student survey, analysis or evaluation that concerns one or more of the following eight areas:

1. Political affiliates or beliefs of the student or student's parent;
2. Mental or psychological problems potentially embarrassing to the student and/or student's family;
3. Sexual behavior or attitudes;
4. Illegal, anti-social, self-incrimination or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors or ministers;
7. Religious practices, affiliations or beliefs of the student or parents; or
8. Income, other than as required by law to determine program eligibility.

This requirement also applies to the collection, disclosure or use of student information for marketing purposes and certain physical exams or screenings except for hearing, vision, scoliosis or any physical exam or screening permitted or required under State law.

The School District will, within a reasonable period of time prior to the administration of the surveys and activities, provide notice of said surveys and activities and give you or your son/daughter, if he/she is eighteen (18) years old or older, the opportunity to opt-out.

Parents who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5901

Student Health: N.C.G.S. § 115C-375.4

With the passage of N.C.G.S. 115C-375.4, the School District must provide families with information on Influenza and Meningococcal diseases and the vaccines that are available to prevent each. Influenza ("flu") is caused by a virus that spreads from infected persons to the nose or throat of others. Influenza can cause fever, sore throat, chills, coughs, headache and muscle aches.

Anyone can get influenza. Most people are ill with flu for only a few days, but some get much sicker and may need to be hospitalized. Influenza causes an average of 36,000 deaths each year in the U.S., mostly among the elderly.

Influenza vaccine is available in two types. Inactivated (killed) flu vaccine, given as a shot, has been used in the U.S. for many years. A live, weakened vaccine, FluMist, was licensed in 2003. It is sprayed into the nostrils. It is available for persons age 5-49 years of age. Influenza viruses change often. Therefore, influenza vaccine is updated every year. Protection develops in about 2 weeks after getting the shot and may last up to a year. The best time to get the vaccine is in October or November. Contact your local health department or physician for more details on cost and time vaccine will be available.

Meningococcal disease is a serious illness, caused by bacteria. It is the leading cause of bacterial meningitis in children 2-18 years old in the United States. Meningitis is an infection of the brain and spinal cord coverings. Meningococcal disease can also cause blood infections. About 2,600 people get meningococcal disease each year in the U.S. Ten to fifteen percent of these people die, in spite of treatment with antibiotics. Of those who live, another 10% have chronic complications. It is most common in infants less than one year of age, international travelers, and people with certain medical conditions. College freshmen, particularly those who live in dormitories, have a slightly increased risk of getting meningococcal disease.

Learn more about these vaccines by consulting with your family doctor or nurse or contacting the Swain County Department of Public Health at 828-488-3198 or contacting the Centers for Disease Control and Prevention (CDC) at 1-800-232-2522 (English) or 1-800-232-0233 (Spanish) or visiting <http://cdc.gov/vaccines/>.

Student Health: N.C.G.S. § 115C-47(51)[1]

North Carolina General Statute § 115C-47(51) requires schools to provide information concerning cervical cancer, cervical dysplasia and human papillomavirus and the vaccines available to prevent these diseases.

Information on these diseases and the vaccines can be found at www.cdc.gov/vaccines/vpd-vac. Those individuals without internet access can contact a school nurse or the Swain County County Health Department at 828-488-3198.

North Carolina Safe Surrender Law

Pursuant to N.C.G.S. §7B-500(b), a female may legally surrender her newborn baby to a responsible adult without fear of criminal prosecution. While any responsible adult may receive a newborn, School Social Workers, School Nurses, counselors and law enforcement agents are examples of responsible adults who are familiar with this law. More information can be found at <http://www.ncdhhs.gov/assistance/pregnancy-services/safe-surrender>. Those individuals without internet access can contact a school nurse or social worker.

Asbestos Hazard Emergency Response Act

This notice is provided to you with information regarding the Asbestos Hazard Emergency Response Act (AHERA) Management Plan for the Swain County Schools. AHERA is a provision of the Toxic Substance Control Act and was passed by Congress in 1986. It requires schools to "ensure that workers and building occupants, or their legal guardians, are informed at least once each school year about inspections, response actions, and post-response action activities, including periodic re-inspection and surveillance activities that are planned or in progress as well as the availability of the AHERA Management Plan for public review." (§763.84(c))

The AHERA Management Plan contains documents of the initial AHERA inspection, 6-month periodic Surveillances, Triennial re-inspections, employee training and Operations and Maintenance procedures.

If you have any questions regarding the AHERA Management Plan for this school district, you can contact Randy Arvey at 828-488-3129.

Use of Pesticides: N.C.G.S. § 115C-47(47)

With the passage of N.C.G.S. § 115C-47(47), the School District must provide notification regarding pesticide use on school property. For more information, please consult Board Policy 9205 and/or contact:

Director of Maintenance
Randy Arvey
PO Box 2340
Bryson City, NC 28713
828-488-3129

Student Restraint/Seclusion/Isolation

The School District has adopted Board Policy 4301, as required by N.C.G.S. § 115C-391.1. Board Policy 4301, as well as N.C.G.S. § 115C-39.1.1, are fully set out herein.

Policy Code: 4301 Authority of School Personnel

The principal has the authority and responsibility to investigate and take appropriate action regarding any prohibited or criminal student behavior and any other behavior appropriately referred to him or her. The principal is responsible for informing students and parents of any standards or rules that, if violated, could result in short-term or long-term suspension or expulsion.

The teacher has the authority and responsibility to manage student behavior in the classroom and when students are under his or her supervision. The teacher is expected to implement the student behavior management plan and any other school standards or rules. The teacher may develop other standards or rules consistent with the direction provided by the board, superintendent and school principal. Every teacher, student teacher, substitute teacher, voluntary teacher, teacher assistant or other school employee is required to report to the principal all acts of violence occurring in school, on school grounds or at any school-sponsored activity.

Teachers and other school personnel have the authority to manage or remove disruptive or dangerous students from the classroom and other locations within the school building. School personnel may use reasonable force to control behavior or to remove a person from the scene in those situations when necessary:

1. to correct students;
2. to quell a disturbance threatening injury to others;
3. to obtain possession of a weapon or another dangerous object on the person, or within the control, of a student;
4. for self-defense;
5. for the protection of persons or property; or
6. to maintain order on school property, in the classroom, or at a school-related activity whether on or off school property.

Except as restricted by G.S. 115C-391.1, school personnel may use appropriate seclusion and restraint techniques reasonably needed in the circumstances described above as long as such use is consistent with state law and applicable board policies and procedures. (See policy 4302, School Plan for Management of Student Behavior.)

Students must comply with all directions of principals, teachers, substitute teachers, student teachers, teacher assistants, bus drivers and all other school personnel who are authorized to give such directions during any period of time when they are subject to the authority of such personnel.

Legal References: G.S. 115C-47, -288, -307, -390.3, -391.1

Cross References: School Safety (policy 1510/4200/7270), School Plan for Management of Student Behavior (policy 4302), Rules for Use of Seclusion and Restraint in Schools (regulation 4302-R)

Adopted: February 8, 2010

Revised: July 11, 2011

N.C.G.S. § 115C-391.1

- (a) It is the policy of the State of North Carolina to:
 - (1) Promote safety and prevent harm to all students, staff, and visitors in the public schools.
 - (2) Treat all public school students with dignity and respect in the delivery of discipline, use of physical restraints or seclusion, and use of reasonable force as permitted by law.

- (3) Provide school staff with clear guidelines about what constitutes use of reasonable force permissible in North Carolina public schools.
 - (4) Improve student achievement, attendance, promotion, and graduation rates by employing positive behavioral interventions to address student behavior in a positive and safe manner.
 - (5) Promote retention of valuable teachers and other school personnel by providing appropriate training in prescribed procedures, which address student behavior in a positive and safe manner.
- (b) The following definitions apply in this section:
- (1) "Assistive technology device" means any item, piece of equipment, or product system that is used to increase, maintain, or improve the functional capacities of a child with a disability.
 - (2) "Aversive procedure" means a systematic physical or sensory intervention program for modifying the behavior of a student with a disability which causes or reasonably may be expected to cause one or more of the following:
 - a. Significant physical harm, such as tissue damage, physical illness, or death.
 - b. Serious, foreseeable long-term psychological impairment.
 - c. Obvious repulsion on the part of observers who cannot reconcile extreme procedures with acceptable, standard practice, for example: electric shock applied to the body; extremely loud auditory stimuli; forcible introduction of foul substances to the mouth, eyes, ears, nose, or skin; placement in a tub of cold water or shower; slapping, pinching, hitting, or pulling hair; blindfolding or other forms of visual blocking; unreasonable withholding of meals; eating one's own vomit; or denial of reasonable access to toileting facilities.
 - (3) "Behavioral intervention" means the implementation of strategies to address behavior that is dangerous, disruptive, or otherwise impedes the learning of a student or others.
 - (4) "IEP" means a student's Individualized Education Plan.
 - (5) "Isolation" means a behavior management technique in which a student is placed alone in an enclosed space from which the student is prevented from leaving.
 - (6) "Law enforcement officer" means a sworn law enforcement officer with the power to arrest.
 - (7) "Mechanical restraint" means the use of any device or material attached or adjacent to a student's body that restricts freedom of movement or normal access to any portion of the student's body and that the student cannot easily remove.
 - (8) "Physical restraint" means the use of physical force to restrict the free movement of all or a portion of a student's body.
 - (9) "School personnel" means:
 - a. Employees of a local board of education.
 - b. Any person working on school grounds or at a school function under a contract or written agreement with the public school system to provide educational or related services to students.
 - c. Any person working on school grounds or at a school function for another agency providing educational or related services to students.
 - (10) "Seclusion" means the confinement of a student alone in an enclosed space from which the student is:
 - a. Physically prevented from leaving by locking hardware or other means.
 - b. Not capable of leaving due to physical or intellectual incapacity.
 - (11) "Time-out" means a behavior management technique in which a student is separated from other students for a limited period of time in a monitored setting.
- (c) Physical Restraint:

- (1) Physical restraint of students by school personnel shall be considered a reasonable use of force when used in the following circumstances:
 - a. As reasonably needed to obtain possession of a weapon or other dangerous objects on a person or within the control of a person.
 - b. As reasonably needed to maintain order or prevent or break up a fight.
 - c. As reasonably needed for self-defense.
 - d. As reasonably needed to ensure the safety of any student, school employee, volunteer, or other person present, to teach a skill, to calm or comfort a student, or to prevent self-injurious behavior.
 - e. As reasonably needed to escort a student safely from one area to another.
 - f. If used as provided for in a student's IEP or Section 504 plan or behavior intervention plan.
 - g. As reasonably needed to prevent imminent destruction to school or another person's property.

(2) Except as set forth in subdivision (1) of this subsection, physical restraint of students shall not be considered a reasonable use of force, and its use is prohibited.

(3) Physical restraint shall not be considered a reasonable use of force when used solely as a disciplinary consequence.

(4) Nothing in this subsection shall be construed to prevent the use of force by law enforcement officers in the lawful exercise of their law enforcement duties.

(d) Mechanical Restraint:

(1) Mechanical restraint of students by school personnel is permissible only in the following circumstances:

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

(2) Except as set forth in subdivision (1) of this subsection, mechanical restraint, including the tying, taping, or strapping down of a student, shall not be considered a reasonable use of force, and its use is prohibited.

(3) Nothing in this subsection shall be construed to prevent the use of mechanical restraint devices such as handcuffs by law enforcement officers in the lawful exercise of their law enforcement duties.

(e) Seclusion:

(1) Seclusion of students by school personnel may be used in the following circumstances:

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

d. As reasonably needed when a student's behavior poses a threat of imminent physical harm to self or others or imminent substantial destruction of school or another person's property.

e. When used as specified in the student's IEP, Section 504 plan, or behavior intervention plan; and

1. The student is monitored while in seclusion by an adult in close proximity who is able to see and hear the student at all times.

2. The student is released from seclusion upon cessation of the behaviors that led to the seclusion or as otherwise specified in the student's IEP or Section 504 plan.

3. The space in which the student is confined has been approved for such use by the local education agency.

4. The space is appropriately lighted.

5. The space is appropriately ventilated and heated or cooled.

6. The space is free of objects that unreasonably expose the student or others to harm.

(2) Except as set forth in subdivision (1) of this subsection, the use of seclusion is not considered reasonable force, and its use is not permitted.

(3) Seclusion shall not be considered a reasonable use of force when used solely as a disciplinary consequence.

(4) Nothing in this subsection shall be construed to prevent the use of seclusion by law enforcement officers in the lawful exercise of their law enforcement duties.

(f) Isolation – Isolation is permitted as a behavior management technique provided that:

(1) The space used for isolation is appropriately lighted, ventilated, and heated or cooled.

(2) The duration of the isolation is reasonable in light of the purpose of the isolation.

(3) The student is reasonably monitored while in isolation.

(4) The isolation space is free of objects that unreasonably expose the student or others to harm.

(g) Time-out – Nothing in this section is intended to prohibit or regulate the use of time-out as defined in this section.

(h) Aversive Procedures – The use of aversive procedures as defined in this section is prohibited in public schools.

(i) Nothing in this section modifies the rights of school personnel to use reasonable force as permitted under G.S. 115C-390.3 or modifies the rules and procedures governing discipline under G.S. 115C-390.1 through G.S. 115C-390.12

(j) Notice, Reporting, and Documentation.

(1) Notice of Procedures – Each local board of education shall provide to school personnel and parents or guardians at the beginning of each school year copies of this section and all local board policies developed to implement this section.

(2) Notice of specified incidents:

a. School personnel shall promptly notify the principal or principal's designee of:

1. Any use of aversive procedures.

2. Any prohibited use of mechanical restraint.

3. Any use of physical restraint resulting in observable physical injury to a student.

4. Any prohibited use of seclusion or seclusion that exceeds ten minutes or the

amount of time specified on a student's behavior intervention plan.

b. When a principal or principal's designee has personal knowledge or actual notice of any of the events described in this subdivision, the principal or principal's designee shall promptly notify the student's parent or guardian and will provide the name of a school employee the parent or guardian can contact regarding the incident.

(3) As used in subdivision (2) of this subsection, "promptly notify" means by the end of the workday during which the incident occurred when reasonably possible, but no event later than the end of following workday.

(4) The parent or guardian of the student shall be provided with a written incident report for any incident reported under this section within a reasonable period of time, but in no event later than 30 days after the incident. The written incident report shall include:

a. The date, time of day, location, duration, and description of the incident and interventions.

b. The events or events that led up to the incident.

c. The nature and extent of any injury to the student.

d. The name of a school employee the parent or guardian can contact regarding the incident.

(5) No local board of education or employee of a local board of education shall discharge, threaten, or otherwise retaliate against another employee of the board regarding that employee's compensation, terms, conditions, location, or privileges of employment because the employee makes a report alleging a prohibited use of physical restraint, mechanical restraint, aversive procedure, or seclusion, unless the employee knew or should have known that the report was false.

(k) Nothing in this section shall be construed to create a private cause of action against any local board of education, its agents or employees, or any institutions of higher education or their agents or employees or to create a criminal offense.

Free or Reduced School Lunch

A free or reduced lunch application form will be sent home with your child at the beginning of the school year. Please complete the form and return it to your child's teacher. You will be notified if your child(ren) qualifies for free or reduced meal prices. All information is strictly confidential. For more information on participation in the Free or Reduced School Lunch program, please contact: Jennifer Brown - 828-488-3129

Student Discipline Policies

Pursuant to N.C.G.S. § 115C-390.2(i), schools must make available all policies, rules and regulations regarding student discipline. For the Board's policies and regulations regarding student discipline, consult the Board's online policy manual at http://policy.microscribepub.com/cgi-bin/om_isapi.dll?clientID=2204732250&depth=2&infobase=swain.nfo&softpage=PL_frame. All other student discipline information will be printed in student handbooks or made available on the school's website at the beginning of the year.

Student and Parent Complaint and Grievance Procedures

For information concerning student and parent complaint and grievance procedures, see Board Policies 1740

Equal Access to Facilities

The school system provides equal access to its facilities. For more information about accessing school facilities, consult with Board Policy 5030 available at http://policy.microscribepub.com/cgi-bin/om_isapi.dll?clientID=2204732250&depth=2&infobase=swain.nfo&softpage=PL_frameP.

Information Regarding Advanced Courses

Pursuant to N.C.G.S. § 115C-83.4A(d), schools must provide information to students and parents on available opportunities and the enrollment process for students to take advanced courses. This information will be printed in student handbooks or made available on the school's website at the beginning of the year available at <http://www.swain.k12.nc.us/high/>.

School Bullying/Cyber-Bullying Policies

Pursuant to N.C.G.S. § 115C-407.16(d), school principals shall provide the local board of education's policy prohibiting bullying and harassing behavior, including cyber-bullying, to staff, students and parents. A copy of these policies is available at http://policy.microscribepub.com/cgi-bin/om_isapi.dll?clientID=2204732250&depth=2&infobase=swain.nfo&softpage=PL_frame and will be printed in student and employee handbooks. Hard copies of the policies are available from the school principal upon request.

NCLB /FERPA Opt-Out Letter

Swain County Public Schools

If you wish to restrict the disclosure of your student's directory information, please check all boxes that apply and return to your child's school.

Federal law requires schools to release a secondary student's name, address, and phone number to military recruiters and institutions of higher education unless the student or his parent requests in writing that such information be withheld. In addition, the *Family Educational Rights and Privacy Act* (FERPA) gives parents (or students, if 18 years of age or older) the authority to prohibit schools from disclosing any or all directory information by providing notification in writing.

Please consider this letter notice of the following:

As parent/legal guardian of a student who is less than 18 years of age and in high school, I hereby exercise my right to request that you do not disclose the name, address or telephone number of my son/daughter to:

Military recruiters

Institutions of higher education

As a student 18 years of age or older and in high school, I hereby exercise my right to request that you do not disclose my name, address or telephone number to:

Military recruiters

Institutions of higher education

As parent/legal guardian of a student less than 18 years of age, I hereby exercise my right under FERPA to request that you do not disclose any directory information for my son/daughter, except: [List directory information or purposes that you do permit, if any].

As a student 18 years of age or older, I hereby exercise my right under FERPA to request that you do not disclose any of my directory information except: [List directory information or purposes that you do permit, if any].

Student Name:

Name of School:

Grade:

(Please Print)

Signature of Parent/Legal Guardian

Date

Signature of Student (if 18 years of age or older)

Date

It is the policy of the Swain County Public School System not to discriminate on the basis of race, color, national origin, sex, religion, age, disability, genetic information or veteran status in its educational programs, activities or employment policies

Federal Regulation Compliance

The Swain County Board of Education, in accordance with the provisions of the Family Educational Rights and Privacy Act (FERPA) and its regulations, recognizes the rights of parents to inspect and review a student's educational record and the rights of parents to limit control of the distribution of those records,

Parents wishing to review a student's educational record shall contact the school the student attends and make an appointment. If a parent believes the school system is not complying with FERPA, he may file a complaint with the Secretary of Education at the following address:

United States Department of Education
Office of Human Resources and Administration
400 Maryland Avenue, S.W.
Washington, D.D. 20202-4605

Swain County Schools offer a wide range of vocational courses in agriculture, health occupations, family and consumer economics, business and office education, trade and industrial education, technology, and supportive programs for the disadvantaged and handicapped. The Swain County School System does not discriminate on the basis of race, color, national origin, sex, or handicap. If anyone feels that discrimination has occurred because of race, color, national origin, sex, or handicap, contact:

Tommy Dills
Director Pupil Personnel Services
Swain County Schools
P.O. Box 2340
Bryson City, N.C. 28713

No otherwise qualified handicapped individual in the United States, as defined in section 706(6) of the Rehabilitation Act of 1973, shall solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Tommy Dills
Swain County Schools
P.O. Box 2340
Bryson City, N.C. 28713
828-488-3129

It is the policy of the Swain County Public Schools and Career and Technical Education Programs that all operations will be performed without regard to race, age, religion, color, national origin, gender, marital/pregnant status, or disability.

[1] This section need only be distributed to students in grades 5 through 12.