



Handbook

2011-12 Parent/Student



Durham

Core Beliefs and Commitments DPS Board of Education

Beliefs

- All children have talents, skills and unique abilities
- All children want to pursue their goals and dreams
- All children can succeed in their pursuits: college, the workplace and community engagement
- Schools have a large effect on what and how well children learn and on eliminating achievement gaps
- School districts can be high-performing, excellent organizations
- Schools succeed when the entire community comes together around the needs of every child and every family
- All children benefit from being educated in a socio-economically, ethnically and racially diverse environment

Commitments

- Our children will be challenged to achieve at their highest capacity
- Our school district will ensure that all of our children have at least one year of growth for one year of schooling
- Our school district will diminish achievement gaps based on race, ethnicity and socio-economic status until they are extinguished
- Our schools will be filled with high-quality, competent and caring teachers, principals and staff
- Our schools will be safe, orderly and clean
- Our schools will involve family members and caregivers in the education of their children
- Our school leaders will collaborate with the Durham community
- Our school district will steadily and significantly increase its high school completion rate
- Our school district will have the financial resources to give every child an excellent education, will operate with fiscal efficiency and accountability to the public and will be a high-performing organization

— Adopted January 2008

Message *from the Superintendent*

Dear Durham Public Schools Students, Parents and Guardians:

In Durham Public Schools, we recognize that students succeed because families, schools and community members work together. As stated in our strategic plan, we all share the responsibility of helping our students excel academically and socially. We also commit to linking families, students and the community with resources to support student learning.

We are excited about the 2011-12 school year and the possibilities your student will have to be successful. Please take a moment to review this handbook. It contains important information that will help you prepare your child for school, including emergency preparedness, testing guidelines and board policies. The handbook has been updated to reflect new North Carolina discipline laws that are effective for the 2011-12 school year. We encourage you to use this information in conjunction with the resources and guidelines you received from your school.

DPS has several ways to keep you informed about district initiatives and school activities. We encourage you to visit our Website, www.dpsnc.net, watch DPS-TV Channel 4 or call our hotline at 919-560-9129 for updates.

I hope that you will continue to dedicate time this school year to stay connected and get involved with your child's school via the PTA, site-based decision-making teams and through volunteering.

Thank you for supporting your child and our schools.

One Vision. One Durham.

Sincerely,



Eric J. Becoats, Ed.D.
Superintendent

Parent-Teacher Partnerships

Parents are encouraged to communicate with their child's teacher(s) on a regular basis. DPS also encourages parents to get involved with their child's school by serving on the PTA and/or the Site-Based Decision Making team. Both are active in our schools.

Emergency Preparedness

Durham Public Schools works closely with emergency management, law enforcement, public health and other safety officials at the local, county, state and federal levels to develop and strengthen school plans for handling emergencies. Each school has an Emergency Preparedness Plan which includes guidelines on how to respond to severe weather, fire, chemical related incidents, terrorist attacks, and security related incidents during school and business hours. All schools have emergency and crisis response teams that are an integral part of the school's emergency management plan.

Durham Public Schools transmits crisis/emergency messages when necessary using the following media:

- Website at www.dpsnc.net
- DPS-TV Cable Channel 4
- Local radio and television station broadcasts
- ConnectEd Notification System
- Weather/Closing Alert Email Sign-up (Under Parents on www.dpsnc.net)
- Parent Hotline, 919-560-9129

Parents Can Help

- Keep emergency contact information updated using the Student Data Sheet at your child's school. This information includes your home and emergency phone numbers, home address, special medical needs and emergency pick-up information.
- Encourage your child to follow directions given by school personnel.
- Stay calm. Our first priority is keeping students safe.
- Talk to your child about emergencies.
- Follow your school's sign-in and sign-out procedures when visiting.
- Contact your child's school or the Risk Management Services Office, 560-3829, for additional information. Information is online at <http://www.dpsnc.net/about-dps/departments/risk-management/>

Elementary and Middle School Child Care

DPS Community Education offers licensed before and after school programs at most elementary schools. Most of the programs have earned the state's highest star rating - 5 stars.

Programs offer:

- Enriching and recreational activities
- Time for homework
- Trained staff and state licensed; many 5-Star rated programs
- Safe and nurturing environment
- Convenient and close connection with schools
- Project-based clubs
- Snack provided

Encore! middle school after school programs are offered based on funding availability.

For more information and/or questions please call 560-3816 or visit our Website at <http://afterschool.dpsnc.net/>

Pledge of Allegiance

State law and board policy require that each school include a daily recitation of the Pledge of Allegiance to the flag. The school shall not compel any person to stand, salute the flag, or recite the Pledge of Allegiance, but each person shall maintain proper decorum while others participate.

Textbooks

Durham Public Schools provides textbooks on loan to students. Students are expected to return textbooks in good condition. Textbooks are to be returned at the end of the school year/course or when a student withdraws from school. Fees will be charged for books not returned, lost and/or damaged.

Student Accident Insurance

Durham Public Schools provides supplemental insurance coverage for injuries that occur during the hours and days when school is in session and while students are participating in school-sponsored and supervised student activities on or off the school premises. These student activities include interscholastic athletics, intramural sports, physical education classes and sponsored group travel.

An accident under this coverage is defined as an unexpected, sudden and definable event, which is the direct cause of

a bodily injury, independent of any illness, prior injury or congenital predisposition. Payments for those medical/dental expenses incurred from an accident would be covered only in excess of any other insurance plans.

This supplemental insurance coverage is administered through Bollinger Insurance. This coverage is designed to pick up eligible balances left by any other plans and, only if other coverage or plan is available, to pay the medical/dental expenses incurred to the limits stated within the policy. Student Accident Claim Forms are available at each school and require completion by the student's school and the parent or guardian. Once the claim form is completed, the parent or guardian is responsible for filing the accident claim with the insurance carrier. Durham Public Schools does not accept or deny accident claims which are submitted by parent or guardian.

Catastrophic Insurance Coverage

Durham Public Schools provides coverage for all middle and high schools from \$25,000 up to \$1 million dollars in catastrophic benefits for any school sponsored or supervised activity, including field trips. At school activities include: intramural and club sports, physical education classes, classroom and laboratory activities for credit, off-campus group activities for credit, faculty-sponsored clubs, plays and concerts, and off-campus, faculty sponsored and supervised field days.

Voluntary Accident and Dental Insurance

Additional information related to a 24-hour voluntary student accident and dental insurance plan administered by Sentry Life Insurance Company will be made available at your child's school.

School Breakfast & Lunch Program

Menus are distributed on a monthly basis. Menus also are published on DPS Cable Channel 4, and are available on our Website at <http://www.dpsnc.net/lunch>

For the 2011-12 school year, school meal prices will be:

Breakfast		Lunch	
Reduced	.30	Reduced	.40
K-12	1.60	K-5	2.10
Adults	1.85	6-12	2.35
		Adults	3.25

Durham Public Schools participates in the National School Breakfast and Lunch Program, a federally assisted meal program that provides nutritionally balanced, low-cost or free lunches to students. Students may qualify for free and/or reduced meals by completing a new application for the 2011-12 school year. Applications are available by contacting Child Nutrition Services at 919-560-2370, the school office or on the Web.

Teaching and Testing

All teachers have access to the state curriculum known as the North Carolina Standard Course of Study. DPS teachers are provided with curriculum support documents that support instruction. All courses have a Curriculum Overview and an Instruction and Assessment Calendar that is available to teachers on Durham's Enterprise Portal of Online Tools (DEPOT).

Local Assessments

During 2010-11, DPS retooled local assessments to measure mastery of North Carolina Standard Course of Study Standards. Teachers use the results as a tool to inform re-teaching and acceleration efforts. During the 2011-2012 school year, local assessments will be administered based upon the district's Design for Accelerated Progress (DAP) model.

All children served in DPS Exceptional Children (EC) and Title I Preschool programs will be assessed by the Creative Curriculum ongoing formative assessment system. Additional EC progress reporting is determined through Individual Education Program (IEP) goals.

State Testing, K-8

Grades K-2

Teachers in kindergarten, first and second grades use a portfolio approach based on curricular goals and objectives, in addition to the K-2 State Assessment, to keep track of children's progress during the year.

Grades 3-8

Students in grades 3-8 take reading comprehension and mathematics tests, referred to as End-of-Grade tests, at the end of the school year. Additionally, students in grades 5 and 8 take a science test. These multiple-choice tests provide information on a student's proficiency in reading and math and are a part of the state's accountability program. Students are scored using four levels of proficiency:

- Level 1 performance means insufficient mastery;
- Level 2 is inconsistent mastery;
- Level 3 is consistent mastery (at grade level); and,
- Level 4 is superior mastery.

After the first administration of the tests, students in grades 3-8 are required to retake any tests on which they scored a Level 2 after additional assistance is provided to students. Parents may request, in writing, to have their children retested if they score a Level 1.

There are testing accommodations available for some children with disabilities and some students who speak English as a second language. The need for the accommodations must be documented in the student's Individualized Education Program (IEP), LEP Plan, or Section 504 Plan.

Writing Assessment

Students in grades 4 and 7 participate in The North Carolina Writing Assessment System. This state expectation requires students to complete a writing portfolio. The portfolio encourages instruction to focus on the writing process, not just the preparation for a traditional single-day assessment. It is based upon writing across the curriculum in each content area and involves all educators, not just English/Language Arts educators. Students will complete two content-specific writing assignments and two on-demand writing tasks.

Students in grade 10 continue to participate in the traditional 10th-Grade Writing test.

End-of-Course Tests

End-of-Course tests are designed to assess the competencies in the curriculum for certain high school-level courses. These tests are administered within the final 10 days (or the equivalent for alternative schedules) of the school term in which the courses are taught. Effective for the 2011-2012 school year, End-of-Course tests will be administered in 4 subjects: Algebra I, Biology, and English I.

DPS Graduation Standards

DPS Board Policy 3235 requires that students pass with a Level 3 or Level 4 the state-mandated End-of-Course tests in order to graduate. High school students not passing the state-mandated assessments may appeal the requirement. This waiver requires the parent or teacher to present examples of the child's work demonstrating adequate course performance. Call the school principal to request information about the waiver process. It is important for parents to be aware that the school principal makes all final decisions regarding promotion and retention.

SAT/ACT

Students who plan to attend college also take the SAT and/or the ACT. These tests are administered outside of the school day. These are not state-required tests, but many universities require these tests for admission. More information is available from school guidance counselors.

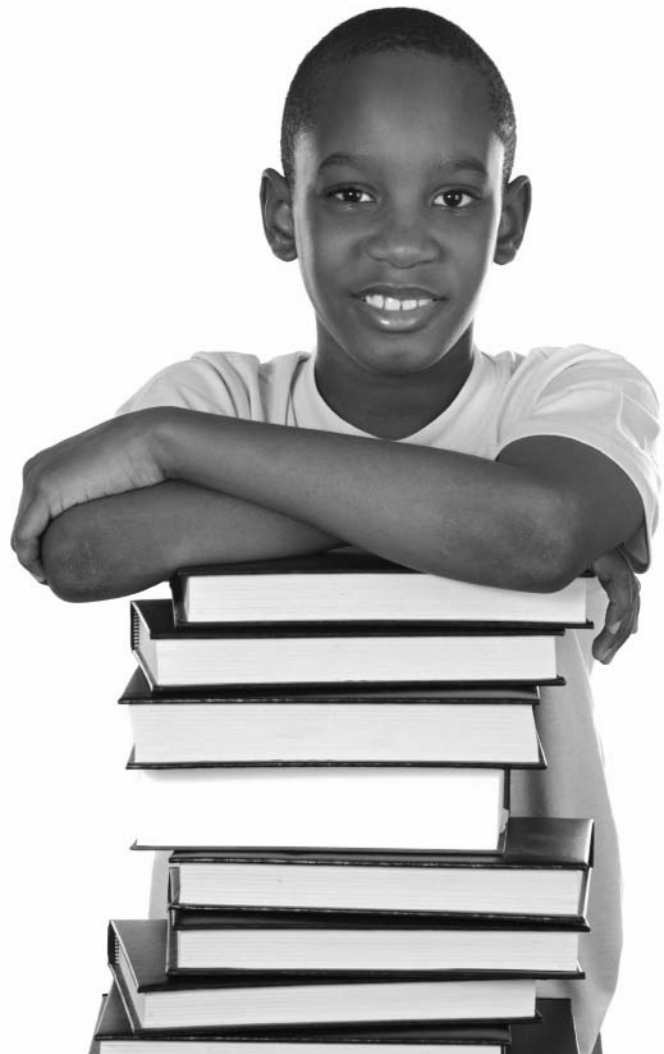
Report Cards and Promotion Standards

Teachers distribute progress reports to let parents know about their child's strengths/weaknesses. Report cards are issued no later than seven days after the end of the grading period.

Promotion Standards, K-8

Students in grades kindergarten through grade 8 are required to meet promotion standards which include demonstrated grade level proficiency on local assessments, standardized tests, report cards, and student work. A variety of methods are used to determine a student's progress.

If a student appears likely to be retained, then the parent/guardian of the student shall receive at least two (2) notices. The first notice may be a conference; the second notice must be in writing and must be provided by the end of the third quarter. The principal's office must provide in writing an official notice of retention to the parent/guardian by the last day of school.





ABCs of Public Education: North Carolina's Accountability Program

Students are held accountable for performance through the promotion standards, and schools are held accountable by the state's ABCs of Public Education program.

ABCs results will be released in August for the 2009-10 school year. The results will be on the DPS Website.

No Child Left Behind (NCLB)

No Child Left Behind is a federal law that has as its goals: closing achievement gaps, holding schools accountable for all students, and having a "Highly Qualified" teacher in every classroom. The law's impact is slightly different for families depending on your school's success in meeting NCLB target goals and ABCs growth expectations, your child's success in meeting goals and expectations, and whether or not your school receives Title I funds.

NCLB compares scores at the same grade levels within subgroups from one year to the next.

More information regarding No Child Left Behind in North Carolina is available at www.ncpublicschools.org/nclb. School report cards are available from your school or online at www.ncreportcards.org

Permission Forms

A section on the DPS Website includes forms, in English and Spanish, that parents need to complete for various school activities. These forms include the following:

Military Recruiter Opt-Out Form for 2010-11

No Child Left Behind requires that names, addresses and telephone listings of secondary school students be released to military recruiters upon request unless parents or guardians opt out by signing a form requesting that this information not be released. This form must be completed each year.

Request for Medication to be Given During School Hours

This form gives parental permission for their child to receive medication during school hours. The medication must be prescribed by a licensed physician. The form also must be signed by a physician.

Request for Absence to be Excused for Religious Observances/Educational Purposes

Parents can request that their children receive excused absences for educational experiences and also for religious observances.

Notification of Possible Media Visits

Parents who do **NOT** want to allow the media to take photos or make video recordings of their child while they're at school must submit a form that the school will keep on file. If parents do not submit such a form, their children may be photographed.

Student Internet Use Permission Form

DPS has an Internet Acceptable Use policy and a section (9) of the Student Conduct Policy (Policy 4301) that relates to student access to the Internet during school. Violating these policies may constitute a criminal offense. Students and parents must complete the form that allows Internet access.

Notification of Rights under FERPA

for Elementary and Secondary Schools

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

These rights are:

- 1) The right to inspect and review the students' educational records within 45 days of the day the school receives a request for access.

Parents or eligible students should submit to the school principal [or appropriate school official] a written request that identifies the records they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the record may be inspected.

- 2) The right to request the amendment of the student's education record that the parent or eligible student believes is inaccurate or misleading.

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

- 3) The right to consent to disclosures of personally identifiable information contained in the student's education record, with the following exceptions:

- disclosure to school officials with legitimate educational interest. A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school board; a person or company with whom the school has a contract to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her task.

A school official has a legitimate education interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

- pursuant to federal law, names, addresses and telephone listings of secondary school students shall be released to military recruiters and institutions of higher education upon request. Parents or eligible students may request that this information not be released without prior written consent by the parent or eligible student.

For more information about the following student records management policies and practices, please refer to Board Policies 4200-4209 and 4420.

- *Directory information is released upon request unless the parent requests in writing ANNUALLY that directory information not be released. Directory information includes the student's name, the parents'/guardians' names, the student's age, the student's photograph, the student's participation in officially recognized activities and sports, the weight and height of athletic team members, dates of the student's attendance, degrees and awards received, and the most recent previous educational agency attended.*
- *DPS provides student records in response to a lawfully-issued subpoena or court order.*
- *DPS forwards records to another K-12 school where the student seeks enrollment without further notice to parents.*
- *DPS provides information from student records to the Durham County Dept. of Social Services if abuse or neglect is suspected.*
- *Notices of long-term suspension become part of the official student record.*
- *Confidential records are destroyed five years after students exit. Since records may be helpful in securing later services, parents should request copies when their student exits from services.*

- 4) The right to file a complaint with the U.S. Department of Education concerning alleged failure by the school 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 20202-4605

Board of Education Policies

This section provides an overview of policies that pertain to parents and students across our school district. The specific policy number is indicated at the end of each summary. If you are interested in more information or would like a copy of any policy, the entire policy manual may be reviewed at any school's media center, Durham County Library, or the Durham Public Schools Office of Public Affairs. The policies also are available from the homepage of our Website, www.dpsnc.net.

SCHOOL AND COMMUNITY

Community Involvement in the Schools

School Volunteers

Durham Public Schools welcomes parents/guardians, families and citizens to volunteer in a way that supports an environment that is conducive to learning and ensures the safety and well-being of students. Screening, training and supervision of volunteers is the responsibility of the school principal following rules and procedures established by the Superintendent. Policy 2020

School Visitors

Parents/guardians are welcome to visit any school. In order to ensure safety and avoid disrupting school activities, we have established the following guidelines:

- *Visitors must check in at the school office.*
- *Principals may prohibit or discourage visits when students are being tested and other times when visits may disrupt school activities.*
- *Parents/guardians who wish to discuss a student's progress should request a meeting in advance to be held outside regular school hours.*
- *Anyone who disrupts school operations, damages school property, or poses a risk to the students, staff, or the school may be asked to leave school property. A principal has the authority to prohibit such persons from attending school events or coming on school property.*

In order to ensure that campuses are safe and orderly, the Superintendent or principals may establish additional rules consistent with this policy. Policy 2025

Weapons and Alcohol

In order to ensure the health and safety of students and staff, DPS strictly prohibits guns, other weapons, and alcoholic beverages on school property. Anyone who brings, possesses, or encourages someone else to bring a weapon onto school property (i.e. — school building, campus, buses, recreational area, or athletic field) will be reported to law enforcement authorities. This applies even if the individual has a concealed handgun permit. Policies 2200 and 2205

Use of Tobacco Products

Students may not possess, display or use any tobacco product at any time on school premises, including school vehicles, or while participating in school-sponsored events. Employees or visitors are not permitted under any circumstances to use tobacco products in or on the grounds of any facility owned or leased or contracted for by Durham Public Schools. Policy 2210



CURRICULUM AND INSTRUCTION

Internet Acceptable Use

The Internet is an invaluable source of information for students and staff. The computer networks at school are provided for students for educational purposes. Students who wish to access the Internet and email must submit a completed permission form (including a parent/guardian's signature). Teachers will instruct students in proper use of the Internet and email, but the student and his/her parents/guardians are ultimately responsible for the student's use of these resources. Students who do not follow the district's guidelines may have their Internet and email privileges revoked and be subject to other disciplinary actions. Policy 3040

Student Fees

DPS strives to offer its instructional programs without charging fees. Fees, however, are necessary on occasion. Before any fee is charged, it must be approved by the Board of Education.

Special school activities requiring costs to students that might prevent some students from participating are prohibited. No student will be prevented from participating because of an inability to pay. Fees may be waived or reduced in accordance with established procedure. Policy 3065

GRADING SYSTEM: Grading Philosophy

The policy of the Board of Education is to strive for a consistent and just evaluation of each student in the Durham Public Schools. To ensure the effectiveness of this policy, the Board of Education endorses these beliefs and best practices.

- *Students' grades should reflect their academic achievement.*
- *While attendance and behavior may influence a student's learning, they should be reported separately, not included in the student's grade.*
- *Teachers should compare each student's performance against pre-set standards, not against the performance of other students.*
- *For missing work, teachers should provide specific make-up assignment(s) for demonstrating the targeted learning.*
- *Teachers should provide students and their parents with a clear explanation of their grading practices including the weighting of formative and summative assessments and rubrics as appropriate.*

- *All assessments and assignments, including teacher-made tests should be aligned with the North Carolina Standard Course of Study and be designed to assess student achievement accurately. Policy 3200*

Minimum Grade Threshold (Middle and High School):

In yearlong courses, for first, second, and third-quarter grades, no student will receive lower than a 60. There is no set minimum for fourth-quarter or final grades. For semester courses, the first-quarter grade will be no lower than a 60; there is no set minimum for second quarter or final grade. Policy 3200.5

Credit for High School Courses:

For high school level courses, a student shall receive credit toward graduation for courses in which the student earns an average of 70 or above. The student's final grade in all courses shall be determined by calculating 75% of the grade as the course average and 25% of the grade as the final exam. All exams (EOC/VoCats or non-EOCs) will count as 25% of the final grade. This policy applies to all courses earning credit toward high school graduation. Policy 3200.6

Final Examinations:

The Board of Education requires that a final examination be given at the end of each course earning credit toward high school graduation. In EOC/VoCATS courses, the state test counts as the final exam. Final exams in non-EOC/VoCATS courses should be a valid reflection of the student's mastery of course content. Exams should be cumulative in nature and test material and skills taught during the period covered by the exam. Policy 3230

Graduation Requirements:

Ninth graders entering high school in 2009 and later must pass the Future-Ready Core course of study as defined by the State Board of Education. A listing of the requirements for the Future-Ready Core course of study is available in the guidance office of each middle and high school and posted on the DPS website.

Future Ready Core students must earn a total of 28 units as specified in their course of study to graduate. At Durham School of the Arts, students must earn a total of 24 units.

Students on the Future-Ready Core course of study must pass certain End of Course (EOC) tests with a score of Level III or Level IV in order to meet the district graduation standards and receive a high school diploma.

Students who meet specific eligibility criteria and have the approval of a school-level team, the principal, and the superintendent or his/her designee may participate in the General Diploma program. General Diploma students must meet North Carolina graduation requirements. A listing of the requirements for the General Diploma is available in the guidance office of each high school.

The Occupational Course of Study is available for those students with disabilities who are specifically identified for this program. Policy 3235.1

Services for Exceptional Children

Durham Public Schools offers a free and appropriate education to every enrolled disabled child with special needs between the ages of three and 21, in compliance with state and federal regulations. A parent or guardian who believes his/her child has a disability may request assistance through the Student Assistance Program in the child's school. Children who might have a disability are entitled to a multidisciplinary diagnosis and evaluation provided at no charge by the school district. The multidisciplinary team will use the evaluation results to determine eligibility for special education services under federal and state regulations. Parents/guardians will receive notification of the evaluation results.

If the results confirm an Exceptional Children's classification (diagnosis), an Individualized Education Program (IEP) will be designed to meet his/her unique needs. Parents must consent to the child's placement in the special education program. The student will be placed in the least restrictive environment based on his/her IEP. Parents/guardians will receive advance notice in writing if there is a proposed change regarding their child's identification, evaluation or placement. Policy 3400 More information on the rights of students with special needs and their parents can be found in the N.C. Department of Public Instruction Handbook on Parent's Rights, available from any school.

Services for Disabled Students under Section 504 of the Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act prohibit discrimination against any individual on the basis of disability. A disability means a physical or mental impairment that substantially limits one or more major life activities such as seeing, hearing, breathing, walking, learning, communicating, or the operation of a major bodily function. A student with a disability may be eligible for protections from discrimination at school. If a student currently has or has had a Health Care Plan for a medical condition that may limit a major

life activity, your student may qualify for protections that allow equal access to the educational environment.

Each school has a Section 504 contact person who is trained to coordinate such services. Requests for accommodations under Section 504 should be directed to the Student Assistance Program in the child's school or to the Section 504 contact person at the school. A copy of the rights available to students and their parents under Section 504 is available from the Section 504 contact in the school and from the Section 504 Coordinator (560-2076). Policy 3405

Services for Academically and/or Intellectually Gifted (AIG) Students

Article 9B, enacted in 1996 by the NC General Assembly, requires each school district to submit a plan detailing implementation of the law requirements. The plan, developed by a team of parents/guardians, teachers, and community representatives, includes how to identify students who need additional services; what types of programs will be offered; how parents/guardians will be involved in the process; any special training staff may need; and how the plan will be evaluated. Plans are submitted to the Board of Education for approval and remain in effect for three years.

Each school develops its own plan to provide services for AIG students. The plan, developed by a team of parents/guardians, teachers, and community representatives, includes how to identify students who need additional services; what types of programs will be offered; how parents/guardians will be involved in the process; and any special training staff may need.

Plans are submitted to the Board of Education for approval and remain in effect for up to three years. Policy 3410.

STUDENT SERVICES

Student Attendance

DPS strongly encourages regular attendance, as students will obviously get the most out of their education by coming to school every day.

Minimum Attendance Requirement

A student is considered absent from school when the student is not present for at least half of the school day, whether the absence is excused or unexcused. A student is absent from a class if the student misses more than half the class period, whether the absence is excused or unexcused. Absences resulting from participation in school-sponsored activities will not count against the minimum attendance

requirement. This policy does not limit a teacher or principal from imposing disciplinary sanctions for students who miss portions of the school day or a class without excuse.

A student who is absent from school shall within three days of returning to school furnish a written excuse from the student's parent/guardian, custodian, or doctor stating the dates and reason for the absences. After five consecutive or ten accumulated absences in a semester, the principal may require a written doctor's excuse for any additional absences attributed to illness.

When a student has been absent from class or school ten times in a semester or twenty times in a school year, whether excused or unexcused, the principal or designee shall notify the parent/guardian or custodian of the absences in writing. The notice shall include a warning of the possible consequences of additional absences and/or a copy of this policy. In addition, excessive unexcused absences may violate the compulsory attendance law. Policy 4100

Attendance Incentive: Exam Exemption

High school students may be exempt from their non-EOC/VoCATS final exams if they meet one of the following conditions:

For 90 day courses:

- *Have an "A" average and no more than three absences.*
- *Have a "B" average and no more than two absences.*

For 180 day courses:

- *Have an "A" average and no more than six absences.*
- *Have a "B" average and no more than four absences.*

Any absences (lawful or unlawful) count toward the limit for exam exemption except school sponsored field trips, school approved activities and religious holidays.

Students who are exempt from an exam may elect to take the exam. The grade will only count if it improves the student's overall grade. Policy 4106

Releasing Students from School

Parents/guardians are the only people allowed to take a student from school. Prior arrangements with the principal, however, may allow for others to do so. Policy 4108

Transfers

Students who wish to transfer from their assigned school into another school, other than a magnet school, may request one of the following types of transfer: 1) hardship transfer, 2) child care transfer, 3) transfer out of year-round into traditional, 4) transfer into year-round, or 5) transfer from special assignment, as outlined in this policy. The student capacity of a school, the number of students at a grade level, and local or state class size guidelines may be used as factors in considering approval or denial of student transfer requests.

Transfer students are expected to present no discipline problems and maintain good attendance and passing grades. A transfer may be denied or revoked if these conditions are not met or if a request contains false information.

Students living in a year-round elementary school's attendance zone who would prefer to attend a school on the traditional calendar may request an assignment to a designated partner traditional school.

A transfer to a year-round school is considered only if all applicants from within the school's region have been assigned and space is available.

The Superintendent or his designee can assign a student to another school if he determines such a move is in the best interest of the student or the school.

If a student's transfer request is denied, parents may appeal first to the Superintendent's designee, then to the Board of Education. Appeals must be submitted by a parent/guardian in writing within five days of notification of denial.

If a transfer is granted, transportation is the responsibility of the student or family. The principal does have discretion, however, to assign a student to a bus, provided space is available, if the stop is within the assigned school's attendance zone. Policy 4132

Immediate Transfer when Criminal Charges are Pending

Whenever a student is charged with a criminal offense, either as a juvenile or an adult, the Superintendent or designee, based upon a review of the allegations associated with the arrest or criminal charges and an informal meeting with the student and parent/guardian, shall have the authority to effect an immediate involuntary transfer to another school or to a full-time alternative education program if the Superintendent or designee, based upon a preponderance of the evidence, is of the opinion that the peace, health,

safety, or welfare of the students or staff of the Durham Public Schools may be disturbed by maintaining the student in his or her current placement. The program to which the student is transferred will be a full-time program which provides the standard course of study and permits the student to continue to make timely progress toward grade promotion and graduation. The student's parent/guardian may subsequently request a hearing to review the involuntary transfer pursuant to Policy 4132.

A student may also face suspension or expulsion for the behavior which led to the criminal charges, consistent with Policy 4301, Code of Student Conduct, and 4303, Disciplinary Procedures.

Student Records

In compliance with state and federal law, DPS maintains a permanent record on every student. The record includes files, documents, computer data, and photographs that contain information about the student. They do not include records created by individual teachers or administrators that are not shared with anyone else.

Generally, a student's record will contain basic information, such as his/her birth certificate, attendance, standardized test results, grades, and promotion information. Any suspension longer than 10 days is also part of a student's record, but this information is removed after graduation. Information in the record relating to special education services and evaluations is kept in a separate confidential file for each child evaluated for or receiving special education services, including services for the academically- and intellectually- gifted.

Parents/guardians have the right to inspect and review their child's record. If separated or divorced, both parents have this right, unless there is a court order that states otherwise.

When a student turns 18 years old or gets married and no longer lives with his/her parents, he/she has the same rights as a parent or guardian regarding his/her records.

High schools provide up to three transcripts to colleges or universities upon a student's request, as well as a copy for the graduate, at no cost. A fee is charged for additional copies based on the rate charged for copies of public records.

Parents/guardians may challenge any item in their child's record if they believe the information is inaccurate, inappropriate, or otherwise violates their child's rights. Challenges must be submitted in writing to the principal. If the principal denies the request, you may appeal through the Student Grievance Procedure.

"Directory information" may be released upon request. This includes the student's name, age, photograph, participation in officially recognized activities and sports, weight and height of athletic teams, degrees and awards, and educational institution most recently attended. Military and college recruiters also can be given telephone numbers and addresses. Parents/guardians who object to the release of this information may submit their objection in writing ANNUALLY. The objection will be placed with the student's record, and no such information will be released. Copies of student records are forwarded to other K-12 schools where students seek to enroll.

Authorized school, state, or federal educational institution personnel, persons acting under court order, financial aid organizations, accrediting organizations, and appropriate personnel acting in connection with an emergency may have access to more information within legitimate guidelines. Information from the student's record may be provided to the Durham County Dept. of Social Services, for instance, if child abuse or neglect is suspected.

Confidential records for students with disabilities and students who are referred for testing for disabilities are destroyed five years after the student is determined to be ineligible or exits from Durham Public Schools. Records may contain information useful in applications for social security benefits or special assistance as your student continues his education. To request a copy of the complete record within five years after your student exits from the program, write to the Records Center, Durham Public Schools, P.O. Box 30002, Durham, NC 27702. Please include the student's name, current phone number, and date of birth. The request must be signed by the former student, if he is 18 years or older, or his legal guardian. Policies 4200, 4201, 4202, 4203, 4204, 4205, 4206, 4207, and 4420

Bullying and Harassment

It is the priority of the Durham Public Schools Board of Education to provide every student and employee in the school system with a safe and orderly learning environment. To this end, the Board specifically prohibits harassing or bullying behavior at all levels: between students, between employees and students, between peers or coworkers, between supervisors and subordinates, or between non-employees/volunteers and employees and/or students. This policy is in addition to Policy 4410/5125 – Sexual Harassment.

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

The Board specifically prohibits reprisal or retaliation against any individual who makes a complaint or reports an incident of harassing or bullying behavior or who participates in an investigation or grievance proceeding initiated under this policy. Reprisal or retaliation against any individual who reports an act of harassment or bullying may result in disciplinary action being taken, up to and including dismissal in the case of employees, or up to and including long-term suspension or expulsion in certain cases for students.

A. Definition of Harassment and Bullying

1. As used in this policy, bullying or harassing behavior is any repeated, systematic pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication on school property; at any school sponsored function; on a school bus; or as otherwise stated in Board Policy 4301 – Student Code of Conduct, and that:
 - a. Places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property; or
 - b. Creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities, or benefits. A hostile environment means that the victim subjectively views the conduct as bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior.
2. Bullying or harassing behavior includes, but is not limited to, acts reasonably perceived as being motivated by any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender,

socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics.

B. Reporting Bullying and Harassing Behavior

1. Any student who believes that he or she has been bullied or harassed in violation of this policy should report such behavior immediately to a teacher, counselor or administrator at his/her school.
2. Any employee who believes that he or she has been bullied or harassed in violation of this policy should report such behavior to their immediate supervisor and/or the Assistant Superintendent of Human Resources or designee.
3. A school employee who witnessed or has reliable information that a student or school employee has been subject to any act of bullying or harassing behavior shall report the incident as follows:
 - a. To the principal in the case of a student; or
 - b. To the immediate supervisor of the alleged bully or harasser and/or the Assistant Superintendent of Human Resources.
 - c. Failure to make such a report may subject the employee to disciplinary action.
4. Any person may report an act of bullying or harassment anonymously. However formal disciplinary action may not be taken solely on the basis of an anonymous report.

C. Investigation of Bullying and Harassment Reports

1. All complaints of bullying or harassing behavior made by students shall be promptly and thoroughly investigated by the principal or designee. If the alleged bully or harasser is an employee, the principal will determine if a referral to Human Resources is warranted.
2. All complaints of bullying or harassment made by employees shall be promptly reported to their immediate supervisor and/or the Assistant Superintendent of Human Resources. The investigation shall be conducted by the Assistant Superintendent of Human Resources or designee.
3. If the individual required to investigate a complaint made under this policy is the alleged bully or harasser, the investigation shall be conducted by an appropriate school system administrator as designated by the Superintendent. If the alleged perpetrator is the Superintendent, the Board attorney is the investigator. In such cases, whoever receives a complaint of bullying or

harassment shall immediately notify the Assistant Superintendent of Human Resources, who shall immediately notify the Board Chair. The Board Chair shall direct the Board attorney to respond to the complaint and investigate. If the alleged perpetrator is a member of the Board, the Board attorney is the investigator. In such cases, whoever receives a complaint of bullying or harassment shall notify the Superintendent who shall direct the Board attorney to respond to the complaint and investigate. Unless the Board Chair is the alleged perpetrator, the superintendent shall also notify the Board Chair of the complaint.

4. If at any time during the investigation the school official investigating a student's allegation of bullying or harassment receives information alleging the bullying or harassment was based on sex or gender, the school official shall notify the Title IX Coordinator. In such cases, the procedures outlined in Board Policy 4410/5125 – Sexual Harassment shall be followed. Further, in any case of alleged bullying or harassment, the school system shall notify any other appropriate person or entity if required by law or Board Policy 5215 – Reporting Information to External Agencies.

D. Disciplinary Action

1. The actions taken in response to evidence of bullying or harassing behavior should be reasonably calculated to end any bullying or harassing, eliminate a hostile environment if one has been created, and prevent harassment from occurring again. In addition to taking disciplinary action as necessary, the principal or other school official shall take appropriate remedial action to address the conduct fully.
2. Violations of this policy shall be considered misconduct and will result in disciplinary action up to and including long-term suspension or expulsion in the case of students and disciplinary action up to and including dismissal in the case of employees.
3. This policy may not be construed to allow school officials to punish student expression or speech based on an undifferentiated fear or apprehension of disturbance or out of a desire to avoid the discomfort and unpleasantness that may accompany an unpopular viewpoint.
4. Nothing in this policy precludes the school system from taking disciplinary action against a student or employee where the evidence does not establish harassment but the conduct otherwise fails to satisfy the school system's high expectations for appropriate conduct.

E. Regulations and Procedures

The Superintendent shall develop regulations and procedures for implementation of this policy. Policy 4411

Code of Student Conduct

Each student in the Durham Public Schools is responsible for exhibiting the highest standards of behavior. The code of student conduct sets out system wide expectations for student behavior designed to provide the best possible school climate. This code does not restrict the authority of teachers, site-based teams or principals to make individual school or class rules, not inconsistent with this code.

Applicability of Code: All students shall comply with the Code of Student Conduct while on educational property, which includes any school building or bus, school campus, grounds, recreational area, athletic field, or other property under the control of the board of education. Students may also be disciplined for conduct that occurs off educational property that violates this Code of Conduct if the conduct 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.

Definitions

Alternative Education Services – part or full-time programs, wherever situated, providing direct or computer-based instruction that allows a student to progress in one or more core courses.

Board – the Durham Public Schools Board of Education.
Day or Days – school days excluding teacher workdays, holidays, vacations days and weekends.

Destructive Device – An explosive, incendiary, or poison gas:

- a. Bomb.
- b. Grenade.
- c. Rocket having a propellant charge of more than four ounces.
- d. Missile having an explosive or incendiary charge of more than one-quarter ounce.
- e. Mine.
- f. Device similar to any of the devices listed.

Expulsion – permanent exclusion of a student from registering, enrolling or attending any Durham Public school. This exclusion also includes riding in a school-owned or operated vehicle and prohibits the student from participating in school activities or entering any school property.

Firearm – Any of the following:

- a. A weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive.
- b. The frame or receiver of any such weapon.
- c. Any firearm muffler or firearm silencer.
The term “firearm” does not include an inoperable antique firearm, BB gun, stun gun, air rifle, or air pistol.

Long-Term Suspension – exclusion from the school to which the student was assigned at the time of the disciplinary action and from participation in school activities or events for a period in excess of ten days but not to exceed the remainder of the school year, except that if the offense leading to the long-term suspension occurs in the final quarter of the school year, the exclusion may extend to the end of the first semester of the following school year.

Parent – includes the natural parent, legal guardian, legal custodian or other caregiver adult who is acting in the place of a parent and is entitled under state law to enroll the student in school.

Principal – includes the principal and the principal’s designee.

School Personnel – includes the following:

- a. Any Board employee;
- b. Any person working on school grounds or at a school function under a contract or written agreement with the 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.

Short-term suspension – exclusion from school and participation in school activities or events for up to ten days.

Superintendent – includes the Superintendent or the Superintendent’s designee.

Reports to Law Enforcement:

When a principal has personal knowledge or actual notice from school personnel that an act has occurred on school property involving assault resulting in serious personal injury, sexual assault, sexual offense, rape, kidnappings, indecent liberties with a minor, assault involving the use of a weapon, possession of a firearm in violation of the law, possession of a weapon in violation of the law, possession of a controlled substance in violation of the law, assault on a

school employee, robbery, armed robbery, homicide, manslaughter, or death by vehicle, the principal shall report the act to the appropriate local law enforcement agency, notify parents/guardians of any alleged student victim of a violent crime and notify the Superintendent or designee. Notification must occur in writing or by electronic mail by the end of the workday in which the incident occurred, when reasonably possible, but not later than the end of the following workday. The superintendent must also provide the information to the school board.

The principal may notify law enforcement of any other potential criminal conduct or incident which may jeopardize the safety, security or well-being of the school environment.

CONSEQUENCES AND BEHAVIORAL INTERVENTIONS

Violation of Board policies, the Code of Student Conduct, regulations issued by the individual school or an individual teacher, or North Carolina law may result in disciplinary action. Principals shall inform students at the beginning of each school year of the contents of this policy and any school rules that may result in discipline. Most disciplinary consequences can occur with the student remaining in an educational environment. In-school disciplinary consequences available to principals include, for example: behavior contracts, peer mediation, in-school suspension, conflict resolution, detention, restitution, loss of privileges, and school or community service. When, in the judgment of the school principal, a student’s behavior warrants an out-of-school suspension, the principal may impose a short-term suspension or, for more serious violations of the Code of Conduct, may recommend a long-term suspension, a 365-day suspension, or expulsion. Suspensions of greater than ten days are reserved for serious misconduct which either threatens the safety of others within the school or threatens to substantially disrupt the educational environment.

In determining the appropriate consequence for a violation of this Code, principals shall consider all aggravating or mitigating circumstances they deem relevant. Examples of aggravating or mitigating circumstances that may be considered include but are not limited to:

- *The student’s age;*
- *The student’s intent;*
- *The student’s disciplinary history, including number of infractions and prior discipline for the same violation;*
- *The student’s academic history;*

- Whether the conduct caused a threat to safety;
- Whether school property or personal property was damaged;
- Whether the conduct caused a substantial disruption of the educational environment;
- Whether a weapon was involved and whether any injury resulted.

The Student Code of Conduct Rules are leveled, indicating the severity of the violation and the type of consequence. The principal shall inform students of local school rules that, if broken, may result in suspension from school.

Level I – Level I rule violations should generally result in in-school interventions in lieu of out-of-school suspensions. In cases where a student refuses to participate in the in-school interventions or engages in persistent violations of a Level I rule, or other aggravating factors are present, the principal may impose a short-term suspension. Level I rule violations may not result in long-term suspension. Any short-term suspension for truancy or tardiness shall not exceed two school days and shall only occur following documented interventions.

Level II – Level II rule violations involve more serious misconduct that may warrant short-term suspension. Principals may recommend a long-term suspension based upon the presence of aggravating factors. Any long-term suspension recommendation is subject to the appeal procedure contained in Policy 4303.

Level III – Level III rule violations are more severe in nature and support long-term suspension. The principal may impose a short-term suspension based on mitigating factors.

Level IV – Level IV rule violations compromise the safety and welfare of students and staff and require a suspension of a specific length under the North Carolina General Statutes.

Level V – Level V allows for expulsion of a student, as provided by state statute, for a violation of the Code of Conduct, if the student is fourteen (14) years of age or older and the student's behavior indicates that his/her continued presence in school constitutes a clear threat to the safety of other students or employees and the Board determines that there is no appropriate alternative education program. Additionally, any student who is a registered sex offender under N.C. General Statute 14-208 may be expelled consistent with state law.

CODE OF CONDUCT

Level I – In-School Discipline/Possible Short-Term Suspension with Aggravating Factors

I-1 Inappropriate Language. Cursing or use of vulgar, profane or obscene language is prohibited.

I-2 Attendance. Students shall attend school regularly. Students shall be considered truant and subject to discipline whenever they are absent from class or school without valid excuse.

I-3 Cheating. Cheating includes the actual giving or receiving of any unauthorized aid or assistance or the actual giving or receiving of unfair advantage on any form of academic work.

I-4 Plagiarism. Plagiarism includes the copying of the language, structure, idea and/or thought of another and representing it as one's own original work.

I-5 Falsification. Falsification includes the verbal or written statement of any untruth.

I-6 Compliance with Directions. Students shall comply with all reasonable directions of principals, teachers, substitute teachers, student teachers, teacher assistants, bus drivers, and all other school personnel who are authorized to give such directions.

I-7 Disrespect of Other Students. Students shall not mistreat fellow students or act in a way that interferes with the ability of other students to learn in a peaceful and safe environment.

I-8 Disruptive Behavior. A student may not use any means to interrupt or interfere with teaching or orderly conduct of school activities.

I-9 Electronic Devices. Except as permitted by this policy, no student shall use, display, transmit or have in the "on" position on school property any wireless communication device or personal entertainment device, including but not necessarily limited to, cell phones, pagers, two-way radios, CD/MP3 players, and electronic games or similar devices until after the conclusion of the instructional day. Laser pointers are prohibited. The Durham Public Schools is not responsible for any devices lost, stolen or damaged while on school property or at school events.

Electronic devices may be used by students for instructional purposes with the permission and under the supervision of the teacher. School principals may authorize individual stu-

dents to possess and/or use for personal purposes wireless communication devices if, in the opinion of the principal, there is reasonable need for such communication.

Any device possessed or used in violation of this policy shall be confiscated and only returned to the student's parents/guardian. Penalties for violation of this policy are set at the discretion of the principal.

If a student uses a laser pointer in a way that reasonably could or does cause physical harm, the laser pointer may be considered a weapon and the student may be disciplined accordingly.

I-10 Student Dress Code: The primary goal of the Durham Public Schools is to provide a safe learning environment where all students are able to achieve at their highest potential. The personal appearance of every student is an important component of establishing a safe environment for optimal learning and respect for one another. Students are expected to adhere to standards of dress and appearance that are compatible with an effective learning environment. In support of these goals and expectations the Board establishes the following dress code for students:

i. Students are prohibited from wearing clothing, jewelry, book bags, or other articles of personal appearance which:

- a. depict profanity, vulgarity, obscenity, or violence;
- b. promote use or abuse of tobacco, drugs, or alcohol;
- c. may create a threat to the health or safety of the student or others;
- d. are prohibited under the Gangs and Gang Activities Policy (III-8);
- e. may create a significant risk of disruption to the educational process or to the operation of the school.

ii. The following specific items are also not permitted:

- a. clothing worn in such a manner so as to reveal underwear, cleavage, or bare skin between the upper chest and mid-thigh;
- b. bare feet, bedroom slippers;
- c. spaghetti straps, strapless tops, halter tops;
- d. see-through, mesh garments;
- e. trousers, slacks, shorts worn below waist level;
- f. clothing that is excessively baggy or tight;
- g. skirts and shorts shorter than mid-thigh;
- h. sunglasses worn inside school building;

- i. hats, caps, hoods, sweat bands and bandannas or other head wear worn inside school building; and
- j. any other article of appearance that is physically revealing or provocative.

iii. If a student's dress or appearance violates this dress code, the principal or principal's designee may require the student to change his or her dress or appearance. A second or repeated violation of this policy will result in disciplinary action. The principal may make reasonable accommodations to the policy based upon a student's religious beliefs or medical conditions.

iv. This policy does not apply to school sanctioned uniforms and costumes approved by the principal for athletic, choral or dramatic performances.

I-11 Gambling. Students shall not participate in any unauthorized games of chance in which money or other items of value may be won or lost.

I-12 Disruptive or Indecent Images, Literature or Illustrations.

The possession or distribution of images, literature or illustrations that are vulgar, indecent or obscene or that significantly disrupt the educational process is prohibited.

I-13 Use of Tobacco. Students shall not possess, smoke, or use tobacco products at school, on a school bus, at any school-related activity, or on school grounds at any time.

The first violation of this policy will result in a warning to the student and conference with the student's parent/guardian or custodian in person or by telephone. Every effort should be made to hold the conference within three days of the violation. Further violation of this policy may result in disciplinary action.

I-14 Misconduct on a School Vehicle. While riding a school bus or other school vehicle, students shall observe the directives of the school bus driver. The following conduct is specifically prohibited:

- a. Delaying the bus schedule;
- b. Refusing to obey the driver's instructions;
- c. Tampering with or willfully damaging the school vehicle;
- d. Getting off at an undesignated stop;
- e. Failing to observe established safety rules and regulations;
- f. Willfully trespassing upon a school bus; and
- g. Violating any other rule of the CODE OF STUDENT CONDUCT policy while on the school bus or other school vehicle.

See also Rule II-1 I, School Transportation Disturbance. Violations of this rule may result in removal from school transportation in addition to other disciplinary consequences available under this policy.

Level II – Short-Term Suspension/Possible Long-Term Suspension with Aggravating Factors/ Possible In-School Disciplinary Consequence with Mitigating Factors

II-1 Verbal Abuse. Students may not direct toward any school employee cursing, vulgar, or abusive language.

II-2 Threat/False Threat. No student shall make any threat through written or verbal language or act which conveys a serious expression of intent to cause harm or violence. Furthermore, no student shall make a false threat of harm or violence, even in jest, which causes or is reasonably likely to cause fear or a disruption to school activities.

II-3 Bullying and Harassment. No student shall engage in bullying or harassment as defined under Board Policy 44 I I.

II-4 Sexual Harassment. No student shall engage in any conduct prohibited by Board Policy 44 I O, Sexual Harassment.

II-5 Fighting/ Physical Aggression. No student may intentionally hit, shove, scratch, bite, block the passage of, or throw objects at a student or other person. No student shall take any action or make any comments or written messages intended to cause others to fight or which might reasonably be expected to result in a fight.

A student who is attacked may use reasonable force in self-defense, but only to the extent necessary to get free from the attack and notify proper school authorities. A student who exceeds reasonable force may be disciplined even though someone else provoked the fight.

II-6 Hazing. No group or individual shall require a student to wear abnormal dress, play abusive or ridiculous tricks on him/her; frighten, scold, swear, harass or subject him/her to personal indignity.

II-7 Theft or Damage to Property. No student may steal or attempt to steal or knowingly be in possession of stolen property or intentionally damage or attempt to damage any school property or private property while under school jurisdiction.

II-8 Arson. Starting a fire or attempting to start a fire on school property is prohibited unless specifically authorized by school officials.

II-9 False Fire Alarms. No student shall set off, attempt to set off, or aid and abet anyone in setting off a fire alarm at school.

II-10 Trespassing. No student may be on the campus of another school in the Durham Public Schools during the school day without the knowledge and consent of the officials of the school she/he is visiting. Students who remain after school or come on any school campus after the school day or while school is closed without permission will be considered trespassers.

Any student who has been suspended from school shall be considered trespassing if she/he appears on any school property during the suspension period without the express permission of the principal.

II-11 School Transportation Disturbance. Any physical or verbal disturbance which occurs on a school transportation vehicle and which interrupts or interferes with the safe and orderly operation of the vehicle is prohibited. Violations of this rule may result in removal from school transportation in addition to other disciplinary consequences available under this policy.

II-12 Computer Misuse. Individual users of school-provided Internet service and computers are expected to abide by Durham Public Schools Policy 3040, Technology Acceptable Use. In addition to the provisions of that policy, the following are specifically prohibited:

- i. Sending or displaying offensive, vulgar, crude, or threatening messages or pictures;
- ii. Using obscene language;
- iii. Harassing, insulting or attacking others;
- iv. Damaging computers, computer systems, software, or computer networks;
- v. Violating copyright laws;
- vi. Using another's ID/password; vii. Illegal use of data in folders or work files;
- viii. Intentionally wasting limited resources. This includes distributing mass e-mail messages, creating and participating in unauthorized news groups, and storing files on file servers without proper authorization.
- ix. Employing the network for commercial purposes.

In the event a student engages in any of the above-referenced activities, his/her access privileges will be revoked and other disciplinary measures may result.

Level III – Long-Term Suspension/Possible Short-Term Suspension with Mitigating Factors

III-1 Assault on School Personnel. No student may cause or attempt to cause physical injury to any school employee.

III-2 Assault on Another Student. No student may cause or attempt to cause serious physical injury to another student.

III-3 Coercion or Extortion. No student may use force or violence or threat of force or violence to obtain money, property, or personal services from another student.

III-4 Weapons and Dangerous Instruments. No student shall possess, handle, or transmit any weapon or dangerous instrument at school or school events. No student shall possess, handle, or transmit any weapon or dangerous instrument at any other time when such conduct has a direct impact on school order or safety. Examples of weapons include, but are not limited to, any loaded or unloaded firearm, including a gun, pistol, or rifle; knives of any kind regardless of size; fireworks; BB guns or air guns; pepper spray; electric shock devices; box cutters or any sharp pointed or edged instrument except unaltered nail files and clips or tools used solely in instruction. Facsimiles of a gun or other weapon also are prohibited. This policy also shall apply to any item that is actually used or possessed in the same manner as a weapon. Gunpowder and ammunition for firearms are weapons for the purposes of this policy.

Refer to Level IV for violations involving firearms or destructive devices.

A student who in any way encourages another student to bring weapons to school also endangers the safety of others. No student shall knowingly or willfully cause, encourage, or aid any other student to possess, handle, or transmit any of the weapons or facsimiles of weapons listed above.

This section shall not apply to students who are members of the Reserve Officer Training Corps and who are required to carry arms or weapons in the discharge of their official class duties; nor does this section apply to weapons used in school-approved instruction or ceremonies. The principal must give prior approval for these exceptions to apply.

III-5 Bomb Threats. No student shall make or aid and abet anyone in making a false report concerning the existence of a bomb or any other dangerous object on school premises or at the site of school activities. No student shall with the intent to perpetrate a hoax conceal, place or display on school property or the site of school activities any device or artifact so as to cause any person reasonably to believe the same to be a bomb or other destructive device.

III-6 Controlled Substances and Drug Paraphernalia. No student shall possess, use, transmit, conspire to transmit, or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroids or any other controlled substance, or any alcoholic beverage, malt beverage, or fortified wine or other intoxicating liquor; or possess, use or transmit drug paraphernalia or counterfeit drug, or inhale or ingest any chemicals or products with the intention of bringing about a state of exhilaration or euphoria or of otherwise altering the student's mood or behavior:

No student shall be at school with the odor of alcohol or illicit drugs about their person.

The proper use of a drug authorized by valid medical prescription from a legally authorized health care provider shall not be considered a violation of this rule when the drug is taken by the person for whom the drug was prescribed and in the manner in which the drug was prescribed. When a first infraction of this policy involves only possession, use, and/or being under the influence of a substance prohibited by this policy, an alternative to long-term suspension shall be offered. Failure to meet any requirements of the alternative program reactivates the long-term suspension recommendation.

III-7. Threats, Hoaxes, and Other Acts of Terror.

- a. No student shall make a report that he or she knows or should know is false, that any device, substance, or material designed to cause harmful or life-threatening illness or injury to another person, is located on school property or at the site of a school activity.
- b. No student shall, with the intent to perpetrate a hoax, conceal, place, disseminate or display on school property or at the site of a school activity any device, machine, instrument, artifact, letter, package, material, or substance, so as to cause a reasonable person to believe the same to be a substance or material capable of causing harmful or life-threatening illness or injury to another person.
- c. No student shall threaten to commit an act of terror on school property or at the site of a school activity that is designed to cause, or is likely to cause serious injury or death to another

person, when the threat is intended to cause, or actually causes, a significant disruption to the instructional day or a school-sponsored activity.

- d. No student shall make a report that he or she knows or should know is false, that an act of terror designed to cause, or likely to cause serious injury or death to another person on school property or at the site of a school-sponsored activity is imminent, when that report is intended to cause, or actually cause, a significant disruption to the instructional day or a school-sponsored activity.
- e. No student shall aid, abet, and/or conspire to commit any of the acts described in this section.

III-8 Gangs and Gang Activities. The Board of Education believes that gangs and gang-related activities pose a serious safety threat to students and staff members of the Durham Public Schools. Even absent acts of violence, gang-related activities disrupt the educational environment and increase the risks of future violence. In light of these serious concerns, the school system will not tolerate any gang-related activities as outlined in this policy.

No student shall commit any act which furthers gangs or gang-related activities. A gang is any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of criminal acts and having a common name or common identifying sign, colors, or symbols. As used herein, the phrase "gang-related" shall mean any conduct engaged in by a student (1) on behalf of an identified gang, (2) to perpetuate the existence of any identified gang, or (3) to effect the common purpose and design of any identified gang. Conduct prohibited by this policy includes:

- i. **Wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, emblems, badges, symbols, signs or other items with the intent to convey or promote membership or affiliation in any gang;**
- ii. **Communicating either verbally or non-verbally (gestures, handshakes, slogans, drawings, etc.), with the intent to convey or promote membership or affiliation in a gang;**
- iii. **Tagging, or otherwise defacing school or personal property with symbols or slogans intended to convey or promote membership or affiliation in any gang;**
- iv. **Requiring payment of protection, insurance, or otherwise intimidating or threatening any person related to gang activity;**

v. Inciting other students to intimidate or to act with physical violence upon any other person related to gang activity;

vi. Soliciting others for gang membership;

vii. Committing any other illegal act or other violation of school district policies in connection with gang-related activity.

The Superintendent or his/her designee shall regularly consult with law enforcement officials to maintain current examples of gang-related activities, including but not limited to gang names and particularized examples of potential gang indicators including symbols, hand signals, graffiti, clothing/accessories, and behaviors.

Each principal shall maintain current examples of gang-related activities in the main office of the school. In addition, guides shall be included in each main school office to assist students, parents, and teachers in identifying gang symbols and practices. In providing this information for students and parents, the Board acknowledges that not all potential gang indicators connote actual membership in a gang.

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

Before being suspended for a first offense of wearing gang-related attire, a student will receive an individualized warning and will be allowed to immediately change or remove the attire that is in violation of this policy. Unless the student has been specifically notified of a prohibited item of attire, a student will receive this warning the first time he or she is observed wearing a particular item in violation of this policy.

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

SPECIAL NOTE: Current information on gang-related activities is maintained in the principal's office at each school. Information on gang-related activities is subject to change, and the school principal's office should be

consulted for updates. Additional information identifying gang signs, symbols, clothing, and other gang indicators is available at the following websites:

toknc.com/documents/files/GangGuide2.pdf
www.gangorus.com/gang_signs_and_symbols.html
www.ncgangcops.org/NCGangAwareness.pdf
www.adl.org/hate_symbols/default.asp

Level IV – Suspensions Required under State Law

IV-1 Firearms/Destructive Devices. No student shall bring onto school property or possess a firearm or destructive device. A firearm is any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, the frame or receiver of any such weapon, or any firearm muffler or firearm silencer. The definition of firearm under this rule does not include an inoperable antique firearm, a BB gun, stun gun, air rifle, or air pistol.

A destructive device is an explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device.

A student shall not be found in violation of this policy if it is determined that the student took or received the firearm or destructive device from another person at school or found the firearm or destructive device at school, provided that the student delivered or reported the firearm or destructive device as soon as practicable to a law enforcement officer or a school employee and had no intent to use such firearm or destructive device in a harmful or threatening way.

Violation of this Rule will result in a recommendation for 365-day suspension.

Level V – Expulsion

A student fourteen (14) years of age or older may be expelled for a violation of this Code of Conduct if the Board determines the student's behavior indicates that the student's continued presence in the school constitutes a clear threat to the safety of other students or employees, and that there is no appropriate alternative educational program. Additionally, any student who is a registered sex offender under N.C. General Statutes 14-208 may be expelled.

Mandatory Long-Term Suspension

The following specific actions will result in automatic recommendation for long-term (more than 10 days) suspension for middle or high school students:

- *Assault on another student with a weapon or another object resulting in injury;*
- *Assault on another student – when two or more students assault or attack or cause or attempt to cause physical injury to any other student;*
- *Assault on another student with a weapon or another method resulting in injury;*
- *Assault on school personnel;*
- *Threats of abusive action such as violence or extortion; or,*
- *Possession of a weapon, illegal drugs or drug paraphernalia.*

Any student (grades K-12) will automatically be suspended for 365 calendar days for communicating a bomb threat or for bringing a firearm or explosive device onto any school property or school-sponsored extracurricular event or vehicle. Any threat or act of terror (even as a hoax) may result in a 365-day suspension.

Any student age 13 or older who physically assaults and seriously injures anyone on school property or vehicles is subject to suspension up to 365 days. Policy 4302

Disciplinary Procedures

Students may be suspended or expelled from school only in compliance with law and Board policy. Furthermore, all schools shall develop and implement viable alternatives to out-of-school suspension or expulsion. The Board encourages the use of in-school alternatives as preferable to out-of-school suspension. When student discipline is recommended, the following procedures shall apply. The Superintendent is authorized to develop administrative procedures implementing this policy.

In-School Discipline

Most disciplinary matters can be handled by the teacher or principal without use of out-of-school suspension. When a student is subject to in-school suspension, after-school detention, or loss of transportation or other privileges, the student shall be told the accusation against the student and be given a chance to respond. The exchange may be informal and need not be in writing. Notice shall be provided to parents when a student receives a disciplinary referral that results in in-school suspension.

Short-Term Suspension

Principals are authorized to suspend students for periods of 10 school days or less for violations of the Code of Student Conduct or local school rules when the principal has notified students that violation of the local school rule may result in suspension. Principals shall defer the beginning of any suspension to the day following the decision to suspend, unless immediate suspension is necessary to avoid disruption of school. In suspending a student for 10 school days or less, the principal shall take the following steps.

- A. Investigate the alleged misconduct promptly;
- B. Give the student oral or written notice of the accusation and evidence against the student and give the student the opportunity to respond and make statements in mitigation of the charges. If the student denies the conduct or identifies witnesses who could exonerate the student, the principal shall make reasonable efforts to follow up or contact possible exculpatory witnesses;
- C. Notify a parent/guardian in person, by telephone, fax, email, or any other method reasonably designed to actually notify the parent that the student is being suspended, along with a description of the alleged conduct. This notice shall be given by the end of the workday during which the suspension is imposed when reasonably possible, and no later than two days after the suspension is imposed. When a principal is unable to contact a parent/guardian despite reasonable efforts, the principal shall keep a record of attempts to contact the parent/guardian.

A copy of the suspension notice shall be forwarded promptly to the Superintendent's office. The notice shall inform the parent/guardian that they are entitled to an informal conference regarding the suspension with the principal or designee. The parent/guardian is entitled to bring a representative to the conference. The conference should take place within three working days of the request. A short-term suspension is not appealable to the Superintendent or Board of Education under this policy.

Any student suspended short-term shall be provided:

- (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 the assignment;
- (3) The opportunity to take any quarterly, semester, or grading period examinations missed during the suspension period.

Emergency Suspension

In extraordinary circumstances, a principal may suspend a student from school immediately if the student's presence at school creates a direct and immediate threat to the safety of other students or staff, or substantially disrupts or interferes with the education of other students or the maintenance of discipline at the school. The principal shall give the student notice of the charges against the student and an opportunity to respond as specified under the procedures for short- or long-term suspension as soon as possible and no later than two days after the emergency suspension.

If the principal determines that emergency circumstances require that a student be suspended immediately and sent home during the day, and if a parent/guardian or other responsible adult designated by a parent/guardian, is unable to come for the student or cannot be reached, the student must remain at school under the principal's supervision until the close of the school day, unless circumstances make it unsafe for the student to remain at school and the principal can arrange for the student to be in a safe setting away from school. The age of the student and the seriousness of the offense should be considered.

Long-Term Suspension

A long-term suspension is a suspension of greater than ten days and no more than the remainder of the school year, except that if the offense leading to the suspension occurs during the final quarter of the school year, the long-term suspension may include a period up to the first semester of the following school year. The principal may recommend long-term suspension as authorized under the Code of Student Conduct. Only the Superintendent has the authority to impose a long-term suspension. No long-term suspension will be imposed by the Superintendent until the student has been provided with an opportunity for a hearing as provided in this policy.

A. Notice of Long-Term Suspension

In any case in which the principal recommends a student for a suspension of more than 10 school days, he/she shall provide written notice of the suspension to the student's parent, guardian, caregiver or other person legally responsible for the student, and to the Superintendent. The notice must include:

- (1) A description of the incident and the student's conduct that led to the long-term suspension recommendation, including any aggravating or mitigating factors that were considered in determining the consequence.
- (2) A reference to the provisions of the Code of Student Conduct that the student is alleged to have violated.

(3) The specific process by which the parent may request a hearing to contest the decision, as described in this policy.

(4) The process by which a hearing will be held, as described in this policy.

(5) Notice that the parent is permitted to retain an attorney to represent the student in the hearing process, or to have a single non-attorney advocate represent the student.

(6) Notice that the parent has the right to review and obtain copies of the student's educational records before the hearing.

(7) A reference to the board policy on the expungement of discipline records as required by G.S. 115C-402.

If school personnel are aware that the parent's first language is not English and foreign language resources are readily available, this notice shall be provided in both English and the parent's primary language.

The written notice should be provided to the parent/guardian by the end of the workday during which the suspension is recommended, but in no event later than the end of the following workday. The written notice shall be delivered by hand by a responsible adult, by certified mail, by telefax, by e-mail, or by any other written method reasonably designed to achieve actual notice of the recommendation.

B. Alternative Education Services

Any student who is recommended for long-term suspension, with the exception of students who are charged with a Level IV offense, shall be offered alternative education services unless educationally appropriate alternative education services are not available within the school district due to limited resources. Students must comply with the conditions for admittance and continued enrollment in the alternative educational program.

The Superintendent will consider whether to offer alternative educational services to students who have committed Level IV offenses on a case-by-case basis. The Superintendent will offer alternative educational services to a student suspended for 365 days unless a significant or important reason exists for declining to offer such services. Depending on the circumstances, significant or important reasons for denying alternative education may include, but are not limited to, the following:

- a. *The student exhibited violent behavior;*
- b. *The student threatened staff or other students;*
- c. *The student substantially disrupted the learning process;*

d. *The student otherwise engaged in serious misconduct that makes the provision of alternative educational services not feasible;*

e. *Educationally appropriate alternative education services are not available due to limited resources; or*

f. *The student failed to comply with reasonable conditions for admittance into an alternative education program.*

The Superintendent will notify the student/parent in writing of the reason for declining to offer alternative educational services. If an alternative education in lieu of suspension is denied, the student/parent may appeal the Superintendent's decision to the Board of Education.

While a student who is attending an alternative educational program in lieu of long-term suspension, the student shall not be on the grounds of any school other than the alternative program or attend any school-sponsored events without permission of the principal responsible for that event. Violation of this provision will be considered trespassing.

C. Request for Appeal of Long-Term Suspension

The parent/guardian or student has three days to appeal the suspension to the office of the Superintendent after receipt of the written notice of suspension. Upon receipt of the notice of appeal from the parent/guardian or student the Superintendent's designee shall promptly convene a three-member hearing panel ("hearing panel") to hear the student's appeal. The hearing panel shall serve as the Superintendent's designee in approving long-term suspensions and in recommending expulsions. The hearing panel shall not include any employees under the supervision of the principal who recommended the long-term suspension/expulsion.

D. Review of Recommendation for Long-Term Suspension in the Absence of an Appeal

If a parent/guardian fails to request a hearing, the principal's recommendation shall be forwarded to the Superintendent for final decision. The Superintendent/Designee will review the circumstances of the recommendation for long-term suspension and may (a) impose the suspension if it is consistent with board policy and appropriate under the circumstances; (b) impose another appropriate penalty authorized by board policy; or (c) decline to impose any penalty. The Superintendent will notify the parent in writing of his or her decision no later than the tenth day of suspension.

E. Long-Term Suspension Appeal Hearing Procedures

If the parent/guardian or student appeals the suspension, the Superintendent's designee shall convene a hearing before the expiration of the 10 day suspension imposed by the principal.

The Superintendent's designee shall promptly notify the parent/guardian or student in writing by mail or hand delivery of the location, date and time of the hearing. A copy of this letter will be forwarded to the principal. The student or parent/guardian may request a continuance of the hearing or in writing may waive such hearing. If the hearing is postponed at the request of the student or parent or is requested outside of the deadline for submitting a hearing request, the student shall not have the right to return to school pending the hearing.

The hearing notice shall state that the student and his/her parent/guardian are entitled to be represented at the hearing by a representative of their choice, who may be an attorney. The student or parent/guardian must notify the Superintendent's designee at least two days before the hearing if they intend to be represented by an attorney. The hearing shall be informal in nature and conducted by an impartial hearing panel. Formal rules of evidence for court proceedings do not apply. The Superintendent shall develop procedures, consistent with state and federal law, for the conduct of suspension appeal hearings, and a copy of these procedures shall be provided to the student/parent with the notice of suspension. The procedures shall include the following information:

(1) The student, parent or student's representative has the right to review the student's educational records prior to the hearing, as well as any audio or video recordings of the incident to the extent permitted by state and federal laws regarding confidentiality of records, and the information supporting the suspension that may be presented as evidence at the hearing. This shall include witness statements, except that the principal shall not be required to disclose the names or other identifying information for witnesses if such information could create a safety risk for the witnesses. Prior to the hearing, the parties shall exchange any and all documents and other materials intended to be presented at the hearing, to the extent not already disclosed.

(2) The hearing may be attended by the principal and his/her assistants designee, legal counsel of the Durham Public Schools, the student and parent(s), and the student's representative as permitted under this policy. Witnesses other than the student/parent/guardian or school administrators should be present only when they are giving information.

(3) The principal shall present evidence first, followed by the student. Either side may present evidence including witness statements or oral testimony. The hearing panel may consider any evidence of a kind commonly relied upon by reasonable persons in the conduct of serious matters, including hearsay evidence. If the student intends to call another student as a witness, the student witness must have written permission from his/her parent to appear during the hearing. The student must make arrangements for the student's witnesses to attend the hearing. The school will not compel staff members or students to testify but will make arrangements to allow school witnesses to appear if they are willing.

(4) Both the principal or school representative and the student or his/her representative may cross-examine the witnesses presented by the other side. The hearing panel may limit questioning by any person if such questioning is repetitive or irrelevant, and to make other procedural and evidentiary rulings.

(5) The hearing panel shall maintain an audio recording of any information presented orally at the hearing and shall maintain a record of any tangible evidence presented.

(6) After the evidence has been presented and the hearing adjourned, the hearing panel shall reach a decision in private. The panel will determine the relevant facts and the credibility of witnesses based on the evidence presented at the hearing. The decision will be reached by simple majority and will be based solely on the evidence presented at the hearing. The panel may (a) impose the suspension recommended by the principal if it is consistent with board policy and appropriate under the circumstances; (b) impose another appropriate penalty authorized by board policy; or (c) decline to impose any penalty. The panel shall notify the Superintendent and the student/parent of its decision in writing.

(7) If the student or his/her parent/guardian fails without good excuse to appear for the panel hearing after receiving reasonable notice of the time and place, the parent/guardian waives any right to appeal the suspension to the Board of Education, the hearing will not be held and the recommendation of the principal shall be forwarded to the Superintendent or designee for final decision.

F. Long-Term Suspension Appeal to the Board of Education

The following rules will govern appeals to the Durham Public Schools Board of Education from disciplinary decisions of the Superintendent:

(1) A decision of the hearing panel to suspend a student from school for a period in excess of 10 school days may be appealed by the student or his/her parent/guardian to

the Durham Public Schools Board of Education ("the Board") by giving written notice to the Superintendent and the Board within 10 school days after receiving notice of the hearing panel's decision. No particular form is required for giving notice of appeal.

(2) The hearing to consider the appeal will be conducted in closed session by a hearing panel designated by the Board ("Board panel"). The hearing may be attended by the appealing student, his/her parent/guardian, the student's representative of their choice, who may be an attorney, if any, the Superintendent and such of his assistants as he may designate, legal counsel of the Durham Public Schools, and any other persons as the Board panel may deem necessary or appropriate. The Board panel shall make and maintain a record of the hearing.

(3) The Board panel will hold a hearing to consider the appeal if possible within 10 business days after receiving notice thereof and will notify the appealing student, his/her parent/guardian, and legal counsel, if any, of the date of the hearing at least five days in advance

(4) Upon receipt of the notice of appeal, the Superintendent will assemble a record of all matters considered by the hearing panel.

(5) The record and a copy of the hearing panel's decision will be provided by the Superintendent to the Board at least five business days prior to the date of the Board panel hearing. A copy of the record will also be available at the office of the Superintendent to be picked up by the appealing student, his/her parent/guardian, or legal counsel.

(6) In considering the appeal, the Board panel will review and consider the entire record of the proceedings before the hearing panel, including all of the evidence offered by the school administration and the student. Ordinarily, the Board panel will not hear or consider any additional evidence at the hearings on appeal. However, in extraordinary circumstances and in the exercise of its discretion, the Board panel by majority vote may permit either party to call witnesses or offer additional evidence.

(7) At the hearing, each side shall be allotted a total of 30 minutes to present oral argument. The board panel may extend the 30 minute time limit if it determines that additional time is warranted.

(8) Upon conclusion of the hearing, the Board panel will consider all evidence in the record and enter its written decision. The Board panel must adopt the factual determinations made by the hearing panel unless they are not supported by substantial evidence in the record. The Board panel may decide to: may adopt the disciplinary recommen-

ation of the hearing panel, modify that recommendation, or reject the panel's recommendation and impose a different disciplinary consequence or no consequence. Following the issuance of the Board panel's decision, the Superintendent shall implement the decision.

A copy of the Board panel's decision will be mailed via certified mail to the student and his/her parent(s)/guardian, or to his/her legal counsel, if any, and to the Superintendent. The decision should be mailed within five working days of the Board panel's decision, or if the decision is not unanimous, the decision of the full Board.

The decision of the Board under this provision is final, subject only to judicial review in accordance with Article 4 of Chapter 150B of the General Statutes.

365-Day Suspension for Firearms/Destructive Devices

The procedures for appeal of long-term suspension above shall apply in cases involving the possession or use of a firearm or destructive device except as follows: The hearing panel shall only decide whether the student committed the violation and not what length of discipline is appropriate. Upon receipt of the hearing panel's decision, the Superintendent will review the case and may impose the 365-day suspension or modify the 365-day suspension on a case-by-case basis. If the Superintendent imposes a 365-day suspension, the student and parent shall be notified of the Superintendent's decision and of the right to petition the board for readmission after 180 calendar days from the first date of the 365 day suspension, following the procedures in Policy 4304. The Superintendent will also notify the student and parents regarding whether admission to the alternative school will be offered during the term of the suspension.

Suspension of Children with Disabilities

"Child(ren) with a disability" as used in this section may refer to a child identified as disabled in accordance with the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 (Section 504), or both. Each subsection below is prefaced with an explanation of the extent to which it applies to students who are identified under both IDEA and Section 504, and to those identified solely under Section 504.

A. Suspensions of Up to Ten (10) Days in a School Year (Short-Term Suspensions)

This section applies to children identified as disabled under either the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973, or both.

A child with a disability may be suspended for a period of up to 10 consecutive days, or for multiple periods of less than 10 days to the extent permitted by state and federal law, if the child exhibits behavior for which nondisabled students could be suspended. The school shall comply with all applicable federal and state guidelines governing such suspensions. "Suspension" includes both out-of-school suspensions and in-school suspensions when students are excluded from their educational programs for the entire school day.

B. Multiple Short-Term Suspensions Exceeding 10 Days Cumulative in a School Year

This section applies to children identified as disabled under either the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973, or both. A series of short-term suspensions that accumulate to more than 10 school days in a school year may create a pattern of exclusions that constitutes a "significant change in placement." Before imposing a suspension that constitutes a significant change in placement, the school must conduct a reevaluation of the student. The determination of whether the series of suspensions creates a pattern of exclusions that constitutes a significant change in placement will be made on a case-by-case basis whenever a proposed suspension will exceed a cumulative 10 days during a school year. Among the factors to be considered in making this determination are the length of each suspension, the proximity of the suspensions to one another, and the total amount of time the child is excluded from school. If it is determined that the proposed suspension will not constitute a significant change in placement, the school may implement the suspension to the extent permitted by state and federal law and in accordance with Board policy applicable to nondisabled students. The school shall comply with all applicable federal and state guidelines governing such suspensions. If it is determined that the suspension constitutes a significant change in placement, then prior to the eleventh day of suspension, the school shall follow the steps outlined in the next subsection below.

C. Long-Term Suspensions/Expulsions or Other Suspensions that Result in a Change of Placement

Except as noted, this section applies to children identified as disabled under either the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973, or both. In the event that a child with a disability exhibits behavior which, if the child were not a child with a disability, could result in the suspension or expulsion of the child from school for a period of more than 10 days or a series of suspensions that result in a change of placement,

the school shall immediately, if possible, but not later than 10 days after the decision to take such disciplinary action, require the IEP team and other qualified individuals to: (1) develop a plan for conducting a functional behavior assessment; and (2) review the relationship between the child's disability and the behavior subject to disciplinary action in accordance with state and federal law. If the review establishes that the misconduct is not a manifestation of the child's disability, the school may initiate its normal disciplinary procedures, but shall continue to provide the student with a free appropriate education to the extent and in the manner required by law. If the review establishes that the misconduct is a manifestation of the child's disability, the school may not initiate its normal disciplinary procedures. The IEP team will determine if the child's current educational program and placement are appropriate and will implement a behavior intervention plan in accordance with law. For students identified solely under Section 504, the following modifications to this section apply: In lieu of an IEP team, a multidisciplinary team that includes persons knowledgeable about the student shall conduct the review of the relationship between the student's disability and the behavior subject to disciplinary action. The team may, but is not required to develop or implement a behavior intervention plan. Educational services need not be continued during normal disciplinary procedures unless such services would be provided to nondisabled students under the same circumstances.

D. Interim 45-Day Placement for Violation of Code of Conduct Involving Weapons or Drugs

This section applies to children identified as disabled under the Individuals with Disabilities Education Act. It does not apply to children identified as disabled solely under Section 504 of the Rehabilitation Act of 1973. If a child with a disability brings a weapon to school or to a school function or acquires a weapon at school or at a school function, or knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function, or has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function, the child may be placed immediately in an interim alternative educational setting for up to 45 school days (or for the same period that a nondisabled student would be subject to discipline, if shorter). The appropriate interim alternative educational setting will be determined by the IEP team in compliance with federal and state guidelines. Following the interim alternative placement, including during the pendency of any due process proceedings initiated by the parent/guardian, the student must be returned to his or her prior placement, unless the parent/guardian and school agree otherwise. "School function," "weapon," "ille-

gal drugs," "controlled substance," and "serious bodily injury" are defined in accordance with the Individuals With Disabilities Education Act, 20 U.S.C. 1415.

E. Emergency 45-Day Interim Alternative Placement of Dangerous Student

This section applies to children identified as disabled under the Individuals with Disabilities Education Act. It does not apply to children identified as disabled solely under Section 504 of the Rehabilitation Act of 1973.

In an emergency situation, where maintaining the current placement of the child is substantially likely to result in injury to the child or to others, the school district may seek a judicial order from a court or hearing officer for a change in the child's placement to an appropriate interim alternative educational setting for not more than 45 days, as provided by law.

F. Parental Notice of Rights

This section applies to children identified as disabled under the Individuals with Disabilities Education Act. It does not apply to children identified as disabled solely under Section 504 of the Rehabilitation Act of 1973.

In all actions involving suspension of a disabled child for more than 10 days, the parties have available all due process rights of G.S. 115C-116 and 20 U.S.C.1415. Not later than the day on which the decision to take disciplinary action is made, the school shall notify the child's parent/guardian of the action and of their due process rights. This section applies to children identified as disabled solely under Section 504 of the Rehabilitation Act of 1973. In all actions involving suspension of a disabled student for more than 10 days, the parties have available all the rights under Section 504 of the Rehabilitation Act of 1973 and the Board's Section 504/ADA policy. The parent/guardian shall be notified of the action and of their rights as soon as practicable under the circumstances.

G. Consideration of Student Records By Decision-Maker

This section applies to children identified as disabled under the Individuals with Disabilities Education Act. It does not apply to children identified as disabled solely under Section 504 of the Rehabilitation Act of 1973.

Whenever the school initiates disciplinary procedures applicable to all children as described in this section, it shall provide a copy of the student's special education and disciplinary records for consideration by the individual(s) making the final determination regarding the disciplinary action.

H. Students Not Yet Determined to be Eligible for Special Education

This section applies to children who may qualify for services under the Individuals with Disabilities Education Act. It does not apply to children identified as disabled solely under Section 504 of the Rehabilitation Act of 1973.

If a child who has not been determined to be eligible for special education commits a violation of school rules that would result in suspension or expulsion from school, the school may not exclude the child from school to the same extent that it would exclude a nondisabled child for the same offense, if the school had knowledge that the child was disabled before the violation occurred.

A school is deemed to have knowledge of a student's disability if:

- *The parent/guardian has expressed a concern in writing to school officials that the student is in need of special education;*
- *The parent/guardian has requested an evaluation to consider eligibility for special education;*
- *The child's teacher or other school staff have expressed concern about a pattern of behavior by the student to the EC Director or other supervisory personnel; or*
- *Prior to the behavior that precipitated the disciplinary action, the behavior and performance of the child clearly and convincingly established the need for special education. Prior disciplinary infractions alone do not constitute clear and convincing evidence.*

Expulsion of a Student

Upon recommendation of the principal and Superintendent, the Board may permanently expel a student who is fourteen years of age or older and whose behavior indicates that the student's continued presence in school constitutes a clear threat to the safety of other students or employees. Prior to the expulsion of any student, the local board shall conduct a hearing to determine whether the student's continued presence in school constitutes a clear threat to the safety of other students or school staff. The student shall be given reasonable notice of the recommendation in accordance with G.S. 115C-390.8(a) and (b), as well as reasonable notice of the time and place of the scheduled hearing. The Board's decision to expel such a student shall be based on clear and convincing evidence. The Board may also consider the State Board of Education guidelines defining acts and conduct that are considered a clear threat to the safety of students or employees.

Prior to ordering the expulsion of such a student, the Board shall consider whether there is an appropriate alternative program offered by the Board that may provide education services to the student. The decision of the Board under this provision is final, subject only to judicial review in accordance with Article 4 of Chapter 150B of the General Statutes.

Any student who has been expelled may petition the Board for readmission after 180 calendar days from the date of the beginning of the student's expulsion, following the procedures contained in Policy 4201.

Maintenance of Discipline Data

The Superintendent shall maintain data on each student suspended, or expelled, or reassigned for disciplinary purposes, including the race, gender, and age of each student, the school attended, the duration of each suspension, whether an alternative education was considered or provided for each student and whether a student had multiple suspensions. The Superintendent shall report this data to the Board of Education annually.

Student Searches

While Durham Public Schools respects and upholds students' rights to privacy, there are some situations that may warrant a student search.

Students and their personal effects (e.g. purse, bookbag) may be searched if a school authority has reason to believe they may possess illegal, stolen or unauthorized materials. A pat-down search may be conducted in private by a school official of the same sex with an adult witness of the same sex present. A more intrusive search may be conducted in cases when a school official reasonably suspects that a student is concealing an item posing imminent danger. This type of search may only be conducted with the Superintendent's approval, unless the delay to follow procedure threatens the health and safety of students.

Locker searches are different. Student lockers are school property and remain at all times under control of the school. School officials reserve the right to conduct locker searches at any time without notice, student consent or search warrants. This includes breaking the lock if necessary.

DPS retains authority to conduct routine patrols of student parking lots and inspections of the exteriors of student automobiles on school property without notice, student consent or search warrant. The interiors of student cars on school property may be searched whenever school officials have reason to believe they contain illegal or unauthorized materials.

Again, to ensure the safety and protection of our students, Durham Public Schools does occasionally employ the use of metal detectors. A school official will use a hand-held detector if he/she has reason to believe a student is in possession of a firearm or other dangerous metal object. If there is evidence to believe a general problem with school weapons exists, officials may conduct broad metal-detector checks on groups of students without prior reasonable suspicion. Such checks will be done in a minimally intrusive, nondiscriminatory manner, and will not be used to single out a particular student or category of students.

School computers are property of the school and can be inspected at any time. Policy 4320

Seclusion and Restraint

School personnel may use reasonable restraint or seclusion techniques with students. Principals shall notify parents of any prohibited use of seclusion, restraint or aversive techniques. Policy 4326

Student Health/Administration of Medication

DPS strongly discourages administering medication (even over-the-counter) to students during the school day if it can be avoided. If a student chooses to self-administer medication, Durham Public Schools will assume no responsibility.

If it is necessary for a school official to administer medication to a student, the parent/guardian must supply prescription medication to the school and complete a "Request for Medication to be Given During School Hours" form which requires a doctor's signature. Some of our schools have Wellness Centers, which have their own specific guidelines for the dissemination and administering of medication. Policy 4400

SUPPORT SERVICES

School Bus Transportation

Durham Public Schools provides transportation in accordance with state law. Riding the bus is a privilege. Misconduct may result in a student losing his/her privilege to ride the bus. Principals are responsible for school bus discipline. Students are not allowed to ride a bus other than the one to which they are assigned unless they have permission from the principal. Students with disabilities ride regular school buses when possible. A student will be assigned to special transportation when the student's IEP team determines that the child cannot ride the regular school bus. A student may also be transported by special transportation if he/she is assigned to a program that is not offered in the home school. Policy 6400

Nondiscrimination Policies

In compliance with federal law, including the provisions of Title IX of the Education Amendment of 1972, Durham Public Schools does not discriminate on the basis of race, color, national origin, sex, disability or age in its programs, activities and hiring. The following person has been designated to handle inquiries regarding the nondiscrimination policies: Larry McDonald, Executive Director of Athletics, Health and PE, 511 Cleveland St, Durham, NC 27702, Phone 919-560-3742 or fax 919-560-3950.

Who to Call

Main Switchboard	560-2000
Athletics	560-3742
Before & After School Programs	560-3816
Career & Technical Education	560-3753
Child Nutrition Services	560-2370
Curriculum & Instruction	560-2027
ESL Registration Center	560-3783
Exceptional Children's Programs	560-3774
Human Resources	560-3643
Public Affairs	560-3652
Student Assignment	560-2059
Student Records	560-3708
Student Services	560-2032
Transportation	560-3821

Mission Statement

In collaboration with our community and parents, the mission of Durham Public Schools is to provide all students with an outstanding education that motivates them to reach their full potential and enables them to discover their interests and talents, pursue their goals and dreams, and succeed in college, in the workforce and as engaged citizens.

Produced by the Office of Public Affairs

Durham Public Schools

P.O. Box 30002

Durham, North Carolina 27702

919.560.3652, fax 919.560.2007

Website: www.dpsnc.net

August 2011

2011/2012 Traditional Calendar

AUGUST							SEPTEMBER							OCTOBER						
S	M	T	W	Th	F	S	S	M	T	W	Th	F	S	S	M	T	W	Th	F	S
	1	2	3	4	5	6					1	2	3	2	3	4	5	6	7	1/8
7	8	9	10	11	12	13	4	5	6	7	8	9	10	9	10	11	!	13	14	15
14	15	16	17	18	19	20	11	12	13	!	15	16	17	16	17	18	19	20	21	22
21	22	23	24		26	27	18	19	20	21	22	23	24	23	24	25	26		28	29
28	29	30	31				25	26	27	28	29	30		30	✓					
NOVEMBER							DECEMBER							JANUARY						
S	M	T	W	Th	F	S	S	M	T	W	Th	F	S	S	M	T	W	Th	F	S
		1	2	3	4	5					1	2	3	1		3	4	5	6	7
6	7	8	9	10	11	12	4	5	6	7	8	9	10	8	9	10	!	12	13	14
13	14	15	16	17	18	19	11	12	13	14	15	16	17	15	16	17	18	19		21
20	21	22	23	24	25	26	18	19	20		22	23	24	22	23	✓	25	26	27	28
27	28	29	!				25	26	27	28	29	30	31	29	30	31				
FEBRUARY							MARCH							APRIL						
S	M	T	W	Th	F	S	S	M	T	W	Th	F	S	S	M	T	W	Th	F	S
			1	2	3	4					1	2	3	1	2	3	4	5		7
5	6	7	8	9	10	11	4	5	6	7	8	9	10	8						14
12	13	14	15	16	17	18	11	12	13	14	15	16	17	15	16	17	18	19	20	21
19	20	21	22	23		25	18	19	20	21	22		24	22	23	24	!	26	27	28
26	27	28	29				25	26	✓	28	29	30	31	29	30					
MAY							JUNE							Aug. 25	First Day of School					
S	M	T	W	Th	F	S	S	M	T	W	Th	F	S	Sept. 5	Labor Day Holiday					
		1	2	3	4	5						1	2	Oct. 28	Student Vacation					
6	7	8	9	10	11	12	3	4	5	6			9	Nov. 11	Veterans' Day Holiday					
13	14	15	16	17	18	19	10	11	12	13	14	15	16	Nov. 23-25	Thanksgiving Holidays					
20	21	22	23	24	25	26	17	18	19	20	21	22	23	Dec. 21-30	Winter Holidays					
27	28	29	30	31			24	25	26	27	28	29	30	Jan. 2	Student Vacation [Incllement weather make-up day]					
														Jan. 16	Martin Luther King, Jr. Holiday					
														Jan. 23	Student Vacation					
														Feb. 24	Student Vacation [Incllement weather make-up day]					
														Mar. 26	Student Vacation					
														Apr. 6	Incllement weather make-up day					
														Apr. 9-13	Spring Break [Incllement weather make-up days]					
														May 28	Memorial Day Holiday					
														June 7	Last Day of School					

Key: **2** School Days (in bold) First and last days of school
 End of grading period Designated snow make-up day
! Kids R Out 2 hours early ✓ Beginning of grading period

2011/2012 Year-Round Calendar

JULY							AUGUST							SEPTEMBER						
S	M	T	W	Th	F	S	S	M	T	W	Th	F	S	S	M	T	W	Th	F	S
					1	2	1	2	3	4	5	6				1	2	3		
3	4	5	6	7	8	9	7	8	9	!	11	12	13	4	5	6	7	8	9	10
10	11	12	13	14	15	16	14	15	16	17	18	19	20	11	12	13	14	15	●	17
17		19	20	21	22	23	21	22	23	24	25	26	27	18	(19)	(20)	(21)	(22)	(23)	24
24/31	25	26	27	28	29	30	28	29	30	31				25	(26)	(27)	(28)	(29)	(30)	
OCTOBER							NOVEMBER							DECEMBER						
S	M	T	W	Th	F	S	S	M	T	W	Th	F	S	S	M	T	W	Th	F	S
2	(3)	(4)	(5)	(6)	(7)	1/8			1	2	3	4	5					1	2	3
9	✓	11	!	13	14	15	6	7	8	9	10	11	12	4	5	6	7	8	9	10
16	17	18	19	20	21	22	13	14	15	16	17	18	19	11	12	13	14	15	●	17
23	24	25	26	27	28	29	20	21	22	23	24	25	26	18				(22)	(23)	24
30	31						27	28	29	!				25	(26)	(27)	(28)	(29)	(30)	31
JANUARY							FEBRUARY							MARCH						
S	M	T	W	Th	F	S	S	M	T	W	Th	F	S	S	M	T	W	Th	F	S
1	(2)	(3)	(4)	(5)	(6)	7				1	2	3	4					1	2	3
8	✓	10	!	12	13	14	5	6	7	8	9	10	11	4	5	6	7	8	9	10
15	16	17	18	19	20	21	12	13	14	15	16		18	11	12	13	14	●	16	17
22	23	24	25	26	27	28	19		21	22	23	24	25	18	✓	20	21	22	23	24
29	30	31					26	27	28	29				25						31
APRIL							MAY							JUNE						
S	M	T	W	Th	F	S	S	M	T	W	Th	F	S	S	M	T	W	Th	F	S
1	(2)	(3)	(4)	(5)	(6)	7			1	2	3	!	5						1	2
8	(9)	(10)	(11)	(12)	(13)	14	6	7	8	9	10	11	12	3	4	5	6	7		9
15	16	17	18	19	20	21	13	14	15	16	17	18	19	10	11	12	13	14	15	16
22	23	24	!	26	27	28	20	21	22	23	24	25	26	17	18	19	20	21	22	23
29	30						27	28	29	30	31			24	25	26	27	28	29	30

Key: **2** School Days (in bold) First and last days of school ✓ Beginning of Grading Period
 ● End of Grading Period Designated snow make-up day ○ Intersession
 ! Kids R Out 2 hours early

Holidays:
 Sept. 5 Labor Day Holiday Nov. 23-25 Thanksgiving Holidays May 28 Memorial Day Holiday
 Nov. 11 Veterans' Day Holiday Jan. 16 MLK, Jr. Holiday

Elementary Schools

Bethesda	560-3904
2009 S. Miami Boulevard, 27703	
Burton	560-3908
1500 Mathison Street, 27701	
Club Boulevard	560-3918
400 W. Club Boulevard, 27704	
Creekside	560-3919
5321 Ephesus Church Road, 27707	
Easley	560-3913
302 Lebanon Circle, 27712	
Eastway	560-3910
610 Alston Avenue, 27701	
Eno Valley	560-3915
117 Milton Road, 27712	
Fayetteville Street	560-3944
2905 Fayetteville Street, 27707	
Forest View	560-3932
3007 Mt. Sinai Road, 27705	
Glenn	560-3920
2415 E. Geer Street, 27704	
R.N. Harris	560-3967
1520 Cooper Street, 27704	
Hillandale	560-3924
2730 Hillandale Road, 27705	
Holt	560-3928
4019 Holt School Road, 27704	
Hope Valley	560-3980
3005 Dixon Road, 27707	
Lakewood	560-3939
2520 Vesson Avenue, 27707	
Little River	560-3940
2315 Snow Hill Road, 27712	
Mangum	560-3948
9008 Quail Roost Road, Bahama, 27503	
Merrick-Moore	560-3952
2325 Cheek Road, 27704	
Morehead	560-3954
909 Cobb Street, 27707	
Oak Grove	560-3960
3810 Wake Forest Road, 27703	
Parkwood	560-3962
5207 Revere Road, 27713	
W.G. Pearson	560-3988
3501 Fayetteville Street, 27707	
Pearsontown	560-3964
4915 Barbee Road, 27713	

E. K. Powe	560-3963
913 9th Street, 27705	
Sandy Ridge	560-2599
1417 Old Oxford Road, 27704	
Y. E. Smith	560-3900
2410 E. Main Street, 27703	
Southwest	560-3972
2320 Cook Road, 27713	
Spring Valley	560-2890
2051 Northern Durham Parkway, 27703	
C. C. Spaulding	560-3974
1531 S. Roxboro Road, 27707	
George Watts	560-3947
700 Watts Street, 27701	

Middle Schools

Brogden	560-3906
1001 Leon Street, 27704	
Carrington	560-3916
227 Milton Road, 27712	
Chewning	560-3914
5001 Red Mill Road, 27704	
Githens	560-3966
4800 Chapel Hill Road, 27707	
Lakewood Montessori	560-2894
Fall 2011 at Staff Development Center 2107 Hillandale Road, 27705	
Lowe's Grove	560-3946
4418 S. Alston Avenue, 27713	
Neal	560-3955
201 Baptist Road, 27704	
W.G. Pearson	560-2208
600 E. Umstead Street, 27701	
Rogers-Herr	560-3970
911 Cornwallis Road, 27707	
Shepard	560-3938
2401 Dakota Street, 27707	

Secondary Schools (6-12)

Durham School of the Arts	560-3926
400 N. Duke Street, 27701	
Lakeview	560-2520
3507 Dearborn Dr, 27704	

High Schools

City of Medicine Academy	560-2001
4100 N. Roxboro Street, 27704	
Clement Early College HS	530-7793
712 Cecil Street, 27707	
Hillside	560-3925
3727 Fayetteville Street, 27707	
Hillside New Tech	560-0183
3727 Fayetteville Street, 27707	
Holton Career & Resource Center	560-2219
401 N. Driver Street 27703	
Jordan	560-3912
6806 Garrett Road, 27707	
Middle College at DTCC	686-3815
1637 Lawson Street, 27703	
Northern	560-3956
117 Tom Wilkinson Road, 27712	
Performance Learning Center	560-9190
1058 West Club Blvd., Suite 634, 27701	
Riverside	560-3965
3218 Rose of Sharon Road, 27712	
Southern	560-3968
800 Clayton Road, 27703	
Southern School of Engineering	560-9184
800 Clayton Road, 27703	

Additional Programs

Hospital School	684-5684
DUMC, P.O. Box 3039, 27710	

DPS expects all employees, students, and other members of the school community to conduct themselves in an appropriate manner with concern and respect for all members of the school community. Discrimination and harassment on the basis of race, sex, religion, creed, disability, national origin, or language minority status will not be tolerated.



Durham Public Schools

P.O. Box 30002

Durham, North Carolina 27702

Tel: 919.560.2000

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