

ANNUAL PUBLIC NOTICES 2017-2018

At the beginning of each academic year, Avery County Schools is required, pursuant to federal and state laws and regulations, to provide students and their parents with certain annual notices.

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

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

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

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

- The School District may release "directory information" about a student unless you have advised the school to the contrary. The School District has designated the following information as directory information:

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

- The primary purpose of directory information is to allow the school to include this type of information from your child's education records in certain school publications. Examples include:

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

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

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

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

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

Title IX Coordinator Angela Vitale 775 Cranberry Street Newland, NC 28657 828-733-6006	504/ADA Coordinator Angela Vitale 775 Cranberry Street Newland, NC 28657 828-733-6006
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C. Students with Disabilities: Individuals with Disabilities Act (IDEA)

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

Angela Vitale
 775 Cranberry Street
 Newland, NC 28657
 828-733-6006

D. Homeless Students: McKinney-Vento Homeless Assistance Act

For information concerning the educational rights of homeless students, please consult Board Policy 4125 Homeless Students and/or contact:

Angela Vitale
 775 Cranberry Street
 Newland, NC 28657
 828-733-6006

E. Protection of Pupil Rights Amendment

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

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

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

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

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

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

F. Student Health: N.C.G.S. § 115C-375.4

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

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

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

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

Learn more about these vaccines by consulting with your family doctor or nurse or contacting the Avery County Department of Public Health at 828-733-6031 or contacting the Centers for Disease Control and Prevention (CDC) at 1-800-232-2522 (English) or 1-800-232-0233 (Spanish) or visiting <http://cdc.gov/vaccines/>.

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

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

Information on these diseases and the vaccines can be found at www.cdc.gov/vaccines/vpd-vac. Those individuals without internet access can contact a school nurse or the Avery County Health Department at (828) 733 6031.

H. North Carolina Safe Surrender Law

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

I. Asbestos Hazard Emergency Response Act

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

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

If you have any questions regarding the AHERA Management Plan for this school district, you can contact Ken Townsend at (828) 733 6006.

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

With the passage of N.C.G.S. § 115C-47(47), the School District must provide notification regarding pesticide use on school property. For more information, please consult Board Policy 9204 Pest Management and/or contact:

<p>Michael Buchanan 775 Cranberry Street Newland, NC 28657 828-733-6006</p>

K. Student Restraint/Seclusion/Isolation

The Avery County School District has adopted Board Policy 4245/7407 Use of Physical Restraint and Seclusion, as required by N.C.G.S. § 115C-391.1. Board Policy 4245/7407 Use of Physical Restraint and Seclusion, as well as N.C.G.S. § 115C-39.1.1, are fully set out herein.

(a) It is the policy of the State of North Carolina to:

- (1) Promote safety and prevent harm to all students, staff, and visitors in the public schools.
- (2) Treat all public school students with dignity and respect in the delivery of discipline, use of physical restraints or seclusion, and use of reasonable force as permitted by law.
- (3) Provide school staff with clear guidelines about what constitutes use of reasonable force permissible in North Carolina public schools.
- (4) Improve student achievement, attendance, promotion, and graduation rates by employing positive behavioral interventions to address student behavior in a positive and safe manner.
- (5) Promote retention of valuable teachers and other school personnel by providing appropriate training in prescribed procedures, which address student behavior in a positive and safe manner.

(b) The following definitions apply in this section:

- (1) "Assistive technology device" means any item, piece of equipment, or product system that is used to increase, maintain, or improve the functional capacities of a child with a disability.
- (2) "Aversive procedure" means a systematic physical or sensory intervention program for modifying the behavior of a student with a disability which causes or reasonably may be expected to cause one or more of the following:
 - a. Significant physical harm, such as tissue damage, physical illness, or death.
 - b. Serious, foreseeable long-term psychological impairment.

c. Obvious repulsion on the part of observers who cannot reconcile extreme procedures with acceptable, standard practice, for example: electric shock applied to the body; extremely loud auditory stimuli; forcible introduction of foul substances to the mouth, eyes, ears, nose, or skin; placement in a tub of cold water or shower; slapping, pinching, hitting, or pulling hair; blindfolding or other forms of visual blocking; unreasonable withholding of meals; eating one's own vomit; or denial of reasonable access to toileting facilities.

- (3) "Behavioral intervention" means the implementation of strategies to address behavior that is dangerous, disruptive, or otherwise impedes the learning of a student or others.
- (4) "IEP" means a student's Individualized Education Plan.
- (5) "Isolation" means a behavior management technique in which a student is placed alone in an enclosed space from which the student is prevented from leaving.
- (6) "Law enforcement officer" means a sworn law enforcement officer with the power to arrest.
- (7) "Mechanical restraint" means the use of any device or material attached or adjacent to a student's body that restricts freedom of movement or normal access to any portion of the student's body and that the student cannot easily remove.
- (8) "Physical restraint" means the use of physical force to restrict the free movement of all or a portion of a student's body.
- (9) "School personnel" means:
- Employees of a local board of education.
 - Any person working on school grounds or at a school function under a contract or written agreement with the public school system to provide educational or related services to students.
 - Any person working on school grounds or at a school function for another agency providing educational or related services to students.
- (10) "Seclusion" means the confinement of a student alone in an enclosed space from which the student is:
- Physically prevented from leaving by locking hardware or other means.
 - Not capable of leaving due to physical or intellectual incapacity.
- (11) "Time-out" means a behavior management technique in which a student is separated from other students for a limited period of time in a monitored setting.
- (c) Physical Restraint:

(1) Physical restraint of students by school personnel shall be considered a reasonable use of force when used in the following circumstances:

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

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

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

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

(d) Mechanical Restraint:

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

- When properly used as an assistive technology device included in the student's IEP or Section 504 plan or behavior intervention plan or as otherwise prescribed for the student by a medical or related service provider.
- When using seat belts or other safety restraints to secure students during transportation.

- c. As reasonably needed to obtain possession of a weapon or other dangerous objects on a person or within the control of a person.
 - d. As reasonably needed for self-defense.
 - e. As reasonably needed to ensure the safety of any student, school employee, volunteer, or other person present.
- (2) Except as set forth in subdivision (1) of this subsection, mechanical restraint, including the tying, taping, or strapping down of a student, shall not be considered a reasonable use of force, and its use is prohibited.

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

(e) Seclusion:

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

- a. As reasonably needed to respond to a person in control of a weapon or other dangerous object.
- b. As reasonably needed to maintain order or prevent or break up a fight.
- c. As reasonably needed for self-defense.
- d. As reasonably needed when a student's behavior poses a threat of imminent physical harm to self or others or imminent substantial destruction of school or another person's property.
- e. When used as specified in the student's IEP, Section 504 plan, or behavior intervention plan; and

- 1. The student is monitored while in seclusion by an adult in close proximity who is able to see and hear the student at all times.
- 2. The student is released from seclusion upon cessation of the behaviors that led to the seclusion or as otherwise specified in the student's IEP or Section 504 plan.
- 3. The space in which the student is confined has been approved for such use by the local education agency.
- 4. The space is appropriately lighted.
- 5. The space is appropriately ventilated and heated or cooled.
- 6. The space is free of objects that unreasonably expose the student or others to harm.

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

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

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

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

- (1) The space used for isolation is appropriately lighted, ventilated, and heated or cooled.
- (2) The duration of the isolation is reasonable in light of the purpose of the isolation.
- (3) The student is reasonably monitored while in isolation.
- (4) The isolation space is free of objects that unreasonably expose the student or others to harm.

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

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

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

(j) Notice, Reporting, and Documentation.

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

(2) Notice of specified incidents:

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

- 1. Any use of aversive procedures.

2. Any prohibited use of mechanical restraint.
 3. Any use of physical restraint resulting in observable physical injury to a student.
 4. Any prohibited use of seclusion or seclusion that exceeds ten minutes or the amount of time specified on a student's behavior intervention plan.
- b. When a principal or principal's designee has personal knowledge or actual notice of any of the events described in this subdivision, the principal or principal's designee shall promptly notify the student's parent or guardian and will provide the name of a school employee the parent or guardian can contact regarding the incident.

- (3) As used in subdivision (2) of this subsection, "promptly notify" means by the end of the workday during which the incident occurred when reasonably possible, but no event later than the end of following workday.
- (4) The parent or guardian of the student shall be provided with a written incident report for any incident reported under this section within a reasonable period of time, but in no event later than 30 days after the incident. The written incident report shall include:
 - a. The date, time of day, location, duration, and description of the incident and interventions.
 - b. The events or events that led up to the incident.
 - c. The nature and extent of any injury to the student.
 - d. The name of a school employee the parent or guardian can contact regarding the incident.

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

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

L. Parental Information for Title I Schools

The following schools in this District receive federal funding through Title I: Banner Elk Elementary, Crossnore Elementary, Freedom Trail Elementary, Newland Elementary, Riverside Elementary, Avery Middle, and Cranberry Middle. These funds are used to provide supplemental instruction to students who are in need of assistance in the area of reading and, on occasion, in the area of mathematics. Our goal is to provide early intervention to struggling learners.

Federal guidelines require that school districts provide a process by which parents may request the qualifications of their child's teacher, insuring that the teacher meets Highly Qualified standards. As a parent of a student in a Title I school, you have the right to know the following information:

1. Whether the teacher has met state qualifications for the grade levels and subject areas in which the teacher provides instruction;
2. Whether the teacher is teaching under emergency or other provisional status through which state qualifications have been waived;
3. The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree;
4. Whether the child is provided services by paraprofessionals and, if so, their qualifications.

To request this information, please contact Angela Vitale at (828) 733 - 6006.

M. Free or Reduced School Lunch

A free or reduced lunch application form will be sent home with your child at the beginning of the school year. Please complete the form and return it to your child's teacher. You will be notified if your child(ren) qualifies for free or reduced meal prices. All information is strictly confidential. For more information on participation in the Free or Reduced School Lunch program or questions about breakfast and summer lunch programs, please contact Tammy Woodie at (828) 733-6006.

N. Student Discipline Policies

Pursuant to N.C.G.S. § 115C-390.2(i), schools must make available all policies, rules and regulations regarding student discipline. For the Board's policies and regulations regarding student discipline, consult the Board's online policy manual at www.averyschools.net. All other student discipline information will be printed in student handbooks or made available on the school's website at the beginning of the year available at www.averyschools.net.

O. Student and Parent Complaint and Grievance Procedures

For information concerning student and parent complaint and grievance procedures, see Board Policy 1740/4010.

- P. Equal Access to Facilities** The school system provides equal access to its facilities. For more information about accessing school facilities, consult with Board Policies 5030 Community Use of Facilities and 1730/4022/7231 Nondiscrimination on the Basis of Disabilities, available at www.averyschools.net.
- Q. Information Regarding Advanced Courses**
Pursuant to N.C.G.S. § 115C-83.4A(d), schools must provide information to students and parents on available opportunities and the enrollment process for student to take advanced courses. This information will be printed in student handbooks or made available on the school's website at the beginning of the year available at www.averyschools.net.
- R. School Bullying/Cyber-Bullying Policies**
Pursuant to N.C.G.S. §115C-407.16(d), school principals shall provide the local board of education's policy prohibiting bullying and harassing behavior, including cyber-bullying, to staff, students, and parents. A copy of these policies is available at www.averyschools.net. Hard copies of the policies are available from the school principal upon request.
- S. Student Testing Information**
For information concerning the dates of system-wide and state-mandated tests that students will be required to take during the school year, how the results from the tests will be used and whether each test is required by the State Board of Education or the local Board of Education, contact Ellis Ayers at (828) 733-6006.
- T. School Annual Report Card Grade**
Pursuant to N.C.G.S. § 115C-47(58), you will be notified of the most recent grade of the school your child is attending, as issued by the State Board of Education, if the school received a grade of "D" or "F".
- U. Student Wellness Policy**
For information concerning the District's student wellness policy, see Board Policy 6140 Student Wellness.
- V. School Health Education Program**
You have the right to opt-out your child's participation in curricula related to (a) prevention of sexually transmitted diseases, including Acquired Immune Deficiency Syndrome (AIDS); (b) avoidance of out-of-wedlock pregnancy; or (c) reproductive health and safety education. A copy of the materials that will be used in these curricula will be available in the school media center during the school year and at other times that the media center is available to the public. Materials also may be made available for review in the central office

In order to provide a learning environment for students that respects the individuals and the community of the school, the Avery County School District has adopted Board Policy 4304 Student Code of Conduct.

STUDENT CODE OF CONDUCT

I. OVERVIEW

The Avery County Board of Education ("Board") is committed to discipline practices that encourage the development of self-control, personal responsibility and respect for the dignity of all individuals. The Board is committed to maintaining effective discipline in order to establish positive and safe learning environments within which students have the opportunity to receive an appropriate public education. In order for effective discipline to be maintained in each school, the Board acknowledges that cooperative relationships must be established among students, parents and school personnel. Each is expected to work positively toward this goal and to respect the individuality and the rights of all people. Parent(s)/guardian(s), students and school personnel are also expected to deal effectively with behavioral concerns. To carry out this commitment, the Board has established the following Discipline Procedures ("Procedures") and Code of Student Conduct ("Code") for all students in grades 6-12. For students in grades K-5, the Code shall serve as a guide for administrators when dealing with disciplinary issues.

School personnel shall make efforts to ensure early identification of students at risk for potential disciplinary problems. When it is recognized that a student is behaving in a manner which indicates potential disciplinary problems, school personnel shall make reasonable efforts to initiate preventive measures. Preventive interventions should attempt to identify and address the sources and cause of the potential discipline problems. Possible preventive intervention procedures may include, but are not limited to:

1. conferences with parents/guardians and school personnel;
2. conferences with students;
3. change of schedule or teacher;
4. change of instructional methods;
5. change of educational setting;
6. use of daily or weekly progress reports to parents/guardians;
7. visit by parents/guardians in the classroom;
8. referral to building assistance teams;

9. referral to appropriate support personnel (i.e., counselor, school psychologist, attendance counselor, school resource officer, school social worker, juvenile services);
10. referral to school-based assessment committee;
11. referral to and/or consultation with community agencies; and
12. referral to the Blue Ridge Academy. School personnel shall actively seek effective, positive methods and strategies to help each student learn to behave in a manner that is conducive to effective learning and that respects the rights of others. Each school principal shall systematically identify potential problem areas with his/her school that may contribute to discipline problems within the school. The Board encourages administrators to continue to work with appropriate community agencies in dealing with discipline problems.

II. DISCIPLINE PROCEDURES

A. Definitions and Procedures

1. **Parent** – Parent is the student's parent(s), guardian(s) or individual(s) standing "in loco parentis" as appointed by a court of law.
2. **Principal** – Principal shall include assistant principals.
3. **Parent Visitation** – A student who breaks the Code may be given the opportunity by the principal to have one of his/her parents attend school with him/her for a day and attend class with him/her. This disciplinary action is decided solely by the principal and will not be used when serious conduct infractions have occurred.
4. **Loss of driving privileges** – amount of time to be determined by the principal. This punishment may be used for repeated class cuts, leaving school without permission, repeated tardies, reckless driving, truancy or other offenses that are appropriate.
5. **Restitution** – The replacement of, or payment for, property taken, damaged, or destroyed shall be sought.
6. **Search of Student Lockers** – Student lockers are school property and remain at all times under control of the schools; however, students are expected to assume full responsibility for the security of their lockers. Periodic general inspections of lockers may be conducted by school authorities for any reason at any time without notice, without student consent and without a search warrant.
7. **Saturday In-School Suspension** may be used in some schools in lieu of in-school or out-of-school suspension. Students will attend school at a time set by the school on Saturday and will be required to perform "community service" activities (i.e., pick up trash, police the grounds, and other cleaning duties).
8. **In-School Suspension ("ISS")** – In-school suspension is used as a disciplinary procedure which allows students to remain in the school environment where their conduct and academic progress can be closely supervised by school personnel. In-school suspension also prevents the student from accumulating excessive days of absence. Parents will be notified for the reason(s) for the duration of the suspension. Any student assigned to in-school suspension will not be allowed to participate in school sponsored activities during the time of his/her in-school suspension.
9. **Immediate Removal from School** – If the principal witnesses or is made aware of serious student misconduct and believes that immediate removal of the student is necessary to restore order or to protect persons or school property on the school grounds, he/she may suspend the student immediately. In all cases, minimal due process (notice of the charge and an opportunity for the student to explain his/her version of what happened) must be given to the student as soon as is reasonably possible.
10. **Short-Term Suspension** – A short-term suspension is removal from school for a period of ten (10) school days or less. The principal may invoke a short-term suspension only after investigating the misconduct, confronting the student with the charges and allowing for the student's response. A short-term suspended student shall be provided an opportunity to take any quarterly, semester or grading period examinations missed during the suspension. Once a principal has decided to invoke a short-term suspension, he/she shall make every effort to talk by telephone with the parent and shall mail or hand deliver a timely notice to the parents and superintendent stating the charges against the student.
11. **Long-Term Suspension** – A long-term suspension is removal from school for more than ten (10) days. If the offense leading to the long-term suspension occurred before the final quarter of the school year, the suspension must be no longer than the remainder of the school year in which the offense was committed. If the offense occurred during the final quarter of the school year, the suspension may include a period up to the remainder of the school year and the first semester of the following year.
Following an investigation, if the principal determines that long-term suspension is appropriate, he/she shall invoke a short-term suspension of ten (10) school days and inform the student and

parent(s) that he/she is recommending to the superintendent long-term suspension. The student and parents shall be provided a copy of the Due Process Procedures. Once a principal has decided to invoke a long-term suspension, he/she shall make every effort to talk by telephone with the parent and shall mail or hand deliver a timely notice to the parents and superintendent stating the charges against the student and explaining the conditions of the suspension. Disciplinary reassignment by the superintendent and/or the Board of Education of a student to a full-time educational program that meets the academic requirements of the standard course of study established by the State Board of Education and that provides the student with the opportunity to make timely progress toward graduation and grade promotion is not a long-term suspension requiring due process procedures.

12. **365 Day Suspension** – A 365-day suspension is the disciplinary exclusion of a student from attending his/her assigned school for 365 days only. The Superintendent may only impose a 365-day suspension for certain weapons. For more information regarding 365-day suspension, see Board Policy 4353.
13. **Restrictions during short-term/long-term/365 Day Suspension** – The student is not to be on any school campus in Avery County without special permission and cannot participate in or attend any school sponsored activity without written permission from the school principal.
14. **Expulsion** – Expulsion is the indefinite exclusion of a student from school enrollment for disciplinary purposes. Upon recommendation of the superintendent, the Board may expel a student who is 14 years of age or older for certain types of misbehavior if the student's continued presence in school constitutes a clear threat to the safety of other students or employees. During the expulsion, the student is not entitled to be present on education property and is not considered a student of the school system. For more information regarding expulsion, see Board Policy 4353.
15. **Appeal for Long-Term or 365 Day Suspensions and Hearing Rights for Expulsion** – prior to any long term or 365-day suspension or expulsion, a student is entitled to due process including the opportunity for a hearing before an impartial hearing officer, the right to testify and present evidence (both witnessed and documentary evidence) in his/her defense and the right to be represented by an attorney. For more information regarding disciplinary due process rights, see Board Policy 4353.
16. **Assignment to the GOAL Program:** Students who are suspended out of school may select to participate in the GOAL program. GOAL is a collaborating community alliance sponsored by the Avery County Schools. GOAL is designed to target at-risk youth who have been suspended for one to ten days. These students are at risk for becoming involved in the juvenile court system, dropping out of school as well as developing poor personal health habits. Combining community service with completing assigned school work successfully in a structured environment may begin a change in feelings of self-worth and result in positive behaviors at school and in the community. Suspended students have an opportunity to report to a participating agency assigned by the GOAL coordinator to perform community service work during school hours.
17. **Assignment to the Alternate School Program** – A long-term suspension could be waived at the discretion of the principal and a student could be assigned to the alternative school program (Blue Ridge Academy). Students in grades 6-12 who have repeated or subsequent offenses may be assigned to the alternative school at the discretion of the principal and school staff. Students under a term of long-term or 365-day suspension may be assigned to an alternative program or school during the term of suspension.

B. Discipline Suspensions of Students with Disabilities

When a student with disabilities violates the Code and warrants suspension from school for ten (10) school days or less in a given school year, the school may follow its normal disciplinary procedures. School personnel may consider any unique circumstances on a case-by-case basis when determining whether suspension is appropriate. Circumstances considered should include area of disability, functioning level of the student, intent of the behavior and other relevant factors.

After a student with a disability has been removed from his/her current placement for ten (10) school days in the same school year, during any subsequent days of removal, the school must provide services to the extent required by law. ISS and assignment does not count in the ten (10) day total as long as the student receives his/her special education and related services, as set forth in the child's individualized education plan ("IEP").

Suspension from bus transportation is counted as any other suspension if the bus suspension results in the student not being able to get to school by other means.

1. Suspensions Greater Than Ten (10) Cumulative School Days

If the current removal is for not more than ten (10) consecutive school days, and is not determined to be a

pattern of removal that constitutes a change in placement, school personnel, in consultation with at least one of the student's teachers, determine the extent to which services are needed to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals of the IEP.

Within ten (10) school days of any decision to change the placement of a student with a disability because of a violation of a code of conduct, the IEP team must review all relevant information in the student's file, including the student's IEP to determine: 1) if the conduct in question was caused by, or had a direct and substantial relationship to the student's disability (a manifestation of the disability); or 2) the conduct in question was the direct result of a failure to implement the IEP.

If the behavior that gave rise to the violation of the Code is determined not to be a manifestation of the student's disability, school personnel may apply the relevant disciplinary procedures in the same manner and for the same duration as the procedures would be applied to students without disabilities. The student must continue to receive educational services and receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to prevent recurrence of the behavior violation.

If the behavior in question was determined to be a manifestation of the student's disability, the IEP Team must conduct or review a functional behavior assessment and implement or continue a behavioral intervention plan. The student must return to the placement from which the student was removed, unless the parent and the LEA, through the IEP process, agree to a change of placement.

2. Extraordinary Circumstances

School personnel may remove a student to an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the violation of the Code involved possession of a weapon; possession, including use or sales, of an illegal drug; or serious bodily injury. Upon the end of the removal, the student shall be returned to the placement from which he/she was removed, unless the parent and the LEA, through the IEP process, agree to a change of placement.

C. System-wide Uniform Consequences for Misconduct

The principal or his/her designee shall investigate and deal with incidents of alleged misconduct of students whenever:

1. a student discipline problem is referred;
2. the alleged misconduct violates the Code; or
3. the principal determines that a situation exists which could pose a danger to persons or property or which seriously disrupts the learning environment.
4. The use of disciplinary consequences is based on the assumption that teachers and/or other student support personnel have utilized reasonable available discipline alternatives and preventive measures prior to referring the student to the principal or that the student's behavior presents harm or a significant risk of harm to others or property or a threat to the orderly operation of the school. School personnel may use reasonable force to control behavior or to remove a person from the scene in those situations when necessary:
 5. to quell a disturbance threatening injury to others;
 6. or to obtain possession of weapons or other dangerous objects on the person, or within the control of, a student;
 7. or for self-defense; and
 8. for the protection of persons or property.
9. Infractions of the Code are grouped in classes of offense. Class of offense relates to the degree to which the behavior disrupts the orderly educational process in the school in terms of their effect on the behavior of others and the degree to which the behavior presents a potential for harm to others. For each rule a range of consequences appropriate to the offense is provided depending upon the judgment as to:
 10. the degree to which the behavior disrupts the orderly educational process in the school;
 11. the degree to which the behavior presents a potential for harm to others or property;
 12. the degree to which the behavior has a negative effect on the behavior of others;
 13. the degree to which the behavior harms others or property; and
 14. the student's unresponsiveness to reasonable available discipline alternatives and preventive measures prior to the referral to the principal or his/her designee.

III. STUDENT CODE OF CONDUCT

The following rules for the Avery County Schools are provided as guidance for students, parents, teachers and administrators. This cannot be an all-inclusive list; therefore, administrators shall use their discretion in dealing with all specific behavior that violates the principles set forth in the Code. Consideration is to be given to the student's cognitive and developmental ability to appreciate the significance of his/her behavior and to assume responsibility for behavior.

This Code pertains to all students in the Avery County Schools while they are on the campus of any school in the Avery County School System, while they are participating in any activity sponsored by the Avery County Schools, while they are being transported in a vehicle owned or operated by the Avery County Schools or while they are representing the Avery County Schools in any way. In circumstances where student behavior indicates that the student's continued presence in the school or at a school sponsored activity constitutes a clear threat to the safety of employees or other students, a student may be suspended or expelled regardless of where the acts and conduct occur. It is expected that any subsequent infraction will build upon disciplinary actions of previous infractions.

In any case where out of school suspension is utilized, a parental conference with the principal and/or teacher(s) is required before re-entry into school. If the parent/guardian cannot or will not come to school for a conference, the student may come back to school at the principal's discretion. Parents shall be notified concerning any Code violation. All rule infractions will be retained in the Avery County Uniform Disciplinary Database.

CLASS I

RULE 1 CLASSROOM AND EXTRACURRICULAR DISRUPTION OR DISTRACTION

The act of disruption or distraction which affects the normal education process or interferes with any school extracurricular activity, including, but not limited to, interrupting the class, provoking other students or talking excessively.

Grades 6-12

FIRST OFFICE REFERRAL: Verbal warning up to two (2) days in-school suspension.

SECOND OFFICE REFERRAL: Up to five (5) days in-school suspension. Special circumstances may warrant up to two (2) days out-of-school suspension.

THIRD & SUBSEQUENT OFFICE REFERRAL(S): Up to three (3) days out-of-school suspension. Special circumstances may warrant suspension for up to ten (10) days.

RULE 2: TRESPASSING

A. Students shall not willfully enter or remain in any school structure, conveyance or property without having been **authorized or invited**, nor refuse to depart after being directed to leave by **authorized** personnel. For example, the following are examples of prohibited trespassing:

- Loitering on campus after the close of the school day without permission;
- Appearing on campus at an unassigned school during the school day without permission of the principal of that assigned school;
- Appearing on campus at any school while the student is suspended without the permission of the principal.

Law enforcement may be notified based on the severity of the act.

Grades 6-12

FIRST OFFENSE: Up to three (3) days in-school suspension or up to three (3) days out-of-school suspension depending on severity of the act.

SECOND OFFENSE: Up to five (5) days in-school or out-of-school suspension.

THIRD OFFENSE: Up to ten (10) days out-of-school suspension.

B. Students shall not be in unauthorized areas during the school day.

Grades 6-12

FIRST OFFENSE: Up to one (1) day in-school suspension.

SECOND OFFENSE: Up to three (3) days in-school suspension or up to two (2) days out-of-school suspension.

THIRD OFFENSE: Up to five (5) days in-school suspension or up to five (5) days out-of-school suspension.

RULE 3 SKIPPING (TRUANCY) SCHOOL DURING THE DAY OR ASSIGNED CLASSES DURING SCHOOL DAY OR BEING TARDY TO SCHOOL OR CLASS WITHOUT A LEGITIMATE EXCUSE

Students shall be on campus and in their assigned classes unless they have been authorized to be elsewhere by authorized personnel.

Grades 6-12

FIRST OFFENSE: Up to three (3) day 3 out-of-school suspension. (Punishment may include but is not limited to before or after school detention, lunch detention, or Saturday detention.)

SECOND AND SUBSEQUENT OFFENSE(S): Up to five (5) days out-of-school suspension.

UNEXCUSED TARDIES TO SCHOOL OR ASSIGNED CLASSES

STATEMENT: It is imperative that students realize and recognize the importance of arriving at school on time and being punctual to class on a daily basis. Habits formed in school often determine habits after school. Punctuality is a habit that should be cultivated, practiced and endorsed.

TARDY TO SCHOOL OR CLASS: (Grades K-12) It is recommended that each school be allowed to develop procedures that address students who are tardy to school for unexcused reasons. The policy/procedures developed at the school level may include but is not limited to lunch detention, before or after school detention, Saturday detention, loss of driving privileges, possible revocation of a student transfer, if applicable, suspension of extra-curricular opportunities, or in-school-suspension as a last resort. Schools shall not use out-of-school suspension as punishment for being tardy to school. Other methods of dealing with students who are tardy to school should be explored by each school.

RULE 4 NON-COMPLIANCE WITH DIRECTIONS OF TEACHERS AND OTHER SCHOOL PERSONNEL

Students shall comply with all lawful directions of teachers, and substitute teachers, teacher aides, student teachers and any other authorized school personnel during any period in which they are subject to school authority. **At no time shall a student provide false information to a teacher or staff member.**

Grades 6-12

FIRST OFFENSE: Up to two (2) days out-of-school suspension.

SECOND OFFENSE: Up to five (5) days out-of-school suspension based on the severity of the offense. Additional community service duties, such as picking up trash from the grounds, etc., may be assigned.

THIRD AND SUBSEQUENT OFFENSE(S): Up to ten (10) days out-of-school suspension.

RULE 5 INAPPROPRIATE APPEARANCE OR CLOTHING

Appearance or clothing which is disruptive, provocative, indecent, vulgar, obscene, or which advertises illegal drugs or displays obnoxious or indecent signs, symbols or drawings, or which endangers the health or safety of the student or others is prohibited.

TRACK SHORTS, TANK TOPS, "SAGGING PANTS", OPEN MIDRIFF, SPANDEX (BIKE SHORTS), SEE THROUGH SHIRTS OR BLOUSES, AND RAGGED CLOTHING ARE INAPPROPRIATE.

(Unacceptable Tank Top: T-shirt with narrow straps and large arm holes. Open Mid Riff: A garment (shirt or blouse) shorter than waist length exposing the abdomen. Inappropriate Short, Skirt or Dress Length: Shorter than mid-thigh) (Avery County Policy 4303).

Grades 6-12

FIRST OFFENSE: Students who arrive at school in violation of the dress code must change their inappropriate clothing to meet the standards in order to remain in school; verbal warning and/or up to two (2) days in-school suspension. Parents will be notified by the principal.

SECOND OFFENSE: Up to five (5) days in-school suspension. Special circumstances may warrant up to two (2) days out-of-school suspension. Parents will be notified by the principal.

THIRD & SUBSEQUENT OFFENSE(S): Up to three (3) days out-of-school suspension.

RULE 6 CHEATING (BREAKING RULES TO GAIN ADVANTAGE)

Students shall not cheat on tests/examinations, nor copy the work of another student nor assist a student who is attempting to copy his/her work, nor plagiarize work, nor complete in a dishonest or deceptive manner any type of academic assignment.

Grades 6-12

FIRST OFFENSE: Teacher conference with administration, student and parent(s) and a grade of zero (0) for assignment.

SECOND OFFENSE: Up to three (3) days in-school suspension and a grade of zero (0) for assignment.

THIRD OFFENSE: Up to three (3) days out-of-school suspension and a grade of zero (0) for assignment.

RULE 7 INAPPROPRIATE INTERPERSONAL BEHAVIOR

Inappropriate public displays of affection or indecent exposure, as determined by school personal, are not allowed. Examples are, but are not limited to, kissing, inappropriate touching, mooning, sagging pants, etc.

Grades 6-12

FIRST OFFENSE: Conference with student and parent(s). Up to two (2) days in- school suspension. Extremely inappropriate acts may result in out-of-school suspension for the remainder of the school year.

SECOND OFFENSE: Up to four (4) days in-school suspension or up to two (2) days out of school suspension. Extremely inappropriate acts or other special circumstances may result in long-term suspension.

THIRD OFFENSE: Up to five (5) days out-of-school suspension. Extremely inappropriate acts or other special circumstances may result in long-term suspension.

RULE 8 BUS MISBEHAVIOR

Students shall not engage in any type of behavior that interferes with the safe and efficient operation of the school bus and/or the safety of persons riding in the bus. **TO BE ALLOWED TO RIDE THE BUS IS A PRIVILEGE AND SHOULD BE TREATED AS SUCH.**

Grades K-12

FIRST OFFENSE: Conference with student and parent contact. Up to three (3) days suspension from riding the bus.

SECOND OFFENSE: Up to five (5) days suspension from riding the bus.

THIRD OFFENSE: Suspension from riding bus for up to ten (10) days.

SUBSEQUENT OFFENSE: Students may be suspended from riding the bus for the remainder of school year.

RULE 9 USE OF TOBACCO PRODUCTS

Students **shall not use or possess** any type of tobacco products, including electronic cigarettes, on school property during the time school is open for the school day or for any supervised school activities, or when being transported to and from school in a school financed vehicle. (This includes school sponsored events such as dances, field trips, athletic functions, etc. while participating or being under the direct supervision of a school staff member.) This policy is in effect for any Avery County student on any campus of the Avery County Schools.

Grades 6-12

FIRST OFFENSE: Three (3) days in-school suspension and enrollment and successful completion in a tobacco awareness program. Confiscate products.

SECOND OFFENSE: Five (5) days in-school suspension or one (1) day in-school suspension and enrollment and successful completion in a tobacco awareness program. Confiscate products.

THIRD OFFENSE: Five (5) days out-of-school suspension or two (2) days out-of-school suspension and enrollment and successful completion in a tobacco awareness program. Confiscate products.

SUBSEQUENT OFFENSE: May result in long-term suspension. Confiscate products.

CLASS II

RULE 10 INSULTING, DISRESPECTFUL, ABUSIVE, PROFANE, OBSCENE WORDS, SIGNS, GESTURES, AND OTHER ACTS

Students shall not direct insulting, abusive, profane, obscene words, signs, gestures, and other acts toward other students, visitors, school employees, and other persons.

Grades 6-12

FIRST OFFENSE: Oral reprimand and/or up to five (5) days out-of-school suspension.

SECOND OFFENSE: Five (5) days in-school suspension up to ten (10) days out-of-school suspension.

THIRD OFFENSE: Ten (10) days out-of-school suspension and special circumstances may warrant long-term suspension.

RULE 11 SEXUAL HARASSMENT

Students shall not direct unwelcomed sexual advances, requests for sexual favors, or other inappropriate oral, written, or physical conduct of a sexual nature to another student. All students must be allowed to learn and work in an environment free from such harassment. Law enforcement officials shall be notified.

Grades 6-12

FIRST OFFENSE: Oral reprimand and/or up to five (5) days out-of-school suspension.

SECOND OFFENSE: Up to ten (10) days out-of-school suspension.

THIRD OFFENSE: Ten (10) days out-of-school suspension and special circumstances may warrant long-term suspension or expulsion.

RULE 12 GAMBLING

Students shall not participate in any form of gambling or games of chance/skill for money and/or other items of value.

Grades 6-12

FIRST OFFENSE: Up to five (5) days in-school suspension.

SECOND OFFENSE: Up to three (3) days out-of-school suspension.

THIRD OFFENSE: Up to ten (10) days out-of-school suspension.

CLASS III

Class III rules refer to student behaviors which are disruptive to the educational process and may have the potential for physical injury to others. In cases in which these behaviors are violations of North Carolina General Statutes, involvement of law enforcement officers shall be required.

North Carolina General Statute § 115C-288, requires certain acts to be immediately reported by the principal to law enforcement. Those acts are: assault resulting in serious personal injury, sexual assault, sexual offense, rape, kidnapping, indecent liberties with a minor, assault involving the use of a weapon, possession of a firearm in violation of the law, possession of a weapon in violation of the law, or possession of a controlled substance in violation of the law. In addition to those that are specifically spelled out in North Carolina General Statutes all larcenies, extortion as well as extortion attempts, robbery (armed or common law), hate crimes, stalking, possession of any explosive or incendiary device or arson/attempted arson should be immediately reported to law enforcement officials.

The superintendent's office shall be notified.

RULE 13 MAKING AND/OR POSSESSING EXPLOSIVE OR INCENDIARY DEVICES

Students shall not make or possess firecrackers or pyrotechnics, explosive, incendiary, or smoke-creating devices. Law enforcement shall be notified. (Snap pop, caps, and similar devices should be included under Rule 1.)

Grades 6-12

FIRST OFFENSE: Up to five (5) days out-of-school suspension. Special circumstances may warrant out-of-school suspension for remainder of school year. Confiscate device.

SECOND OFFENSE: Confiscate device. Up to ten (10) days out-of-school suspension. Special circumstances may warrant long-term suspension or a suspension for 365 days as required by law.

RULE 14 EXPLODING FIRECRACKERS OR IGNITING SIMILAR DEVICES

Students shall not explode firecrackers or ignite pyrotechnics, explosive, incendiary, or other smoke-creating devices. Law enforcement shall be notified.

Grades 6-12

FIRST OFFENSE: Confiscate device. Up to ten (10) days out-of-school suspension. Special circumstances may warrant long-term suspension.

SECOND OFFENSE: Confiscate device. Long-term suspension.

RULE 15 POSSESSION OR USE OF MARIJUANA, NARCOTICS, STIMULANTS, DEPRESSANTS, ALCOHOLIC BEVERAGES, ANY OTHER UNAUTHORIZED OR ILLEGAL SUBSTANCE OR DRUG PARAPHERNALIA, AND COUNTERFEIT FORM OF SAID SUBSTANCES

Students shall not possess nor use marijuana, narcotics, stimulants, depressants, counterfeit forms of an illegal substance, alcoholic beverages or any other unauthorized or illegal substance or drug paraphernalia. Law enforcement shall be notified.

Grades 6-12

FIRST OFFENSE: Confiscate substance; minimum five (5) days out-of-school suspension required if student is allowed to return during current school year. Maximum disciplinary action is a possible long term suspension. Active involvement in a substance abuse/chemical dependency program if student is allowed to return to school.

SECOND OFFENSE: Confiscate substance; short term suspension of up to ten (10) days and possible long-term suspension.

RULE 16 SALE, DELIVERY, OR DISTRIBUTION OF MARIJUANA, NARCOTICS, STIMULANTS, DEPRESSANTS, ALCOHOLIC BEVERAGES, AND ANY OTHER UNAUTHORIZED OR ILLEGAL SUBSTANCE, DRUG PARAPHERNALIA OR COUNTERFEIT FORM OF SAID SUBSTANCES

Students shall not sell, deliver, or distribute marijuana, narcotics, stimulants, depressants, counterfeit forms of an illegal substance, alcoholic beverages, or any other unauthorized or illegal substance or drug paraphernalia. Law enforcement officials shall be notified.

Grades 6-12

A student who sells, delivers, or distributes marijuana, narcotics, stimulants or any other unlawful or unauthorized substance, drug paraphernalia or counterfeit form of such substance will be long-term suspended. Confiscate substance.

RULE 17 MAJOR DISRUPTION OF THE SCHOOL ENVIRONMENT (INCITING OR PARTICIPATING IN A STUDENT DISORDER; i.e. riots, walk-outs, assaults, etc.)

Students shall not lead, participate in, or encourage others to participate in major group disruptions which adversely affect the educational process. Law enforcement officials will be notified.

FIRST OFFENSE: Minimum five (5) days out-of-school suspension, up to out- of-school suspension for remainder of school year.

SECOND OFFENSE: Long-term suspension.

RULE 18 PARTICIPATION IN A GANG OR GANG ACTIVITY THAT DISRUPTS THE NORMAL SCHOOL ENVIRONMENT

Students shall not lead, participate in, or encourage others to participate in a gang or gang activity. (A "gang" is defined as a group who organizes for unlawful activities or to harass or intimidate others.) Law enforcement officials shall be notified.

Grades 6-12

FIRST OFFENSE: Minimum five (5) days out-of-school suspension, up to out- of- school for remainder of school year.

SECOND OFFENSE: Long-term suspension.

RULE 19 UNJUSTIFIED ACTIVATION OF A FIRE ALARM OR MAKING A FALSE REPORT OF AN EMERGENCY

Students shall not activate any fire alarm unless authorized to do so by school employees, or unless there are reasonable grounds for the student to believe an actual emergency condition exists. At no time shall a student call in or in any other manner communicate a false report concerning a bomb, other explosive device, or any emergency situation. Law enforcement officials shall be notified.

Grades 6-12

FIRST OFFENSE: Up to five (5) days out-of-school suspension.

SECOND OFFENSE: Up to ten (10) days out-of-school suspension.

THIRD OFFENSE: Long-term suspension.

RULE 20 FIGHTING AMONG STUDENTS

Students shall not fight or attempt to cause bodily harm to another student. If a student is a victim of a sudden, unprovoked attack or fight, he/she may defend himself/herself long enough to disengage from fighting to report it to an appropriate school official. **Students who instigate fights will be subject to the same consequences as those who are actually involved in fighting.**

Grades 6-12

FIRST OFFENSE: Two (2) to ten (10) days out-of-school suspension.

SECOND OFFENSE: Up to ten (10) days out-of-school suspension. Special circumstances may warrant long-term suspension.

THIRD OFFENSE: Long-term suspension

RULE 21 EXTORTION

Students shall not obtain through verbal or physical threats, coercion, or intimidation anything of value (personal property, money or information) from any other student or school employee. Law enforcement officials shall be notified.

Grades 6-12

FIRST OFFENSE: Up to five (5) days out-of-school suspension. Special circumstances may warrant out-of-school suspension for the remainder of the school year.

SECOND OFFENSE: Long-term suspension.

NOTE: FULL RESTITUTION WILL BE SOUGHT.

RULE 22 THEFT, ROBBERY, BURGLARY OR DAMAGE TO SCHOOL OR PERSONAL PRIVATE PROPERTY OR POSSESSION OF STOLEN PROPERTY

Students shall respect school property and the personal property of other students, school employees, and other persons. Students shall not steal, rob, burgle, attempt to burn or convert school property and property of any other person or entity, nor cause damage to such property. Law enforcement officials shall be notified.

Grades 6-12

FIRST OFFENSE: Up to five (5) days out-of-school suspension. (Special circumstances may warrant long-term suspension.)

SECOND OFFENSE: Up to ten (10) days out-of-school suspension. (Special circumstances may warrant long-term suspension.)

THIRD OFFENSE: Long-term suspension.

NOTE: FULL RESTITUTION WILL BE SOUGHT.

RULE 23 INSULTING, DISRESPECTFUL, ABUSIVE, PROFANE, OBSCENE WORDS, SIGNS, GESTURES, AND OTHER ACTS DIRECTED AT AN ADULT

Students shall not direct insulting, abusive, profane, obscene words, signs, gestures, and other acts toward visitors, school employees, or any other adult.

Grades 6-12

FIRST OFFENSE: Up to ten (10) days out-of-school suspension. (Special circumstances may warrant long-term suspension.)

SECOND OFFENSE: Up to long-term suspension.

RULE 24 VERBAL OR PHYSICAL ASSAULT OR PHYSICAL INJURY TO SCHOOL EMPLOYEES OR OTHER PERSONS

Students shall not cause, attempt to cause or verbally (written or oral) threaten to cause damage to property, physical or bodily injury to Principals, Assistant Principals, teachers, substitute teachers, teacher aides, student teachers and other school personnel or visitors. Law enforcement shall be notified if there is a serious injury or at the discretion of the principal. (G.S. 115C-391 states: A local board of education shall remove to an alternative educational setting any student who is at least 13 who physically assaults and seriously injures a teacher or other school personnel. If no appropriate alternative educational setting is available, then the board shall suspend for no less than 300 days but no more than 365 days any student who is at least 13 and who physically assaults and seriously injures a teacher or other school personnel.)

Grades K-12 FIRST OFFENSE: Up to long-term suspension.

RULE 25 VERBAL OR PHYSICAL ASSAULT OR PHYSICAL INJURY TO STUDENTS

Students shall not cause, attempt to cause or verbally (written or oral) threaten to cause damage to property, physical or bodily injury to another student. Law enforcement shall be notified if there is a serious injury or at the discretion of the principal.

Grades K-12

FIRST OFFENSE: Up to ten (10) days out-of-school suspension. (Special circumstances may warrant long-term suspension.)

SECOND OFFENSE: Up to long-term suspension.

RULE 26 HAZING

Students shall not commit any act of hazing. Hazing is defined as follows: "to annoy any student by playing abusive or ridiculous tricks upon him, to frighten, scold, beat or harass him, or to subject him to personal indignity." Any student who aides or abets hazing shall be disciplined as a principle actor. Law enforcement notification is mandatory. Conviction in criminal court results in automatic expulsion.

Grades 6-12

FIRST OFFENSE: Up to ten (10) days out-of-school suspension. (Special circumstances may warrant expulsion.)

SECOND OFFENSE: Out-of-school suspension for remainder of school year. (Special circumstances may warrant expulsion.)

RULE 27 WEAPONS AND/OR OTHER DANGEROUS INSTRUMENTS

Students shall not possess or conceal any weapon as defined by N.C. Gen. Stat. § 14-269.3, or any other instrument that could cause bodily harm or be used to threaten bodily harm. Law enforcement officials shall be notified.

Grades 6-12

FIRST OFFENSE: Confiscate weapon or device. Up to ten (10) days out-of- school suspension. (Special circumstances involving an assault may warrant out- of-school suspension for the remainder of the school year.)

SECOND OFFENSE: Confiscate weapon or device. Out-of-school suspension for remainder of school year.

RULE 28 POSSESSION OF A FIREARM(S)

Students shall not bring to school or possess or conceal any firearm or weapon – "any gun, rifle, pistol, or other firearm of any kind, or any dynamite cartridge, bomb, grenade, mine or powerful explosive" on any property owned by the Avery County Public Schools. (N.C. Gen. Stat. § 14-269.2) Law enforcement officials shall be notified.

Grades 6-12

A. If a student brings a weapon to school; confiscate firearm or weapon. Out- of-school suspension for a minimum of 365 days (a calendar year) pursuant to N.C. Gen. Stat. § 115C-391(d)(1), when authorized by the local board upon recommendation by the Superintendent.

B. If a student possesses a weapon at school; confiscate firearm or weapon. Out-of-school suspension for the remainder of the school year or expulsion for the student who possesses a firearm on any property owned by Avery County Schools.

RULE 29 SEXUAL ASSAULT, SEXUAL OFFENSES, ETC.

Students shall not commit any sexual offense as defined by the North Carolina General Statutes. (N.C. Gen. Stat. § 14-27.4 & 14-27.5) Law Enforcement shall be notified.

Grades 6-12

FIRST OFFENSE: Up to ten (10) days out-of-school suspension. (Special circumstances may warrant long-term suspension.)

SECOND OFFENSE: Long-term suspension.

RULE 30 OTHER NORTH CAROLINA CRIMINAL STATUTES AND LOCAL ORDINANCES NOT PREVIOUSLY COVERED

Students shall not violate any North Carolina Criminal Statute or local ordinances not previously covered. Law enforcement officials shall be notified if the crime occurs on school property or at a school sponsored event or function. A student convicted of a felony or serious misdemeanor may be recommended for expulsion from the Avery County Schools. (Any plea of nolo contendere or the entry of a "prayer for judgment" shall be deemed as a conviction for the purposes of this policy.) Law

enforcement officials shall be notified.

Grades 6-12

FIRST OFFENSE: Up to ten (10) days out-of-school suspension. (Special circumstances may warrant long-term suspension and or exclusion from all extra-curricular activities.)

SECOND OFFENSE: Long-term suspension. Adopted: July 10, 2012

Revised: 07/09/13; 04/08/14; 08/05/14

Policy 4326

Avery County Schools Random Drug/Alcohol Testing

I. General Policy Statement

The Avery County Board of Education strongly believes that drug and alcohol abuse can be detrimental to the physical and emotional health and the academic performance of its students. Furthermore, the Board believes that high school athletes, cheerleaders, and other students participating in extracurricular activities are representatives of the school system and are often role models for other students and, therefore, have great influence on other students. It is from this rationale and out of concern for students' well-being and safety that a random student drug testing program is being initiated in the Avery County school system. The goal of the random drug-testing program is to help students by deterring and eliminating the use of illegal and/or controlled substances in its schools.

II. Administration

A. All students in grades 9-12 who desire to participate in any of the following voluntary school activities must agree to participate in the random student drug testing program:

1. Interscholastic athletics;
2. All competitive, extra-curricular activities;
3. All elective clubs (clubs that have no impact on a student's grade);
4. Students seeking a parking permit on campus;
5. Students who volunteer to enter the program as set forth below.

Hereinafter, these activities will be referred to as "voluntary activities", as the Board believes participation in these activities is a privilege, not a right.

B. To be eligible to participate in the voluntary activities, the student and his/her parents or legal guardians must participate in the random drug-testing program. Participation in the random drug-testing program shall not be required as a condition of attending school, enrolling in any class, or participating in any activity that receives a grade recorded on the student's transcript.

C. Any parent of a student in Avery County Schools may consent to the student voluntarily participating in the random drug testing program, whether or not the student is a participant in any of the voluntary activities listed above. The same procedures will apply, as outlined in this policy, for all students participating in random student drug testing. Furthermore, any parent of a student in Avery County Schools may request when their student is tested as

well. Any test performed pursuant to this section may be billed directly to the parents requesting random drug testing of the student.

- D. The Superintendent or his designee shall develop a plan by which students may volunteer to be placed in a random drug/alcohol testing pool in accordance with this policy.
- E. The administration shall prepare a Drug Testing Consent Form (RDT Form 1) to be signed by the student and the student's parent/guardian. The parent/guardian shall be given a copy of the signed Consent Form and this Random Student Drug Testing policy. The original Consent Form shall be kept in the student's official file.
- F. Students who desire to participate in the voluntary activities or privileges covered by this program shall sign the Consent Form prior to the beginning of the voluntary activity (e.g. sport season, athletic practice, at the beginning of the school year). The Consent Form will authorize random drug testing throughout the student's entire school career in Avery County Schools, unless the student and parent revokes consent as set forth below.
- G. A signed Consent Form may only be revoked in writing. The revocation must be signed by the student and the parent/guardian prior to testing. A student who withdraws will no longer be subject to random drug testing and will not be eligible for participation in the voluntary activities or privileges covered by this policy until after the end of the current school year. After the current year ends, students who desire to participate in any of the voluntary activities must agree to participate in the random student drug testing program by submitting a new consent form.
- H. A percentage of the students subject to testing at each high school shall be selected for random testing on a periodic basis as deemed appropriate by the Superintendent.
- I. Refusal to submit to random testing when selected will be treated as a positive test, which invokes the appropriate consequence outlined in this policy.
- J. Except for the students subject to testing per parent request as set forth in Section (C) above, no student may be randomly tested more than three times in any academic year, so long as the test results are negative.
- K. The Superintendent may choose not to include certain groups in the testing pool or choose to suspend testing altogether if there are insufficient funds to perform the tests.

III. Consequences of testing

The student shall not be subject to suspension from school for a positive test, unless the student is in violation of other portions of the Avery County Schools' Student Code of Conduct.

Students will not be penalized academically for testing positive for illegal drugs or banned substances under this policy.

Many students participate in several voluntary activities, and may participate in multiple activities at one time, such as participating in a sport as well as obtaining a parking privilege. The consequences for a positive test will apply to all activities the student is currently participating and may apply to participation in future voluntary activities as well.

When a test is positive, the student and student's parent/guardian are notified by the Medical Review Officer (MRO). The parents/guardian will have 3 calendar days to conference with the MRO to confirm the results of the test. If the parents/guardians fail to conference with the MRO, the test will be reported as "positive-non-contact" to the Superintendent's designee.

- A. **First Positive Test:** The principal will suspend the student from the voluntary activity or contests for 30 school days or if athletics, two (2) athletic contests, whichever is greater, from the date when the written findings are provided to the principal. In addition, the student must successfully complete the following:
 - 1. Student meets with the school counselor within the first full week of suspension or upon return to school.
 - 2. Student undertakes a substance abuse evaluation by a licensed addiction specialist. If the licensed addiction specialist recommends interventions or treatment, student must have begun the process of receiving the interventions or treatments. Avery County Schools is not responsible for the cost of the prescribed interventions or treatments; however, the student is eligible to enroll in the Avery Student Assistance Program at no charge. If a student enrolls in a substance abuse program, eligibility or participation may be reinstated.
- B. **Second Positive Test:** The principal will suspend the student from all voluntary activities for a period of 360 school days from the date when the written findings are provided to the principal.
- C. **Third Positive Test:** The principal will suspend the student from all voluntary activities for the remainder of his/her high school career in the Avery County Schools.

A. **Appeal of a Positive Test**

- 1. The student will have the opportunity to have the second portion of the split sample tested at his/her expense. If the result is negative, the student will be reimbursed.
- 2. The MRO will notify the Superintendent's designee of the student's first positive test. The Superintendent's designee will notify the student's principal, who may inform the necessary school personnel.
- 3. The student is not precluded from participation in the voluntary activities or parking privileges, as a result of the first positive test, provided the parent/guardian provides the MRO with a certification from the student's physician, on the form attached to this policy. If the physician's certification is not provided to the MRO within 7 calendar days, the MRO shall promptly notify the Superintendent's designee, and the student shall be ineligible to participate in the voluntary activities covered by this policy until such physician's certification is filed with the MRO.

IV. **Implementation**

A. **Key Implementation Roles**

- 1. **Contracted Test Administrator (Vendor)** – The drug testing program will be implemented on behalf of the school district by a Test Administrator, which shall be an independent agency or entity operating under contract with the Board of Education. The contracted Test Administrator shall have experience in implementing a drug testing program.
- 2. **Medical Review Officer (MRO)** – The contracted Test Administrator shall employ or provide by subcontract, a licensed physician certified as a Medical Review Officer.

3. **Superintendent's Designee** – The Superintendent shall designate an administrator of the school district to coordinate the district's drug testing program (District Drug Test Coordinator). This administrator will receive all information and results provided by the vendor and the MRO in order to fully coordinate this program.
 4. **Licensed Substance Abuse Professional (LSAP)** – Licensed substance abuse professionals whose professional credentials are acceptable to the Superintendent and/or designee shall conduct all substance abuse assessment and counseling services.
- B. **Role of School System Employees** – Avery County School personnel shall not assist with the actual testing or physical collection of the samples, shall have no access to the test samples, and shall not select the students who will be randomly tested. These functions will be carried out by the contracted Test Administrator. School system employees will be expected to call students from their regular class schedule and assist with coordinating testing as needed.
- C. **Process to Select Students to be Tested** – Eligible students will be randomly selected for testing by the contracted Test Administrator using the following process:
1. The Superintendent's designee shall maintain a list of all eligible students who have signed Consent Forms. The list shall be updated prior to each testing date.
 2. Each eligible student on the list shall be assigned a number by the Superintendent's designee.
 3. The Superintendent's designee shall provide the contracted Test Administrator with a list of the students' numbers.
 4. Prior to each testing date, the Superintendent's designee will notify the contracted Test Administrator as to what percentage of students will be tested.
 5. The contracted Test Administrator shall randomly generate a list of student numbers representing students to be tested. The randomly generated student numbers shall be categorized by school, and to the extent practicable, shall consist of the same percentage of students at each school. Students who were absent on a testing date, after their previous selection under this random selection process, shall be added to the next randomly generated list. The list shall be provided to the Superintendent's designee.
 6. The Superintendent's designee will match the randomly generated student numbers with the students' names, and will notify each school, which students are to be tested using RDT Form 2A.
 7. Documentation of the selection process shall be maintained.
- D. **Absences** – A student who is absent on the day of a test shall be excused from testing, but shall be added to the pool to be tested on the next testing date. However, a student who is present at school on the day of testing and avoids testing by leaving campus (or cutting class) without a valid excuse for that day shall be considered as having refused to be tested.
- E. **Refusal to Test or Tampering with a Test** – A refusal to be tested, or an attempt to alter, substitute, adulterate or otherwise tamper with a test sample, shall result in a declaration of a positive test which invokes the appropriate consequence outlined in this policy.
- F. **Frequency of Tests** – Random drug testing will be conducted as frequently as possible during the academic year. The dates and times of testing will not be publicized in advance.
- G. **Location of Tests** – To the extent possible, the testing will occur at the school which the student attends.

- H. **Number of Students Tested** – The percentage and/or number of eligible students at the high school which will be tested in the course of a year will be determined by the Superintendent or designee. The Superintendent or designee shall determine what number and/or percentage of eligible students are tested on each test date as stated in RDT Form 2A.
- I. **Type of Tests** – Testing will be by urine or saliva specimen.
- J. **Confidentiality** – All test results will be strictly confidential, including the maintenance of the sample throughout the collection and testing process. All reported results will be maintained by the Superintendent’s designee in a locked file cabinet. Disclosure of test results will be limited to those who have a need to know in order to implement this policy. When under this policy a student becomes ineligible to participate in any voluntary activity, the principal shall inform the particular coach that the student is ineligible.
- K. **Falsification of Information** – Students who falsify information on the required forms will be subject to discipline sanctions under Board Policy and the school’s Code of Conduct.
- L. **Parent Notification** – Parents will be notified by school officials of their child’s participation in drug testing after the test is administered through RDT Form 4.

V. Tested Substances

The student will be tested for substances recommended by the contracted Test Administrator and as determined by the Superintendent or designee.

VI. Substance Abuse Assessment/Counseling Requirement

Whenever a student is required to satisfy the substance abuse assessment/counseling requirement of this policy, the student shall:

- A. Undergo a substance abuse assessment by a licensed substance abuse professional. At parents' request a list of licensed professionals will be provided. This assessment shall be at the expense of the parent/guardian.
- B. Provide the school principal with written certification by the licensed substance abuse professional that the substance abuse assessment has been completed.
- C. Undergo counseling/treatment or other intervention, if any, as recommended by the licensed substance abuse professional. The Board of Education will not specify requirements of any such counseling/treatment or intervention, as this will be based on the student’s individual needs. The Board of Education’s interest is that the student receives whatever assistance is appropriate for the particular individual.
- D. Failure to fully cooperate or comply with substance abuse assessment or any counseling/treatment program recommended by the licensed substance abuse professional shall make the student ineligible for participation in the voluntary activities covered by this policy.

VII. Test Procedures and Safeguards

- A. **Urine Test** – Testing will be by urine specimen. If the student is physically unable to provide a urine sample, a saliva test may be administered.
- B. **Screening Test** – The urine specimen shall be screened using an enzyme immunoassay (EIA) test or other screening test approved by the College of American Pathologists (CAP) or the Department of Health and Human Services (HHS).
- C. **Confirming Test** – If the screening test indicates the presence of a controlled substance, the specimen shall be subject to a confirming test by gas chromatography/mass spectrometer (GC/MS).
- D. **Split Sample** – Each student’s urine sample shall be split into two samples. In the event of a confirmed positive test, a student may request that a portion of his/her urine sample be tested by another state or federal approved laboratory at his/her expense. If this test result is negative, the student/parent will be reimbursed.
- E. **Standards for Positive Test** – The contracted Test Administrator will use the standard cutoff scores generally used by CAP or HHS for determining a positive test result.
- F. **Use of Licensed Laboratory** – The contracted Test Administrator must use a laboratory that is appropriately licensed by CAP or HHS. (The laboratory must also be approved by North Carolina state law and accredited to conduct drug testing in this state.)
- G. **Use of Certified MRO** – The contracted Test Administrator must use a physician who is a certified MRO who has met the federal regulation requiring initial MRO certification. Current MRO re-certification must be maintained either through the Medical Review Officer Certification Council (MROCC) or through the American Association of Medical Review Officers (AAMRO).
- H. **Expense** - The expense, if any, of the assessment or counseling/treatment program shall be the responsibility of the parent/guardian, not the Avery County Schools.

VIII. Medical Review Officer

- A. The Test Administrator shall report any test found "positive" for the presence of a tested substance directly to the MRO.
- B. The MRO shall notify the student and the student’s parent/guardian of the test results and provide an opportunity to present information, such as the documented use of a prescription medication or an over-the-counter drug, which would render an apparent "positive" result invalid or "negative."
- C. Failure or refusal of the student or the student’s parent/guardian to cooperate with the MRO shall constitute a refusal to test, which is considered a positive test.
- D. The MRO shall inform the student and the student’s parent/guardian of the opportunity for an additional confirming test at the student’s/parent’s expense on the remaining sample of the student’s urine. If the additional confirming test is negative, the student/parent will be reimbursed.

- E. If the MRO determines that an apparent "positive" test result is the result of a lawful use of a prescription or non-prescription drug, the test result shall be considered as "negative."
- F. If the MRO determines that the test results are valid and positive, the MRO shall inform the student, the student's parent/guardian of this determination, and the Superintendent's designee.

IX. Receipt of the Test Results

The results of the random drug/alcohol tests will be sent to the Superintendent's designee. The Superintendent or designee will deliver test results to the principal. The parent/ guardian of the student tested will be informed of the test results. In the event of a positive test, a parent conference should be scheduled immediately to review the results of the positive test. At the parent's and/or student's request, the conference may be attended by the adult/school employee supervising the voluntary activity. In the event that the parent/guardian questions the accuracy of the positive test, a student may request that a portion of his/her urine sample be tested by another state or federal approved laboratory at his/her expense. If this test result is negative, the student/parent will be reimbursed. The Superintendent reserves the right to make a final decision on eligibility. A student who tests positive for illegal and/or controlled substances becomes ineligible for the voluntary activities as defined in this policy. Ineligibility will include participation, practice, dressing out, or appearing with the team or group in any way. Any student who tests positive for drugs/alcohol, in addition to other penalties listed in this policy, will provide a negative drug test in order to become eligible.

X. Method of Collection of Urine Samples

The following procedures shall be used for the collection of urine specimens at the individual schools.

- A. **Notice of Collection** – The principal or designee will notify students to report to a designated area. When the student(s) arrives at the designated area, he/she will be notified of the drug testing procedure and isolated from students not being tested. Student(s) will complete an information sheet outlining current use of prescription and over-the-counter medications and vitamin supplements using Form RDT Form 3.
- B. **Cooperation** – If the student refuses to cooperate with school employees or the contracted Test Administrator's staff, the student's refusal to cooperate shall be treated as a "**positive**" test result.
- C. **Time of Collection** – In general, urine specimens will be collected as determined by the contracted Test Administrator in conjunction with a school administrator.
- D. **Collection, Location, Supplies and Equipment** – Each school and the contracted Test Administrator shall select by mutual agreement one or two restrooms to use for collecting urine samples.
- E. **Protection of Student's Privacy** – The contracted Test Administrator's staff shall not view a student in the act of providing a specimen, but shall monitor each student in a non-intrusive but controlled manner to detect any attempt to provide a false urine specimen. Immediately upon receipt of a urine specimen it shall be tested to determine its temperature.

All specimens outside of normal temperature limits will be considered invalid and the student shall be required to provide another urine sample.

- F. **Chain of Custody** – The contracted Test Administrator shall implement procedures to ensure that each student’s urine sample is appropriately labeled and secured to prevent each sample from being lost, misplaced, or contaminated. At a minimum, the contracted Test Administrator shall:
1. Provide each student with a sanitized kit containing a specimen bottle. The bottle will remain in the student’s possession until a seal is placed on the bottle by the collection staff. The student will sign a form certifying that the bottle contains his/her urine sample and that the specimen has been sealed. The seal may be broken only by the lab testing the specimen.
 2. After the specimen has been sealed, the specimen shall be transmitted to the testing laboratory by the contracted Test Administrator.
 3. In order to maintain confidentiality, the specimen bottle shall be labeled with the student’s number and not the student’s name. In addition, the results sheet mailed by the laboratory to the contracted Test Administrator or MRO shall report the results by student number and not by name.
- G. **Refusal or Inability to Provide Sample** – The contracted Test Administrator shall implement appropriate procedures for use in the event a student refuses to provide a urine sample or states that he/she is physically unable to provide a urine sample. A refusal to provide a urine sample will be treated as a "positive" test result with consequences stated in Section VII of this policy. If a student says that he/she is unable to provide a urine specimen, the student will be given water to provide a urine sample. If the student is still not able to provide the urine sample a saliva test will be administered. If the student states that he/she has a medical problem that prevents the student from providing a urine sample, the student will be given the opportunity to communicate with the MRO, who shall determine whether or not the student has a legitimate medical reason not to be tested by a urine specimen and will, in turn approve a saliva test.

XI. Evaluation and Review of Policy

The contracted Test Administrator shall provide periodic statistical reports (without identifying student names) to the Superintendent’s designee, indicating the numbers of students tested and the numbers of first, second and third positive test results, by substance and by school. The Superintendent will make an annual report to the Board of Education regarding the impact of this policy. Two years after the policy's adoption, the Board will review the policy's effectiveness and vote whether to maintain, revise or cancel the policy.

Legal References: U.S. Const., Amend. IV; N.C. Gen. Stat. 115C-47(4); Bd. Of Education of Independent School Dist. No. 92 of Pottawatomie County v. Earls, 122 S. Ct. 2559 (2002)

[Adopted: 7/10/12](#)

Revised: 7/28/16

AVERY COUNTY SCHOOLS

STUDENT ATHLETE, CHEERLEADER, STUDENT DRIVER, EXTRA-CURRICULUAR PARTICIPANT AND PARENT PERMISSION AND CONSENT FOR RANDOM DRUG AND ALCOHOL TESTING

Student's Consent

Student's Name (Please print)

Date

I have read and understand the Avery County School System's Random Drug and Alcohol testing procedures. My signature verifies that I will consent to random drug/alcohol testing while I am involved in athletics, cheerleading, or during any time in which I register, operate or park on an Avery County School campus. This consent is good for this school year only. Failure to return this form will result in loss of driving privileges and/or participation in athletics and/or cheerleading.

Student's Signature

Date

Parent's Permission

I have read and understand the Avery County School System's Random Drug and Alcohol testing procedures and give permission for my son/daughter to participate in the random drug/alcohol testing program at any time during this school year when he/she is involved in athletics, cheerleading, or when he/she is registering, operating or parking a motor vehicle on an Avery County School campus. Failure to return this form will result in loss of driving privileges and/or athletic eligibility of my child.

Parent/Legal Guardian's Signature

Date

RDT FORM 1

MEMORANDUM

TO: Todd Griffin, Principal

FROM: Ken Townsend, Superintendent, Avery County Schools
Jay Smith, Athletic Director, Avery County Schools

DATE: _____

RE: Notification of Random Drug Testing for Extra-Curricular Participants, Student Drivers, Cheerleaders, and Athletes

This memo is to notify you that _____ is the designated day for the random drug testing of student drivers, cheerleaders, and athletes. You will be provided the list of names of students selected to be tested by 7 a.m. on the test date through e-mail. Please ready the testing site, parent notification letters, student questionnaires, and urine collection cups for the testing. This information should be kept in the strictest confidence.

RDT FORM 2

MEMORANDUM

TO: Todd Griffin, Principal

FROM: Ken Townsend, Superintendent, Avery County Schools
Jay Smith, Athletic Director, Avery County Schools

DATE: _____

RE: Students Selected for Random Drug Testing

Attached is a list of student identification numbers which have been randomly selected for drug testing. The testing will be done on _____ (date). Students must be called as listed, excluding a student only if absent, away from campus, involved in testing, etc. Your school should test _____ (number) students today.

Testing personnel should arrive at your school between 8:00 and 8:15 a.m., and the testing should begin about 8:30 a.m. Please see that all parent-notification letters, student questionnaires, and urine collection cups are ready at the testing site.

If you need assistance before or during the testing, please call Ken Townsend at 733-6006.

RDT Form 2A

MEMORANDUM

TO: Todd Griffin, Principal

FROM: Ken Townsend, Superintendent
Jay Smith, Athletic Director

DATE:

RE: Follow-up of Random Drug Testing of Student Drivers, Cheerleaders, Extra-curricular Participants and Athletes

Thank you for your cooperation in the random drug testing of student drivers and athletes conducted today. Everything seemed to go very well, and I appreciate your staff's care to follow the procedures.

Please forward to me a copy of the student sign-in sheet, the chain of custody forms, and a copy of the e-mailed list of names I sent to you for testing. Beside the name of any student who was not tested, please indicate the reason.

I will notify you of the results of the testing as soon as I receive them from the lab.

If you have concerns or suggestions for improving the testing, please share them with me at your earliest convenience.

Again, thank you for a job well done.

RDT FORM 2B

AVERY COUNTY SCHOOLS
STUDENT INFORMATION SHEET
Random Drug and Alcohol Testing Program

1. Student Name _____ Student Id # _____

2. Address _____ Phone # _____

3. Parent/Guardian Name(s) _____

4. Birthdate _____ Social Security Number _____

5. High School _____

6. Check all that apply:

- athletics _____
- extra-curricular _____
- cheerleader _____
- student driver (license number) _____

7. List any prescription medication currently taking and time of last dose.

8. List any over-the-counter medication currently taking and time of last dose (include vitamins and herbal supplements).

9. Describe any other circumstances that may cause your test for alcohol and drugs to register positive.

I certify that the information provided above is truthful to the best of my knowledge. I am aware that I have been selected for random drug and alcohol testing and agree to the testing procedure.

Student's Signature _____ Date _____

RDT FORM 3

.....
.....
For Office Use Only

The above student, _____, was not tested due to:

- | | |
|---|---|
| <input type="checkbox"/> Absence from school | <input type="checkbox"/> Enrolled in class off campus |
| <input type="checkbox"/> Mandatory academic testing | <input type="checkbox"/> Other (please list) _____ |
| <input type="checkbox"/> Refusal to be tested | |

(Print on School Letterhead)

(Insert Date)

Dear Parent/Guardian:

Re: _____

Today, your child was randomly selected for drug/alcohol testing, using the guidelines established by the Avery County Board of Education. As you are aware, notification of this procedure was provided to you, and your consent for testing was granted through your signature on the proper forms.

Test results should be available within five days. When test results are available, you will receive a letter explaining these results. If the test indicates the presence of a controlled and/or illegal substance, we will contact you and arrange for a conference. At this conference, the test results will be explained and procedures for appeal and the availability of drug treatment will be discussed. You and your child will be asked to sign a statement that you attended the conference. Upon notification to the school system of positive test results, your child is immediately ineligible to participate in athletics, cheerleading, or to register, operate or park a motor vehicle on any Avery County School campus.

Thank you for your support of the Avery County Schools' Safe and Drug Free Programs. Please feel free to contact me if you have questions or concerns.

Sincerely,

Todd Griffin
Principal

RDT FORM 4

(Print on school letterhead)

(Insert Date)

Dear Parent/Guardian:

Re: _____

The purpose of this letter is to inform you that your child's random drug/alcohol test was negative, indicating no presence of illegal and/or controlled substances.

Please remember that as long as your child participates in athletics, cheerleading, or registers, operates, or parks a motor vehicle on campus, he/she remains eligible for random drug and alcohol testing.

A copy of your child's results is available for your review upon request.

Thank you for your continued support of our Safe and Drug Free Schools policies.

Sincerely,

Todd Griffin
Principal

Form 5

RDT

(Print on school letterhead)

Date

Dear _____,

Re: _____

The purpose of this letter is to notify you that your child's random drug/alcohol test was positive, indicating a presence of illegal and/or controlled substance. We have attached a copy of the results for your review. I would like to meet with you at your earliest convenience to discuss the consequences of the positive test.

A student who tests positive becomes ineligible to participate in athletics or cheerleading or to operate a motor vehicle on an Avery County School campus for 365 days unless he/she successfully completes the approved drug/alcohol treatment program. Upon successful completion, the student may be eligible to resume athletics, cheerleading or registering, operating, or parking a motor vehicle after 30 days or after the end of the sports season, whichever comes later.

Due to the positive drug test results, if reasonable suspicion exists, the school principal or designee may require the student to be tested for illegal and/or controlled substances.

If you feel that the test results are in error, a second test may be given by a testing laboratory approved by the Avery County Board of Education within 24 hours of receipt of this letter. The Superintendent or designee reserves the right to make a final determination of eligibility.

Please call me to arrange a time to discuss these issues.

Thank you.

Sincerely,

Todd Griffin
Principal

RDT Form 6

This is to certify that a conference was held on _____ at

Date

_____ o'clock at _____ to discuss the positive

Time

Location

drug/alcohol test results of _____ . In attendance

Student's Name

were _____

The following information was discussed:

- a review of your child's random drug/alcohol test results
- procedures to submit documentation of any medication being taken
- the opportunity to submit a portion of the student's urine sample to a private approved laboratory at the parent/guardian's expense
- the penalties associated with testing positive for drug or alcohol use
- enrollment in a drug/alcohol treatment program as approved by the superintendent.

Our signatures certify that we attended the conference concerning the positive test results of the random drug and alcohol screening and the above items were discussed.

Parent Signature

Parent Signature

Student Signature

Principal/Designee Signature

NCLB / FERPA Opt-Out Letter
Avery County Public Schools

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

The *No Child Left Behind Act of 2001* requires schools to release a secondary student's name, address, and phone number to military recruiters and institutions of higher education unless the student or his parent requests in writing that such information be withheld. In addition, the *Family Educational Rights and Privacy Act* (FERPA) gives parents (or students, if 18 years of age or older) the authority to prohibit schools from disclosing any or all directory information by providing notification in writing.

Please consider this letter notice of the following:

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

Military recruiters

Institutions of higher education

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

Military recruiters

Institutions of higher education

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

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

Student Name: _____ Grade: _____
(Please Print)

Name of School: _____ Grade: _____
(Please Print)

Signature of Parent

Date

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

Date

It is the policy of the Avery County Public School System not to discriminate on the basis of race, color, ethnic origin, sex, age or disability in its educational programs, activities, or employment policies