

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
Civil Action No. 24-CV-380

C.M., *a minor, through his parents,* )  
LEAH McGHEE *and* CHAD )  
McGHEE, )

Plaintiff, )

v. )

DAVIDSON COUNTY SCHOOL )  
DISTRICT BOARD OF )  
EDUCATION; *and* ERIC R. )  
ANDERSON, in his individual )  
capacity, )

Defendants. )

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**DEFENDANTS’ OPPOSITION TO  
PLAINTIFF’S MOTION FOR  
PRELIMINARY INJUNCTION**

NOW COME Defendants Davidson County School District Board of Education and Eric R. Anderson (hereinafter “Defendants”), by and through undersigned counsel, and respond to Plaintiff’s Motion for Preliminary Injunction. For the reasons set forth below, Plaintiff’s Motion should be denied.<sup>1</sup>

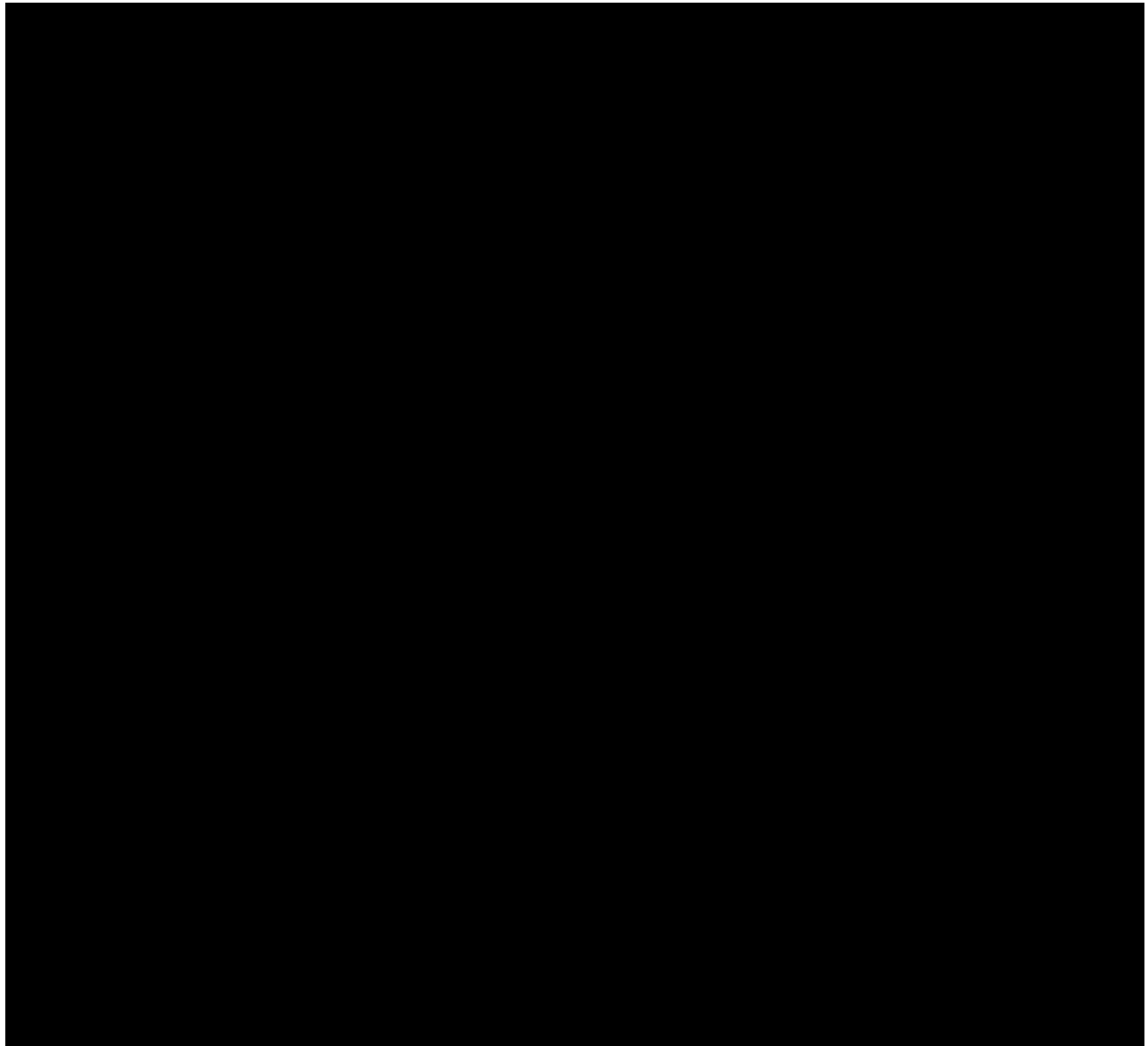
**NATURE OF THE MATTER BEFORE THE COURT**

This matter arises from comments made by a Central Davidson High School Student, C.M. (hereinafter referred to as the Minor Plaintiff), [REDACTED] at Central Davidson High School, a school governed by Defendant Davidson County School District

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<sup>1</sup> The Defendants take no position with regard to the request for oral argument on these matters. To the extent the court requires an oral argument, lead counsel for Defendants, Ryan Bolick, will be out of the country through July 14th and respectfully requests that any oral argument on this motion be held after his return.

Board of Education (hereinafter, “Defendant Board”). The Minor Plaintiff made comments



The Minor Plaintiff first filed this action on May 7, 2024 against Defendants. DE 1, ¶1. The Minor Plaintiff initiates this action through his parents Leah McGhee and Chad McGhee. The Minor Plaintiff claims a violation of 42 U.S.C. § 1983 against Defendants for a violation of the First Amendment. DE 1, ¶71-88. The Minor Plaintiff also claims violation of 42 U.S.C. § 1983 against Defendant Board for violation of the First and

Fourteenth Amendments. DE 1, ¶89-102. The Minor Plaintiff also claims a right to damages against Defendant Board pursuant to the North Carolina Constitution. DE 1, ¶103-108.

The Minor Plaintiff filed a Motion for Preliminary Injunction on June 4, 2024. DE 5. Defendants now respond that a preliminary injunction is improper because the Minor Plaintiff has failed to demonstrate that he was deprived of any constitutional rights. Additionally, the Minor Plaintiff can neither make a clear showing of irreparable harm or that the injunction would be in the public interest.

**FACTUAL BACKGROUND**

On [REDACTED] the Minor Plaintiff attended school at Central Davidson High School and attended an English class, taught by [REDACTED] (hereinafter, “Teacher”).  
*See* DE 1, ¶2; **Ex. 1**, ¶4. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Defendant Anderson arrived at the classroom and accompanied both students and the Teacher into the hallway to investigate the issue. Immediately, the Teacher stated she was concerned she could not continue to teach due to the disruption. *Id.* at ¶15; *see also* **Ex. 2** –Declaration of Eric R. Anderson, ¶5. Both students told Defendant Anderson their side of the story. **Ex. 1**, ¶15; *see also* **Ex. 2**, ¶6. [REDACTED] [REDACTED], consistent with the Teachers account, and thereafter Defendant Anderson took the students to the office. **Ex. 1**, ¶16; **Ex. 2**, ¶10-11.

Defendant Anderson then met with the Minor Plaintiff privately who repeated the same story he had told in the hallway, consistent with the Teachers’ version of events. **Ex. 2**, ¶12. Defendant Anderson then met with John Doe Minor No. 1 who admitted to stating

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The Minor Plaintiff was [REDACTED]

[REDACTED]. See Ex. 3, ¶7; [REDACTED]

[REDACTED]. Policy 6.11.1, Rule 1 describes that “students are prohibited from disrupting teaching, the orderly conduct of school activities, or any lawful function of the school or school district.” Ex. 3-1, pp. 16. Rule 1 contains a list of “illustrative” conduct, not a list of conduct exclusively subject to the rule. *Id.* Policy 6.11.1 Rule 10 provides that:

[i]n addition to any standards or rules established by the schools, the following behaviors are in violation of the standards of integrity and civility and are specifically prohibited...cursing or using vulgar, abusive or demeaning language toward another person...students shall not use profanity, obscenity, fighting or abusive words or otherwise engage in speech that disrupts (written, symbolic or verbal) and/or materially and substantially disrupts the classroom or other school activities.

*Id.* at 22-23. Policy 6.11.1, Rule 10 recognizes the importance of First Amendment protections but states correctly that schools may limit free speech where it could cause a substantial disruption. *See id.* Defendant Anderson and the Principal [REDACTED]

[REDACTED]

[REDACTED]

Additionally, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Such policy also was considered by Mr. Anderson in his determination of the appropriate discipline. Ex. 2, ¶19.

## ARGUMENT

“A preliminary injunction is an extraordinary and drastic remedy.” *Munaf v. Geren*, 553 U.S. 674, 689, 128 S. Ct. 2207 (2008) (quotation and citation omitted). A movant must make a clear showing of each of four elements before a preliminary injunction may issue: (1) that he is likely to succeed on the merits, (2) that he is likely to suffer irreparable harm in the absence of preliminary relief, (3) that the balance of equities tips in his favor, and (4) that an injunction is in the public interest. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20, 129 S. Ct. 365, 172 L.Ed.2d 249 (2008); *see also League of Women Voters of N. Carolina v. North Carolina*, 769 F.3d 224, 236 (4th Cir. 2014).

**I. THE MINOR PLAINTIFF IS NOT LIKELY TO SUCCEED ON THE MERITS BECAUSE HIS COMMENT**

A.

While a student may not be punished for merely expressing personal views, a student may be punished if school officials believe that the expression will, or has, substantially interfered with the educational environment, thus impeding the rights of other students. *See Hazelwood Sch. Dist. v. Kuhlmeier*, 484 U.S. 260, 266, 108 S. Ct. 562, 565 (1988) (discussing *Tinker v. Des Moines Independent Community Sch. Dist.*, 393 U.S. 503, 512–13, 89 S. Ct. 733, 738-40 (1969)); *see also Starbuck v. Williamsburg James Cty. Cnty. Sch. Bd.*, 28 F.4th 529, 538 (2022) (where the Court found that a factual conversation relevant to current events was not found to be a substantial disturbance). Student conduct



which materially disrupts classwork or involves substantial disruption is not shielded by the constitutional protections of free speech. *See Tinker*, 393 U.S. at 513, 89 S. Ct. at 740 (1969).

Public schools are charged by the State in administering to students' essential life lessons of civility, and to provide an educational environment free from substantial disruption. *See Bethel Sch. Dist. No. 403 v. Fraser*, 478 U.S. 675, 882-84, 106 S. Ct. 3159, 3164 (1986). In *Fraser*, a student used sexually explicit language during a speech nominating a fellow student for a student elected position at a voluntary assembly. *Id.* at 677-78. The school suspended the student for three days (of which, he ultimately served two) for violating a school rule that conduct which substantially interferes with the educational process is prohibited. *Id.* The Supreme Court found that the school district was within its permissible authority to impose sanctions on the student. *Id.* at 685.

In reaching its decision, the *Fraser* Court cited *New Jersey v. T.L.O.*, 469 U.S. 325, 340-42, 105 S. Ct. 733, 742-744 (1985) where the Supreme Court found that constitutional rights afforded to students in public schools are not automatically reflective of the ones afforded to adults in other settings. *Id.* at 682. The Court found that nothing in the Constitution prohibits schools, as instruments of the State, from imparting essential lessons in civility and determining certain speech inappropriate and subject to sanctions. *Id.* at 683. Speech could be damaging to a less mature audience, not necessarily appropriate for students who are unfamiliar (eliciting a reaction), causing a substantial disruption. *See id.* at 684.

Speech need not cause actual substantial disruption and can be limited where a school reasonably forecast disruption. *Hardwick v. Heyward*, 711 F.3d 426, 430 (4th Cir. 2013). In *Hardwick*, the Fourth Circuit Court held that a public school could prevent a student from wearing a Confederate flag shirt to school, because the symbol was deemed racially sensitive and the school could reasonably forecast disruption. *Id.* The student was found to have violated school dress code policy, where the policy described that student dress was considered appropriate as long as it did not distract, interfere, or otherwise cause disruption. *Id.* The policy provided specific examples, none of which mentioned race, but generally described clothing which was profane or offensive. *Id.* The Fourth Circuit Court recognized that while there was potential for vastly different interpretations of the meaning of the symbol, the history of racial tension in the school and community justified school officials' determination that the racially sensitive symbol could cause substantial disruption. *Id.* The Court found the schools enforcement of its dress code policy was not a violation of the student's First Amendment right. *Id.* at 440.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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<sup>2</sup> Comments stereotyping those of Hispanic Latino descent as undocumented immigrants are undoubtedly harmful and hurtful stereotypes. *See Montano v. INOVA Health Care Services*, No. CIV.A.1:08CV565(GBL), 2008 WL 4905982, at \*3 (E.D. Va. Nov. 12, 2008) (while the Plaintiff lost an employment discrimination case where the incidents did not rise to the level of discrimination, the Court commented that the comments made, including assumptions that Hispanic Latino patients were illegal aliens although did not rise to discrimination (because they were not frequent enough), were insulting and reflected stereotyping.).

[REDACTED]

While student expression of views and opinions is a vital element to the educational environment, this right is outweighed by the need for school officials to maintain order, minimize substantial disruption, and protect the rights of other students to access education. *See Hardwick*, 711 F.3d at 444 (4th Cir. 2013).

[REDACTED]

B. [REDACTED]

Public schools have broad authority to discipline students and restrict speech, otherwise protected by the First Amendment, in order to encourage the learning environment and further school's educational mission free from the court's restriction. *See Mahanoy Area Sch. Dist. v. B.L., by & through Levy*, 594 U.S. 180, 186, 141 S. Ct. 2038, 2044 (2021) (discussing where schools are allowed considerable freedom to discipline students for conduct which the First Amendment might otherwise protect.); *see also Bethel Sch. Dist.*, 478 U.S. at 682–85 (1986). School administrators essentially operate in the place of students' parents, *in loco parentis*, in order to protect, guide and discipline students. *See Mahanoy*, 594 U.S. at 189 (2021).

School officials may prohibit the use of offensive terms as part of their role in teaching students crucial skills in civility without needing to establish that the speech caused substantial disruption. *See Hardwick*, 711 F.3d at 435 (outlining the three exceptions to *Tinker* that do not require schools to undergo the substantial disruption analysis). Schools may restrict vulgar and offensive speech absent evidence of substantial interference. *See Doe 2 by & through Doe 1 v. Fairfax Cnty. Sch. Bd.*, 832 F. App'x 802, 806 (4th Cir. 2020) (where student claimed his comment was a joke, and part of consensual horseplay, but admitted to making the remark subject to discipline).

Even if the comments at issue did not cause a substantial disturbance, Defendants were fully within their scope of authority to discipline the Minor Plaintiff for offensive



[REDACTED]

[REDACTED]

[REDACTED]

Schools must be able to impose discipline to a wide range of conduct which disrupts the educational environment, not just conduct specifically described. *Bethel Sch. Dist. No. 403 v. Fraser*, 478 U.S. 675, 686, 106 S. Ct. 3159, 3166 (1986) (citing *Arnett v. Kennedy*, 416 US 134, 161, 94 S.Ct. 1633, 1647-48 (1974)). The Supreme Court has also found that maintaining order in schools requires some flexibility in school disciplinary procedures. *Id.* See also *Kowalski v. Berkeley Cnty. Schls.*, 652 F.3d 565, 575 (“schools require this flexibility because they need...to control such wide range of disruptive behavior.”) (internal quotations omitted).

In *Fraser*, the student contended that circumstances surrounding his three-day suspension violated his due process rights because he had no way of knowing that his speech would have resulted in discipline. 478 U.S. at 686, (1986). The Court found that schools must be able to impose discipline to a wide range of disruptive conduct, and school disciplinary rules cannot be as specific as a criminal code. *Id.* (internal citations omitted). The *Fraser* Court found that the two-day suspension the student ultimately served did not rise to the level of a penal sanction calling for full procedural due process application. *Id.* (citing *Goss v. Lopez*, 419 US 565, 583, 95 S. Ct. 729, 740-41 (1975) (where the Court determined that escalating the formality of the suspension process to require trial-type

procedures such as the opportunity to secure counsel, to confront and cross-examine witnesses or call his own witnesses for brief suspensions would overwhelm facilities administration.); *see also Starbuck v. Williamsburg James Cty. Cnty. Sch. Bd.*, 28 F.4th 529, 538 (2022) (internal citations omitted) (“Courts, for good reason, impose minimal due process requirements on the kinds of routine school discipline matters that school administrators confront every day.”).

Specifically applicable to the matter currently before this Court, [REDACTED], [REDACTED], are due the basic requirements of oral or written notice of the charge against the student, and if he denies that charge, an explanation of the evidence from the school officials and an opportunity for the student to present their side of the story. *Goss v. Lopez*, 419 U.S. 565, 581, 42 L.Ed.2d 725, 739-40 (1975). However, the Court has recognized that requiring further formalization of the suspension process would make it too costly and destroying it as an effective disciplinary tool in the educational process. *Id.* at 583, 740-41.

North Carolina state statutes mirror the required due process under the 14<sup>th</sup> Amendment set out in *Goss. Id.* Specifically, North Carolina state law defines a short-term suspension as the exclusion of a student from school attendance for disciplinary purposes for less than ten school days. N.C. Gen. Stat. §115C-390.1 (2023). The principal is also granted authority to impose short-term suspensions on a student who willfully violates the student code of conduct which authorizes short-term suspensions, with no right to appeal. N.C. Gen. Stat. §115C-390.5 (2023); N.C. Gen. Stat. §115C-390.6 (2023). The principal’s



decision to impose a short-term suspension is not subject to judicial review. N.C. Gen. Stat. §115C-390.6 (2023).

Here, Defendant Anderson removed the two students directly involved and asked each student to tell their version of the story. See Ex. 1, ¶15; see also Ex. 2, ¶6. The Minor Plaintiff [REDACTED] was able to present his side of the story. See Ex. 1, ¶15-16; see also Ex. 2, ¶6. In accordance with *Goss v. Lopez*, the Minor Plaintiff was provided oral notice and was provided an opportunity to present his version of events or deny the events recounted, which he did not. See *Goss v. Lopez*, 419 U.S. 565, 581, 42 L.Ed.2d 725, 739-40 (1975). Defendant Anderson and the Principal used the discretion as school officials and determined that [REDACTED]

[REDACTED] The Principal acted within the authority granted by North Carolina law, consistent with the school's policies, [REDACTED]

Additionally, even if Defendants did not comply with state law procedures and the school's own policies, such failure would not be enough to trigger federal due process. See *Kowalski v. Berkeley Cnty. Sch.*, 652 F.3d 565, 576 (4th Cir. 2011) (where student who *admitted* to her conduct could not then contend that the school did not follow its own procedures and that she was not allowed a more extensive opportunity to justify her conduct after receiving a ten-day suspension); see also *Wofford v. Evans*, 390 F.3d 318, 325 (4th Cir. 2004).

Regardless, the Minor Plaintiff cannot demonstrate a likelihood of success on the merits on his claim of a violation of Fourteenth Amendment due process because he was provided opportunity to present his side of the story, did not deny that he made such a comment, and [REDACTED]

**II. PLAINTIFF CANNOT MAKE A CLEAR SHOWING THAT HE WILL LIKELY SUFFER IRREPARABLE HARM IN THE ABSENCE OF AN INJUNCTION.**

Courts use four factors to determine if a plaintiff is entitled to a preliminary injunction and not all are weighted equally. *See Hughes Network Sys., Inc. v. InterDigital Commc'ns Corp.*, 17 F.3d 691, 693 (4th Cir. 1994). “The ‘balance of hardships’ reached by comparing the relevant harms to the plaintiff and defendant is the most important determination, dictating, for example, how strong a likelihood of success showing the plaintiff must make.” *Id.* (citation omitted). Importantly, a plaintiff must demonstrate a “clear showing of irreparable harm as a condition for the grant of a preliminary injunction[.]” *Direx Israel, Ltd. v. Breakthrough Med. Corp.*, 952 F.2d 802, 812 (4th Cir. 1991). A plaintiff has the burden of proving a ‘clear showing of immediate irreparable injury.’” *Id.* Plaintiffs must demonstrate some link between their constitutional challenge and the irreparable injuries they claim. *See Manning v. Hunt*, 119 F.3d 254, 265 (4th Cir. 1997).

In *Winter v. Nat. Res. Def. Council, Inc.*, the Supreme Court made clear that the mere possibility of irreparable harm is not sufficient. 555 U.S. 7, 21, 129 S. Ct. 365, 375

(2008). Rather, a plaintiff must establish that an irreparable injury is *likely* to occur in the absence of an injunction. *Id.* The Court found that “[i]ssuing a preliminary injunction based only on a possibility of irreparable harm is inconsistent with our characterization of injunctive relief as an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief.” *Id.* at 22, 376 (citing *Mazurek v. Armstrong*, 520 U.S. 968, 972, 117 S. Ct. 1865, (1997)).

Here, Minor Plaintiff cannot establish that irreparable harm is likely to occur and further has failed to make a clear showing that he would succeed on the merits. The Minor Plaintiff claims that Defendants’ enforcement of Policy 6.11, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Finally, Plaintiff fails to establish that [REDACTED] would irreparably harm the student, where the [REDACTED]

The public does not have access to the education record and would not have any access to

such information absent the disclosure by the Minor Plaintiff's parents to news outlets and in public settings. *See supra*, FN 3. Additionally, the information alleged to cause injury to the Minor Plaintiff has also been presented on a website purportedly maintained by the Liberty Justice Center, counsel for the Minor Plaintiff, and also through the submission of this lawsuit without seeking protection from the dissemination of the information they claim is damaging to the Minor Plaintiff. *C.M. v. Davidson County Board of Education*, Liberty Justice Center, <https://libertyjusticecenter.org/cases/c-m-v-davidson-county-board-of-education/>

### **III. AN INJUNCTION IS NOT IN THE PUBLIC INTEREST BECAUSE DEFENDANTS ARE AFFORDED WIDE DISCRETION**

“Importantly, in the context of a preliminary injunction, ‘[t]he purpose of such interim equitable relief is not to conclusively determine the rights of the parties, but to balance the equities as the litigation moves forward.’” *Roe v. Dep't of Def.*, 947 F.3d 207, 231 (4th Cir. 2020), *as amended* (Jan. 14, 2020) (quoting *Trump v. Int'l Refugee Assistance Project*, 198 L. Ed. 2d 643, 137 S. Ct. 2080, 2087 (2017) (internal citation omitted)). “Therefore, a court should ‘[take] account of the equities in fashioning interim relief, focusing specifically on the concrete burdens that would fall’ on the party seeking the injunction.” *Id.*

Further, “[i]n exercising their sound discretion, courts of equity should pay particular regard for the public consequences in employing the extraordinary remedy of injunction.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24, 129 S. Ct.

365 (quoting *Weinberger v. Romero-Barcelo*, 456 U.S. 305, 312, 102 S.Ct. 1798, 72 L.Ed.2d 91 (1982)). The Supreme Court has noted that “[t]he award of an interlocutory injunction by courts of equity has never been regarded as strictly a matter of right, even though irreparable injury may otherwise result to the plaintiff,” and that “where an injunction is asked which will adversely affect a public interest for whose impairment, even temporarily, an injunction bond cannot compensate, the court may in the public interest withhold relief until a final determination of the rights of the parties, though the postponement may be burdensome to the plaintiff.” *Yakus v. United States*, 321 U.S. 414, 440, 64 S.Ct. 660, 675, 88 L.Ed. 834 (1944) (footnote omitted).

The Court has long recognized that local school boards have broad discretion in the management of school affairs.” *Bd. of Edu., Island Trees Union Free Sch. Dist. No. 26 v. Pico*, 457 U.S. 853, 866 (1982) (plurality opinion) (citing *See, e.g., Meyer v. Nebraska, supra*, at 402, 43 S.Ct., at 627; *Pierce v. Society of Sisters*, 268 U.S. 510, 534, 45 S.Ct. 571, 573, 69 L.Ed. 1070 (1925).); *see also Tinker v. Des Moines Independent Community Sch. Dist.*, 393 U.S. 503, 507, 89 S. Ct. 733, 737 (1969) (where the Court has repeatedly emphasized the need to affirm the comprehensive authority of school officials, authorized by the State, and consistent with constitutional safeguards.). “[P]ublic education in our Nation is committed to the control of state and local authorities,” and that federal courts should not ordinarily “intervene in the resolution of conflicts which arise in the daily operation of school systems.” *Bd. of Edu. Island Trees Union*, 457 U.S. at 864 (1982) (quoting *Tinker*, 393. U.S. at 507 (1969)). It is within the public interest to affirm the

comprehensive authority of school officials and not intervene in Defendants' disciplinary decisions, discretion, and management of school administration.

The Minor Plaintiff has failed to demonstrate that he is entitled to injunctive relief because he is not likely to succeed on the merits of his case. It would be inequitable and against the public interests to grant his requests for injunctive relief, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Defendants are granted broad discretion to manage school affairs, including the resolution of conflicts which arise daily. It is within the public interest to affirm said discretion and for the Court not to intervene in Defendants' disciplinary decisions, potentially encouraging students to seek daily lawsuits against Defendants for routine disciplinary decisions.

It is within the interest of judicial tribunals to defer to school officials regarding discretionary disciplinary decisions and not interfere in basic determinations [REDACTED]

[REDACTED]

School officials daily respond to threats of physical violence, impending physical violence, and actual physical violence and develop the skills to evaluate when confrontations may lead to such and the necessary steps to interfere and curb disturbances. School officials respond real time to confrontations and, through analysis of the current context and factual accounts from witnesses, determine the students responsible and discipline them as such.

As such, it is against the public interest for the court to interfere and issue a preliminary injunction.

### **CONCLUSION**

For the foregoing reasons, Defendants respectfully request that Plaintiff's Motion for Preliminary Injunction be DENIED.

This the 28<sup>th</sup> day of June, 2024.

CRANFILL SUMNER LLP

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Anderson*

**CERTIFICATE OF WORD COUNT**

Pursuant to LR 7.3(d), the undersigned certifies that Defendants' Brief in response to Plaintiff's Motion for Preliminary Injunction does not exceed 6,250 words and is in compliance with LR 7.3.

This the 28th day of June, 2024.

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*Attorneys for Defendants Davidson County*

*School District Board of Education and Eric R.*

*Anderson*



**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on June 28, 2024 the foregoing *Defendants' Opposition to Plaintiff's Motion for Preliminary Injunction* was filed electronically with the Clerk of the United States District Court for the Middle District of North Carolina using the CM/ECF system which will send notification of this filing and an electronic copy of the same to all counsel of record registered with the CM/ECF system.

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*Anderson*

UNITED STATES DISTRICT COURT  
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LEAH McGHEE *and* CHAD )  
McGHEE, )

Plaintiff, )

v. )

DAVIDSON COUNTY SCHOOL )  
DISTRICT BOARD OF )  
EDUCATION; *and* ERIC R. )  
ANDERSON, in his individual )  
capacity, )

Defendants.

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**DECLARATION OF** [REDACTED]

Pursuant to 28 U.S.C. § 1746, I, [REDACTED] hereby declare as follows:

1. I am a resident of Davidson County, North Carolina. I have personal knowledge of the facts herein.

2. I am over the age of eighteen (18) years and am competent to testify to the matters herein.

3. I am an English teacher at Central Davidson High School in Davidson County, North Carolina and I have held that position since August of 2023 but I have 4 years prior experience as a teacher.

4. On Tuesday, [REDACTED] I taught a [REDACTED] English class. I took attendance. Both C.M. and a student I understand is being referred to in this lawsuit as John Doe Minor, No. 1. were present.

5. We began the day with a vocabulary exercise, Wordly Wise, 9D.

6. As I began, I had to stop the exercise and prompt C.M. to find his seat because he was talking to another student near the back table. He made his way back to his seat, but did not sit down, and instead was going through items in his bookbag. He also began talking with students around him and I, again, asked him to find his seat and he sat down. During the vocabulary lesson, C.M. again got up and walked to another table. He was not being disruptive, so I allowed him to do this so I could continue with the exercise. He then returned to his seat after chatting with the same student he was talking to before and continued to stand at his desk.

7. At that point in the vocabulary exercise we were on the word “cautionary” and the class had to determine which of the following three sentences contextually applied to the term correctly:

- A. “Remembering dad’s lecture, I buckled my seatbelt.”
- B. “Latasia’s teacher gave her a stern look when he saw her passing notes.”
- C. “They tested the X-17 rocket and found a few minor design flaws.”

The correct answer would have been A & B. After I read option C a student asked me if I believed in “aliens,” to which I responded substantively as follows: “I am not entirely sure. It’s possible. They are doing a lot of research.”

[REDACTED]

12. They settled down and at that point things seemed to return to normal with both boys at their desks. We finished the vocabulary exercise and recessed to lunch.

13. After lunch, [REDACTED] students returned to class.

[REDACTED]

15. Mr. Anderson came to the classroom, and I accompanied the two students outside to discuss the issue. I told Mr. Anderson that I could not teach because of the disruption in the class, and I generally explained the incident as described here. Both boys gave their side of the story to Mr. Anderson.

16. C.M. admitted to making an insensitive remark [REDACTED]

[REDACTED] Mr. Anderson told both boys to get their belongings and took them to the office.

Under penalty of perjury, I certify that the foregoing is true and correct to the best

of my knowledge.

Executed on 6/25/24.

[Redacted Signature]

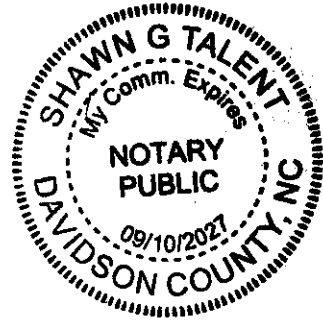
STATE OF North Carolina

COUNTY OF Davidson

Sworn to and subscribed before me this the

25 day of June, 2024.

Shawn G. Talent  
NOTARY PUBLIC



My Commission Expires 09/10/2027

UNITED STATES DISTRICT COURT  
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v. )

DAVIDSON COUNTY SCHOOL )  
DISTRICT BOARD OF )  
EDUCATION; *and* ERIC R. )  
ANDERSON, in his individual )  
capacity, )

Defendants. \_\_\_\_\_

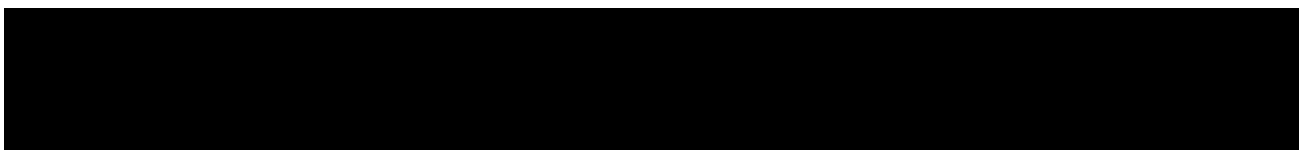
**DECLARATION OF ERIC R.  
ANDERSON**

Pursuant to 28 U.S.C. § 1746, I, Eric R. Anderson hereby declare as follows:

1. I am a resident of Mecklenburg County, North Carolina. I have personal knowledge of the facts herein.

2. I am over the age of eighteen (18) years and am competent to testify to the matters herein.

3. On [REDACTED] I was an Assistant Principal at Central Davidson High School in Lexington, NC and had held that position for 5 years.



5. When I arrived, [REDACTED] stated that she could not continue to teach her class “with these two going at it at” which I took to mean that C.M. and John Doe Minor No. 1 were disturbing the class to a level that prevented her to continue teaching the class.

6. I asked [REDACTED] and both students to come into the hallway so that I could speak with them about the incident. Once in the hallway, I asked each of them to tell me their side of the story, and not to interrupt one another.

7. [REDACTED] began by telling me that C.M. had asked a question [REDACTED]. She did not believe it was legitimate question, but rather a comment made for the purpose of intentionally getting a reaction from other students.

8. [REDACTED] reported that in response to the comment, John Doe Minor, No. 1,

[REDACTED]

9. [REDACTED] was able to prevent a physical altercation at that time and class continued. [REDACTED]

[REDACTED]

[REDACTED]

10. Both students agreed with the events [REDACTED] described when they shared their view of the events with me while in the hall.

11. I then took both students to the office for further discussions and investigation.

12. When we reached the office, I met with C.M. privately about his actions, and he repeated the same story he had repeated in the hallway.

[REDACTED]

[REDACTED]

[REDACTED]

15. Based upon my investigation, summarized here, and in reliance of [REDACTED] evaluation of events and description of the assignment recounted in her own declaration in this case, which I have reviewed, I did not believe that C.M.'s question was posed to help him understand the lesson being discussed.

16. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] I believe that C.M.'s comment was likely made with the knowledge [REDACTED]

[REDACTED]

17. As a result of my investigation, I determined that: the initial comments did not appear to be made for the purpose of understanding the lesson being discussed; that the comments appeared to be directed toward [REDACTED]

[REDACTED]



18. I knew and considered in my evaluation of the appropriate discipline for C.M. [REDACTED]

[REDACTED]

19. As a result of my determinations summarized in this declaration and considering [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

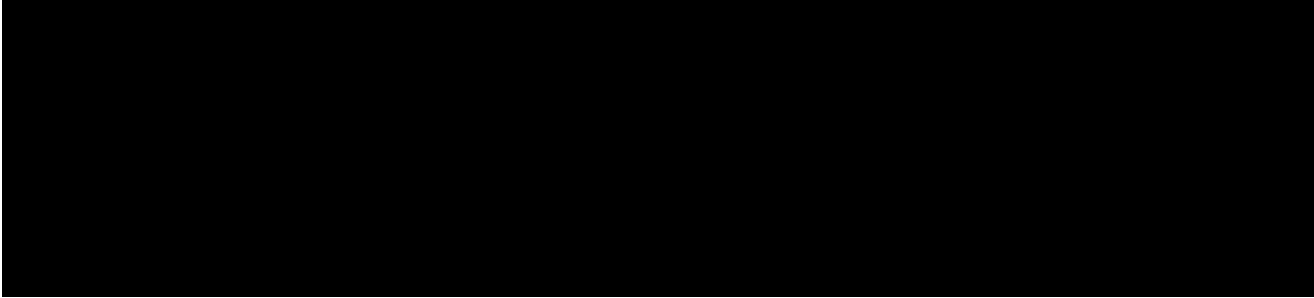
20. I discussed my conclusions with the Principal, Dr. Horton and she concurred

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Under penalty of perjury, I certify that the foregoing is true and correct to the best of my knowledge.

Executed on 6/25/24.

ERIC R. ANDERSON

STATE OF North Carolina

COUNTY OF Davidson

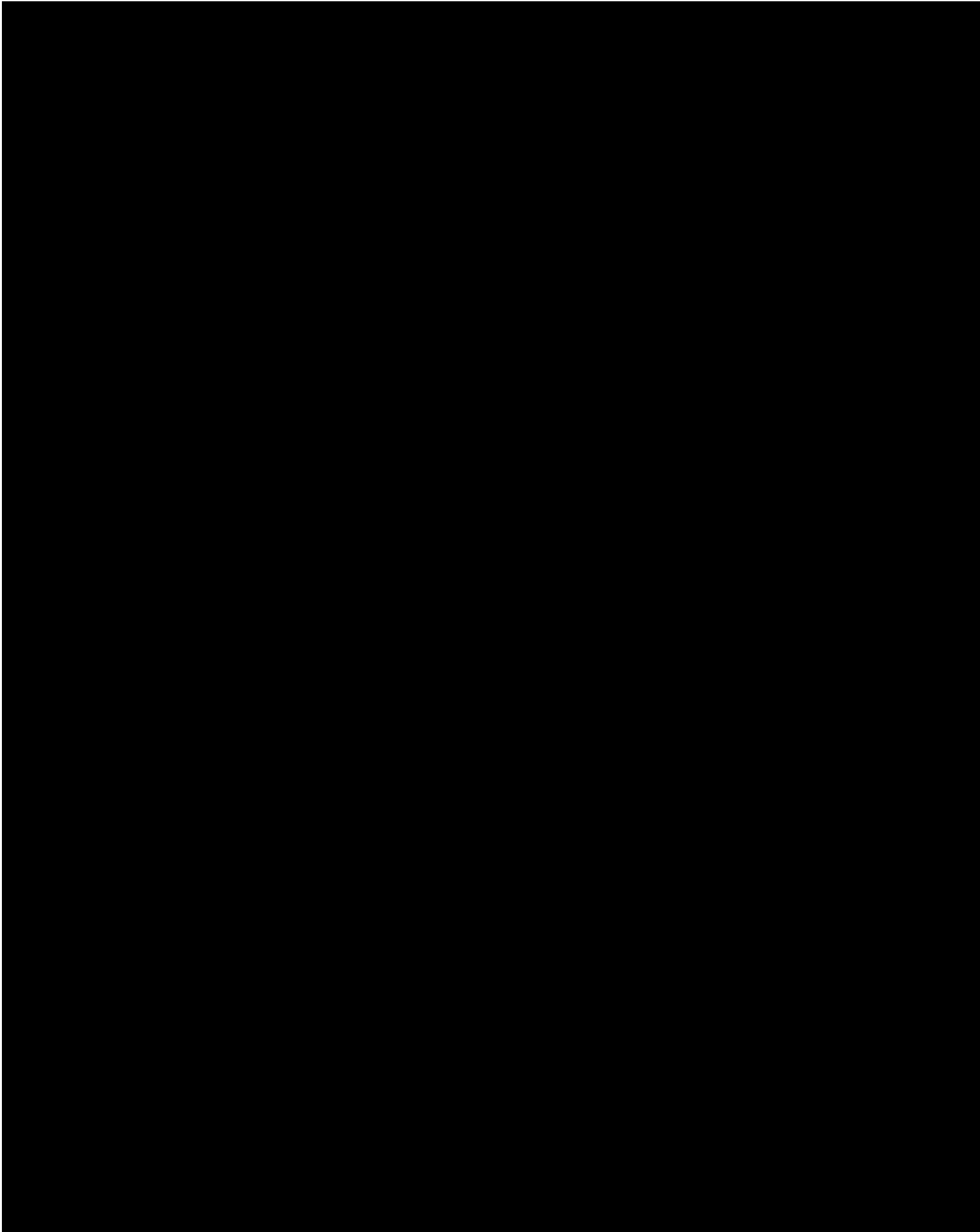
Sworn to and subscribed before me this the

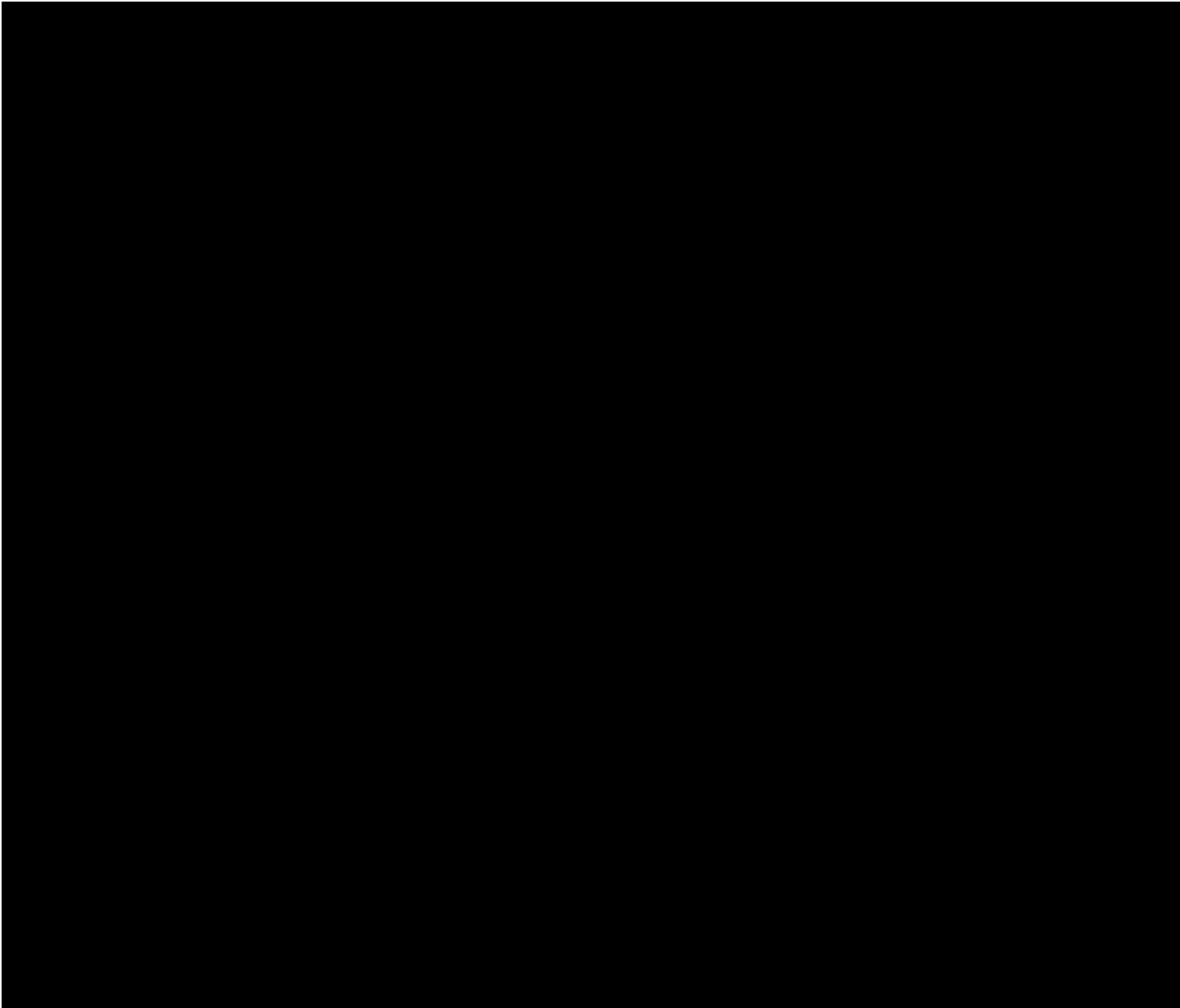
25 day of June, 2024.

Shawn G. Talent  
NOTARY PUBLIC



My Commission Expires 09/10/2027





UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
Civil Action No. 24-CV-380

C.M., *a minor, through his parents,* )  
LEAH McGHEE *and* CHAD )  
McGHEE, )

Plaintiff, )

v. )

DAVIDSON COUNTY SCHOOL )  
DISTRICT BOARD OF )  
EDUCATION; *and* ERIC R. )  
ANDERSON, in his individual )  
capacity, )

Defendants. )

**DECLARATION OF DR. HEATHER  
HORTON**

Pursuant to 28 U.S.C. § 1746, I, Dr. Heather Horton hereby declare as follows:

1. I am a resident of Surry County, North Carolina. I have personal knowledge of the facts herein.
2. I am over the age of eighteen (18) years and am competent to testify to the matters herein.
3. I am Principal at Central Davidson High and have held that position since June 2023.
4. I was made aware of a disruption in a class by Assistant Principal Eric Anderson on [REDACTED].
5. On that day, after Mr. Anderson had interviewed the teacher and students involved, he discussed with me the information he learned from his investigation which was substantially similar to the information provided in his declaration in this case, which

I have read. We also discussed the appropriate discipline for C.M.

6. We determined that [REDACTED]

[REDACTED]

7. I agreed with Mr. Anderson's determination that [REDACTED]

[REDACTED]

8. During a conversation with C.M.'s mother, [REDACTED]

[REDACTED]

[REDACTED] C.M.'s mother did not ask that I undertake such investigation and simply stated in response that she was not contesting the consequence. [REDACTED]

[REDACTED]

Under penalty of perjury, I certify that the foregoing is true and correct to the best of my knowledge.

Executed on June 25, 2024

*Heather Horton*  
DR. HEATHER HORTON

STATE OF North Carolina

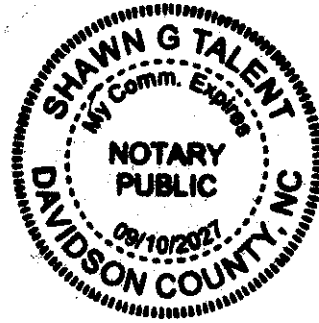
COUNTY OF Davidson

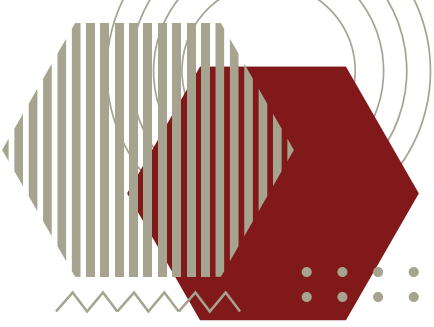
Sworn to and subscribed before me this the

25 day of June, 2024.

*Shawn G. Talent*  
NOTARY PUBLIC

My Commission Expires 09/10/2027





2023-2024

# STUDENT HANDBOOK

Grades 9-12



**DAVIDSON**  
COUNTY SCHOOLS

*Your future. Our focus.*



# Davidson County Schools

## 2023-2024 School Calendar

Board Approved 2/6/23

<p>4 Holiday</p>	<p><b>JULY 2023</b></p> <table border="1"> <tr><th>S</th><th>M</th><th>T</th><th>W</th><th>T</th><th>F</th><th>S</th></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td>1</td></tr> <tr><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td><td>7</td><td>8</td></tr> <tr><td>9</td><td>10</td><td>11</td><td>12</td><td>13</td><td>14</td><td>15</td></tr> <tr><td>16</td><td>17</td><td>18</td><td>19</td><td>20</td><td>21</td><td>22</td></tr> <tr><td>23</td><td>24</td><td>25</td><td>26</td><td>27</td><td>28</td><td>29</td></tr> <tr><td>30</td><td>31</td><td></td><td></td><td></td><td></td><td></td></tr> </table>	S	M	T	W	T	F	S							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31						<p><b>JANUARY 2024</b></p> <table border="1"> <tr><th>S</th><th>M</th><th>T</th><th>W</th><th>T</th><th>F</th><th>S</th></tr> <tr><td></td><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td></tr> <tr><td>7</td><td>8</td><td>9</td><td>10</td><td>11</td><td>12</td><td>13</td></tr> <tr><td>14</td><td>15</td><td>16</td><td>17</td><td>18</td><td>19</td><td>20</td></tr> <tr><td>21</td><td>22</td><td>23</td><td>24</td><td>25</td><td>26</td><td>27</td></tr> <tr><td>28</td><td>29</td><td>30</td><td>31</td><td></td><td></td><td></td></tr> </table>	S	M	T	W	T	F	S		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31				<p>1 Holiday 2 Non-Instructional/Optional 15 Holiday 19 2nd Qtr/1st Semester Ends 22 Non-Instructional/Required 23 3rd Quarter Begins 30 Report Cards Released</p>							
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<p><b>NO ATTENDANCE FOR STUDENTS:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Holiday 11</li> <li><input type="checkbox"/> Optional Teacher Work Day 12</li> <li><input type="checkbox"/> Annual Vacation Leave 10</li> <li><input type="checkbox"/> Required Teacher Work Day 4</li> </ul> <p><b>OTHER NOTES:</b></p> <p>△ Report Cards Issued</p>	<p>Note: Students must have a minimum of 185 days or 1,025 hours of instruction. The start date can be no earlier than the Monday closest to August 26 and the end date can be no later than the Friday closest to June 11. DCS is not eligible for an approved weather-related waiver/earlier start date for the 2023-2024 school year. The school calendar may be amended by the Board of Education to provide additional instructional time on student days, Saturdays, at the end of the school year, or on any other current non-instructional day to meet NC General Statute 115C-84.2 requirements. One or more inclement weather days can be waived (excused) for students if the instructional hours requirement will be met or exceeded.</p> <p><b>High School Graduation:</b> Each school will establish the date and time per DCS Board Policy 2.7 (D).</p> <p><b>Overall Calendar Days = 215</b></p>	<p><b>MAKE-UP DAYS</b></p> <p>These days may not be used in the order listed.</p> <p>9/29 10/30 1/2 2/16 2/19 3/28 3/29 4/2 4/3 4/4 4/5 5/27 6/10 6/11 6/12 6/13 6/14</p> <p>Davidson County Schools: <a href="http://www.davidson.k12.nc.us">www.davidson.k12.nc.us</a></p>																																																																																																			
<p><b>TOTAL IN-CLASS STUDENT DAYS = 178</b></p> <p>1st= 43 + 2nd= 46 = 89</p> <p>3rd= 45 + 4th= 44 = 89</p>																																																																																																					

Please visit the DCS Website>Calendars>2023-2024 Traditional School Calendar for the most up-to-date version.

# Davidson Early College/Yadkin Valley

## 2023-2024 School Calendar

BOARD APPROVED 2/6/23

<p>4 Holiday 31 Non-Instructional/Optional</p>	<table border="1"> <thead> <tr><th colspan="7">JULY 2023</th></tr> <tr><th>S</th><th>M</th><th>T</th><th>W</th><th>T</th><th>F</th><th>S</th></tr> </thead> <tbody> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td>1</td></tr> <tr><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td><td>7</td><td>8</td></tr> <tr><td>9</td><td>10</td><td>11</td><td>12</td><td>13</td><td>14</td><td>15</td></tr> <tr><td>16</td><td>17</td><td>18</td><td>19</td><td>20</td><td>21</td><td>22</td></tr> <tr><td>23</td><td>24</td><td>25</td><td>26</td><td>27</td><td>28</td><td>29</td></tr> <tr><td>30</td><td>31</td><td></td><td></td><td></td><td></td><td></td></tr> </tbody> </table>	JULY 2023							S	M	T	W	T	F	S							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31						<table border="1"> <thead> <tr><th colspan="7">JANUARY 2024</th></tr> <tr><th>S</th><th>M</th><th>T</th><th>W</th><th>T</th><th>F</th><th>S</th></tr> </thead> <tbody> <tr><td></td><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td></tr> <tr><td>7</td><td>8</td><td>9</td><td>10</td><td>11</td><td>12</td><td>13</td></tr> <tr><td>14</td><td>15</td><td>16</td><td>17</td><td>18</td><td>19</td><td>20</td></tr> <tr><td>21</td><td>22</td><td>23</td><td>24</td><td>25</td><td>26</td><td>27</td></tr> <tr><td>28</td><td>29</td><td>30</td><td>31</td><td></td><td></td><td></td></tr> </tbody> </table>	JANUARY 2024							S	M	T	W	T	F	S		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31				<p>1 Holiday 2 Non-Instructional/Optional 3 3rd Quarter Begins 3-5 DECHS/YVRCA only 8 First Day DDCC, 2nd Semester 9 Report Cards Released 15 Holiday 22 YVRCA Shuttle Only</p>							
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<p><b>NO ATTENDANCE FOR STUDENTS:</b></p> <p>☐ Holiday 11 ☐ Optional Teacher Work Day 11 ☐ Annual Vacation Leave 10 ☐ Required Teacher Work Day 3</p> <p><b>OTHER NOTES:</b></p> <p>△ Report Cards Issued</p>	<p>Note: Students must have a minimum of 185 days or 1,025 hours of instruction. The school calendar may be amended by the Board of Education to provide additional instructional time on student days, Saturdays, at the end of the school year, or on any other current non-instructional day to meet NC General Statute 115C-84.2 requirements. One or more inclement weather days can be waived (excused) for students if the instructional hours requirement will be met or exceeded.</p> <p>* Valley Academy Open/DCS Closed. Modified Transportation Plan with Shuttle Bus Service available at the following sites: Central Davidson High School, East Davidson High School, Ledford High School, Lexington High School, North Davidson High School, Oak Grove High School, Thomasville High School, South Davidson High School, and West Davidson High School.</p> <p>High School Graduation: DECHS/YVRCA Graduations will take place either May 17 or May 18, 2024.</p> <p><b>TOTAL IN-CLASS STUDENT DAYS = 180</b></p> <p>1st= 45 + 2nd= 45 = 90 3rd= 42 + 4th= 48 = 90 <b>Overall Calendar Days = 215</b></p>	<p><b>MAKE-UP DAYS</b> These days may not be used in the order listed.</p> <p>11/22 12/20 1/2 3/4 3/5 5/20 5/21 5/22</p> <p><b>Davidson County Schools:</b> <a href="http://www.davidson.k12.nc.us">www.davidson.k12.nc.us</a></p>																																																																																																																	

Please visit the school website > Parents/Students > 23-24 Calendar for the most up-to-date version.

## ATTENDANCE (Policy 6.4)

High schools operate on a semester basis and students have half the instructional days as compared to K-8 students to master each course. Attendance has a direct impact on student success and in high school with a shortened course schedule, being present is more important than ever. Students are allowed **eight (8)** absences in each course in a semester for routine illnesses/injuries, appointments, and other unavoidable situations. Absences **cannot** be waived for these routine situations; instead students are expected to reserve being absent for those purposes. Families are encouraged to avoid planning vacations and other events that would require high school students to be absent from school to prevent a situation which could result in a student losing credits.

Students are expected to be at school on time and to remain at school until dismissed. During the school day, students are expected to be present at the scheduled starting time for each class and to remain until the class ends. When a student must be late to school or leave school early, a written excuse signed by a parent or legal guardian should be presented upon the student's arrival at school.

When a student must miss school, a written excuse signed by a parent or guardian must be presented on the day the student returns after an absence. Absences due to extended illnesses may also require a statement from a health care practitioner. Failure to submit appropriate documentation as to the reason for the absence(s) within **three (3) days** of returning to school will result in the absence being coded as unexcused.

When a student's absences exceed twelve (12) days in the same academic year for illness or injury and documentation from a medical professional has not previously been provided, further absences will be coded as unlawful unless documentation from a medical professional is provided to the school within three (3) days of the absence.

### ATTENDANCE AT EXTRACURRICULAR ACTIVITIES

Students who are absent from school may not attend extra-curricular activities on that same day. This includes absences that are excused/unexcused, due to out-of-school suspension, and due to attendance at the Alternative to Suspension Center.

### EXCUSED ABSENCES

An absence may be **excused** (not waived) for any of the following reasons with a written excuse from the parent or guardian. Excused absences for any of the reasons listed below are calculated as part of the eight (8) absences allowed in a semester.

1. Illness or injury which prevents the student from being physically able to attend school
2. Quarantine which is isolation ordered by local health officer or the State Board of Health;
3. Death in the immediate family (including but not limited to the grandparents, parents, brothers and sisters) of the student;
4. Medical or dental appointments with appropriate documentation provided to the school;
5. Attendance at the proceedings of a court or administrative tribunal if the student is a party to the action or under subpoena as a witness;
6. Religious observance (school principals are required to authorize a minimum of two excused absences each academic year for religious observances required by the faith of a student or a student's parents or legal guardian. The student shall be given the opportunity to make up any tests or other work missed due to these excused absences.);
7. Educational opportunity such as travel or service as a legislative or Governor's page with prior approval from the principal/designee not to exceed 5 days per year;
8. Child care for illness or medical appointment during school hours of a child of whom the student is the custodial parent (G.S. 115C-375.5);
9. A minimum of two days each academic year for visitation with the student's parent or legal guardian if the student is not identified as at risk of academic failure because of unexcused absences and the student's parent or legal guardian (a) is an active duty or inactive member of the uniformed services as defined by policy 6.39.6, Children of Military Families, and (b) has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat support posting.

### UNEXCUSED ABSENCES

Unlawful absences will be defined as the following:

1. A student's willful absence from school with or without the knowledge of the parent
2. A student's absence for any reason other than those listed above

3. When students are not allowed to attend school because they lack proper immunization
4. When students are not allowed to attend school for lack of a required health assessment

### **MAKEUP WORK AFTER AN ABSENCE**

Students are permitted/expected to make up all work missed during an absence, including absences related to school sponsored trips. All work must be made up within five (5) days following the student's return to school unless the principal/designee determines that extenuating circumstances might support an extension of this time restriction.

### **ATTENDANCE WAIVER REQUESTS**

Students are expected not to exceed the maximum number of absences (8) in a semester in order to earn course credit and/or to be promoted. Typically, the number of allowable absences will accommodate student needs related to illness, injury, appointments, and other routine matters which may require a student to miss part of or all of an instructional day. When the student's absences exceed the allowable number of days, the student, parent, or guardian may apply to the principal for a waiver for lawful absences due to extenuating circumstances.

The principal may grant a waiver of absences for the following circumstances:

1. Hospitalization or extended illness for which documentation of the dates of hospitalization or absences related to an illness identified in the student's school care plan;
2. Court or administrative proceedings for which the student is subpoenaed or serving as a witness;
3. Observance of an established religious holiday not incorporated into the school calendar for which the student has received prior approval from the principal;
4. Death in the immediate family (considered to be parent, sibling, or grandparent) which should not exceed three (3) days;
5. College visitation or military days not to exceed two days each year during a student's 11th grade year and during a student's 12th grade year.

This request must be submitted in writing on the Davidson County Schools Attendance Waiver Request form and must be submitted to the principal during the same semester in which the absence(s) occurs. Appropriate documentation as suggested on the Davidson County Schools Attendance Waiver Request is required. In the event the absence(s) occurs at the end of the semester, said waiver request must be submitted within five (5) days of the absence(s).

Because the intent of the attendance waiver option is to ensure students do not lose course credit or face retention for absences due to extenuating circumstances, principals will not consider waiving absences that meet the criteria outlined above if the student has not yet exceeded the allowable number of absences for the semester/year.

## **GENERAL INFORMATION**

### **BUSING/TRANSPORTATION**

Bus transportation is a privilege, not a right; behavior on buses that impacts safe travel can result in privileges being revoked. The following outlines general information for students who will utilize school bus transportation.

- Students may only ride the bus to which they have been assigned. Students are not allowed to ride a bus with a friend or family member.
- Students are asked to be at the designated stop when the bus arrives. Drivers are not permitted to blow the horn to indicate the bus has arrived.
- Eating and drinking are prohibited on buses.
- Buses and all other school property are tobacco free
- Students must follow board and school behavior policies while on any bus or other vehicle as part of any school activity and while waiting at any bus stop.
- School administrators may assign consequences from the following list for violation of expectations on buses or at bus stops. Additionally, consequences may extend to the school day for violation of some policies.
  - warning/conference with student
  - warning/conference with parent
  - 1 day suspension from bus
  - 3 day suspension from bus
  - 5 day suspension from bus

- o 10 day suspension from bus
- o Semester suspension from bus

Students who are not active riders for 10 consecutive days may be removed from the route and may need to resubmit a transportation request with the school.

### **INCLEMENT WEATHER PROCEDURES**

Communication that school must be closed because of weather related concerns will include the following:

- A phone message using the district’s automated system (*Parents should ensure that the school has the most up-to-date contact information*)
- Posts on the district/school websites
- Posts on district/school social media
- Announcements on local media outlets

Please use these outlets to find the information before contacting the school.

### **SIGNING IN AND OUT DURING THE SCHOOL DAY**

To maximize student achievement and to minimize disruptions to the instructional day, the following apply when students must come and go during the school day:

- Davidson County Schools has a closed lunch policy (6.19). If a student signs out during the period in which they are scheduled for lunch, one of the following is required for the student to return to school: (1) documentation for an appointment or (2) parent appears in person to sign the student in.
- Students will not be allowed to sign in and out to avoid a particular course even with parent permission. If a pattern of this behavior evolves, the student will receive a warning from administration. After the warning if the behavior continues, the student will be suspended for any unlawful absences in that course.

### **SAFETY DRILLS**

Schools will perform routine safety drills on a monthly or quarterly basis.

### **SCHOOL SPONSORED TRIPS (Policy 7.4)**

School sponsored trips, including athletics and other extracurricular groups, are extensions of school activities. Therefore, the same expectations for adhering to rules, procedures, and policies apply to students while on school sponsored trips. Likewise, violations of expectations will result in the same consequences for violations while on school grounds during the school day.

### **STUDENT FEES (Policy 6.26)**

Each year the Davidson County Board of Education approves fees that will be assigned to students for various purposes. Students will be provided with a copy of these fees and an application to apply for a waiver of these fees on the first day of each school year. Fees must be paid or waived within a school year or the fees will carry over into the next school year. Parents may apply for a waiver of fees during the current year only. Schools may withhold things such as driver’s eligibility certificates, commencement tickets, prom tickets, parking permits, etc. until school fees have been paid. If a student has acquired charges for parking tickets, these charges must be paid before the student can purchase a parking permit.

## **ACADEMICS**

### **ACADEMIC RECOGNITION AT GRADUATION CEREMONIES (Policy 6.5.1)**

Any recognition awarded and presented to be worn at graduation should have academic criteria associated with the school. An honor awarded by any other organization or institution (i.e. American Red Cross, Boy Scouts, etc.) should not be included as part of the school’s commencement regalia. The following honor award recognitions are considered appropriate for the 21st Century. Honor graduates will be recognized according to the following distinctions:

- Summa Cum Laude- Students with a weighted GPA of 4.4 or greater
- Magna Cum Laude- Students with a weighted GPA of 4.18 - 4.39
- Cum Laude- Students with a weighted GPA of 3.93 -4.17

### **ADVANCED PLACEMENT ® COURSES (Policy 6.8.4)**

Course content, pace, and academic rigor are considered college-level as determined by the College Board and are designed to enable students to earn high scores on the required AP® exam, potentially leading to college credit. These courses provide

credit toward a high school diploma. The weight for AP® courses shall be one (1) quality point. *Enrollment in AP® courses requires the student and parent to attend an information session held at the high school prior to spring registration. Students enrolled in AP® courses may not drop them after the first school day in May.*

**CLASS RANK CALCULATION (Policy 6.8.5)**

The weighted course system GPA is utilized to determine class rank. Class rank is not used to designate a valedictorian and salutatorian. Graduates are recognized during commencement ceremonies pursuant to Policy 6.5.1 High School Graduation Requirements, Subsection C. Special Circumstances. Class rank is cumulative, utilizes the weighted GPA, and is calculated at the end of each semester. All students are included in the ranking. Junior Marshals, who serve during commencement exercises and during the Senior Awards Day Program, are chosen on the basis of their cumulative class ranks. All grades continuing through the third grading period of the junior year are included in determining cumulative class rank. This includes yearlong courses or other courses that are taken via programs that do not formally report a third quarter grade on the report card.

**DIPLOMA REQUIREMENTS (Policy 6.5.1)**

Content Area	Students Entering Grade 9 in 2021-22 (and beyond)	Students Entering Grade 9 in 2020-21	Students Entering Grade 9 between 2014 and 2019
<b>English (4 credits)</b>	<ul style="list-style-type: none"> <li>English I</li> <li>English II</li> <li>English III</li> <li>English IV</li> </ul>	<ul style="list-style-type: none"> <li>English I</li> <li>English II</li> <li>English III</li> <li>English IV</li> </ul>	<ul style="list-style-type: none"> <li>English I</li> <li>English II</li> <li>English III</li> <li>English IV</li> </ul>
<b>Math (4 credits)</b>	<ul style="list-style-type: none"> <li>Math 1</li> <li>Math 2</li> <li>Math 3</li> <li>A fourth math course aligned with post high school plans</li> </ul>	<ul style="list-style-type: none"> <li>Math 1</li> <li>Math 2</li> <li>Math 3</li> <li>A fourth math course aligned with post high school plans</li> </ul>	<ul style="list-style-type: none"> <li>Math 1</li> <li>Math 2</li> <li>Math 3</li> <li>A fourth math course aligned with post high school plans</li> </ul>
<b>Science (3 credits)</b>	<ul style="list-style-type: none"> <li>An earth/environmental science course</li> <li>Biology</li> <li>A physical science course</li> </ul>	<ul style="list-style-type: none"> <li>An earth/environmental science course</li> <li>Biology</li> <li>A physical science course</li> </ul>	<ul style="list-style-type: none"> <li>An earth/environmental science course</li> <li>Biology</li> <li>A physical science course</li> </ul>
<b>Social Studies (4 credits)</b>	<ul style="list-style-type: none"> <li>World History</li> <li>Founding Principles of US &amp; NC: Civic Literacy</li> <li>American History</li> <li>Economics and Personal Finance</li> </ul>	<ul style="list-style-type: none"> <li>World History</li> <li>Founding Principles of US &amp; NC: Civic Literacy</li> <li>American History</li> <li>Economics and Personal Finance</li> </ul>	<ul style="list-style-type: none"> <li>World History</li> <li>A founding principles course (American History: Founding Principles, Civics &amp; Economics or Founding Principles of the US &amp; NC: Civic Literacy)</li> <li>American History 1 and 2 or American Studies Honors and AP US History</li> </ul>
<b>Health/PE (1 credit)</b>	<ul style="list-style-type: none"> <li>Health/PE course</li> <li>CPR completion</li> </ul>	<ul style="list-style-type: none"> <li>Health/PE course</li> <li>CPR completion</li> </ul>	<ul style="list-style-type: none"> <li>Health/PE course</li> <li>CPR completion</li> </ul>
<b>Electives</b>	<ul style="list-style-type: none"> <li>Additional electives to total 28 credits to graduate</li> </ul>	<ul style="list-style-type: none"> <li>Additional electives to total 28 credits to graduate</li> </ul>	<ul style="list-style-type: none"> <li>Additional electives to total 28 credits to graduate</li> </ul>
<b>World Language</b>	<ul style="list-style-type: none"> <li>Not required to graduate, but 2 credits of a language other than English are required for admission to a university in the UNC system</li> </ul>	<ul style="list-style-type: none"> <li>Not required to graduate, but 2 credits of a language other than English are required for admission to a university in the UNC system</li> </ul>	<ul style="list-style-type: none"> <li>Not required to graduate, but 2 credits of a language other than English are required for admission to a university in the UNC system</li> </ul>

All requirements for a diploma must be met by the conclusion of the exam period for seniors in the spring semester in order for students to participate in graduation ceremonies. Students who are unable to participate in the spring graduation ceremonies due to lacking credits may be offered opportunities to work on acquiring credits during summer sessions (if available).

## DRIVER'S LICENSE: ACADEMIC REQUIREMENTS

Students may enroll in driver education courses at their high school when they reach the age of 14 ½ years old. After successful completion of the classroom portion, students will be enrolled in the driving portion. Students need two documents for the DMV: (1) the certificate of completion for the driver's education course; and (2) a driver eligibility certificate. The following outlines the legislation that governs driving eligibility revocation for NC students:

- Dropping Out of School Prior to Age 18--Any public, private, federal, home-schooled, or community college student under age 18 who does not make adequate academic progress or drops out of school will have their driving permit or provisional license revoked. (§ 20-11). Under the Dropout Prevention Guidelines, a dropout student is one who has withdrawn from school before the end of the academic term and whose enrollment in an educational setting cannot be verified for 30 days. Parents should be notified in writing that the student's Driver Eligibility Certificate will be revoked. Parents may submit a hardship request to the principal or principal's designee to maintain the student's Driving Eligibility status.
- Disciplinary Action--Disciplinary action includes an expulsion, a suspension for more than 10 consecutive days, or an assignment to an alternative educational setting for more than 10 consecutive days. (§ 20-11(n1)). Under the Lose Control/Lose License guidelines, the Driving Eligibility Certificate is revoked for one year. Unlike the Dropout Prevention guidelines that end when a student turns age 18, the revocation of a Driving Eligibility Certificate for disciplinary action can extend beyond age 18 if the disciplinary action took place during the time the student was age 17.
- Not Making Adequate Academic Progress--At the end of each semester, students not passing 70% of the maximum possible courses are identified, and the DMV is notified for driver permits/licenses revocations. This equates to 3 out of 4 classes on the high school block schedule. A student who is not academically eligible at the beginning of the semester is not eligible at any time during the semester unless a substantial hardship is established. The school principal or designee will determine if specific circumstances exist that constitute a hardship. Substantial hardship" means a demonstrable burden on the student or the student's family as evidenced by circumstances such as the following:
  - The parent is unable to drive due to sickness or other impairment and the student is the only person of driving age in the household.
  - The student requires transportation to and from a job that is necessary to the welfare of the student's family and the student is unable to obtain transportation by any means other than driving.
  - The student has been unable to attend school due to documented medical reasons, but the student is demonstrating the ability to maintain progress toward obtaining a high school diploma.

## EXAMS

### Semester Exams

Students take an exam for each course in which they are enrolled (unless they meet exemption status) during the last five (5) school days of each semester. If the last five (5) days of a semester are moved due to calendar revisions, exams will be moved as well. Parents are encouraged to avoid making plans during the exam window including the non-instructional days immediately following the last day of each semester, as these can become exam days. Students are expected to be present for their exams unless an emergency occurs.

### End-of-Course Exams

All students enrolled in Math 1, Math 3, English II, and/or Biology must take an End-of-Course exam at the conclusion of the course. Scores on End-of-Course exams will count as 20% of the final course average.

### Career and Technical Education (CTE) State Assessment Program

Each student enrolled in a CTE course is required to complete a summative assessment. The CTE State Assessment Program consists of three types of summative assessments, known as a CTE Proof of Learning (POL):

- (1) CTE State Assessment,
  - (2) Performance-Based Measure (PBM), or
  - (3) Industry-Recognized Credential(s).
- Courses that have a **CTE State Assessment** as the POL will be administered at the end of each semester, recorded as the exam grade, and count as 20% of the final grade. No CTE Assessment/Proof of Learning may be exempted.
  - Courses that have a **PBM** as the POL will be administered throughout the course of the semester. If the course is in standard status, students that meet proficiency on the PBM will have a 100 recorded as the exam grade and count as 20% of the final grade.

- o Students that do not meet proficiency on the PBM will be required to take a CTE District Final Assessment that will be recorded as the exam grade and will count as 20% of the final grade. If the course is in pilot status, the student will be required to take a CTE District Level Assessment that will be recorded as the exam grade and will count as 20% of the final grade.
- Courses that have an **Industry-Recognized Credential(s)** as the POL will be administered throughout the course of the semester. Students that earn the required Credential(s) will have a 100 recorded as the exam grade that will count as 20% of the final grade.
  - o Students that do not earn the required Credential(s) are required to take a CTE District Level Assessment that will be recorded as the exam grade and count as 20% of the final grade.

There may also be an instance where a CTE course is in pilot status and there is no State CTE POL. Students are still required to either complete a teacher-made assessment or a CTE District Level Assessment that will be recorded as the exam grade and count as 20% of the final grade.

### Career and College Promise Course Exams

Students enrolled in CCP courses must take the accompanying exam as required according to the community college schedule. Each CCP teacher provides students with a syllabus outlining the weight of the exam. If a student does not take the final exam according to the syllabus, he/she will earn a zero for the exam grade. The community college will submit a final grade including the exam to the student's school to be added to the transcript.

### Teacher-Generated Exams

For all courses which do not require an EOC, CTE State Assessment/Proof of Learning, or CCP exam, students will complete a teacher-generated exam unless exempt. These exams count as 20% of the student's course average.

### EXAM EXEMPTION (Policy 6.6)

Exemption to final exams based on academic, attendance, and conduct standards cannot be applied to any course for which there is a required State End-of-Course examination, CTE Post Assessment/Proof of Learning or transfer or college course examination. All students are eligible to be exempt from all course exams not required by the State Board of Education if they meet requirements outlined below in Part A. Eligibility for Exempting Course Exams.

#### A. Eligibility for Exempting Course Exams

Eligibility is determined for a particular semester and for the exams administered in that semester.

1. Academic and Attendance Requirements
  - A as the final course average and no more than 4 actual absences (excused, unexcused, and/or waived)
  - B as the final course average and no more than 3 actual absences (excused, unexcused, and/or waived)
  - C as the final course average and no more than 2 actual absences (excused, unexcused, and/or waived)
2. Conduct Requirements

Student must have no assignments to In-School Suspension (ISS), to Out-of-School Suspension (OSS), and/or to the Alternative to Suspension Center (ASC). Actual absences include the total number of times a student is counted absent from the course including excused absences, unexcused absences, and/or waived absences. **Absences that are waived per DCS School Board Policy 6.4 Attendance, will be included in the student's total absences when considering eligibility.**

#### B. ACT College Readiness Benchmark Exemption

In addition to earning exam exemption status for meeting academic, attendance, and conduct standards as outlined above, a student can earn one individual exam exemption opportunity if college readiness benchmarks are met on the school administration of the ACT as outlined below. A student who meets the required benchmarks may choose one course in which to exempt an exam regardless of the academic, attendance, and conduct standing for that particular course.

Any student who scores at or above the ACT's College Readiness Benchmarks (as published at the time of the test session) on three (3) out of the four (4) subject tests will be eligible to exempt one exam for any class in the current semester in which they are enrolled. Courses with a required State End-of-Course examination, CTE Post Assessment/Proof of Learning or transfer or college course examinations are excluded. This exemption only pertains to the required school-wide administration of the ACT administered to students in the spring of their 11th grade year. Previous or subsequent scores from an individual student's testing session may not be used to exempt exams.



### C. Additional Information

If a student elects to take an exam for which the student is eligible for exemption, the exam grade will be calculated as 20% of the final grade.

### GRADING AND DIFFERENTIAL WEIGHTING STANDARDS (Policy 6.84)

In compliance with State Board of Education guidelines and G.S. 116-11, certain specified high school courses that have a highly challenging level of academic difficulty will be identified as weighted courses. The system of weighting courses will follow guidelines established by the NCDPI. The purpose of establishing a weighted course system is primarily to provide encouragement for those students who participate in courses designated as weighted. A weighted grade point average (GPA) provides an equitable representation of the student's academic course selection and performance as relative to the total curriculum.

All high school students in North Carolina will be graded on a 10-point scale approved by the State Board of Education. A 4.0 scale is used to determine Grade Point Average (GPA).

Class rank is cumulative over four years and includes the weighted course grades. Class ranks are calculated at the end of each semester once final grades are available. The chart on the next page illustrates these distinctions.

Final Course Grade		Differential Quality Points Factored into GPA			
Letter Grade	Numerical Grade	Standard	Honors	AP	CCP
A	90-100	4.0	4.5	5.0	5.0
B	80-89	3.0	3.5	4.0	4.0
C	70-79	2.0	2.5	3.0	3.0
D	60-69	1.0	1.5	2.0	2.0
F	≤59	0	0	0	0

### HOMEWORK (Policy 6.16.7)

The "10-Minute Rule" conveys to students and parents the expectation that homework assignments combined last about as long as 10 minutes multiplied by the student's grade level. For example, ninth graders could expect 90 minutes per night, tenth graders could expect 100 minutes, etc. If you have questions or concerns about the amount of homework your child receives, you should contact your teacher or principal.

### HONOR CORDS (Policy 6.5.1)

Any recognition awarded and presented to be worn at graduation should have academic criteria associated with the school. An honor awarded by any other organization or institution (i.e., the American Red Cross, Boy Scouts, etc.) should not be included as part of the school's commencement regalia. Beginning with the freshman class who entered high school in the fall of 2020, all graduates will follow established district honor cord guidelines.

### HONORS COURSES

Course content, pace, and academic rigor place high expectations on the student, demanding greater independence and responsibility. Such courses are more challenging than standard level courses and are distinguished by a difference in the depth and scope of work required. The weighting for Honors courses shall be one-half (.5) of a quality point. *Enrollment in honors level courses requires teacher recommendation or a course placement waiver. Students enrolled in Honors courses may not drop them after the first school day in May.*

### NORTH CAROLINA ACADEMIC DIPLOMA ENDORSEMENTS (Policy 6.8.3)

Students have the opportunity to earn one or more of the following diploma endorsements. Students may earn more than one endorsement, but no endorsement is required to earn a diploma.

#### *College Endorsement*

- Complete the Future-Ready Core mathematics sequence of Algebra I, Geometry, Algebra 2, Math 1, 2, 3 or Integrated Math 1, 2, 3 and a fourth mathematics course aligned with the student's post-secondary plans. The fourth math course must meet UNC system Minimum Admission Requirements or be acceptable for earning placement in a credit-bearing college math class under the NC Community College System's Multiple Measures Placement policy.
- Earn an unweighted grade point average of at least 2.6.

- The student shall earn at least the benchmark reading score established by a nationally norm-referenced college admissions test. The student may retake the nationally norm-referenced test as many times as necessary to achieve the required benchmark score.

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#### *College/UNC Endorsement*

- Complete the Future-Ready Core mathematics sequence of Algebra I, Geometry, Algebra 2, Math 1, 2, 3 or Integrated Math 1, 2, 3 and a fourth mathematics course that meets University of North Carolina system Minimum Admission Requirements that include a mathematics course with either Algebra II, Math 3 or Integrated Mathematics 3 as a prerequisite
- Complete three units of science including at least one physical science with a lab, one life science, and one additional science course.
- Complete U.S. History or equivalent coursework.
- Complete two units of a world language (other than English).
- Earn a weighted grade point average of at least 2.5.
- The student shall earn at least the benchmark reading score established by a nationally norm-referenced college admissions test. The student may retake the nationally norm-referenced test as many times as necessary to achieve the required benchmark score.

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#### *Career Endorsement*

- Except as limited by N.C.G.S. §115C-81(b), complete the Future-Ready Core mathematics sequence of Algebra I, Geometry, Algebra 2, Math 1, 2, 3 or Integrated Math 1, 2, 3 and a fourth mathematics course aligned with the student's post-secondary plans. Acceptable fourth math courses for the Career Endorsement include any math course that may be used to meet NC high school graduation requirements, including applied math courses found in the Career and Technical Education (CTE) domain.
- Complete a CTE concentration in one of the approved CTE Cluster areas.
- Earn an unweighted grade point average of at least 2.6.
- Earn at least one industry-recognized credential including Career Readiness Certificates at the Silver level or above from WorkKeys assessments OR another appropriate industry credential/certification.
- The student shall earn at least the benchmark reading score established by a nationally norm-referenced college admissions test. The student may retake the nationally norm-referenced test as many times as necessary to achieve the required benchmark score.

#### *Global Languages Endorsement*

- Earn an unweighted 2.5 GPA or above for the four English courses required for graduation.
- Establish proficiency in one or more languages in addition to English, using one of the options below
  - Pass an external exam approved by the NCDPI establishing "Intermediate Low" proficiency or higher per the American Council on the Teaching of Foreign Languages (ACTFL) proficiency scale.
  - Complete a four-course sequence of study in the same world language, earning an overall unweighted GPA of 2.5 or above in those courses.
  - Pass an external exam approved by the North Carolina Department of Public Instruction establishing "Intermediate Low" proficiency or higher per the American Council on the Teaching of Foreign Languages (ACTFL) proficiency scale.
- LEP students shall complete all the requirements of above and reach "Developing" proficiency per the WIDA proficiency scale in all four domains on the most recent state identified English language proficiency test.

#### *North Carolina Academic Scholars Endorsement*

- Complete the Future-Ready Core mathematics sequence of Math 1, 2, 3; Algebra I, Geometry, Algebra 2; or Integrated Math 1, 2, 3 and a fourth mathematics course that meets University of North Carolina system Minimum Course Requirements that include a mathematics course with either Math 3, Algebra 2, or Integrated Mathematics 3 as a prerequisite.
- Complete three units of science including an Earth/Environmental science course, Biology, and at least one physical science course that must include either physics or chemistry.
- The student shall complete four course credits of social studies;
- Complete two units of a world language (other than English).

- Complete four elective credits in any one subject area, such as Career and Technical Education (CTE), JROTC, Arts Education, World Languages, or in another content area.
- Complete at least three higher-level courses during junior and/or senior years which carry quality points such as Advanced Placement®, International Baccalaureate or Dual Enrollment courses; Advanced CTE and CTE credentialing courses; honors level courses, or Project Lead the Way courses.
- The student shall earn an unweighted grade point average of at least 3.50.

### **PROMOTION STANDARDS (Policy 6.5)**

Promotion standards for high school students will be determined based on the maximum potential of credits earned. Maximum potential is defined as the total number of high school credits a student has had the opportunity to earn. Typically, students have the opportunity to earn eight (8) credits per year. To earn credits, students must meet teacher standards and attendance standards for each course. DCS students follow the block schedule, and typically, students have the opportunity to earn thirty-two (32) credits before graduation (at minimum). High school principals will promote students at the end of the academic year (no mid-year promotions after the fall semester).

- To be promoted to grade 10 and be a sophomore, a student must earn no less than his/her maximum potential minus two (2) credits. This typically equates to six (6) credits.
- To be promoted to grade 11 and be a junior, a student must earn no less than his/her maximum potential minus three (3) credits. This typically equates to thirteen (13) credits.
- To be promoted to grade 12 and be a senior, a student must earn no less than the number of credits required for a diploma minus eight (8) credits. This equates to twenty (20) credits.
- To earn a diploma and graduate from DCS, a student must earn twenty-eight (28) credits.

### **POWERSCHOOL PARENT PORTAL (Policy 6.8)**

Parents are encouraged to establish an account for their student if they have not already done so. PowerSchool's Parent Portal allows parents immediate access to their child's most current academic progress and attendance data. Paper progress reports are available upon request.

### **STUDENT SPEAKERS AT COMMENCEMENT CEREMONIES (Policy 6.5.1)**

Beginning with the graduating class of 2019, any graduating senior who meets the eligibility requirements as outlined in this policy and any additional criteria that may be established pursuant to district procedures consistent with this policy, may apply to be one of two selected speakers at their school's commencement ceremony. Each school's senior class will elect one speaker from this pool of candidates and each school's faculty will elect one speaker from this pool of candidates. All speeches must be approved by the principal prior to the commencement exercises.

Eligibility for potential speakers will include, at a minimum, the following:

- Must be a graduating senior
- Must have a weighted Grade Point Average (GPA) of 4.4 or higher at the end of the third quarter of the senior year and maintain a 4.4 or higher through the conclusion of the senior year
- Must be in good disciplinary standing (defined as no more than 1 assignment to In School Suspension and no Out of School Suspensions during their high school career) and remain in good standing through the conclusion of their senior year.

## **ATHLETICS**

### **DAVIDSON COUNTY SCHOOLS ATHLETIC HANDBOOK**

All student-athletes and their parents must review and acknowledge that they have reviewed the Davidson County Schools Athletic Handbook prior to participation on a school-sponsored athletic team. Student-athletes are expected to represent their school, district, and community in a positive manner.

### **SUBSTANCE ABUSE POLICY**

Any student who violates the DCS Board of Education policy on Narcotics, Alcoholic Beverages and Stimulant Drugs (Including Drug Paraphernalia) and Other Prohibited Substances and is subsequently suspended as prescribed and will forfeit all rights to participate in the athletic program or extra-curricular activities program as set forth in the policy.

Additionally, if while off school grounds, and/or while not under the supervision of school personnel a student is arrested, receives a criminal citation, or other similar type charge, including but not limited to alleged to be delinquent, that would constitute a violation of this policy if committed while on school grounds, that student shall be disqualified from athletic and extracurricular activities participation for the time set forth herein. *See Davidson County Board of Education Policy 6.11 Rule 6 and Rule 11 for more information*

## HEALTH AND SAFETY

### SAY SOMETHING ANONYMOUS REPORTING SYSTEM (SSARS)

Students and parents are encouraged to use the Say Something Anonymous Reporting System to provide information to school and district officials when there is safety concern for a student who may harm himself/herself or harm others. Here is how to submit a tip:

- Through the secure website <https://www.sandyhookpromise.org/say-something-tips/>
- Call the 24/7 Hotline 1-844-5SayNow (1-844-572-9669)
- Get the mobile app at Google Play or Apple Store

Live links to the website can also be found on the school website.

### MEDICATION (POLICY 6.29.3)

To minimize disruptions to the school day, students should take medications at home rather than at school whenever feasible. School officials may deny a request to administer any medication that could be taken at home or when, in the opinion of the superintendent or designee in consultation with school nursing personnel, the administration of the medication by school personnel would pose a substantial risk of harm to the student or others.

Authorized school employees may administer medication to students when all of the following conditions are met:

- **Parental Consent:** The student's parent must make a signed written request that authorizes school personnel to administer the medication to the student.
- **Medication Authorization/Order:** A health care practitioner must prescribe the prescription medication for use by the student and provide explicit written instructions for administering the medication. For over-the-counter medications, the parent must provide written permission with instructions on dosage.
- **Certification of Necessity:** The student's health care practitioner must certify that administration of the prescription medication to the student during the school day is necessary to maintain and support the student's continued presence in school.
- **Proper Container/Labeling:** If the medication to be administered is available by prescription only, the parent must provide the medication in a pharmacy-labeled container with directions for how and when the medicine is to be given. If the medication is available over-the-counter, it must be provided in the original container or packaging, labeled with the student's name.
- **Proper Administration:** The employee must administer the medication pursuant to the healthcare practitioner's written instructions provided to the school by the student's parent, and in accordance with professional standards.

The form on which to provide all of the above information can be obtained from the school or from the district website.

### Over-the-Counter Medication

Consistent with the above requirements, over-the-counter medications will only be given during school hours by school personnel if the medication sheet is complete with instructions and parent signature. Parents who want school personnel to administer over-the-counter medication must provide and deliver the medication to school personnel pursuant to the requirements of this policy.

### Self-Administering Over-the-Counter Medication

High school students may possess only the recommended dosage sufficient for a single school day of over-the-counter medication, and the medication must be kept in the original product container.

### Emergency Medication

Students who are at risk for medical emergencies, such as those with diabetes, asthma, or severe allergies, must have an emergency health care plan developed for them to address emergency administration of medication. Authorization and

instructions from the health care practitioner and written consent of the parent are required for emergency medication to be administered by school personnel while the student is at school, at a school-sponsored activity, and/or while in transit to or from school or a school-sponsored event.

### **Authorization to Self-Administer Medication**

Before a student will be allowed to self-administer medication pursuant to this section, the student's parent must provide to the principal or designee all of the documents listed below:

- a. Written authorization from the student's parent for the student to possess and self-administer the medications;
- b. A written statement from the health care practitioner verifying that:
  - 1) The student has diabetes or asthma, or an allergy that could result in anaphylactic reaction;
  - 2) The health care practitioner prescribed the medication for use on school property during the school day, at school-sponsored activities, or while in transit to or from school or school-sponsored events; and
  - 3) The student understands, has been instructed in self-administration of the medication, and has demonstrated the skill level necessary to use the medication and any accompanying device;
- c. A written treatment plan and written emergency protocol formulated by the prescribing health care practitioner for managing the student's diabetes, asthma, or anaphylaxis episodes and for medication use by the student;
- d. A statement provided by the school system and signed by the student's parent acknowledging that the board of education and its employees and agents are not liable for injury arising from the student's possession and self-administration of the medication; and
- e. Any other documents or items necessary to comply with state and federal laws. Prior to being permitted to self-administer medication at school, the student also must demonstrate to the school nurse, or the nurse's designee, the skill level necessary to use the medication and any accompanying device.

A student who is authorized in accordance with this policy to carry medication for self-administration must carry the medication in the original labeled container with the student's name on the label. A student who uses his or her medication in a manner other than as prescribed or who permits another person to use the medication may be subject to disciplinary action pursuant to the school disciplinary policy. However, school officials shall not impose disciplinary action on the student that limits or restricts the student's immediate access to diabetes, asthma, or anaphylactic medication.

The student's parent must provide backup medication that school personnel are to keep in a location to which the student has immediate access in the event the student does not have the required medication. All information provided to the school by the student's parent must be reviewed by the school nurse and kept on file at the school in an easily accessible location. Any permission granted by the principal or designee for a student to possess and self-administer medication will be effective only for the same school for 365 calendar days. Such permission must be renewed each school year. Parents are responsible for making the school aware of any potentially serious medical conditions their child may have (ex. allergic reactions, seizures, etc.).

### **SCHOLASTIC ACCIDENT INSURANCE**

DCS carries basic/excess accident coverage for all students. This policy is **secondary** to insurance carried by parents and **primary** if students are not covered under another policy. This policy does not cover sport-related injuries and is only for basic medical services for accidents/injuries that occur during the school day on school property or at school sponsored/supervised events.

It is strongly recommended that parents review the voluntary scholastic accident insurance program available to students at a nominal cost. The voluntary scholastic insurance program offers extra coverage for both school-time activities and for extra-curricular activities (excluding varsity football) for a nominal charge. An information brochure is available at each school and on the district website.

## **SCHOOL NUTRITION**

The Davidson County School System participates in the National School Lunch Program sponsored by the United States Department of Agriculture (USDA), which permits the school system to offer free and reduced priced meals to students who qualify. Due to reporting requirements, the School Nutrition Department cannot permit excessive and recurring charges of meals. Customers may, however, pay for meals in advance.

Families who wish to apply for free or reduced meals must complete an application each year. The family of any DCS student may apply at any time. Applications are available in each school's cafeteria, main office, or on the DCS website. Applicants are responsible for meals until a free or reduced application is completed and approved.

	Reduced	Full Pay
Breakfast	.30¢	\$1.50
Lunch	.40¢	Secondary \$3.00

## STANDARDS FOR EXPECTED STUDENT BEHAVIOR

### AUTHORITY OF SCHOOL PERSONNEL (Policy 6.10.1)

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

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

Except as restricted by G.S. 115C-391.1, school personnel may use appropriate seclusion and restraint techniques reasonably needed in the circumstances described above as long as such use is consistent with state law and applicable board policies and procedures. Students must comply with all directions of principals, teachers, substitute teachers, student teachers, teacher assistants, bus drivers and all other school personnel who are authorized to give such directions, during any period of time when they are subject to the authority of such personnel.

### BULLYING AND HARASSMENT (Policy 6.33.3)

Davidson County Schools prohibits bullying and harassing behavior, or the encouragement of bullying or harassing behavior, that takes place (1) in any school building or on any school premises before, during or after school hours; (2) on any bus or other vehicle as part of any school activity; (3) at any bus stop; (4) during any school-sponsored activity or extracurricular activity; (5) at any time or place when the student, employee, or other person is subject to the authority of school personnel; or (6) at any time or place when the bullying has a direct and immediate effect on maintaining order and discipline in the schools.

1. Bullying is deliberate conduct intended to harm another person or group of persons. It is characterized by repeated unwanted aggressive behavior that typically involves a real or perceived imbalance of power, such as a difference in physical size, strength, social standing, intellectual ability, or authority. It may consist of either physical, verbal, or nonverbal behavior. Cyberbullying is a form of bullying that is carried out using electronic communication media, such as words, action, or conduct conveyed through email, instant messages, text messages, tweets, blogs, photo or video sharing, chat rooms, or websites, and may exist in the absence of a power imbalance typical of other forms of bullying.
2. Harassing behavior is conduct that is intimidating, hostile, or abusive, or is unwelcome conduct of a sexual nature. Harassing behavior may violate this policy even if no harm is intended to the target and no power imbalance is evident.
3. Bullying or harassing behavior includes conduct that is, or reasonably appears to be, motivated by actual or perceived differentiating personal characteristics, or by a person's association with someone who has or is perceived to have a differentiating personal characteristic. Differentiating personal characteristics include, but are not limited to race, color, religion, ancestry, National origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability. Bullying and harassing behavior can violate this policy regardless of a student's motivation.
4. Examples of behavior that may constitute bullying or harassing behavior are repeated acts of disrespect, intimidation, or threats, such as verbal taunts, name-calling and put-downs, epithets, derogatory or lewd comments, spreading rumors, extortion of money or possessions, implied or stated threats, assault, offensive touching, physical interference with normal work or movement, visual insults, such as derogatory posters or cartoons, and sharing intimate photos or video of a person or sharing photos or videos that may subject a person to ridicule or insult.

5. Other behaviors that may constitute bullying or harassing behavior under this policy are deliberate, unwelcome touching that has sexual connotations or is of a sexual nature, pressure for sexual activity, offensive sexual flirtations, advances or propositions, verbal remarks about an individual's body, sexually degrading words used toward an individual or to describe an individual, or the display of sexually suggestive drawings, objects, pictures, or written materials.
6. These examples are not exhaustive but are intended to illustrate the wide range of behavior that may constitute bullying and harassing behavior.
7. Conduct such as the following is not considered bullying or harassing behavior: legitimate pedagogical techniques, the exercise of legitimate authority, and academic or work performance monitoring and evaluation.

### **When Bullying or Harassing Behavior Violates Policy**

Not all conduct that may be described as bullying or harassing behavior violates this policy. Bullying or harassing behavior violates this policy when any pattern of repeated gestures or written, electronic, or verbal communications, or any physical act or threatening communication:

- places a student, an employee, or other person in actual and reasonable fear of harm to their person or property; or
- creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities, or benefits.

"Hostile environment" means that the victim subjectively views the conduct as bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior.

The definition of bullying and harassing behavior in this section is intended to be no less inclusive than the definition of bullying and harassing behavior in G.S. 115C-407.15.

Bullying or harassing behavior based on sex, race, color, national origin, disability, or religion may also constitute discriminatory harassment in violation of federal law and other board policies as described in Section A, above.

### **Reporting Bullying and Harassing Behavior**

The board encourages students or parents/guardians of students who have been the victim of or who have witnessed bullying or harassing behavior in violation of this policy to immediately report such incidents to a teacher, counselor, coach, assistant principal, or the principal.

Reports may be made orally or in writing and may be made anonymously. All reports of serious violations and complaints made under this policy will be investigated expeditiously. Anonymous reports will be investigated to the extent reasonably possible under the circumstances.

If, at any time, school officials determine that the alleged bullying or harassing behavior appears to be based on sex, race, color, national origin, disability, or religion, the matter will be investigated in accordance with the applicable policy listed in Section A above.

An employee who witnesses or who has reliable information that a student or other individual has been bullied or harassed in violation of this policy must report the incident to his or her supervisor or to the building principal immediately. If sexual harassment is suspected, the employee also must report the incident to the Title IX coordinator. An employee who does not promptly report possible bullying or harassing behavior will be subject to disciplinary action.

Other members of the school community may report incidents of bullying or harassment to the school principal or the superintendent or designee.

It is a violation of board policy to knowingly report false allegations of bullying or harassing behavior. A student or employee found to knowingly report or corroborate false allegations will be subject to disciplinary action.

### **Reports of Bullying or Harassing Behavior Based on Sex, Race, Color, National Origin, Disability, or Religion**

Bullying or harassing behavior that is based on sex, race, color, national origin, disability, or religion may constitute discriminatory harassment that is a violation of the individual's civil rights. A school employee who receives a report of bullying or harassing behavior that may constitute sexual harassment must immediately contact the Title IX coordinator. If the reported behavior appears to be based on any other such personal characteristic, the employee must immediately notify the appropriate civil rights coordinator designated in policies 1.7, 4.19, and 6.33, Discrimination and Harassment Prohibited by Federal Law. Uncertainty as to whether alleged bullying or harassing behavior is based on sex, race, color, national origin, disability, or religion should be resolved by notifying the Title IX Coordinator.

## **Response to Reports of Bullying or Harassing Behavior**

1. Reports of bullying and harassing behavior or the encouragement of such behavior under this policy will be investigated promptly by the principal or the principal's designee and addressed in accordance with this policy and policy 6.12, School-Level Investigations. If the principal is the alleged perpetrator, the superintendent will designate an appropriate investigator.
2. If at any time before, during, or after the investigation under this policy, the principal or designee determines or suspects that the alleged bullying or harassing behavior is based on sex, race, color, national origin, disability, or religion, the principal or designee shall notify the appropriate civil rights coordinator and proceed in accordance with the applicable board policy as described in Section A, above. However, referral to the civil rights coordinator will not preclude appropriate disciplinary consequences for a violation of this policy if, following the designated investigation and resolution process under the appropriate board policy, the behavior is determined not to constitute discriminatory harassment in violation of federal law.
3. No reprisals or retaliation of any kind are permitted as a result of good faith reports of bullying or harassing behavior. An employee who engages in reprisal or retaliation will be subject to disciplinary action, up to and including dismissal. A student who does so is subject to disciplinary consequences as provided in Section G, below.

## **Consequences**

The disciplinary consequences for violations of this policy should take into consideration the frequency of incidents, the developmental age of the student involved, and the severity of the conduct and must be consistent with the Code of Student Conduct. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy.

A student who is convicted under G.S. 14-458.2 of cyberbullying a school employee will be transferred to another school. If there is no other appropriate school within the school system, the student will be transferred to a different class or assigned to a teacher who was not involved as a victim of the cyberbullying. The superintendent may modify the required transfer of an individual student on a case-by-case basis and shall provide a written statement of this modification in the student's record.

## **DISRUPTION OF SCHOOL (Policy 6.11.1 Rule 1)**

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

- intentional verbal or physical acts which result or have the potential to result in blocking access to school functions or facilities or preventing the convening or continuation of school-related functions;
- appearance or clothing which (1) violates a reasonable dress code adopted and publicized by the school, or (2) is substantially disruptive, or (3) is provocative or obscene; or (4) endangers the health or safety of the student or others;
- possessing or distributing literature or illustrations which significantly disrupts the educational process or which is obscene or unlawful;
- failing to observe established safety rules, standards and regulations, including on buses and in the hallways; and
- interfering with the operation of school buses, including delaying the bus schedule, getting off at an unauthorized stop, and willfully trespassing upon a school bus.
- though school personnel generally do not monitor student's internet activity conducted on non-school system computers during non-school hours, when a student's online behavior has a direct and immediate effect on school safety or maintaining order and discipline in the schools, the student may be subject to discipline in accordance with this policy.
- oversized shirts are prohibited due to the potential for concealment of disruptive/violent items/weapons;

## **DAMAGE OR DESTRUCTION OF SCHOOL PROPERTY (Policy 6.11.1 Rule 2)**

A student shall not intentionally cause or attempt to cause substantial damage, as determined by appropriate school officials, to valuable property, or steal or attempt to steal valuable public property either on the school grounds or during a school activity, function, or event off school grounds. Repeated damage or theft involving public property of small value also shall be a basis for long-term suspension or expulsion from school.



### **DAMAGE OR DESTRUCTION OF PRIVATE PROPERTY (Policy 6.11.1 Rule 3)**

A student shall not intentionally cause or attempt to cause substantial damage, as determined by appropriate school officials, to valuable property or steal or attempt to steal valuable private property either on the school grounds or during a school activity, function, or event off school grounds. Repeated damage or theft involving private property of small value also shall be a basis for long-term suspension or expulsion from school.

### **ASSAULTS, THREATS, AND HARASSMENT (Policy 6.11.1 Rule 4)**

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

Prohibited behavior includes:

- assaulting, physically injuring, attempting to injure or intentionally behaving in such a way as could reasonably cause injury to any other person. Assault includes engaging in a fight. Neither self-defense nor action undertaken on the reasonable belief that it was necessary to protect some other person is to be considered an intentional act under this rule. A student who is attacked may use reasonable force in self-defense, but only to the extent necessary to free oneself from the attack and notify proper school authorities.
- directing toward any other person any language that threatens force, violence or disruption, or any sign or act that constitutes a threat of force, violence or disruption.

A student who is long-term suspended or reassigned to alternative education services as a result of assaulting or injuring a teacher shall not return to that teacher's classroom without the teacher's consent.

### **WEAPONS, BOMB THREATS, TERRORIST THREATS, AND CLEAR THREATS TO SAFETY (Policy 6.11.1 Rule 5)**

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

#### **Prohibited Weapons and Weapon-Like Items**

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

- loaded and unloaded firearms, including guns, pistols and rifles;
- destructive devices as described in subsection of the policy, including explosives, such as dynamite cartridges, bombs, grenades and mines;
- nuclear, biological, or chemical weapons of mass destruction as defined in G.S. 14-288.21(c);
- knives, including pocket knives, bowie knives, switchblades, dirks and daggers;
- slingshots and slung shots;
- leaded canes;
- blackjacks;
- metal knuckles;
- BB guns;
- air rifles and air pistols;
- stun guns and other electric shock weapons, such as tasers;
- icepicks;
- razors and razor blades (except those designed and used solely for personal shaving);
- fireworks;
- gun powder; ammunition, or bullets;
- any sharp pointed or edged instruments except unaltered nail files and clips and tools used solely for preparation of food, instruction and maintenance; and
- mace, pepper spray, and other personal defense sprays (*The mere possession of a personal defense spray is not a violation of this policy unless (1) the device is used for a purpose other than self-defense, as defined under state law or (2) the principal or designee determines that the student intended to use it to harm, threaten harm, or create a disturbance.*)

Examples of other objects that may be considered weapons are box cutters and other types of utility blades and blowguns and starter pistols. No student may knowingly or willfully cause, encourage or aid another student to possess, handle or use any of the weapons or weapon-like items listed above. A student who finds a weapon or weapon-like item, who witnesses another

student or other person with such an item, or who becomes aware that another student or other person intends to possess, handle or use such an item, must notify a teacher or the principal immediately.

Effective with the 2019-2020 school year, middle and high school students may also utilize the SSARS tip line for reporting risks to the school population. Principals will contact the School Resource Officer immediately upon the discovery of any of the weapons or weapon like items listed above for legal investigation and the consideration of criminal charges. Principals will request that criminal charges be levied for students who knowingly and willingly bring any of the weapons or weapon like items listed above to school. The final decision to bring criminal charges is the responsibility of the investigating officer and/or District Attorney's Office. Suspensions for any such violation will be issued in accordance with N.C.G.S. §115C-390.1- 390.11 and School Board Policy. Parents who are suspected of or are known to be in violation of law by allowing illegal access to firearms or weapons by their children will be reported to law enforcement by the school principal. Students who bring to school any weapons or weapon like items listed above or who have been directly affected by the incident will be referred to counseling by the principal. The principal will maintain a record of the time and date of the referral. This section does not apply to board-approved and -authorized activities for which the board has adopted appropriate safeguards to protect student safety.

### **Bomb Threats**

Students are prohibited from making a bomb threat, regardless of whether the student intends to or has the means to carry out the threat; perpetrating a bomb hoax against school property by making a report, knowing or have reason to know the report is false, that a bomb or other device designed to cause damage or destruction by explosion, blasting, or burning is located on school system property or at a school system event; perpetrating a bomb hoax by concealing, placing, or displaying any device on school property or at a school system event, so as to cause any person reasonably to believe the same to be a bomb or similar device intended to cause injury to persons or property; and knowingly or willfully causing, encouraging, or aiding another student to make a bomb threat or perpetrate a bomb hoax. Any student who becomes aware that another student or other person intends to use a bomb, make a bomb threat or perpetrate a bomb hoax must notify a teacher or the principal immediately.

### **Terrorist Threats**

Students are prohibited from making a terrorist threat or perpetrating a terrorist hoax by threatening to commit an act of mass violence on school property or at a school system event, regardless of whether the student intends to or has the means to carry out the threat; making a report, knowing or having reason to know the report is false, that an act of mass violence is going to occur on school property or at a school system event; making a report, knowing or having reason to know the report is false, that a device, substance, or material designed to cause harmful or life-threatening injury to another person is located on school system property or at a school system event; or concealing, placing, disseminating, or displaying on school system property or at a school system event any device, substance, or material, so as to cause a reasonable person to believe the same to be a weapon of mass destruction or to be intended to cause harmful or life- threatening injury to another person.

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

### **Clear Threats to Student and Employee Safety**

Students are prohibited from engaging in behavior that constitutes a clear threat to the safety of other students or employees. Behavior constituting a clear threat to the safety of others includes, but is not limited to:

- theft or attempted theft by a student from another person by using or threatening to use a weapon;
- the intentional and malicious burning of any structure or personal property, including any vehicle;
- an attack or threatened attack by a student against another person wherein the student uses a weapon or displays a weapon in a manner found threatening to that person;
- an attack by a student on any employee, adult volunteer or other student that does not result in serious injury but that is intended to cause or reasonably could cause serious injury;
- an attack by a student on another person whereby the victim suffers obvious severe or aggravated bodily injury, such as broken bones, loss of teeth, possible internal injuries, laceration requiring stitches, loss of consciousness, or significant bruising or pain; or whereby the victim requires hospitalization or treatment in a hospital emergency room as a result of the attack;

- any intentional, highly reckless or negligent act that results in the death of another person;
- confining, restraining or removing another person from one place to another, without the victim's consent or the consent of the victim's parent, for the purpose of committing a felony or for the purpose of holding the victim as a hostage, for ransom, or for use as a shield;
- the possession of a weapon on any school property, including in a vehicle, with the intent to use or transmit for another's use or possession in a reckless manner so that harm is reasonably foreseeable;
- taking or attempting to take anything of value from the care, custody or control of another person or persons, by force, threat of force, or violence, or by putting the victim in fear;
- any unauthorized and unwanted intentional touching, or attempt to touch, by one person of the sex organ of another, including the breasts of the female and the genital areas of the male and female;
- the possession, manufacture, sale or delivery, or any attempted sale or delivery, of a controlled substance in violation of Chapter 90 of the North Carolina General Statutes;
- any behavior resulting in a felony conviction on a weapons, drug, assault or other charge that implicates the safety of other persons; and
- any other behavior that demonstrates a clear threat to the safety of others in the school environment.

### Consequences

As required by law, a student who brings or possesses a firearm or destructive device on school property or at a school-sponsored event must be suspended for 365 days, unless the superintendent modifies, in writing, the required 365-day suspension for an individual student on a case-by-case basis. The superintendent shall not impose a 365-day suspension if the superintendent determines that the student (1) took or received the firearm or destructive device from another person at school or found the firearm or destructive device at school, (2) delivered or reported the firearm or destructive device as soon as practicable to law enforcement or school personnel and (3) had no intent to use the firearm or destructive device in a harmful or threatening way. For the purpose of this subsection, a firearm is (1) a weapon, including a starter gun that will, is designed to or may readily be converted to expel a projectile by the action of an explosive, (2) the frame or receiver of any such weapon or (3) any firearm muffler or firearm silencer. A firearm does not include an inoperable antique firearm, a BB gun, a stun gun, an air rifle or an air pistol. For the purposes of this subsection, a destructive device is an explosive, incendiary or poison gas (1) bomb, (2) grenade, (3) rocket having a propellant charge of more than four ounces, (4) missile having an explosive or incendiary charge of more than one-quarter ounce, (5) mine or (6) similar device.

A student may not be suspended for 365 days for a weapons violation except in accordance with this subsection.

This policy applies:

- On school grounds at any time, or
- Off the grounds at a school activity, function, or event, including buses.

### **NARCOTICS, ALCOHOLIC BEVERAGES, STIMULANT DRUGS AND OTHER PROHIBITED SUBSTANCES (Policy 6.11.1 Rule 6)**

A student shall not possess, sell, use, transmit, conspire to transmit or distribute, or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, prescription medication, synthetic stimulants, such as MDPV and mephedrone (e.g. "bath salts") and synthetic cannabinoids (e.g. "Spice", "K2), "counterfeit drugs" (substances claimed to be a prohibited substance) alcoholic beverage, malt beverage, inhalant or intoxicant of any kind, any chemicals, substances or products procured or used with the intention of bringing about a state of exhilaration or euphoria or of otherwise altering the student's mood or behavior or any controlled substance as defined in Chapter 90 of the General Statutes, or any substance containing cannabidiol (CBD) or tetrahydrocannabinol (THC), regardless of whether it constitutes a controlled substance under state or federal law.

Students are additionally prohibited from possessing, using, selling, delivering, distributing or manufacturing drug paraphernalia, including but not limited to rolling papers, roach clips, vaping devices, vape liquid containers, pipes, syringes, and other delivery devices for prohibited substances; Students are prohibited from possessing, using, selling, delivering, or sharing prescription or over-the-counter drugs, except in accordance with Policy 6.29.3: Administering Medicines to Students. A student who possesses or uses a prescription or over-the-counter drug in accordance with policy 6.29.3 does not violate this policy. A student is not in violation of this policy for being under the influence of a prohibited substance following its proper use as a medication lawfully prescribed for the student by a licensed health care practitioner. Students may not participate in any way in selling or delivering of drug paraphernalia or prohibited substances, regardless of whether the sale or delivery

ultimately occurs on school property. Law enforcement officials will be notified when any substance is found on or under the control of the student, and is suspected to be one that is prohibited under this policy.

- (1) Any substance that is believed to be a prohibited substance confiscated by a principal or other school officials shall be turned over to the appropriate law enforcement agency for proper identification. Principals should request a signed affidavit from the law enforcement agency attesting to the results of the test.
- (2) In no event shall a principal request or accept the return of any prohibited substance from law enforcement officials. The report of the law enforcement agency attesting to the nature of any confiscated substance shall be sufficient evidence for the purpose of due process suspension hearings.

This policy applies:

- On school grounds at any time, or
- Off the grounds at a school activity, function, or event, including buses.

### **Prescription Medication**

The use of prescription medication is to be deemed as an exception to this policy when used by the individual for whom it is prescribed, when used in the manner and amount prescribed, and when used in accordance with other school policies governing student medications. As all prescription medications must be registered and stored in a designated area, supervised by the principal, along with a required medical form, students should check with their principal prior to self-administering any prescription medications.

### **Self-Administering Over-the-Counter Medication**

High School students may possess only the recommended dosage sufficient for a single school day of over-the-counter medication, and the medication must be kept in the original product container.

### **Acute Intoxication**

Because of the potential dangers to the student as a result of acute intoxication with alcohol and other drugs, emergency personnel will be notified when students exhibit evidence of acute intoxication, incapacitation, or a drug overdose in school or at school sponsored events. Parents or legal guardians will be notified in the event of such an emergency. Following the student's return to school, immediate referral will be made to a student assistance team, and any appropriate disciplinary action will occur.

### **Reasonable Suspicion/Referral to SSMT/Smart Team**

School authorities have the right to search individuals when there is reasonable suspicion that the individual may be in possession of a "prohibited substance." When there is reasonable suspicion, the student will be referred for case management to a student assistance team.

### **Consequences for Possession, Use, Consumption or Under the Influence**

1<sup>st</sup> Offense: The student shall be suspended for five days. Parental/Guardian notification and a conference will occur.

Parents or guardians will be provided with information on substance abuse, interventions, and treatment. The student will automatically be referred to a student assistance team.

2<sup>nd</sup> Offense: The student shall be suspended for ten days. Parental and student assistance team notification will occur.

3<sup>rd</sup> Offense: The student may be subject to long-term suspension for the remainder of the academic year. The student may also be subject to and prosecuted by the juvenile and criminal laws of the state.

### **Consequences for Selling or Distributing Prohibited Substances**

A student who sells or otherwise distributes any prohibited substance shall be suspended for no less than ten (10) days.

Legal authorities shall be notified and a complaint shall be filed. If readmission is allowed, the student will be referred to a student assistance team.

### **ABUSE OR DISTRIBUTION OF OVER-THE-COUNTER MEDICATION (Policy 6.11.1 Rule 7)**

Distribution (for sale or otherwise) of over-the-counter medications (OTC), consuming an excessive quantity (more than the recommended dosage) of an over-the-counter medication and/or receiving (for money or otherwise) any over-the-counter medication from other students in any quantity is considered a violation of this policy.

Any student who violates this policy may be suspended in the Principal's discretion up to, but not to exceed, the guidelines on possession, use, consumption or under the influence as set forth in Rule 6, Narcotics, Alcoholic Beverages, and Stimulant Drugs, Including Drug Paraphernalia and Other Prohibited Substances. The reference herein to policy 6.11, Rule 6 is not intended to create a mandatory minimum out of school suspension for any student who is found to be in violation of this rule.

High School students may possess only the recommended dosage sufficient for a single school day of over-the-counter medication, and the medication must be kept in the original product container.

Elementary and Middle School students are prohibited from possessing and self-administering over-the-counter medication and may be suspended pursuant to this policy for any violation. Elementary and Middle School students who need to take over-the-counter medication during school hours must comply with the requirements of policy 6.29, Administering Medicines to Students.

#### **REPEATED SCHOOL VIOLATIONS (Policy 6.11.1 Rule 8)**

A student shall not repeatedly fail to comply with directions of teachers, student teachers, substitute teachers, teacher aides, principals, or other authorized school personnel during any period of time when he is properly under the authority of school personnel.

#### **STUDENT TOBACCO USE (Policy 6.11.1 Rule 9)**

Students shall not use, possess, sell, distribute or deliver any type of tobacco products in any school building, on any school campus or on any other school property owned or operated by the school board, including school vehicles. This includes other educational activities, school sponsored events, field trips, and athletic functions while participating in an activity or being under the direct supervision of a school staff member. For the purposes of this policy, the term "tobacco product" means any product that contains or that is made or derived from tobacco and is intended for human consumption, including but not limited to cigarettes, cigars, cigarillos, pipes, bidis, hookahs, smokeless or spit tobacco, snuff, electronic cigarettes, electronic cigars, electronic cigarillos, electronic pipes. The use, possession, distribution and/or delivery of vaping devices, vaping products and vaping paraphernalia shall be governed pursuant to 6.11 Rule 14: Vaping Devices and Vaping Paraphernalia Prohibited.

#### **Consequences**

- 1<sup>st</sup> Offense: One day assignment to In-School Suspension, completion of district approved education program, and parent contact
- 2<sup>nd</sup> Offense: One day assignment to Out-of-School Suspension and referral to a student assistance team
- 3<sup>rd</sup> Offense: Two days assignment to Out-of-School Suspension and development of interventions by a student assistance team
- 4<sup>th</sup> Offense: Five days assignment to Out-of-School Suspension
- 5<sup>th</sup> Offense: Principal or designee may recommend Long Term Out-of-School Suspension.

All offenses require that students forfeit all tobacco products as defined by this policy in their possession. A student shall not use or possess matches or lighters while on school premises, while under the direct supervision of school personnel on or off school grounds, on field trips, or while on school buses of any kind. Students who violate this provision will be subject to school-imposed penalties at the discretion of the principal.

#### **VAPING DEVICES AND VAPING PARAPHERNALIA (Policy 6.11.1 Rule 14)**

The use of vaping devices, vaping products and vaping paraphernalia in school by students connotes school approval, if not sponsorship of such habits. The use of vaping devices, vaping products and vaping paraphernalia at an early age is a definite health hazard and often a social liability. The Davidson County School System has a legal and moral obligation to our students to develop policies that protect the health and future of our students. Additionally, in recent years there has been a significant and marked increase in the number of incidents involving student use of vaping devices, vaping products, e-cigarettes, Juuls and other similar type vaping paraphernalia within and without the school system. In particular, there has been a significant increase in the use of such devices to inhale, ingest or otherwise introduce a substance of unknown or undeterminable ingredients or chemical compound for the purpose and intention of bringing about a state of exhilaration or euphoria or otherwise altering the student's mood or behavior, often times resulting in an unattended or an adverse medical reaction, some of which have been and can be life-threatening. These devices are often illegal for students to possess and/or use, are significantly harmful to their health and well-being and a distraction to the learning environment.

In the event the use, possession, distribution, delivery of a vaping device or vaping paraphernalia is in connection with a prohibited substance as described or otherwise contained in 6.11 Rule 6: Narcotics, Alcoholic Beverages and Stimulant Drugs (including Drug Paraphernalia) and other Prohibited Substances, said Rule 6 and its stated consequences shall apply. In the event the use, possession, distribution, delivery of a vaping device or vaping paraphernalia is in connection with a prohibited substance as described or otherwise contained in 6.11 Rule 9: Tobacco Products-Students, said Rule 9 and its stated consequences shall apply.

In order to assist students in understanding the dangers and seriousness of these devices that may contain a substance of unknown or undeterminable ingredients or chemical compound not otherwise described or contemplated by 6.11 Rule 6 and/or 6.11 Rule 9, or contained no substance at all, the consequences for vaping devices and related paraphernalia are as follows:

**Consequences for Possession/Use:**

- 1st Offense: student will receive five days of out of school suspension.
- 2nd Offense: student will receive ten days of out of school suspension.
- 3rd Offense: student will receive a minimum of ten days with the possibility of a recommendation for long-term suspension.

**Consequences for Distribution/Delivery:**

- 1st Offense: student will receive a minimum of ten days out of school suspension.
- 2nd Offense: the principal shall recommend a long-term suspension.

Additionally, any student found to be in violation of this policy shall be referred to a Student Assistance Team. All offenses contemplated or otherwise covered by this policy shall require that the student forfeit all vaping devices and related vaping paraphernalia as defined by this policy in their possession. The principal, or designee, shall either deliver said vaping devices and/or vaping paraphernalia to the appropriate law enforcement agency or shall destroy said vaping devices and/or vaping paraphernalia at their sole discretion. This policy shall apply on school grounds at any and all times and/or off school grounds at any activity, function, or event, including buses.

**INTEGRITY AND CIVILITY (Policy 6.11.1 Rule 10)**

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

- cheating, including the actual giving or receiving of any unauthorized assistance or the actual giving or receiving of an unfair advantage on any form of academic work;
- plagiarizing, including copying the language, structure, idea, and/or thought of another person or of a work produced by artificial intelligence and representing it as one's own original work;
- violating copyright laws, including the unauthorized reproduction, duplication and/or use of printed or electronic work, computer software, or other copyrighted material;
- cursing or using vulgar, abusive or demeaning language toward another person;
- playing abusive or dangerous tricks or otherwise subjecting a student or an employee to personal indignity;
- engaging in behavior which is immoral, indecent, lewd, disreputable or of an overly sexual nature, whether on or off school property, including, but not limited to sending, sharing, viewing, or possessing pictures, text messages, emails, or other material of a sexual nature in electronic or any other form on a computer, cell phone, or other electronic device;
- students are strictly prohibited from engaging in sexting. Sexting shall be defined as the sending, taking, disseminating, transferring, sharing, or receiving of obscene, pornographic, lewd, indecent, or otherwise sexually explicit messages, photographs or images on or by electronic devices;
- students shall not make or publish false statements on the internet, by Fax, or by any other means of communication that defame the character or reputation of a school employee or student. While students have a constitutional right to criticize school personnel or students, that right does not include making false statements accusing school personnel or students of engaging in criminal or immoral acts that are intended to injure, harass and/or harm an individual;
- students shall not use profanity, obscenity, fighting or abusive words, or otherwise engage in speech that disrupts (written, symbolic or verbal) and/or materially and substantially disrupts the classroom or other school activities.

Nothing herein is intended to limit a student's right to express his or her thoughts and opinions at reasonable times and places, consistent with the protections of the First Amendment. In general, schools may place restrictions on a student's right to free speech when the speech is obscene, abusive, promoting illegal drug use, or is reasonably expected to cause a substantial disruption to the school day.

## **SUSPENSION FROM ATHLETIC AND EXTRACURRICULAR ACTIVITIES (Policy 6.11.1 Rule 11)**

### **Criminal Activity**

Participation in athletics and extra-curricular activities is a privilege, not a right. Students who participate in athletics and extra-curricular activities choose to do so, and as a result, those students are expected to make many proper choices as they represent themselves, their families, their school, and their community at all times, not just on the field of competition. A student's eligibility to participate in athletics and extra-curricular activities is dependent upon compliance with all applicable Board policies, rules and regulations. This policy shall apply to both and on and off campus behavior.

### **A. Felonies**

Therefore, notwithstanding any other Board of Education Policy, any student who (1) is convicted of a crime classified as a felony under North Carolina or federal law; or (2) is adjudicated delinquent ("convicted" in juvenile court) for an offense that would be a felony if committed by an adult; is not eligible to participate on a school athletic team from the date of conviction or adjudication of delinquency through the end of the student's high school career. In a similar manner, a middle school student will be declared ineligible for athletic participation through the end of his/her middle school career and will be subject to review by the principal for reinstatement of eligibility for such activities upon entering high school. Upon being charged with a crime classified as a felony under North Carolina or federal law or alleged to be delinquent for an offense that would be a felony if committed by an adult, said student athlete shall immediately be ineligible to participate on a school athletic team pending the outcome of said charge/allegation of delinquency. In the event the criminal charges or allegation of delinquency are completely dismissed without leave of court, or the student is found not guilty, said student athlete shall be reinstated immediately.

Any student convicted of a felony or adjudicated delinquent as set forth above shall be ineligible to participate in any current or other extracurricular school activity from the date of conviction or adjudication of delinquency through the end of the student's high school career. In a similar manner, a middle school student will be declared ineligible for extra-curricular participation through the end of his/her middle school career and will be subject to review by the principal for reinstatement of eligibility for such activities upon entering high school. Upon being charged with a crime classified as a felony under North Carolina or federal law or alleged to be delinquent for an offense that would be a felony if committed by an adult, said student shall immediately be ineligible to participate in extracurricular activities pending the outcome of said charge/allegation of delinquency. If a student is charged with a felony but is convicted of, pleads guilty or no contest to a misdemeanor, the student will be ineligible to participate on a school athletic team or extra-curricular club or activity as set forth below in Section B, to include any period of time the student was deemed ineligible pending the outcome of the matter.

### **B. Misdemeanors**

Therefore, notwithstanding any other Board of Education Policy, any student who is charged with a crime classified as a misdemeanor under North Carolina or federal law or alleged to be delinquent for an offense that would be a misdemeanor if committed by an adult, shall immediately be ineligible to participate on a school athletic team/extra-curricular activity as set forth below:

Class 3 Misdemeanor	15 days of participation
Class 2 Misdemeanor	30 days of participation
Class 1 Misdemeanor	45 days of participation
Class A1 Misdemeanor	60 days of participation

In the event the criminal charges or allegation of delinquency are completely dismissed without leave of court, or the student is found not guilty, said student shall be fully reinstated to athletic and/or extra-curricular activities immediately.

In the event a student is charged with multiple offenses on the same day or as a result of the same event, said student will receive a period of suspension based on the highest level of criminal charge for which the student is charged. (Example: if a student is charged with a Class 3 misdemeanor and Class 1 misdemeanor, the days of suspension shall be 45 days of participation.)

Any subsequent criminal charges filed against the student will result in additional days of suspension consistent with this policy, in addition to any days of suspension previously imposed. (Example: if a student is charged with a Class 1 misdemeanor and receives 45 days of participation suspension and the student is subsequently charged with a Class 3 misdemeanor for an unrelated incident, said student will receive an additional 15 days of participation suspension.) All days of suspension shall be served consecutively as opposed to concurrently.

### **C. Miscellaneous Provisions**

“Alleged to be delinquent” as used in this policy shall mean the approval of filing of a juvenile petition by a juvenile court counselor alleging delinquency under the North Carolina Juvenile Code.

A violation of this rule that also constitutes a violation of Davidson County Board of Education Policy 6.11, Standards of Expected Student Behavior Rule 6: Narcotics, Alcoholic Beverages and Stimulant Drugs (Including Drug Paraphernalia) and Other Prohibited Substances shall be governed and administered in accordance with Rule 6.

“Days of participation” are defined as days on which the athletic team/squad or other such extra-curricular activity is actually conducted, including practices and games that may occur on the weekends. If a scheduled activity is canceled for reasons such as inclement weather, said day shall not count towards the days of suspension. Additionally, off or out of season skill development, workouts, camps etc. shall not count towards the days of disqualification, even though said student shall be prohibited from participating in said activities while under a period of disqualification.

At the time of the offense, if the student is not currently participating in an athletic or extra-curricular activity program subject to this policy, the disqualification will begin on the start date for the next athletic or extra-curricular activity season with which the recognized student is affiliated. A student cannot attempt to evade the intent of this rule by joining a new athletic program or extra-curricular activity specifically to allow their disqualification days to run their course. Any determination that a student is attempting to evade the intent of this rule shall be made by the principal, athletic director, or faculty supervisor. If the student has not completed his or her disqualification period at the end of the season or school year, the remaining days will be completed at the beginning of the next affiliated athletic or extra-curricular activity season.

Any student whose athletic eligibility is suspended for more than 30 days of participation pursuant to this policy may request a review of that decision by the Athletic Review Committee as set forth in Board Policy, 6.18. The request for review must be in writing and must be submitted to the principal within three (3) school days of when the student/parent received notification of the disqualification. Failure to request a review within three (3) school days shall waive the opportunity for a review of the disqualification.

A student's request for review or appeal of a student's disqualification or suspension from extra-curricular activities shall be governed according to the rules, policies, and/or bylaws associated with that particular extra-curricular activity or organization.

The initial determination that conduct in violation of this rule has occurred is to be made collectively by the athletic coach, faculty supervisor of the extra-curricular activity, and principal of the student's school. Additionally, said offense that may otherwise result in a disqualification as set forth in this policy must have occurred within 365 days of being brought to the attention of the athletic coach, faculty supervisor of the extra-curricular activity or the principal.

This policy shall not prohibit or otherwise preclude individual schools, athletic departments, or coaches or faculty supervisors of extra-curricular activities from developing their own similar type rules and guidelines concerning eligibility for participation, continued participation, including discipline or disqualification from participation. These standards of expected behavior and consequences shall be in writing and provided to all students prior to the beginning of the athletic season or extra-curricular activity.

Transferring from one Davidson County school to another does not relieve the student from the consequences for a violation of this Rule. Should a student choose to transfer outside of the Davidson County Schools, the designated school administrator or the school athletic director will contact the new school to inform them of the violation and the resulting penalty. The Davidson County Schools may also honor the activity consequences from other private or public school systems.



This policy shall apply year-round, 365 days a year, including but not limited to between semesters and during the summer break in the school calendar.

### **GANG-RELATED ACTIVITY (Policy 6.11.1 Rule 12)**

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

- wearing, possessing, using, distributing, displaying or selling any clothing, jewelry, emblems, badges, symbols, signs or other items with the intent to convey membership or affiliation in a gang;
- communicating either verbally or non-verbally (gestures, handshakes, slogans, drawings, etc.) with the intent to convey membership or affiliation in a gang;
- tagging, or otherwise defacing school or personal property with symbols or slogans intended to convey membership or affiliation in a gang (see Rule 13, Theft, Trespass and Damage to Property);
- requiring payment of protection, insurance or otherwise intimidating or threatening any person related to gang activity (see policy Rule 4, Assaults, Threats and Harassment);
- inciting others to intimidate or to act with physical violence upon any other person related to gang activity;
- soliciting others for gang membership; and
- committing any other illegal act or other violation of school system policies in connection with gang-related activity.

### **Consequences**

Before being punished for a violation of subsection A.1 or A.2, above, a student shall receive an individualized warning as to what item or conduct is in violation of this policy and shall be permitted to immediately change or remove any prohibited items. A student may be punished only if he or she previously received notice that the specific item or conduct is prohibited. Disciplinary consequences for violations of subsections A.1, A.2 and A.6, above, shall be consistent with 6.11.1, Rules of Conduct and Consequences of Actions. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of these subsections.

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

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

### **THEFT, TRESPASS, AND DAMAGE TO PROPERTY (Policy 6.11.1 Rule 13)**

The board will not tolerate theft, trespass or damage to property by any student. Any student engaging in such behavior will be removed from the classroom or school environment for as long as is necessary to provide a safe and orderly environment for learning.

Students are prohibited from:

- stealing or attempting to steal school or private property and/or from knowingly being in possession of stolen property.
- damaging or attempting to damage school or private property.
- trespassing on school property. A student will be considered a trespasser and may be criminally prosecuted in any of the following circumstances
  - the student is on the campus of a school to which he or she is not assigned during the school day without the knowledge and consent of the officials of that school;
  - the student is loitering at any school after the close of the school day without any specific need or supervision; or

- o the student has been suspended from school but is on the property of any school during the suspension period without the express permission of the principal.

### **Consequences**

The disciplinary consequences for violations of this policy shall be consistent with 6.11.1, Rules of Conduct and Consequences of Actions. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy.

### **WIRELESS COMMUNICATION DEVICES** (*Includes cellular devices*) **(Policy 6.46)**

Students may possess these devices on school premises but must have them turned off and out of sight during the academic day unless otherwise directed by school personnel. Administrators and school personnel may allow students to use devices for instructional purposes during the academic day. Alternatively, administrators and school personnel may ban the use of devices during the academic day or during individual class times or activities. Students may only use devices during the academic day with the direct permission of administration or school personnel. At the beginning of the school year, the administration will clearly communicate expectations regarding possession or use of devices in common areas, and teachers will clearly communicate expectations to students regarding use of devices in their classroom. Additionally, the following information must be communicated and enforced:

- If a student elects to use his/her personal device, the Davidson County Schools network cannot be accessed and the student must use the personal phone data plan for access to the internet. Neither the individual school nor the Davidson County Board of Education shall be responsible for any data charges, costs or expenses associated with such use.
- If the student's personal device has a "Hot Spot" capability, this function cannot be turned on or used while on Davidson County School property.
- If social media is used as an instructional tool, staff members must use a professional account, not a personal account, to communicate with students.
- If a student is found to be using a device during the academic day in a location or at a time that has not been approved by administration or by a staff member, the following consequences will apply:
  - 1<sup>st</sup> offense: The device is confiscated and returned at the end of the school day to the student.
  - 2<sup>nd</sup> offense: The device is confiscated and returned directly to the parent.
  - 3<sup>rd</sup> offense: The device is confiscated and returned at the end of seven (7) days to the parent.
  - 4<sup>th</sup> offense and thereafter: The student is suspended for a day and the device is confiscated for another week.

Aggravating factors may subject a student to more stringent disciplinary consequences, up to and including expulsion.

Examples of such factors include, but are not limited to using wireless communication devices:

- to reproduce images of tests, to access unauthorized school information, or assist students in any aspect of their instructional program in a manner that violates any school board policy, administrative regulation, or school rule; and
- to take, send, share, view or possess illicit photographs, text messages, emails or other material of a sexual nature.

Students are personally and solely responsible for the security of their cell phone and wireless communication devices. The school system is not responsible for the theft, loss, or damage of a cell phone or any other wireless communication device.

### **STUDENT DRESS AND APPEARANCE (Policy 6.37)**

The following attire is considered **inappropriate** for secondary students:

- Clothing or attachments that are disruptive to the teaching learning process or are revealing, indecent, vulgar or obscene.
- Clothing which promotes alcoholic beverages, tobacco, or the use of controlled substances by words or symbols, or is of a disruptive nature.
- Hats, sweatbands, bandannas, or sunglasses inside school buildings.
- Shorts, skirts, and dresses shorter than mid-thigh.
- Shirts and blouses that do not cover the waist, midriff or go past the waistline.
- Clothing that contains profanity, nudity, depicts violence or is sexual in nature by words or symbols.
- Clothing that is sheer or mesh. Undergarments that are visible.
- Pants worn in such a manner that underwear is exposed to view or which are generally revealing in nature.
- Footwear that may present a hazard to health and safety.
- Oversized shirts are prohibited due to the potential for concealment of disruptive/violent items/weapons.
- Pants are to be worn at appropriate height (waist) without allowing them to sag.

- Pajamas, hoods, and blankets

The principal or the principal's designee shall handle student violations of this policy. Before being disciplined, a student who is not in compliance with this policy will be given a reasonable period of time to adjust so that the student will be in compliance.

### Consequences

- 1<sup>st</sup> offense: warning and a parent contact
- 2<sup>nd</sup> offense: may result in a short-term suspension from the school for up to ten (10) days
- 3<sup>rd</sup> or subsequent offense: may result in long-term suspension

*As dress should not be a factor in providing an optimal instructional program, schools may elect to enact additional restrictions as deemed appropriate by the principal.*

### EXPECTATIONS FOR USE OF SCHOOL TECHNOLOGICAL RESOURCES (Policy 7.6)

General student and employee behavior standards, including those prescribed in applicable board policies, the Code of Student Conduct, and other regulations and school rules, apply to use of school technological resources, including access to the Internet. In addition, anyone who uses school system computers or electronic devices, accesses the school's electronic storage or network, or connects to the Internet using school system-provided access must comply with the additional rules for responsible use listed in Section B, below. These rules are intended to clarify expectations for conduct but should not be construed as all-inclusive.

All students must be trained about appropriate online behavior as provided in policy 7.6, Acceptable Computer Use and Internet Safety.

Failure to adhere to the requirements of this policy will result in disciplinary action, including revocation of user privileges. Willful misuse may result in criminal prosecution under applicable state and federal law, disciplinary action for students, and/or adverse personnel action for employees.

1. School system technological resources are provided for school-related purposes only. Acceptable uses of such technological resources are limited to responsible, efficient, and legal activities that support learning and teaching. Use of school system technological resources for commercial gain or profit is prohibited. Student personal use of school system technological resources for amusement or entertainment is also prohibited unless approved for special situations by the teacher or school administrator. Because some incidental and occasional personal use by employees is inevitable, the board permits infrequent and brief personal use by employees so long as it occurs on personal time, does not interfere with school system business and is not otherwise prohibited by board policy or procedure.
2. Unless authorized by law to do so, users may not make copies of software purchased by the school system. Under no circumstance may software be purchased by the school system be copied for personal use.
3. Users must comply with all applicable laws, board policies, administrative regulations, and school standards and rules including those relating to copyrights and trademarks, confidential information, and public records. Plagiarism of Internet resources will be treated in the same manner as any other incident of plagiarism, as stated in the Student Code of Conduct.
4. Users must follow any software, application, or subscription services terms and conditions of use.
5. No user of technological resources, including a person sending or receiving electronic communications, may engage in creating, intentionally viewing, accessing, downloading, storing, printing, or transmitting images, graphics (including still or moving pictures), sound files, text files, documents, messages, or other material that is obscene, defamatory, profane, pornographic, harassing, abusive, or considered to be harmful to minors.
6. Users must not circumvent firewalls. The use of anonymous proxies to circumvent content filtering is prohibited.
7. Users may not install or use any Internet-based file sharing program designed to facilitate sharing of copyrighted material.
8. Users of technological resources may not send electronic communications fraudulently (i.e., by misrepresenting the identity of the sender).
9. Users must respect the privacy of others.
  - a. Students must not reveal any personally identifying, private, or confidential information about themselves or fellow students when using e-mail, chat rooms, blogs, or other forms of electronic communication. Such information includes, for example, a person's home address or telephone number, credit or checking account

information, or social security number. For further information regarding what constitutes personal identifying information, see policy 6.14.1, Confidentiality of Personal Identifying Information.

- b. School employees must not disclose on school system websites or web pages or elsewhere on the Internet any personally identifiable, private, or confidential information concerning students (including names, addresses, or pictures) without the written permission of a parent or guardian or an eligible student, except as otherwise permitted by the Family Educational Rights and Privacy Act (FERPA) or policy 6.14, Student Records.
  - c. Users may not forward or post personal communications without the author's prior consent. Students may not use school system technological resources to capture audio, video, or still pictures of other students and/or employees in which such individuals can be personally identified, nor share such media in any way, without consent of the students and/or employees and the principal or designee. An exception will be made for settings where students and staff cannot be identified beyond the context of a sports performance or other public event or when otherwise approved by the principal.
10. Users may not intentionally or negligently damage computers, computer systems, electronic devices, software, computer networks, or data of any user connected to school system technological resources. Users may not knowingly or negligently transmit computer viruses or self-replicating messages or deliberately try to degrade or disrupt system performance, including by streaming audio and video for non-instructional purposes. Users may not disable antivirus programs installed on school system-owned or issued devices.
  11. Users may not create or introduce games, network communications programs, or any foreign program or software onto any school system computer, electronic device, or network without the express permission of the technology director or designee.
  12. Users are prohibited from engaging in unauthorized or unlawful activities, such as "hacking" or using the computer network to gain or attempt to gain unauthorized or unlawful access to other computers, computer systems, or accounts.
  13. Users are prohibited from using another individual's ID or password for any technological resource or account without permission from the individual. Sharing of an individual's ID or password is strongly discouraged. If an ID or password must be shared for a unique classroom situation, students must have permission from the teacher or other school official.
  14. Users may not read, alter, change, block, execute, or delete files or communications belonging to another user without the owner's express prior permission.
  15. Employees shall not use passwords or user IDs for any data system (e.g., the state student information and instructional improvement system applications, time-keeping software, etc.) for an unauthorized or improper purpose.
  16. If a user identifies or encounters an instance of unauthorized access or another security concern, he or she must immediately notify a teacher, school system administrator, or the technology director or designee. Users must not share the problem with other users. Any user identified as a security risk will be denied access.
  17. It is the user's responsibility to back up data and other important files.
  18. Employees shall make reasonable efforts to supervise students' use of the internet during instructional time.
  19. Views may be expressed on the Internet or other technological resources as representing the view of the school system or part of the school system only with prior approval by the superintendent or designee.
  20. Users who are issued school system-owned-and-maintained devices for home use (such as laptops, Chromebooks, etc.) must adhere to any other reasonable rules or guidelines issued by the superintendent or technology director for the use of such devices.

### **Restricted Material on The Internet**

The Internet and electronic communications offer fluid environments in which students may access or be exposed to materials and information from diverse and rapidly changing sources, including some that may be harmful to students. The board recognizes that it is impossible to predict with certainty what information on the Internet students may access or obtain. Nevertheless, school system personnel shall take reasonable precautions to prevent students from accessing material and information that is obscene, pornographic, or otherwise harmful to minors, including violence, nudity, or graphic language that does not serve a legitimate pedagogical purpose. The superintendent shall ensure that technology protection measures are used as provided in policy 7.6, Acceptable Computer Use and Internet Safety, and are disabled or minimized only when permitted by law and board policy. The board is not responsible for the content accessed by using a cellular network to connect a personal device to the Internet.

### **Privacy**

Students, employees, visitors, and other users have no expectation of privacy in anything they create, store, send, delete,

receive, or display when using the school system's network, devices, Internet access, email system, or other technological resources owned or issued by the school system, whether the resources are used at school or elsewhere, and even if the use is for personal purposes. Users should not assume that files or communications created, transmitted, or displayed using school system technological resources or stored on servers, the storage mediums of individual devices, or on school managed cloud services will be private. Under certain circumstances, school officials may be required to disclose such electronic information to law enforcement or third parties, for example, as a response to a document production request in a lawsuit against the board, in response to a public records request, or as evidence of illegal activity in a criminal investigation.

The school system may, without notice, (1) monitor, track, and/or log network access, communications, and use; (2) monitor and allocate file server space; and (3) access, review, copy, store, delete, or disclose the content of all user files, regardless of all medium, the content of electronic mailboxes issued by the school system, and system outputs, such as printouts, at any time for any lawful purpose. Such purposes may include, but are not limited to, maintaining system integrity, security, or functionality, ensuring compliance with board policy and applicable laws and regulations, protecting the school system from liability, and complying with public records requests. School system personnel shall monitor online activities of individuals who access the Internet via a school-owned device. By using the school system's network, Internet access, electronic devices, email system, devices, or other technological resources, individuals consent to have that use monitored by authorized school system personnel as described in this policy.

### **Use of Personal Technology on School System Property**

Users may not use private WiFi hotspots or other personal technology on campus to access the Internet outside the school system's wireless network. Each principal may establish rules for his or her school site as to whether and how other personal technology devices (including, but not limited to smart phones, tablets, laptops, etc.) may be used on campus. Students' devices are governed also by policy 6.46, Use of Wireless Communication Devices. Use of personal technology devices is also subject to any rules established by the superintendent under a bring your own device plan authorized by Section C of policy 7.6.1, Technology in the Educational Program, and for employees, policy 4.11.13, Use of Personal Technology to Conduct School Business. The school system assumes no responsibility for personal technology devices brought to school.

### **Personal Websites**

The superintendent may use any means available to request the removal of personal websites that substantially disrupt the school environment or that utilize the school system or individual school names, logos, or trademarks without permission.

1. Students-Though school personnel generally do not monitor students' Internet activity conducted on non-school system devices during non-school hours, when the student's online behavior has a direct and immediate effect on school safety or maintaining order and discipline in the schools, the student may be disciplined in accordance with board policy to the extent consistent with law.
2. Employees-Employees' personal websites are subject to policy 4.28, Section 1, Employee Use of Social Media. Employees may not use their personal websites to communicate with students, as prohibited by policy 4.28 and policy 4.11.3, Staff-Student Relations.
3. Volunteers-Volunteers are to maintain appropriate relationships with students at all times. Volunteers are encouraged to block students from viewing personal information on volunteer personal websites or online networking profiles in order to prevent the possibility that students could view materials that are not age-appropriate. An individual volunteer's relationship with the school system may be terminated if the volunteer engages in inappropriate online interaction with students.

### **Use Agreements**

All students, parents, and employees will be informed annually of the information in this policy. Prior to using school system technological resources, students and employees must agree to comply with the requirements of this policy and consent to the school system's use of monitoring systems to monitor and detect inappropriate use of technological resources. In addition, the student's parent must consent to the student accessing the Internet and to the school system monitoring the student's Internet activity and electronic mailbox issued by the school system.

### **PROCEDURES TO BE FOLLOWED FOR SUSPENSIONS AND EXPULSIONS OF STUDENTS (Policy 6.11.2)**

North Carolina General Statutes gives the principal of a school the authority to grade and classify students and to exercise discipline over the students. In exercising the authority concerning suspensions granted by this statute, the principal shall follow the procedures hereinafter set forth in order to ensure that any student who is to be suspended is afforded due process of law.

Notwithstanding the provisions of this section, the policies and procedures for the discipline of students with disabilities shall be consistent with federal laws and regulations. Pursuant to North Carolina General Statute 115C-390.11, the board of education may expel a student from school who is at least 14 years old and whose behavior indicates that the student's continued presence in school constitutes a clear threat to the safety of other students or employees.

### **Pre-Suspension Rights of the Student**

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

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

### **Student Rights during the Suspension**

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

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

### **Notice to Parent or Guardian**

When imposing a short-term suspension, the principal or designee shall provide the student's parent or guardian with notice that includes the reason for the suspension and a description of the student conduct upon which the suspension is based. The principal or designee must give this notice by the end of the workday during which the suspension is imposed when reasonably possible, but in no event more than two days after the suspension is imposed. If English is the second language of the parent, the notice must be provided in English and in the parent's primary language, when the appropriate foreign language resources are readily available. Both versions must be in plain language and easily understandable.

The initial notice may be by telephone, but it must be followed by timely written notice. The written notice must include all of the information listed above and may be sent by fax, e-mail or any other method reasonably designed to give actual notice. School officials also shall maintain a copy of the written notice in the student's educational record.

Multiple short-term suspensions for a student with disabilities will be addressed in accordance with the Policies Governing Services for Children with Disabilities and other applicable state and federal law.

### **STUDENT SEARCHES (Policy 6.12.1)**

School administrators have the authority to conduct reasonable searches and seize students' unauthorized materials for the purpose of maintaining a safe, orderly environment and for upholding standards of conduct established by the board or school. This policy applies to searches conducted on school grounds, in school facilities, or at school-sponsored events.

#### **Searches Based on Individualized Reasonable Suspicion**

A student or the student's possessions may be searched when a school official has reasonable suspicion that the search will turn up evidence that the student has violated or is violating a law, school board policy, or a school rule. This reasonable suspicion must be based upon specific and articulable facts, which have been acquired through reliable and/or corroborated information from employees, students, law enforcement officers, or other credible sources, or upon visual or other evidence (e.g. the smell of alcohol or marijuana, an alert from a metal detector or drug dog) viewed in light of the totality of the circumstances and the school official's professional judgment. A search of a student is permissible in scope when measures

adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

Reasonable suspicion is not required if a student freely, voluntarily, and knowingly consents and agrees to the search of his or her person or personal effects. A student's failure to permit reasonable searches and seizures as provided by this policy will be considered a violation of the expected standard of behavior and appropriate consequences may be imposed.

In accordance with the standards described above, the board authorizes the following types of searches based on reasonable suspicion:

1. Searches of Personal Effects-School officials may search a student's desk, locker, and/or personal effects, including but not limited to purses, book bags, and outer clothing. Policy 6.46, Use of Wireless Communication Devices, addresses the circumstances under which searches of student cell phones and other electronic devices may be conducted.
2. Searches of Motor Vehicles-School officials may search the interior of a student's motor vehicle.
3. "Pat-down" Searches-A school official may conduct a frisk or "pat-down" search of a student's person. The search must be conducted in private by a school official of the same gender with an adult witness present.
4. More Intrusive Personal Searches-More intrusive personal searches are discouraged and are to be used only in very limited circumstances. A personal search is more intrusive when it extends beyond a student's personal effects and outer clothing and potentially exposes intimate body parts and/or undergarments. Such intrusive personal searches will be permissible only if:  
(1) the school official has reasonable suspicion that a search of a particular student will yield dangerous contraband (e.g., drugs or weapons); and (2) the school official has reasonable suspicion that the student has hidden the contraband in his or her undergarments. This search must be conducted in private by a school official of the same gender, with an adult witness of the same gender present, and only with the prior approval of the superintendent or designee, unless the health or safety of students will be endangered by the delay that might be caused by following these procedures. Body cavity searches and searches that require a student to completely disrobe are strictly prohibited.
5. Metal Detector Searches-Except as provided in policy, a metal detector may be used to search a student's person and/or personal effects. The search must be conducted by a school official and will be done in private, when feasible.

### **Suspicionless General Searches**

In an effort to maintain a safe, drug-free, and weapon-free learning environment, school officials may conduct certain types of general, suspicionless searches in the schools. All general searches must be conducted in a minimally-intrusive, nondiscriminatory manner (e.g., all students in randomly selected classrooms, every third individual entering a school-sponsored extracurricular activity) and may not be used to single out a particular individual or category of individuals. The searches must be conducted in accordance with standardized procedures established by the superintendent or designee. Absent exigent circumstances (e.g., a report of a weapon on campus), prior to conducting general searches, school administrators must: (1) demonstrate to the superintendent or designee the need for general searches based upon a pattern or expectation of violence, drug activity, or disruption; and (2) provide written notice to students and parents of the school policy and/or procedures governing general searches, but not of specific times when or places where searches will be conducted. When conducted in accordance with the standards described above and any corresponding procedures, the board authorizes the following types of general, suspicionless searches.

- Searches of Desks and Lockers-School officials may conduct routine searches of student desks and lockers. Student desks and lockers are school property and remain at all times under the control of the school. However, students are expected to assume full responsibility for the security of their desks and lockers. Student desks and lockers may not be used to store illegal, unauthorized, or contraband materials. A student's personal effects found within a desk or locker, such as a backpack, gym bag, or purse, may be searched only in accordance with the guidelines for individualized searches of personal effects described in Section A, above.
- Point-of-Entry Metal Detector Searches-Due to the increasing problem of weapons in schools, school officials may use metal detectors to conduct general point-of-entry searches of students and other persons for weapons.
- Use of Trained Dogs-With the prior approval of the superintendent, and in conjunction with local law enforcement, school officials may use trained dogs (canines) to locate illegal materials. All dogs must be accompanied by a certified and authorized trainer who is responsible for the dog's actions and who is able to verify the dog's reliability and accuracy in sniffing out illegal material. Trained dogs may sniff lockers, desks, book bags, motor vehicles, and other

inanimate objects. Dogs may not be used to sniff students or other persons under any circumstances. No students should be present during a dog search. Before a search occurs in a classroom, students will first be moved to a location outside the classroom.

### **Seized Items**

Any illegal contraband seized by school officials must be promptly turned over to the proper law enforcement authorities.

### **Failure to Cooperate**

A student's failure to cooperate with a reasonable search or seizure as provided in this policy will be considered a violation of the expected standard of behavior, and will subject the student to appropriate consequences. Any person who is not a student who refuses to permit a general metal detector search of his or her person and/or belongings at the point-of-entry to a school-sponsored activity may be denied entry to the activity.

## **NOTIFICATIONS**

More information about each of the following notifications can be found on the Davidson County Schools website under [School Board Policy](#).

### **ANTI-DISCRIMINATION POLICIES (1.7/4.19/6.33) & EQUAL EDUCATION OPPORTUNITY (Policy 6.39.4)**

Davidson County Schools prohibits discrimination on the basis of race, sex, color, national origin, religion, disability or age (40 or over), and will provide equal access to the Boy Scouts and other designated youth groups as required by law. Davidson County Schools will not tolerate any form of unlawful discrimination or harassment in any of its educational activities or programs. Every student should be given an equal opportunity for a sound basic education.

Students, visitors, and other non-employee individuals who believe that they may have been discriminated against or harassed should report such conduct as soon as possible through the process provided in Section B of policy 6.33.

Title IX coordinator: Assistant Superintendent of Human Resources

Section 504 Coordinator: Coordinator for Student Services

ADA coordinator: Assistant Superintendent of Curriculum

Davidson County Schools ~ P.O. Box 2057, Lexington, NC 27293 ~ (336) 249-8182

### **ASBESTOS MANAGEMENT PLAN**

This notice is to inform you, as required by the Federal Asbestos Hazard Emergency Response Act (AHERA), that the documentation for the Davidson County Schools (DCS) Asbestos Management Plan, the semiannual surveillance inspections and the three-year re-inspections are available for your review. These documents are on file at each school and with the Operations Department. If you have any questions, please contact the Executive Director of Operations (336) 249-8182.

### **HOMELESS STUDENTS (Policy 6.1.2)**

School social workers are a primary resource for assisting families with services. For information about the educational rights for homeless students, please consult Policy 6.1.2 and/or contact the Coordinator of Student Services (336) 249-8182.

### **PEST MANAGEMENT (Policy 3.7.4)**

Davidson County Schools has adopted Integrated Pest Management (IPM), a holistic, preventive approach to managing pests that minimizes pesticide use in our schools and on school grounds. Our school system may find it necessary to use pesticides to control pests at your school or other school system sites. North Carolina state law gives you the right to be notified 72 hours in advance of pesticide applications. In order to do so you must complete a request form. The form can be obtained from your school or it can be found on the Davidson County Schools webpage:

- >Departments
- >Operations
- >Pest Management Information
- >Request for Notification

### **STUDENT RECORDS (Policy 6.14)**

The Family Educational Rights and Privacy Act (FERPA) is a Federal law that protects the privacy of students' education records. FERPA gives parents/guardians the right to refuse release of directory information by filing a note of "Don't Release" in the school's office at the beginning of the school year. Parents/guardians (or eligible students) have the right to inspect their child(ren)'s records. These rights transfer to the student when the student becomes 18 years of age. Parents/eligible students have the right to request a correction to records. If the parents/eligible students do not feel the school's response is adequate, a formal hearing may be requested. A rebuttal



statement by the parents/eligible student(s) may be placed within the record. FERPA protects the release of directory information except in the following circumstances:

- School officials with legitimate educational interest
- Other schools to which a student is transferring
- Specified officials for audit or evaluation
- Appropriate parties offering financial aid to a student
- Approved agencies conducting research in DCS
- Accrediting organizations
- Judicial order or subpoena compliance
- Health, safety, court and law enforcement officials

#### **STUDENT SURVEYS (Policy 6.14.2)**

Various federal and state programs (School Improvement, Safe Schools, etc.) require schools to conduct surveys of students and parents. The Protection of Pupil Rights Amendment (PPRA) affords parents of elementary and secondary students certain rights regarding the conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. More information can be found in Policy 6.14.2 Surveys of Students.

#### **STUDENT WELLNESS (Policy 7.11)**

Davidson County Schools has adopted a policy to encourage students to be healthy and active, including compliance with the State Board of Education's Healthy Active Children. More information about the content and implementation of the policy can be found on the district website or by contacting the lead wellness official (336) 249-8182.