

# Cape Fear Center for Inquiry Policy and Procedure Manual

## Series 400      Students

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## 405 Student Attendance

### General Requirements

The foundation of our school is experience driven, inquiry learning that primarily happen at school or on school field trips. Students must be present to be full members of the learning community. We expect parents to support the mission and vision of our school by limiting their child's absences to the greatest extent possible. There is no substitute for the uninterrupted personal contact between teachers and students in the classroom environment where learning experiences are carefully planned and taught by teachers.

The primary responsibility for school attendance rests with students and parents. CFCI has the responsibility for properly recording absenteeism and tardiness, notifying parents when needed, and discouraging excessive absences in accordance with state law. G.S. 115C-307 (f)

### Lawful, Excused Absences

Pursuant to state law G.S. 115C-378 and the rules and regulations of the N. C. Department of Public Instruction, School Attendance and Student Accounting Manual, the following shall constitute a lawful excused absence, provided satisfactory evidence is given to the appropriate school official:

1. **Illness or injury:** An illness or injury which prevents the child from being physically able to attend school.
2. **Quarantine:** When isolation of the child is ordered by the local health officers or the State Board of Health.
3. **Death in the immediate family of the child:** Defined to include, but not necessarily limited to, grandparents, parents, brothers, and sisters.
4. **Medical or dental appointments:** When approved by the appropriate school official in advance, except in the cases of an emergency.
5. **Court or administrative proceedings:** Attendance at the proceedings of a court or an administrative tribunal if the child is party to the action or under subpoena as a witness.
6. **Religious observances:** When the tenets of a religion to which a child or his parents adhere require or suggest the observance of a religious event unless the religious observance or the cumulative effect of the religious observance is of such duration as to interfere with the education of the child.
7. **Immediate demands of the farm or home:** When it is demonstrated that the needs of the farm or home require the presence of the child to perform work and when it is demonstrated that assistance to meet this need is not otherwise available and cannot be secured.

8. **Educational opportunity:** When the absence clearly is to take advantage of a valid education opportunity, such as travel. Approval for such an absence must be granted five days prior to the absence by the Director and the teacher. An inquiry project related to the educational opportunity may be required.

## Unexcused Absences

Absences for reasons other than those listed above may be deemed unexcused.

The Director and his/her staff shall take appropriate action to prevent excessive absences and/or provide counseling for students with a history of excessive absences. Parents must be notified of their child's excessive absences, and the teacher and/or counselor shall then work with the student and his family to analyze the causes and to determine the steps to eliminate the problem.

An email to [office@cfc.net](mailto:office@cfc.net) or written note excusing the absence must be provided within 48 hours of the student's return to school. **Please make sure that emails and notes are directed to Pam O'Dell in the front office.** Failure to do so will result in the absence being recorded as unexcused.

## Rule of Procedure in Law Enforcement

G.S. 115C-378 provides that "every parent, guardian, or other person in the state having charge or control of a child **between the ages of 7 and 16 years** shall cause such child to attend school continually for a period equal to the time which the public school to which the child is assigned shall be in session."

The law also purports that students under the age of seven **who are already enrolled in public school** must abide by the compulsory attendance law unless the parent withdraws the student from school.

Teachers may consider student's number of absences in the computation of the student's grades as attendance in school most often has a direct correlation with academic and social performance

The school will notify parents of excessive absences under the following conditions:

1. After the **third** unexcused absence,
  - a. The Director or his designee shall notify the parent/guardian by email or phone within a 24-hour period.
2. After the **sixth** unexcused absence, the Director shall notify, by mail and may also email, the parent/guardian of the student's excessive number of unexcused absences from school that she/he may be in violation of the Compulsory Attendance Law and may be prosecuted if the absences cannot be justified under the established attendance policies of CFCI. The Director will request that the parent and student attend a meeting with the CFCI Attendance Council. The CFCI Attendance Council shall be comprised of a faculty school board member, the student's teacher,

the school counselor, the Director, and other members at the discretion of the Council.

The Council will outline the consequences of continued attendance violations, answer the families' questions and provide any additional pertinent or requested information. The student, parents and Council will enter into an attendance contract which includes an individualized case plan. The CFCI guidance counselor will touch base with the family weekly to monitor the student's progress, remove barriers from achieving the attendance goals and to update the contract as needed. The Council has the authority to change Unexcused Absences to Excused Absences upon presentation of appropriate documentation.

a. Notification of the parent shall be mailed and shall state that the parent of any student between the ages of 7 and 16 years of age may be prosecuted under the General Compulsory Attendance Law if these absences cannot be justified under established policies (see G.S. 115C-378).

b. A copy of the notice will be directed to the counselor and classroom teachers who will work with the student and family to remedy the problem (see G.S. 115C- 378). If warranted, the counselor or Director may take legal action.

**\*\*Please keep in mind that at anytime the Director, school counselor, teachers, or parents can request that the Attendance Council meet again to review the plan put in place after the 6<sup>th</sup> absence. The goal of that plan is to address and resolve attendance issues, however, if the plan needs to be revised, the Council can choose to do so at any time. The school counselors and teachers will be in frequent contact with the families after this meeting.**

3. After **10** accumulated unexcused absences in a school year, the director or the director's designee shall review any report or investigation prepared under G.S. 115C- 381 and shall confer with the student and the student's parent, guardian, or custodian, if possible, to determine whether the parent, guardian, or custodian has received notification pursuant to this section and made a good faith effort to comply with the law. If the director or the director's designee determines that the parent, guardian, or custodian has not made a good faith effort to comply with the law, the director shall notify the district attorney and the director of social services of the county where the child resides. If the director or the director's designee determines that the parent, guardian, or custodian has made a good faith effort to comply with the law, the director may file a complaint with the juvenile court counselor pursuant to Chapter 7B of the

General Statutes that the child is habitually absent from school without a valid excuse. Upon receiving notification by the principal or the principal's designee, the director of social services shall determine whether to undertake an investigation under G.S. 7B-302.

## **EXCESSIVE ABSENCES:**

The Attendance Council will reconvene when a student reaches 20 total absences (excused or unexcused). Because school attendance most often directly correlates with successful academic and social performance, the possibility of student retention will be discussed at this meeting. The Council will review all documentation provided by parents and look at communication with the guidance counselor and teachers concerning the plan put forth after the sixth absence if applicable. A recommendation will be made concerning possible retention of the student by the Attendance council.

## **Tardy Policy**

Because CFCI is a school of choice and does not provide transportation, parents have made the personal commitment to bring their children to school on time. The responsibility of arriving to school on time rests solely with the parent/guardian. At CFCI, we believe that building a strong community in the classroom enhances learning and teaches children to care about others and the world around them. This belief is a cornerstone of our school's philosophy. Because one of the primary ways we build community is through morning meetings, we expect all children to arrive at school on time every day. Students are tardy if they are not in their classrooms by 8:15 a.m. If a child arrives at school after 8:15 a.m., a parent must come into the building to sign him/her in at the front office. **Oversleeping, car trouble, and traffic delays are not considered excused tardies. THE ONLY EXCUSED TARDY IS A SITUATION WHERE THE STUDENT HAD A DOCTOR OR DENTAL APPOINTMENT IN THE MORNING.**

## **Excessive Tardy Procedure**

After the **fifth** unexcused tardy, the school counselor shall email or call the parent/guardian to develop resources to help the student arrive on time to school.

After the **tenth** unexcused tardy the Director shall notify the family that they are not complying with the mission and vision of CFCI. A meeting with the Director and/or school counselor will be requested.

After the **fifteenth** unexcused tardy the Director shall notify the parent/guardian of the date and time that the Attendance Council will meet and decide a course of action..

## **Early Check Outs**

Just as absent or tardy students cannot fully participate in all learning opportunities, students who are checked out early miss valuable classroom time. Parents should consult the school calendar and make doctor's and other appointments after school or on teacher workdays when possible.

### **Students checked out for the day before 11:30am are absent for the day.**

When a student is being checked out, the parent must sign the child out in the front office. The school will not honor requests that the child wait in the front office at a specific time or meet their parent in the parking lot. Students will not be released to siblings less than 18 years of age. Parents should allow time for following the procedure above.

## **Student Release**

Each student must have on file of a list of people to whom they may be released from school. Though it may cause an occasional inconvenience, this policy is essential for each child's safety. If students are to ride with someone not on his or her list of people to whom they may be released, a signed note or email **MUST** be sent by a parent giving permission. Students will not be allowed to use the telephone to arrange transportation during the school day.

Approved July 21, 2015

## 407 Remote Learning Protocol

In the event that circumstances beyond the school's control force the closure of the school during regular student attendance (ex. Severe weather, widespread illness, etc.), the school will be able to implement a remote learning plan in order to support student learning. While there is no substitute for uninterrupted personal contact between teachers and students in the classroom, scheduled student attendance is not always possible.

In an effort to provide additional flexibility for school staff and community members when making up instructional time for teachers and students due to unforeseen circumstances, school staff may create a specific plan to use in order to increase instructional time without causing unnecessary strain on community resources.

A remote learning protocol will include the following components:

- Specific date(s) to count towards instructional time to take place after regular classes have resumed
- Teacher assigned work for each student to complete during the remote learning date/time
- Not to be used until students have missed two regularly scheduled attendance days
- Work should equate to a minimum of 300 instructional minutes for each date identified

It will be the responsibility of the Director to determine when a remote learning protocol day would be appropriate and inform the appropriate stakeholders.

Adopted 7-18-2019

## 410 Social Curriculum and Behavioral Expectations

Treating others with respect and being responsible for one's own actions are the goals of the social curriculum at CFCL. We want our students to learn how to interact in a supportive, cooperative learning environment. Through the social curriculum, students internalize rules and procedures and develop self-control and self-confidence. Students are taught and encouraged to learn the principles of cooperation, honesty, responsibility, and compassion.

Each class begins the day with Morning Meeting, during which students build the class community through establishing expectations, participating in team-building activities and learning about the above-mentioned values.

Students create rules and procedures with teacher guidance to help our classrooms function safely and productively. We teach them the skills they will need in order to function as caring, self-responsible citizens by discussing, modeling and practicing appropriate ways to interact. However, we understand students sometimes test behavioral boundaries. The step by step procedure that follows is the structure that teachers may follow. However, specific circumstances, needs of the student, repetition of situations or other issues might necessitate deviation from the process.

### Proactive strategies

Proactive strategies are designed to allow students to develop self-control and community within the classroom. All teachers use them on a daily basis.

***Circle of Power and Respect.*** Circle of Power and Respect (CPR) is a daily opportunity for students to meet with their homeroom groups to develop community. It is based on democratic, group-centered principles and provides students a safe space where they can build trust and relationships. CPR may include a greeting, an opportunity for sharing, a game or activity, and news. Students sit in a circle and all members of the group are expected to participate appropriately.

***Hopes and Dreams and the Social Contract.*** Each student is invited to create hopes and dreams for his/her school year. These goals are used to create a social contract within the community. Students are asked to consider what expectations they should have of themselves and others in order to achieve their goals. The social contract is posted in each classroom. These expectations take the place of a traditional rule system where the teacher hands out expectations at the beginning of the year. Because students take part in creating the contract, they have a stake in its success. These expectations form the basis of all other expectations and procedures in the classroom throughout the year.

Other proactive strategies include modeling, procedures, using proactive teacher language, and continuing the sense of community throughout the day.

### Reactive Strategies

At times, each of us will make mistakes and/or break the social contract. These events are dealt with on a case-by-case basis. However, students who do not follow the social contract or take advantage of opportunities to gain self-control may face discipline procedures in accordance with

the CFCI discipline policy. Serious behavior issues, such as hitting or sexual harassment, will be dealt with using CFCI school policy.

**Loss of privilege.** Students who misuse materials, time, or relationships may lose the privilege of having those materials, time, or relationships. For example, a student who is off-task when working with a group may need to work alone until s/he can be on task in a group.

**Take a Break.** The Take a Break (TAB) chair in each classroom is used when students have broken an element of the social contract. Students are asked to sit in the TAB chair to gain control of themselves. This is not a punishment; rather, it is a chance for the student to reflect and regroup before rejoining the group.

**Buddy Room.** At times, students may need a longer opportunity to reflect and regroup than the TAB chair allows. In this case, a student will be sent to the Buddy Room, a designated middle grades classroom. While in the Buddy Room, the student will complete a Fix-It form that allows him/her to reflect on the event leading up to the Buddy Room and how s/he will fix the problem upon returning to the class.

Each of these strategies is intended to give the student an opportunity to regain control of him/herself before the teacher steps in with additional external discipline. Students who are unable to use TAB or the Buddy Room successfully may lose these privileges for a time. Most often, students who are given the opportunity to regroup will do so. However, if students are unable to get on track after being given appropriate opportunities, they need to leave the community until the following day. The child's teacher will call the parent(s) to come pick him/her up from school. The student will remain in an appropriate, supervised location until the parent arrives. Having a child go home recognizes the important role parents have in supervising their child's behavior. If the student is sent home before 11:30 am, the consequence will be documented as a suspension from school due to the fact that they did not complete a legal day of school. If a student is sent home after 11:30 am the consequence will be recorded as a NIPP (Now In Parents' Possession.) This is not an official suspension from school, as the student will return the next morning with a clean slate.

Students who continue to have challenges may be placed on a behavior contract, may have social conferences with teachers and/or parents, or may be asked to make an Apology of Action. Parents are partners in upholding our social curriculum at CFCI. If a student is "NIPPed," and the parent is called and does not respond to the call to make arrangements for pick-up within one hour of the call, then the student may not return to school the next day and it will be recorded as a suspension.

**Revised 7-21-09**



## 415 Academic Integrity

At CFCI, the inquiry model is used so that students learn through hands-on and group activities in the context of a social curriculum described in the book, Teaching Children to Care. As part of the inquiry model, CFCI students are expected, beginning in the earliest grades, to conduct research and present their findings. While there are appropriate times for collaborative group activities, at other times the student's work is expected to be independent. In all learning activities, students are expected to demonstrate academic integrity. Academic integrity is when students make the correct decision when faced with the choice to cheat, copy, or represent others' work as their own. The purpose of this policy is to distinguish academic integrity from academic dishonesty, and to outline the consequences when expectations are not met.

Academic integrity is important because it:

- teaches students to value honesty and to trust themselves to complete the work assigned themselves;
- allows students to build skills and competencies that cannot be developed through cheating;
- leads to a sense of confidence, competence, esteem, and accomplishment;
- supports our social curriculum.

Teachers at CFCI value honesty in academic pursuits and teach skills like summarizing, paraphrasing, citing sources, and using quotations to encourage academic integrity.

Violations of the academic integrity policy include cheating, plagiarizing, copying, and otherwise attempting to pass off the work of others as your own.

Academic dishonesty includes, but is not limited to:

- looking at another student's answers or using a "cheat sheet" during a test;
- providing answers on a test or homework assignment to other students;
- allowing another person, such as a parent or tutor, to complete an assignment for a student;
- using material word for word from a website or book without using quotation marks and citing the source;
- using essays or papers for sale online;
- encouraging others to commit academic dishonesty.

Academic dishonesty will be addressed by teachers in consultation, as necessary, with the Director. Factors such as severity, frequency, age of student, and impact on course / other students will be considered. Consequences for academic dishonesty may include:

- losing all or partial credit for an assignment;
- having to redo an assignment for partial or no credit;
- loss of privileges;
- suspension.

The CFCI Board of Directors and faculty believe strongly in academic integrity and expect all students to adhere to this policy.

**Approved 6-21-2011**

## 420 Comprehensive Student Discipline Program

CFCI is committed to giving every student the opportunity to reach his or her full potential by providing a rigorous academic program, character education, and meaningful family participation. In order to fulfill this mission it is important that we provide a positive, safe, and orderly environment for our students, staff, and families. CFCI believes that a common and consistently applied discipline policy is a critical tool in building that environment. It reflects what the school believes to be reasonable expectations of conduct for all members of our student body.

The importance of a discipline policy is reinforced in North Carolina state law (G.S. 115C-288) stating, “The director or designee shall have the authority to exercise discipline over the pupils of the school under policies adopted by the local board of education in accordance with G.S. 115C-390.11 through G.S. 115C-390.12.”

The school’s discipline policy identifies those behaviors that are detrimental to our goal of a positive, safe, and orderly environment. Specifically, it identifies behaviors which interfere with the learning process or disrupts the educational environment for any student at any time. The identified consequences are designed to deter students from engaging in behavior which are counter to the school’s mission, and, in the event that violations do occur, discourages students from committing further violations.

The discipline policy contains CFCI’s Community Discipline Guide. Each violation contains comparable consequences. While these consequences reflect what School believes to be fair and reasonable for that class of violations, the school also recognizes that there are times where there are mitigating or aggravating factors which may result in a change in consequences. The School Director(s) or their designees have the authority to assign any alternate reasonable consequence based on either mitigating or aggravating factors. Finally, engaging repeatedly in behaviors may result in additional and/or more severe consequences. This is intended to reinforce the importance of learning from mistakes.

### DEFINITIONS

**365 Day Suspension** - This is out of school suspension for 365 calendar days. It is the maximum allowed by North Carolina law.

**Aggravating Factors** - Facts of a discipline incident which suggest consequences beyond what is recommended in the discipline policy. These are determined by the School Director(s) or their designees, and may include, but are not limited to, repeated violations, lying or refusing to cooperate with school officials in an investigation, severity of any injury sustained during the incident, and imminent danger to self or others.

**Exclusion** - This consequence prohibits a student from continuing to attend School, although the student may attend another school.

**Expulsion**- Is the permanent termination of the student-school relationship. This applies only to students 14 years of age or older whose continued presence constitutes a clear threat to the safety of other students or school staff. Students considered for expulsion are entitled to a hearing before the School's Board of Directors as set forth in North Carolina statutes.

**Long-Term Suspension** - This is an out of school suspension lasting greater than 10 consecutive days, but less than 365 days.

**Short-Term Suspension** – An out of school suspension lasting fewer than 10 consecutive days.

**Mitigating Factors** - Facts of a disciplinary incident which suggest consequences that are less severe than what is recommended in the Code of Conduct. These may include, but are not limited to, self-defense, provocation, student record, and other factors identified by the school director or designee or director.

**Out of School Suspension** - This consequence is the prohibition of a student from being on school campus, at school events, or participating in school functions, whether on or off campus.

### **General Information**

The information contained in this section is designed to address common questions and confusions regarding the discipline policy. Providing further clarification on these issues will help parents and students successfully navigate the requirements of the CFCI discipline policy.

The discipline policy applies to all students at any time they are present on school campus, at any school event, or during any school sponsored activity, including school events or activities that are held off campus. Additionally, it applies to students at any time or any location whose behavior interferes with the learning process, causes serious safety concerns, or disrupts the educational environment. CFCI approaches student discipline in a developmentally appropriate way, which is reflected in the Community Discipline Guide.

School Leadership will follow investigatory procedures and make a reasonable attempt to contact parents/guardians after it has been concluded that a violation has occurred. During the investigation, students will be interviewed in order to determine what may have occurred. A student will be notified of the consequence of a violation as long as notification of the student does not pose a risk to the safety and security of other individuals on campus.

If a student is suspended out of school, the student may not be present on the campus of School, at any school function, or at any school sponsored event, whether off or on campus, without the permission of school leadership.

If a student is attempting to engage another student in a fight, it is our expectation that the other student will make every reasonable attempt to walk away and notify a school employee.

Cubbies, desks, school issued technology, and other school property remain at all times the property of the school and are subject to search at the discretion of the School Director(s) or their designees.

Corporal punishment is not permitted at school, but there may be times when school employees need to use reasonable force to control behavior or to remove a person from the scene. These situations include:

- To quell a disturbance threatening injury to others.
- To obtain possession of weapons or other dangerous objects on the person or within the control of a student.
- For self-defense
- For the protection of persons or property
- To maintain order on school property, in the classroom, or at a school related activity on or off school property

### **Student Expectations**

Treating others with respect and being responsible for one's own actions are the goals of the social curriculum at CFCI. We want our students to learn how to interact in a supportive, cooperative learning environment. Through the social curriculum, Responsive Classroom, students internalize rules and procedures and develop self-control and self-confidence. Students are taught and encouraged to learn the principles of cooperation, honesty, responsibility, and compassion as part of their social-emotional learning (SEL) and growth.

The Collaborative for Academic, Social, and Emotional Learning (CASEL) are leading experts in the field of social-emotional learning and define SEL as “the process through which all young people and adults acquire and apply the knowledge, skills, and attitudes to develop healthy identities, manage emotions and achieve personal and collective goals, feel and show empathy for others, establish and maintain supportive relationships, and make responsible and caring decisions.” CFCI utilizes this framework in conjunction with the Responsive Classroom approach, as the foundation of our language and instruction when addressing student strengths and needs. Vital to creating this climate is our social/emotional curriculum delivered during Morning Meetings, Closing Circles, and throughout the school day utilizing Responsive Classroom practices and techniques. It is CFCI's intention to use positive reinforcement and to promote ethical responsibility.

CFCI is not required to engage in progressive discipline. Some offenses are so serious they warrant more severe consequences including, but not limited to, immediate suspension and/or recommendation for longer-term consequences.

This student discipline policy is not to be seen as all-inclusive. The leadership team reserves the right to amend or add to these lists as unique situations arise. The leadership further reserves the right to deviate from the stated disciplinary action(s) based on unique or aggravating factors.

### **Disciplinary Process**

Upon receiving a report of a potential occurrence of any of the violations outlined, school leadership will begin an investigation. An investigation may include interviewing witnesses, reviewing camera footage, speaking with staff members, and a search of a student, or a student's belongings. Refusal to permit the search will result in the assignment of consequences that are commensurate with the suspected violation. School leadership will speak with the student and give the student an opportunity to deny or explain the violation.

Upon completion of the investigation, school leadership will determine if the preponderance of the evidence weighs in favor of the violation occurring. This means that it is more likely than not that the student committed the violation. If that is the conclusion, the student will be notified of the consequence of the violation as long as notification of the student does not pose a risk to the safety and security of other individuals on campus. If the violation is an offense which requires a report to law enforcement, the appropriate agency will be notified.

The school leader will make a reasonable attempt to contact the student's parent or guardian by telephone to communicate the results of the investigation and the assigned consequences. The leadership shall also notify the parent or guardian in writing that the student has been suspended from school. The school leader shall provide a description of the incident or incidents that resulted in the short-term suspension. Short-term suspensions shall be handled in accordance with [§ 115C-390.6](#).

There is no appeal of an out of school suspension that is 10 days or less. If a student is determined to have committed a violation for which the possible consequence is exclusion or long-term suspension, the school leader will follow the procedures outlined in the section below.

### **Long-Term Suspension, Exclusion and Expulsion Procedures**

The Director or designee may recommend a Long-Term Suspension, and/or Exclusion, and/or participation in a Behavioral Contract.

Long-term suspension is defined as the removal of a student from the entire school setting and all school-related activities for more than ten days. Similar to a short-term suspension, the School Director(s) or their designees will provide written notification to each of the student's teachers and to the student's parents/legal guardians within two school days. If the student/family would

like to contest the long-term suspension, the student will be given the opportunity for a due process hearing prior to the 11th day of suspension.

The school will follow the requirements set forth in North Carolina's General Statutes for any such appeal and hearing. For expulsion, the School will follow the requirements set forth in North Carolina's General Statutes and any other applicable laws. All long-term suspensions shall be handled in accordance with [§ 115C-390.8](#).

### **Discipline of Students with Disabilities**

The obligation and the responsibility to attend school regularly and to comply with the school's discipline policy applies to all students. When appropriate, a director or designee may discipline a student with a disability who has not complied with the school's discipline policy. Exceptional Children's education services will be provided to a student with a disability if the student has been removed from school for more than ten school days. The school will follow all applicable state and federal laws when disciplining students with disabilities.

### **COMMUNITY DISCIPLINE GUIDE**

**Approved 4/16/2024**

## **422 Weapons, Violence and School Safety**

The Cape Fear Center of Inquiry Board of Directors believes that students and staff are entitled to learn and work in a school environment free of violence, threats and disruptive behavior. Students are expected to conduct themselves with respect for others and in accordance with Board Policies, reasonable unwritten behavior expectations, and applicable state and federal laws.

School staff are required to immediately report incidents of prohibited conduct by students to the Director or his/her designee for investigation and appropriate action.

### **Prohibited Conduct**

Students, staff and all other persons are prohibited from engaging in the following conduct in accordance with General Provisions, Section B:

1. Possession and/or use of articles commonly used or designed to inflict bodily harm and/or to threaten, intimidate, coerce or harass another person except when used in an approved instructional activity. Examples of such articles include but are not limited to firearms, BB guns, pellet guns, any other kind of gun, ammunition, explosives, cross-bows, brass knuckles, switchblades, knives, chains, clubs, Kung Fu stars and nun chucks;
2. Use of any object, although not necessarily designed to be a weapon, to inflict bodily harm and /or to threaten, intimidate, coerce or harass another person. Examples of such articles include but are not limited to bats, belts, picks, pencils, compasses, objects capable of ignition (e.g., matches, lighters), files, tools of an sort, and replicas of weapons (including toys);
3. Violent or threatening behavior including but not limiting to fighting, assault and/or battery, taking hostages, threats to commit violence against persons or property (e.g., verbal or written death threats, threats of bodily harm, bomb threats);
4. Verbal or written statements (including those made on or with the use of technological devices, (e.g., computers, text phones) which threaten, intimidate, or harass others, which tend to incite violence and/or disrupt the school program;
5. Willful and malicious damage to school or personal property;
6. Stealing or attempting to steal school or personal property;
7. Lewd, indecent or obscene acts or expressions of any kind;
8. Violations of CFCI drug/alcohol and tobacco policies;
9. Violations of state of federal laws; and
10. Any other conduct that may be harmful to persons or property.

## **Disciplinary Action**

The Director or his/her designee shall suspend and/or recommend expulsion of students who violate this policy based upon facts of each case and in accordance with applicable state and federal laws. The disciplinary action set forth below, apply to all students who are at least 13 years of age. If a student under the age of 13 commits any of the misconduct 1-10 above, the disciplinary action taken against the student, if any, is left to the discretion of the Director or his/her designee.

- A. #1 and #2 - Possession of a firearm and making of a false bomb report or bomb hoax results in Mandatory Suspension for 365 Days.
- B. #1 and #2 - Possession of any other weapon will be investigated by the Director and will result in a 5 day to 365 day suspension.
- C. #3 - Violent physical behavior of any kind will result in a 5 day to 365 day suspension depending on the severity as determined by the Director.
- D. #3, #4, #9 and #10- Violent/harmful/threatening behavior of any kind will result in a 1 day to 365 day suspension depending on the severity as determined by the Director.
- E. #5 and #6 – Consequence will be determined by the Director and based on financial seriousness of violation.
- F. #7 – Inappropriate behavior will result in a 1 to 10 day suspension as determined by the Director.
- G. #8 – please refer to the CFCI drug/alcohol and tobacco policies.
- H. #9 and #10 will be left at the discretion of the Director or his/her designee

**Approved 7-21-09**



## 424 Drug Tobacco and Alcohol Use by Students

The Board of Directors for CFCI and the CFCI Community recognizes chemical use as a major health problem for today's youth and views chemical dependency as a treatable disease.

Definition of chemical – Any substance which, when taken into the body in any form, is known to cause changes in mental, physical, or behavioral patterns. “Chemical” shall include but not be limited to prescription drugs, look-a-like drugs, drug paraphernalia, non-prescription drugs, tobacco products, alcohol, hydrocarbons, and aerosols.

Please refer to Policy #460 (Medication) in regards to students taking prescription and non-prescription drugs. **“Students are not to have in their possession any kind of medication (including over the counter medication) while on the school grounds.”**

### **Chemical Use and Abuse by Students:**

Student health problems are primarily the responsibility of the parents and guardians. However, the school and community share in that responsibility because chemical health problems often affect learning and development.

The Board of Directors views the welfare and safety of the student body to be of paramount importance. It recognizes that using punitive measures as the sole means of addressing the problem of chemical use usually masks rather than eliminates it. In so far as applicable statutes allow, all contacts with involved individuals will be treated in strictest confidence and the medical records of students involved with chemical use will be subject to the same school policies as other medical and school records. ***Students do not get a clean slate every year when it comes to the Drug, Tobacco, and Alcohol Policy. The offenses are collective throughout the student's whole time of attendance at CFCI.***

### **Prohibited Conduct**

The exchange, possession, or use of illegal drugs, alcohol, or any other illegal substance including tobacco is prohibited while participating in or attending school events held at or away from school. This prohibition applies to fake substances or facsimiles thereof.

## **Disciplinary Action Procedures**

### Type One Offense: Possession/Use

#### A. First Offense

- a. Confiscate, verify and seek medical attention as necessary.
- b. Director or his/her designee meets with student.
- c. Director or his/her designee notifies and meets with parent/guardian.
- d. Student will be dismissed from school in the supervision of parent/guardian.
- e. Disciplinary action will be 5 days out of school suspension.
- f. Notification of the police at the Director's discretion.
- g. Student meets with guidance counselor who will make referral to appropriate services as necessary.

#### B. Second Offense

- a. Confiscate, verify and seek medical attention as necessary.
- b. Director or his/her designee meets with student and notifies the parent/guardian.
- c. Director or his/her designee notifies the police.
- d. Student will be dismissed from school in the supervision of the police or parent/guardian (this decision will be made by the police).
- e. 10 day out of school suspension and the student must be assessed by a community based licensed substance abuse counselor at the expense of the parent/guardian.
- f. Student shall follow recommendation(s) of counselor.
- g. If student is not assessed within 10 school days, a meeting with the parent/guardian and student and the Director or his/her designee shall occur prior to the return to school. Note: If parents do not seek assistance for the student, DSS will be notified.
- h. If the offense is for tobacco, the student will participate in 5 smoking cessation classes at the expense of the parent/guardian and not have to be assessed by a substance abuse counselor.

#### C. Third and Subsequent Offense

- a. Confiscate, verify and seek medical attention as necessary.
- b. Director or his/her designee meets with student and notifies the parent/guardian.
- c. Director or his/her designee notifies the police.
- d. Student will be dismissed from school in the supervision of the police or parent/guardian (this decision will be made by the police).
- e. Suspended until next Board of Directors meeting where the Board of Directors will consider expulsion.

## Type Two Offense: Furnishing/Selling

### A. First Offense

- a. Confiscate substance.
- b. Director or his/her designee meets with student and notifies the parent/guardian.
- c. Director or his/her designee notifies the police.
- d. Student will be dismissed from school in the supervision of the police or parent/guardian (this decision will be made by the police).
- e. 10 day out of school suspension and the student must be assessed by a community based licensed substance abuse counselor at the expense of the parent/guardian.

### B. Second Offense

- a. Confiscate substance.
- b. Director or his/her designee meets with student and notifies the parent/guardian.
- c. Director or his/her designee notifies the police.
- d. Student will be dismissed from school in the supervision of the police or parent/guardian (this decision will be made by the police).
- e. Suspended until next Board of Directors meeting where the Board of Directors will consider expulsion.

## **Role of the School Staff**

1. Any staff member who has reasonable basis to suspect any student of possession, use or selling a prohibited substance has the responsibility to:
  - a. Take immediate action to secure the health and safety of the involved student(s);
  - b. Report the case immediately to the administration.
2. Voluntary Referral – Any staff member who is approached by a student who is seeking help shall maintain confidentiality of the student and refer her/him to the school counselor. A staff member may respond to student seeking help with a chemical issue without being compelled to use the information in a disciplinary manner.

## **426 Corporal Punishment**

The CFCI Board of Directors prohibits the use of corporal punishment in any form.

For the purpose of this policy, corporal punishment shall be defined as any kind of physical punishment inflicted upon the body of the student. Any employee shall be responsible for notifying the Director of any observed or suspected incidence of corporal punishment.

School personnel may use reasonable force to control behavior or to remove a person from the scene in those situations when necessary, such as:

1. To quell a disturbance threatening injury to others.
2. To obtain possession of weapons or other dangerous objects within the control of a student.
3. For self-defense.
4. For the protection of persons or property
5. To maintain order on school property, in the classroom, or at a school- related activity on or off school property.

LEGAL REF: NCGS 115C-390-392

Approved 7-20-2010

## **430 Exceptional Children's Program/Child Find**

As required by IDEA 2004, Cape Fear Center for Inquiry will ensure that all children with disabilities within the boundaries of the public agency, including children with disabilities who are homeless or wards of the State, and children with disabilities, regardless of the severity of their disability, and who are in need of special education and related services are identified, located, and evaluated. This will be fulfilled by the Exceptional Children's program. The Exceptional Children's Program at CFCI is served by certified Exceptional Children's staff.

The Coordinator of Student Services acts as the liaison between the Department of Public Instruction and the school to maintain compliance with all North Carolina Exceptional Children Policies and Procedures. Additional responsibilities include the supervision of all student Exceptional Children services, contract personnel, academic and behavioral support systems, maintenance of student records and files and staff development/training. Exceptional Children teachers are scheduled by the Coordinator of Student services to meet the needs of students in all grades. A collaborative team approach, involving both special education and general education teachers, is utilized to service and meet each student's individual needs. The Exceptional Children department provides a full continuum of services which are available to all identified or suspected exceptional children, with the input and support of general education classroom teachers. Information to address student progress toward mastery or non-mastery of goals, as outlined in the student's Individualized Education Plan (IEP), is provided at the same time student's general education classroom progress reports are sent.

The Exceptional Children program is driven by the students' Individual Education Plans as well as the team recommendations as to what is in the best interest for each particular child. As a school model, CFCI follows the practice of maintaining students in the least restrictive environment appropriate for each child's needs.

## 435 Student Support Information

**MULTI-TIERED SYSTEM OF SUPPORT (MTSS)** - To ensure that all students receive high quality, research-based general education core instruction and, as appropriate, strategic and/or intensive intervention and extension supports matched to student needs, the district utilizes the core principles of a Multi-Tiered Systems of Support. This process utilizes a team-based approach, using data-driven problem solving to analyze how all students are responding to instruction and maximize growth for all students by combining systematic assessment, decision-making, and a multilayered services delivery model. Under this model, students receive support through differentiation in core classroom instruction, small group instruction in class, and/or during additional intervention time. Each tier consists of an increase in support for the individual student based on data collected throughout the instructional process. The following is a basic description of methods to implement each tier.

**Core Instruction/Tier I** - All students receive core academic and behavioral instruction, differentiated to meet their basic instructional and environmental needs, presented by the classroom teacher.

**Supplemental Support/Tier II** - Data-driven academic and behavioral interventions and/or extensions are provided and documented in the general education setting along with scheduled measures of the student's response to intervention. This layer of support is in addition to continued Core/Tier I support and differentiation.

**Intensive Support/Tier III** - Additional data-driven academic and behavioral interventions and/or extensions are provided and documented in an intervention classroom. This includes continued analysis by the problem-solving team of all scientific, research-based intervention(s) and documented modifications, with a focus on progress towards established goals using scheduled measures of the student's response to the intervention(s), or discontinuation of the intervention(s) and the implementation of another scientific research-based intervention. This layer of support is in addition to continued Tier I and Tier II layers of support and differentiation.

**Parent/Guardian Involvement in the MTSS Process** The school will inform parents/guardians regarding the use of scientific, research-based interventions, including the strategies used to increase the student's rate of learning.

**Revised 5-14-2019**

## 440 Section 504 Procedures

Some students' needs are not best met through an IEP, but through the designation known as 504. Students who are identified as needing a 504 usually have health-related issues which impact their academic progress, but which do not warrant an IEP. Some examples of these health-related issues are (but are not limited to): ADHD; Diabetes, severe allergies, physical handicaps or disabilities such as CP, sickle-cell anemia, hearing or vision-impairment, asthma, and other chronic illnesses.

A teacher who has a student with one or more of the above-mentioned conditions may feel it would be advantageous for the student to utilize a 504 plan in order to receive special modifications and adaptations in the classroom or in testing situations. In these cases, the teacher should refer the student to the 504 Coordinator to set up a meeting with the parents and the student's teacher(s).

When a student qualifies as needing a 504, there are also legal obligations placed upon the school and teacher. Section 504 is a Civil Rights statute, and comes under the auspices of the Office of Civil Rights. The federal government does NOT provide additional funding to assist schools in serving students who are identified as 504.

At CFCI, a regular education teacher or the Curriculum Coordinator is appointed the 504 Coordinator. At the beginning of each school year, the 504 Coordinator, in coordination with the EC Coordinator, reviews all of the students' files that are identified as 504. This teacher then provides copies of the 504 accommodation plans to all regular education teachers designated to teach these students for the current academic year.

At the point of the annual review, the classroom teacher needs to contact the parents and set a meeting to review the modifications and adaptations which are in place for that student and to then determine if the strategies/modifications are working well or whether there should be changes made to the 504 for the following year. The 504 Coordinator is to be included in these meetings and is responsible for the maintenance of the 504 files.

Parents or teachers may also request a meeting to review/revise a 504 document more frequently than the yearly re-evaluation, but a meeting MUST be held once a year for the school to remain in compliance with the Section 504 guidelines.

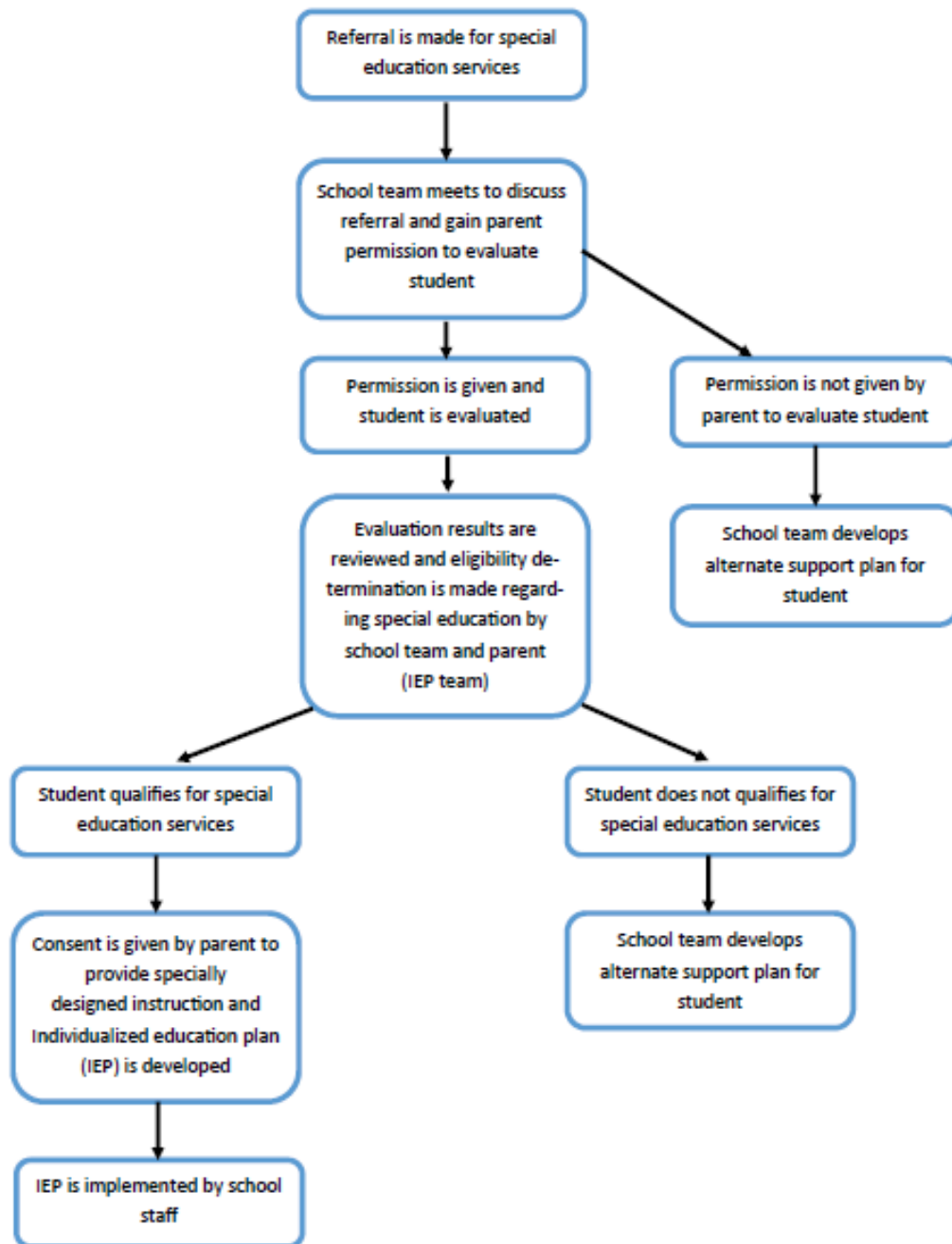
Parents or teachers may file a Section 504 grievance with the 504 Coordinator. The process is:

1. A written grievance should be submitted to the 504 coordinator within 30 days of the most recent meeting or discussion of the 504 issues in question. The written grievance should include names of student, parents, teachers, administrators and any others involved. It should include details of meetings, phone conversations, copies of emails and all other communications of the 504 issues in question. The written grievance should include the specific nature of the grievance and the desired resolution of the issues.

2. The 504 coordinator will acknowledge receipt of the grievance in writing to all named parties in the grievance. The acknowledgement will also include a plan to address the grievance.
3. The 504 coordinator will investigate the grievance in an adequate, reliable and impartial manner. If the 504 coordinator is a named party in the grievance, another administrator who is not named will handle the investigation. The investigator will provide the person filing the grievance the opportunity to present witnesses or other evidence. The investigator will interview the named parties in the grievance as deemed appropriate. The investigation will conclude within 30 days of the date the grievance was filed.
4. After careful consideration of the grievance, the investigator will make a written determination of resolution. A copy of the resolution will be provided to all parties named in the grievance as well as the director.
5. If there is any finding of discrimination by the investigator, a written plan to correct that discrimination will be a part of the resolution.
6. The investigator is responsible to ensure that there will be no harassment or retaliation of or by any parties named in the grievance.
7. All details, written documents and communications regarding the grievance are confidential and should not be discussed or shared with anyone not named in the grievance. The only exception to this is that investigator will share all materials with the director.



## 445 Referral Process for Special Education Services



## **450 Student Cumulative Folder Document List and Order Instructions**

Each student's cumulative record will consist of the following documents in the following order:

1. Copy of parental/custody agreement (if applicable)
2. Current emergency medical plan (if applicable)
3. Student progress reports (latest on top)
4. Standardized Test Record form  
(for EOG stickers-3<sup>rd</sup> through 8<sup>th</sup> grades)
5. Scholastic record (if student attended other public school)
6. Attendance records
7. Student's Permanent Health Record
8. Health Assessment/physical form
9. Immunization record-or approved letter of medical/religious exemption
10. Birth certificate
11. Copy of social security card (optional)
12. Current enrollment form

Further instructions:

Approved student applications are held in one binder for three years.

## 455 Student Records Storage and Access/FERPA

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. CFCI complies with the requirements of FERPA in its management of education records. .

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

- Parents or eligible students have the right to inspect and review the student's education records maintained by the school. Written requests to review records should be submitted to the CFCI Director or designee. Arrangements will be made for access and notification will be provided regarding the time and place where the records may be inspected. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. Schools may charge a fee for copies.
- Parents or eligible students have the right to request the amendment of records which they believe to be inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. Written requests for amendments should be submitted to the CFCI Director or designee, clearly identifying the part of the record to be amended and why it should be amended. If CFCI decides not to amend the record, the parent or eligible student then has the right to a hearing. Additional information about the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
- Generally, schools must have written permission from the parent or eligible student in order to release personally identifiable information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):
  - School officials with legitimate educational interest;
  - Other schools where the student seeks or intends to enroll;
  - Specified state or federal officials for audit or evaluation purposes;
  - Appropriate parties in connection with financial aid to a student;
  - Organizations conducting certain studies for or on behalf of the school;
  - Accrediting organizations;
  - To comply with a judicial order or lawfully issued subpoena;
  - Appropriate officials in cases of health and safety emergencies; and
  - State and local authorities, within a juvenile justice system, pursuant to specific State law.

CFCI may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, CFCI shall notify parents and eligible students when directory information may be released and provide ample notice for parents and eligible students to decline release of directory information.

Parents or eligible students also have the right to file a complaint with the United States Department of Education concerning a school's compliance with the requirements of FERPA. The name and address of the office that administers FERPA are:

Student Privacy Policy Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

At CFCI, access to student education records is limited to CFCI staff who have a legitimate reason to access the information in order to properly serve the student (e.g. the student's teacher, case manager, school counselor, school nurse, coordinator, director). All CFCI staff members are required to sign out physical copies of student education records (e.g. cumulative folders) from the designated locked storage area. Student education records must be returned to the same locked storage, accompanied by a signature verifying return of the record.

Digital copies of student education records include: photographs, video recordings, and digital files. Digital copies of student education records shall not be created or stored on personal electronic devices. Digital copies of student education records shall not be shared with any person who does not have a legitimate reason to access the student's education records.

8/17/2022

## 457      **Data Privacy Policy**

### **A. Persons Authorized to Have Access**

Cape Fear Center for Inquiry may disclose information kept in the students' cumulative record folder to the following persons:

1. School officials who have a legitimate educational interest in examining the information. The term "school official" includes any teacher, administrator, assigned student teacher, intern, teacher's aide, or other professional employee of the Cape Fear Center for Inquiry and/or members of the school board during a regular or executive session board meeting. The Director determines whether a school official is seeking the information to carry out an official duty and whether the specific information sought will help in carrying out that duty.
2. Accrediting organizations that seek the information to carry out their accrediting functions.
3. Upon approval by the Director, the student's health record may be reviewed by persons who seek information in connection with a health or safety emergency that threatens the health or safety of the student or other persons.

### **B. Directory Information**

The Cape Fear Center for Inquiry may disclose directory information if the parent or student has agreed in writing to such release.

No personally identifiable information, other than directory information, may be released from the cumulative record folder with exception of one of the following conditions:

1. When proper written consent to the release of such records has been obtained. If the student is below eighteen, one of his/her parents must consent to the release. This consent must be signed, dated and must specify the records to be disclosed, and the persons to whom the disclosure may be made. Upon request, the school shall supply a copy of the records to the parent who gave the consent. A parent may request that a copy of the records released be given to the student, even though the student is not yet eighteen.
2. To comply with a court order or lawfully issued subpoena. Upon the request of a court order or subpoena, the Director shall immediately send written notice to the student's parents or to the eligible student that a court order or subpoena has been received. Three days after sending the notice, the Director shall comply with the court order or subpoena.

3. To comply with a written request from a school official whose school a student is attending or planning to attend. Copies of a student's cumulative folder are mailed to the requesting school.

When a school official discloses information from the student's cumulative record folder, or other than directory information, to anyone other than the parents of the student, the student, or other school officials, the official shall inform the person who receives the information that it may not be transferred to any other party without the consent of the parents or the eligible student.

Approved 12-15-2009

## 460 Medication

A physician's authorization for medication is necessary if school personnel are to dispense medication at school or on field trips (including over-the-counter medication). This is applicable for short-term and long-term periods. All medication must be in an original, labeled container. This includes prescription and over-the-counter medication. All medication will be kept in a secure location. However, if the Physician's Authorization indicates that the student may possess and self-administer any medication, the student may have the medication in their possession. If this is the case, the parent must provide backup medication to the school that will be kept in a secure location (G.S. 115C 375.2) Parents may come to school to administer medication as well.

Students are not to have in their possession any kind of medication (including over-the-counter medications) while on the school grounds, unless so indicated on the Physician's Authorization.

In order to comply with G.S. 115C-375.2 Article 26A, the parent or guardian of any student who has physician's authorization to possess and self-administer medication for asthma or anaphylactic reactions shall provide to the school:

- (1) Written authorization from the student's parent or guardian for the student to possess and self-administer asthma medication.
- (2) A written statement from the student's health care practitioner verifying that the student has asthma or an allergy that could result in an anaphylactic reaction, or both, and that the health care practitioner prescribed 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.
- (3) A written statement from the student's health care practitioner who prescribed the asthma medication that the student understands, has been instructed in self-administration of the asthma medication, and has demonstrated the skill level necessary to use the asthma medication and any device that is necessary to administer the asthma medication.
- (4) A written treatment plan and written emergency protocol formulated by the health care practitioner who prescribed the medicine for managing the student's asthma or anaphylaxis episodes and for medication use by the student.
- (5) A statement provided by the school and signed by the student's parent or guardian acknowledging that the school administrative unit and its employees and agents are not liable for an injury arising from a student's possession and self-administration of asthma medication.

Other requirements necessary to comply with State and federal laws.

- (a) The student must demonstrate to the Director, or the Director's designee, the skill level necessary to use the asthma medication and any device that is necessary to administer the medication.
- (b) The student's parent or guardian shall provide to the school backup asthma medication that will be kept at the student's school in a location to which the student has immediate access in the event of an asthma or anaphylaxis emergency.
- (c) Information provided to the school by the student's parent or guardian shall be kept on file at the student's school in a location easily accessible in the event of an asthma or anaphylaxis emergency.
- (d) If a student uses asthma medication prescribed for the student in a manner other than prescribed, a school may impose on the student disciplinary action according to the school's disciplinary policy. A school may not impose disciplinary action that limits or restricts the student's immediate access to the asthma medication.
- (e) The requirement that permission granted for a student to possess and self-administer Asthma medication shall be effective only for the same school and for the school year and must be renewed annually.
- (f) No local board of education, nor its members, employees, designees, agents, or volunteers, shall be liable in civil damages to any party for any act authorized by this subsection, or for any omission relating to that act, unless that act or omission amounts to gross negligence, wanton conduct, or intentional wrongdoing.

CFCI will have procedures in place to ensure compliance with G.S. 115C 375.2A, School Supply of Epinephrine Auto-injectors.

Revised 10-20-2014



## **465 Soliciting and Advertising**

No person, agent, representative, or salesman shall solicit or attempt to sell or explain any article of property or proposition to any teacher or student of Cape Fear Center for Inquiry on the school grounds or during the school day without having first secured the written permission and consent of the Director or his/her designee. No advertising, announcement or e-mails, that does not concern educational matters or things of general community interest, shall be read to the students of the schools, or distributed in the school rooms or on the school premises.

**Approved 7-21-09**

## **467 Distribution Of Non-School Material To Students**

Students and the educational program must be the focus of schools. It is, therefore, the policy of Cape Fear Center for Inquiry to create a non-public forum for distributing materials from outside organizations to be taken home by students. Staff shall be required to distribute only four types of materials to students to be taken home.

1. Materials from the Cape Fear Center for Inquiry.
2. Materials from agencies/departments with the towns, county, state or federal government and the state university system.
3. Materials from CFCI's Partnership.
4. Nonprofit organizations providing programs for youth that are primarily designed to promote fitness, cultural arts or academics consistent with the N. C. Standard Course of Study. Materials that primarily promote fund-raising activities by these nonprofit groups will not be approved.

Materials distributed through students shall contain no commercial advertising unless sponsored by groups indentified in numbers 1 – 4 above. No other organizations may require school staff to distribute materials to be taken home by students. The distribution of non-school materials should not interfere with instructional time. The Director or the Director's designee shall approve materials from all other school-related groups, as well as agencies, government branches and nonprofit organizations before distribution.

Staff members may share information with individual students to inform them about community resources to supplement the education provided by the school. Other than as authorized above, no materials shall be distributed or made available to students on CFCI grounds or using any mode of communication operated by the CFCI , except materials as may be allowed under Policy 467 Distribution of Materials By Students. This Policy shall not be construed as creating a limited public forum or a public forum. Any person or organization may appeal a decision of the director to disallow or restrict distribution of materials. The appeal must be in writing to the Director. The Director or his/her designee shall render a written decision within seven (7) business days of receiving the written appeal. If the person or organization is not satisfied with the written decision of the Director or designee, the person or organization may appeal in writing to the Executive Committee be place on the next School Board Meeting's agenda.

Upon receipt of a timely written appeal to the Board, the Board shall convene a hearing as soon as reasonably practical but not later than the next date on which the Board has a regular monthly meeting which is at least ten (10) days after the Board's receipt of the written appeal. The Board may determine, in its sole discretion, the procedures for the hearing subject to the following guidelines. The Board may decide to receive only written documentation and statements or it may allow live testimony of witnesses. The Board may or may not allow the appealing party and the Director or designee to be present and make verbal statements at the hearing. If the Board allows live testimony, it shall allow the appealing party to be present during the hearing and to be represented by counsel at the appealing party's expense. The appealing party has the right to submit documentation and statements to support its appeal. The appealing party has the burden of proof. The Board shall issue a written decision within three (3) business days of hearing the appeal.

**Approved 7-21-09**

## **468 Distribution Of Materials By Students**

Students have a right, under the Constitution of the United States, to express their thoughts and opinions at reasonable times and places. However, certain kinds of speech, whether spoken, written or symbolic, may be prohibited or regulated at school. It is the policy of Cape Fear Center for Inquiry that students be allowed to distribute written materials at school or at sponsored events with the Director's or his/her designee's permission except as prohibited or regulated in this policy.

1. Students may not distribute any materials that are illegal, obscene, profane, lewd, vulgar, indecent, libelous, or likely to incite violence or serious disruptions of the learning environment.
2. Students may not distribute commercial advertisements or solicitations from non-school sponsored groups.
3. Students may not distribute any materials during instructional time or in a manner that interferes with instructional time or causes a disruption of the learning environment.
4. Students may not request or receive assistance from teachers or other school personnel in distributing materials pursuant to this policy.
5. Students may not be used as conduits by parents or others to distribute materials.

Students will be considered conduits for the distribution of materials when the primary motivation for the distribution rests with someone other than the student.

**Approved 7-21-09**