

Type of Contract:

WAKE COUNTY PUBLIC SCHOOL SYSTEM
Contract Routing Form 1950

Memorandum of Agreement

Fiscal Year (FY): 2021-2022

Person to Call for Pick up: Jackie Rogers Phone: 919-553-7743

Name of Contract: SRO Memorandum of Understanding (MOU)

If Change Order - (Amount +/-): \$0 Total Contract Amount: \$0

Board Action: (Required at \$100,000) Yes No Board Meeting Date: 6-15-2021

Budget Code: N/A

Items of Special Note: Pre-route. School Resource Officer Memorandum of Understanding (MOU) - No funds encumbered.

To be completed by the School or Department required for all contracts \$2,500 and up
INITIAL/DATE THIS FORM AFTER YOU HAVE REVIEWED AND APPROVED THE ATTACHED CONTRACT:

	Initial	Date
Fiscal Administrator (\$2,500 and up and all MOAs)	<u>TP</u> <small>DS</small>	<u>6/8/2021</u>
Administrator (\$2,500 - \$9,999 and All MOAs)	<u>RS</u> <small>DS</small>	<u>6/8/2021</u>
Assistant Superintendent or Area Superintendent (\$10,000 - \$99,999 and all MOAs)	_____ <small>DS</small>	_____
Superintendent/Chief Officer (\$100,000+ and All MOAs)	<u>LS</u> <small>DS</small>	<u>6/8/2021</u>

To be completed by the Administrative Services required for all contracts \$2,500 and up

	Initial	Date
Risk Management (Insurance Review)	<u>gcb</u> <small>DS</small>	<u>6/9/2021</u>
Finance Officer	<u>MBW</u> <small>DS</small>	<u>6/9/2021</u>
Chief Business Officer (Required ≥ \$100,000)	<u>DN</u> <small>DS</small>	<u>6/8/2021</u>
School Board Attorney (As required by the Chief Officer or Superintendent)	_____	_____

Comments:

Non-standard contract certification - "This instrument has been preaudited in the manner required by the School Budget and Fiscal Control Act, G.S. 115C-441(a)."

Finance Officer: Mark B. Winters Date: 6/9/2021

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POR Approval _____ FIN 25281

**SCHOOL RESOURCE OFFICER PROGRAM
MEMORANDUM OF UNDERSTANDING (MOU)**

This Memorandum of Understanding (hereinafter "MOU") effective July 1, 2021 is made and entered into by and between the Wake County Board of Education (hereinafter "WCBOE" or "Board"), the governing body of the Wake County Public School System (hereinafter "WCPSS"), and the local law enforcement agencies (each, an "Agency" collectively the "Agencies") on the attached signature pages.

WITNESSETH

WHEREAS, the WCBOE and the Agencies recognize the benefits of the School Resource Officer Program to the citizens of Wake County, North Carolina, and particularly to the students, families, and staff of the public school system of Wake County, North Carolina;

WHEREAS, the WCBOE desires to have the Agencies provide School Resource Officers to certain schools within the WCPSS;

WHEREAS, the Agencies are willing to provide School Resource Officers to certain schools within the WCPSS; and

WHEREAS, the parties are committed to engaging in meaningful dialogue and ongoing monitoring of the operation of the program, both to ensure consistent implementation of the principles articulated herein and achievement of the School Resource Officer Program goals;

WHEREAS, it is in the best interest of the WCBOE, the Agencies, and the citizens of Wake County to establish the School Resource Officer Program as hereinafter described.

NOW, THEREFORE, in consideration of the promises and covenants of the parties hereto herein contained, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the WCBOE and the Agencies do hereby agree as follows:

**Article I
Purpose and Governing Principles**

This MOU outlines the goals and guiding principles as agreed to by and between the Board and the Agencies in order to foster a more effective relationship between schools and law enforcement, using officers specifically trained to respond to the unique needs arising within the school setting, than can be accomplished through regular law-enforcement services. This program should provide an efficient and cohesive program that will build a positive relationship between law enforcement officers, school administrators, families and the students in the Wake County Public School System. A School Resource Officer Program ("SRO Program") is hereby

established in the public school system of Wake County, North Carolina to promote a safe and secure environment on the campuses of the Wake County Public School System. The ultimate goal of the SRO Program is to provide a safe, inclusive and positive learning environment for all students and educators. The Parties recognize that the success of the SRO Program in achieving these goals hinges, in large part, on communication and collaboration among the parties and consideration of recommendations regarding the role of law enforcement in schools arising from federal, state, and local bodies and organizations (e.g., U.S. Department of Education, and the Governor's Task Force for Racial Equity in Criminal Justice).

WCPSS strives to foster a safe, welcoming, and inclusive environment for all students, staff, and other members of the school community. The purpose of the SRO program is to support WCPSS in achieving this goal by providing law enforcement officers who are specifically trained to anticipate, understand, and respond to the unique needs arising from students of varying ages and within the school setting, while recognizing that sworn police officers have constitutional, statutory and professional standards by which they are bound. The Parties shall administer the School Resource Officer Program established under this MOU without discrimination against any person on the basis of race, religion, color, sex, national origin, marital status, age, disability, sexual orientation, gender identity, political affiliation, or genetic information. In particular, under no circumstances will any representative of any of the parties engage in any conduct in violation of state or federal anti-discrimination law or Board policies addressing discrimination in their interactions with students, including but not limited to any retaliation for reporting, alleging, or filing complaints concerning any alleged discrimination.

Article II

Duties of the Agencies

The Agencies shall provide School Resource Officers (each, an "SRO" collectively "SROs") as follows:

1. Qualifications of SROs. The Agencies shall assign regularly employed law enforcement officers to serve as SROs in certain WCPSS schools. Each assigned SRO will be a certified law enforcement officer by the State of North Carolina and must complete a forty (40) hour School Resource Officer training curriculum developed by the North Carolina Justice Academy, delivered by a trainer approved by the North Carolina Criminal Justice Education and Training Standards Commission, and Crisis Intervention Training (CIT) certification through the Wake County CIT training program at Wake Tech, or other CIT provider approved by the Agency. If an officer does not possess SRO training and/or CIT certification at the time of assignment, the Agency will ensure that the officer participates in any necessary coursework to receive the training and certification at the next available course offering. The Agency will further ensure that all SROs complete refresher training as required by state law.

2. Assignment of SROs. The Agency shall have the ultimate responsibility for selection and assignment of SRO Candidates to specific positions but will consider the input of WCPSS as described herein.
 - a. *Identification and Assignment of SROs.* SROs shall be identified and assigned to

specific schools by the providing Agency's leadership. SROs should have no substantiated evidence of harassment, discrimination, disproportionate minority contact, improper use of force in their work history, nor should they have any other serious performance issues in their work history that would make the officer inappropriate for performing duties as a SRO, including but not limited to any prior removal by the Superintendent pursuant to Article VI of this MOU. By assigning SROs to specific SRO positions, Agency leadership certifies that SROs meet these criteria. Additional qualifications for SROs include positive experience working with students or in a school setting and a willingness to serve as mentors for students.

b. *Input on SRO Selection.* WCPSS may provide the Agency with a list of optimal characteristics and qualifications for SROs, and the Agency will take this information into account when selecting and assigning SROs. In addition, in the event of an SRO vacancy at a specific school, the Senior Director of Security, in consultation with the school principal, may provide the Agency with information regarding the school's needs and desired characteristics of an SRO, and the Agency will take this information into account when assigning an SRO to that school.

c. *Post-Selection Feedback and Procedures.*

- i. The Agency will be responsible for any selected SROs' participation in an orientation process conducted in collaboration between the Agency and WCPSS to provide an overview of the School Resource Officer Program and review WCPSS policies and procedures.
- ii. WCPSS may provide feedback to the Agency regarding SRO selection. To the extent the Senior Director of Security, either independently or following consultation with the school principal, has any concerns regarding qualifications of an SRO or the assignment of an SRO to a specific school, the Senior Director of Security shall communicate those concerns to Agency leadership. To the extent permitted by law, and to the extent the Agency continues to recommend the candidate for an SRO position, Agency leadership shall provide follow-up information regarding any measures taken to address the Senior Director's concerns. The Senior Director of Security may also, at any time, request that another candidate be recommended in the non-preferred candidate's place by the Agency and will provide the Agency information regarding the request and the reasons therefore within five (5) days.
- iii. WCPSS acknowledges that its actions in raising concerns about a recommended SRO or requesting that another candidate be recommended may result in an SRO position remaining vacant for some period of time. To the extent there is a delay in filling the SRO position, the District will not be charged for SRO services not provided as result of such vacancy.
- iv. Agency and WCPSS shall not unlawfully discriminate against any SRO on the basis of race, religion, color, sex, national origin, marital status, age, disability, sexual orientation, gender identity, political affiliation, or genetic information with reference to the administration of the SRO Program and the implementation thereof, including but not limited to the identification, recommendation, selection, or assignment of any SRO, post-selection or feedback procedures, or any retaliation for reporting, alleging, or filing complaints concerning any alleged discrimination.

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3. Assignment of SRO Supervisor. Each Agency shall designate a regularly employed law enforcement officer to supervise the assigned SRO(s) and to coordinate the functions of the SRO Program with the Superintendent or designee. The duties of the SRO supervisor shall include coordinating work assignments of the SROs between various campuses; ensuring SRO compliance with directives and policies of the Agency and the WCPSS; coordinating SRO scheduling and work hours (vacation requests, sick leave, etc.); and addressing concerns and complaints regarding performance and conduct of SROs in collaboration with WCPSS and in accordance with Agency protocols.

 4. SRO Trainings.
 - a) Each Agency shall ensure that its SROs maintain minimum in-service training and certification requirements as would normally apply to all other certified officers in the Agency in addition to any training and certification required under this MOU.
 - b) For the SROs' minimum in-service training and certification requirements, at least four of the eight "Topic of Choice" training hours must address topics covered at the North Carolina Justice Academy's SRO training. If the North Carolina Justice Academy Law Enforcement In-Service Training topics "Topics of Choice" for the year do not include at least four hours of SRO related training, the Agency's SROs will complete the number of SRO-related training hours available.
 - c) Each Agency will provide WCPSS an annual report containing an aggregated, anonymized record of SRO related training received by its SROs. The submitted annual report shall not contain any identifying information or information that would lead to the discovery of any SRO's identity.

 5. SRO Orientation, Annual SRO Summit and Ongoing Guidance Sessions.
 - a) The Agencies will collaborate with the WCPSS to host an annual summit of SROs and school administrators to discuss issues relevant to the SRO Program and operations. The Agencies shall require all SROs to attend the annual summit and any other WCPSS or Agency orientations and guidance sessions designed for SROs that may occur periodically during the school year during the SRO regular duty hours, so long as the scheduling of the summit and guidance sessions offered by the WCPSS do not conflict with assignments from the Agencies.
 - b) The SRO Orientation, Annual Summit, and guidance sessions shall be designed to provide resources to SROs on topics relevant to the SRO Program to foster ongoing improvement of the program, such as working with students with disabilities and special needs; student records and privacy issues; cultural competency and nondiscriminatory administration of school discipline; positive behavior interventions and supports; restorative justice and alternatives to incarceration programs; and mediation and conflict resolution processes with students.
 - c) The Annual Summit will include training on the following specific issues and topics:
 - i. Levels of student conduct. The categories of student conduct established in Board Policy 4309(G) with brief description and examples of misconduct for
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- each category;
- ii. Case studies of specific incidents of student conduct for which intervention of an SRO is and is not appropriate, per the terms of this SRO MOU and based on review of operation of the program during the prior school year;
 - iii. Restorative practices implemented by WCPSS and expectations regarding use of such resources before referral to an SRO; and
 - iv. Mechanisms for SROs and District staff to offer feedback regarding the parties' performance and compliance with the terms of the SRO MOU.
- d) Agendas for this training shall be furnished to each Agency for review at least one week in advance of the Annual Summit.
 - e) Repeated failure of an SRO to attend the Annual Summit and any other WCPSS guidance sessions without a valid reason or proper notice may be grounds for the Superintendent to request removal of the SRO pursuant to Article VI. Other law enforcement officers who supervise SROs are strongly encouraged, but not required to attend the SRO Orientation, Annual Summit, and guidance sessions.
6. SRO Work Hours and Absences. The Agencies shall not utilize the SROs during the designated workday for duties other than set forth herein, except in emergency situations that necessitate removal of one or more SROs from their normal duties pursuant to this MOU. In the event an SRO is temporarily unavailable on campus due to training, illness, approved leave, court hearing, or other reasons, the Agency shall provide a replacement officer, whenever possible. The Agencies agree to use all reasonable efforts to prioritize the assignment of replacement officers at high school campus sites.
7. Reporting. At least quarterly, each Agency agrees to provide to the WCPSS reports of the aggregated number of referrals (reported by race, gender, offense charged, and school assignment) of WCPSS students by the SRO to the adult criminal justice system, juvenile petitions, teen court referrals, other referrals and/or referrals to the Campbell Law School mediation program.
8. Semi-Annual Feedback. The parties recognize that SRO supervisors and all law enforcement officers who provide services pursuant to this MOU are encouraged to provide feedback on the operation of the program and implementation of this MOU throughout the course of the school year. In an effort to ensure consistent monitoring and improvement of the SRO Program, at least twice during the school year – at least once prior to January 1 and at least once prior to June 1 - the SRO supervisor for each Agency shall complete and provide to the Senior Director of Security an Agency Feedback Form, as developed and provided by WCPSS and the SRO Supervisor to provide feedback pertaining to operation of the program and implementation of this MOU.
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Article III

WCBOE Expectations of the SRO While Serving on Campus

1. SRO Work Hours, Uniforms and Visibility on Campus.
 - a. The SRO shall remain on the school grounds during normal school hours, except when necessary to attend to a law enforcement emergency, to attend any meetings or trainings described in this MOU, or to attend to official law enforcement business off-campus. With the exception of emergency situations out of the SRO's control, the SRO shall give the SRO supervisor, and principal or designee reasonable advance notice of any times when the SRO is not expected to be on campus during normal school hours, and the Agency will provide replacement officers to the extent possible in accordance with Article II, Section 6, of this MOU.
 - b. When working in an SRO capacity, the SRO must wear the official law enforcement uniform or other apparel issued by the Agency at all times while serving on WCBOE property and shall make best efforts to maintain high visibility at all times when practical and safe to do so, especially in areas where incidents of crime or violence are most likely to occur.
 - c. The SRO, when possible and in accordance with guidance from the school principal or designee, may participate in or attend school functions during the SRO's regular duty hours, in order to assure the peaceful operation of school-related programs. SROs who choose to maintain and enhance their role in their school by attending extracurricular activities, school related meetings, or other school functions held outside of normal school hours, but during the SRO's regular duty hours, will be compensated by their Agency for such time. Payment to the Agency by the Board for any security services for school functions held outside of normal school hours shall be addressed through a separate contract between the Board and each Agency for law enforcement officer services
2. SRO Mentoring and Outreach. Each SRO shall conduct himself or herself as a role model at all times and in all facets of the job; shall seek to establish a strong rapport with staff, faculty, students, and others associated with the school; and shall encourage students to develop positive attitudes towards the school, education, law enforcement officers, and positive living in general. In turn, school staff shall seek to establish a strong rapport with each SRO and foster positive relationships between the SRO, students, and members of the school community.
 - a. *Interaction with families and faculty groups.* The SRO shall be strongly encouraged to attend meetings of families and faculty groups to solicit their support and understanding of the School Resource Officer Program and to promote awareness of law enforcement functions during the SRO's regular duty hours.
 - b. *Information on community resources.* The SRO shall be familiar with community agencies that offer assistance to youths and their families, including but not limited to mental health clinics and drug treatment centers, and shall provide information on such agencies to students, families, and/or school administrators when

appropriate. In addition, the SRO shall provide information to the school principal, students, and families regarding additional resources offered by community agencies or the Agencies providing afterschool and summer programs and opportunities for youth.

3. Law Enforcement Actions and Safety Interventions. The Agencies recognize that WCPSS has implemented myriad supports and services to address student misconduct, and as result, the parties do not anticipate that law enforcement intervention will be necessary in response to the majority of student misconduct. As discussed further below, the parties agree that law enforcement and SRO intervention should be limited to those incidents of student misconduct that present a threat to the school environment and are not more appropriately handled through referral to another resource (e.g., an administrator, school counselor, restorative justice-trained staff member).
- a. Levels of Student Misconduct. Board Policy 4309 (G), attached hereto as Attachment A, establishes the categories of student misconduct enumerated below; a brief description and examples are provided for each category.
- i. Level I: Violations can generally be addressed with non-disciplinary interventions or non-exclusionary discipline consequences, and except in very limited circumstances, may not result in out-of-school suspension. Offenses include but are not limited to: non-compliance with directives; inappropriate language; dress code violations; use of electronic devices; trespassing; and possession of tobacco, vaporizers, and nicotine products.
 - ii. Level II: Violations involve more serious misconduct that may warrant short-term suspension when, in the judgment of the principal or designee, non-disciplinary interventions and non-exclusionary discipline consequences are insufficient to address the behavior and its recurrence. Offenses include but are not limited to: hacking or unauthorized computer access; substantially disruptive or dangerous behavior; property damage; theft; indecent exposure or sexual behavior; threat or false threat; and aiding and abetting of a Level II, III, or IV violation.
 - iii. Level III: Violations are more severe in nature and may support long-term suspension. Offenses include but are not limited to: possession of narcotics, alcoholic beverages, controlled substances, chemicals, and drug paraphernalia; gang and gang related activity; possession of weapons, dangerous instruments, or substances; assault on a student or adult; and threats of mass violence.
 - iv. Level IV: Violations pertain to statutory prohibition on possession of "firearm" or "destructive device" on school property or at a school-sponsored event. This is always extremely serious.
 - v. Level V: Violations of this most serious level allows for permanent expulsion of WCPSS student for violation of one or more of Level II-IV rules and if statutory criteria for expulsion are met (including that the student constitutes a clear threat to the safety of other students or school staff).

b. Initiating Law Enforcement Actions and SRO Interventions.

- i. An SRO may initiate appropriate law enforcement actions to address criminal matters, including matters that threaten the safety and security of the school or its occupants, and/or intervene with staff or students (with or without a referral from school staff) when necessary to ensure the immediate safety of persons in the school environment in light of an actual or imminent threat to health or safety. The Agencies recognize that: student misconduct categorized as Level I will rarely, if ever, constitute a threat to health or safety necessitating involvement of the SRO.
- ii. Requests from staff or administration for SRO intervention or law enforcement action for criminal matters must be made in writing, setting forth the underlying basis and known relevant facts for the referral. If such exigent circumstances exist that staff cannot provide a writing before the SRO intervention or law enforcement action, the staff member or administrator must provide the writing as soon as practical thereafter; in any case, the writing must be provided within twenty-four hours of the referral to the SRO or law enforcement. For instances where school staff do not make a referral under this provision and an SRO does not otherwise have personal knowledge of the incident, the SRO or Agency is not responsible for any failure to act by an SRO.
- iii. To the extent WCPSS revises Board Policy 4309 during the term of this Agreement, the parties recognize that SRO intervention should remain limited to the circumstances described in Paragraph 3, above, and such intervention should remain rare for the most minor incidents of misconduct, per categories adopted by the school system.
- iv. If the Board revises Board Policy 4309 during the term of this MOU, the Board will provide a copy of the revised Policy to the Agency. The Agency is free to submit feedback on any changes to Board Policy 4309.
- v. Any SRO intervention shall be reasonable in scope and duration in light of the nature of the circumstances presented and shall be reasonably calculated to protect the physical safety of members within the school community, while minimizing, to the extent possible, any unintended negative effects on students.
- vi. All law enforcement actions and SRO interventions to protect the safety of others shall be consistent with all applicable laws, regulations, and policies (including Board Policy 5120, Relationship with Law Enforcement, attached hereto as Attachment B).
- vii. Any use of force must be implemented pursuant to Agency procedures and protocol as well as all applicable laws; must be objectively reasonably based on the totality of the circumstances; and must not be excessive, arbitrary, or malicious. Agency procedures and protocols pertaining to use of force by law enforcement officers will give due consideration to the specific revisions recommended by Governor Roy Cooper's Task Force on Racial Equity in Law Enforcement (TREC), as articulated in TREC's

2020 Report¹.

- viii. Agency procedures and protocols for the use of force must be provided to the District prior to commencement of the term of this MOU and within ten (10) business days of any changes to such procedures and protocols.
 - ix. The SRO shall, whenever possible, advise the principal before requesting additional law enforcement assistance on campus and shall request such assistance only when necessary to protect the safety or security of those present on the school campus. Non-SRO law enforcement who are asked to report to schools for any reason, by an SRO or other official, shall, whenever possible, advise the principal in advance before coming on campus.
- c. *Investigations and Arrests.* Criminal investigations and arrests by SROs will be conducted in accordance with all applicable legal requirements, including all applicable laws, regulations, and policies governing the use of force, interrogations, searches, and arrests. The SRO shall promptly notify appropriate school authorities whenever an SRO asks a student questions of an investigative nature or takes any direct law enforcement action against a student; however, notification may be withheld until deemed appropriate by the SRO if such notification would endanger a student or any other person or compromise an ongoing criminal investigation. The appropriate school authorities shall promptly notify the parent(s) or guardian of any student suspected of criminal wrongdoing, whenever an SRO asks a student questions of an investigative nature or takes any direct action against any student suspected of criminal wrongdoing. SROs and school administrators shall collaborate and determine how such notice should be given in each individual circumstance. SROs shall comply with Miranda and juvenile Miranda rules whenever applicable in the course of questioning individuals suspected of criminal wrongdoing. If an SRO questions, searches, or arrests a student at school, all reasonable efforts will be made to remove the student from other students and bystanders or otherwise to not bring undue attention to the student.
- d. *Searches.* SROs shall be aware of and comply with all laws and standards regarding searches of persons and property while performing services pursuant to this MOU. In particular, SROs shall be aware of the differing standards governing searches by law enforcement officers for law enforcement purposes as compared with searches by school administrators in connection with student discipline. At no time shall any SRO request that any WCPSS employee lead or conduct a search of a student for law enforcement purposes.
- e. *Interrogations.* In cases where the parent(s) or guardian cannot be reached and any questioning of a student is conducted without parental notification, the school principal or designee must be present during the questioning unless the SRO

¹ The North Carolina Task Force for Racial Equity in Criminal Justice's 2020 Report may be accessed at the following link: https://ncdoj.gov/wp-content/uploads/2021/02/TRECReportFinal_02262021.pdf. The Task Force's recommendations for revisions to local law enforcement agencies' respective policies and procedures on use of force are articulated at pages 46-48.

directs otherwise for safety or investigative reasons. Presence of the principal/designee does not in any way impact the SRO's duty, if applicable in the situation, to comply with the student's Miranda or juvenile Miranda rights. At no time shall the SRO request that any WCPSS employee act as an agent of the SRO or law enforcement in any interrogation.

- f. *Non-school Investigations.* The SRO shall comply with WCBOE Policy 5120, Relationship with Law Enforcement, regarding law enforcement investigations related to non-school matters. The SRO shall refrain from questioning students at school regarding non-school related matters unless the SRO has a warrant or unless questioning, searching or arresting a student on school property at that time is necessary, in the discretion of the SRO, for the success of a law enforcement investigation or to prevent injury or crime.
4. School Discipline. The school administrator shall be solely responsible for implementing the student Code of Conduct and discipline policies. The school administration, not the SRO, has primary responsibility for maintaining order in the school environment and for investigating and responding to school disciplinary matters. The SRO shall refer any reports or concerns relating to student discipline to the principal or designee and shall not independently investigate or administer consequences for violations of the Student Code of Conduct or any school disciplinary rules. The SRO should generally not have any further involvement in routine disciplinary matters, such as tardiness, loitering, noncompliance, the use of inappropriate language, dress code violations, minor classroom disruptions, and disrespectful behaviors and other similar minor infractions of school rules. School officials shall only request SRO assistance when necessary to protect the physical safety of staff, students, or others in the school environment.
 - a. *Searches.* The SRO shall not conduct or participate in searches of students or their belongings in school disciplinary investigations unless their assistance is requested by school personnel to maintain a safe and secure school environment.
 - b. *Interrogations.* The SRO will not be involved in questioning of students initiated and conducted by school personnel in disciplinary matters unless requested by the school personnel to maintain a safe and secure school environment. If the SRO's presence is requested under these circumstances, the SRO shall confine his or her involvement to what is reasonably necessary to protect the safety and security of members of the school community and shall not lead the investigation or actively question students.
5. Joint Law Enforcement and School Discipline Investigations. In cases where school disciplinary investigations and law enforcement investigations into criminal activity overlap and relate to matters affecting health or safety (e.g., when both the school administration and SRO are investigating matters related to the presence of drugs or weapons on campus), it may be appropriate for school administrators and SROs to work in tandem. In such events, the criminal investigation takes precedence over school disciplinary issues. In such circumstances, the SRO shall be mindful of and clarify his or her role as a law enforcement officer conducting a law enforcement investigation when interviewing student witnesses, particularly students suspected of criminal wrongdoing. The SRO shall also

adhere to all appropriate laws and standards governing law enforcement investigations and not assume that laws and standards that govern school disciplinary investigations will also apply to him or her in the course of conducting a criminal investigation.

6. Confidentiality; Access to Student Records. The SRO shall comply with all applicable laws, regulations, and WCBOE policies, including but not limited to laws, regulations and policies regarding access to confidential student records, provided that SROs shall under no circumstances be required or expected to act in a manner inconsistent with their duties as law enforcement officers. The SRO may have access to confidential student records or to any personally identifiable information of any WCPSS student as defined in 34 CFR 99.3, only to the extent allowed under the Family Educational Rights and Privacy Act (FERPA) and applicable WCBOE policies and procedures, including Policy 4700 (Attachment C). SROs shall not automatically have access to confidential student records or personally identifiable information in those records simply because they are conducting a criminal investigation involving a student or for general non-specific purposes. School officials may, however, share relevant confidential student records and personally identifiable information contained in those records with SROs under any of the following circumstances:
- a. The SRO is acting as a “school official” (as it relates to accessing student records) as defined in 34 CFR 99.31 because he or she is exercising a function that would otherwise be performed by school personnel and has legitimate educational interests in the information to be disclosed. For example, an SRO may be authorized to review the Behavior Intervention Plan of a student with a disability if the principal or designee has requested the SRO’s assistance in deescalating physical conflicts and ensuring the physical safety of the student and others when the student becomes involved in interpersonal conflicts.
 - b. The SRO has written consent from a parent or eligible student to review the records or information in question.
 - c. The principal or designee reasonably determines that disclosure to the SRO without parental consent is necessary in light of a significant and articulable threat to one or more person’s health or safety.
 - d. The disclosure is made pursuant to a valid subpoena or court order, provided that advance notice of compliance is provided to the parent or eligible student so that they may seek protective action from the court, unless the court has ordered the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.
 - e. The information disclosed is “directory information” as defined by WCBOE Policy 4700, and the parent or eligible student has not opted out of the disclosure of directory information.
 - f. The disclosure is otherwise authorized under FERPA, its implementing regulations, and applicable WCPSS policies and procedures.
7. Communication between SROs and Principals. The SRO is expected to meet with the school principal and members of the administrative team designated by the principal on a regular basis, both formally and informally, to discuss school safety concerns, duties and responsibilities.

8. Development of School Safety Plans. The SRO shall report any safety concerns to the school principal and or designee and shall confer with the school principal to develop plans and strategies to prevent and/or minimize dangerous situations on or near the campus or involving students at school-related activities. The school principal will contact any other school system personnel who should be involved in these discussions.
9. SRO Orientation, Annual SRO Summit and Ongoing Guidance Sessions. The SRO shall attend all orientations, meetings, summits, and information and guidance sessions scheduled during the SRO's regular duty hours as requested by the Agency and/or WCPSS in accordance with Article II, Paragraph 5 herein.

Article IV

Duties of the WCBOE and the WCPSS

1. Provision of Office Space and Access to School Community.
The WCBOE, Superintendent, and school principals will provide each full-time SRO:
 - a. Access to suitable accommodations at the school, which shall include a lockable room with limited access, telephone, desk, chair, computer and filing cabinet;
 - b. A radio for use on campus;
 - c. Keys to the assigned school; and
 - d. Reasonable opportunity to address students, teachers, school administrators, and families about criminal justice, safety, and security issues relating to school-aged students.
2. Referrals to the SRO. Maintaining order in the school environment and investigating and responding to school discipline matters shall be the responsibility of the school administration. School administrators are expected to adhere to the student discipline procedures outlined in applicable state and federal law and Board policies. WCPSS shall refrain from involving the SRO in the response to student disciplinary incidents and the enforcement of disciplinary rules that do not constitute violations of law, except when necessary to support staff in maintaining a safe school environment. WCPSS shall provide training to school administrators regarding the role of the SRO and the appropriate involvement of the SRO in student matters that pose a threat to the safe school environment, at least on an annual basis. Such trainings shall include information on how to distinguish between disciplinary infractions appropriately handled by school officials versus threats to school safety that warrant a referral to law enforcement.
3. Communication between SROs and Principals. School principals are expected to meet with SROs on a regular basis, both formally and informally, to discuss school safety concerns, duties and responsibilities. To the extent a school principal and SRO assigned to a particular school interpret any provisions of this agreement differently and disagree as to proper resolution of an issue consistent with the SRO MOU (e.g., responding to requests for student records, differentiating between SRO and school administrator jurisdiction, etc.), the SRO shall contact his/her respective SRO supervisor, and the school administrator shall contact the WCPSS Senior Director of Security, to provide notification of the disagreement and need for clarification. Upon such notification, the SRO supervisor

and/or the WCPSS Senior Director of Security shall contact the other to discuss the issue, determine an appropriate resolution, and inform the SRO and school principal of the same.

The WCBOE authorizes principals to report any crimes that occur on campus to the assigned SRO in compliance with all applicable state laws and WCBOE policies that require school officials to report criminal acts occurring on school grounds to law enforcement, including N.C. Gen. Stat. § 115C-288(g). In addition, the Parties acknowledge their obligations pursuant to Senate Bill 199 to report certain crimes against children and child abuse/maltreatment, as described in Board Policy 4240/7312 attached hereto as Attachment D.

4. SRO Orientation, Annual SRO Summit and Ongoing Guidance Sessions. The WCPSS shall coordinate an orientation for SROs to discuss an overview of the School Resource Officer Program and review WCPSS policies and procedures. As provided in Article II, Paragraph 5 (SRO Orientation, Annual SRO Summit and Ongoing Guidance Sessions”), the WCPSS will host, in collaboration with the Agencies, an Annual Summit of SROs and school administrators to discuss issues relevant to the School Resource Officer Program and operations. At least one administrator from each school with an assigned SRO shall attend the Annual Summit. In addition, the WCPSS shall offer additional guidance sessions and resources to SROs on topics relevant to the SRO Program that may occur periodically during the school year, such as working with students with disabilities and special needs; student records and privacy issues; cultural competency and nondiscriminatory administration of school discipline; positive behavior interventions and supports; restorative justice and alternatives to incarceration programs; and mediation and conflict resolution processes with students. Copies of all materials and information provided to SROs pursuant to this paragraph shall also be provided to the Agency.

5. Data Collection and Reporting. As required by state law, the WCPSS, working in conjunction with SROs, shall maintain data listed in Article II, Section 7 (“Reporting”) and any other data or reports on school-based discipline referrals that result in involvement with a SRO and/or law enforcement. WCPSS shall review such data on an annual basis, including but not limited to the following information:
 - a. The name of the staff member making the referral;
 - b. Detailed information to explain the circumstances that led to the referral, including a description of the conduct and the setting;
 - c. The name of the SRO or other law enforcement involved and any actions taken in the response to the incident;
 - d. Names and roles of school staff members involved in the response to the incident;
 - e. The date of the referral;
 - f. The name, race, ethnicity, sex, age, disability status, English Language Learner (ELL) status, and grade level of the student(s) being referred and all other students involved in the incident;
 - g. Whether the referral to law enforcement was mandatory under N.C.G.S. § 115C- 288(g); and
 - h. A summary of the actions taken as a result of the incident (e.g. based upon the school administrator’s knowledge, whether the student was questioned,

searched or arrested on campus by law enforcement).

In addition, principals are expected to maintain documentation of all notifications received pursuant to G.S. 7B-3101 regarding juveniles who are alleged or found to be delinquent and shall preserve the confidentiality of such documentation in accordance with G.S. 115C-404.

6. Semi-Annual Feedback. The parties recognize that WCPSS administrators and staff who interact with SROs are encouraged to provide feedback on operation of the program and implementation of the SRO MOU throughout the course of the school year. In an effort to ensure consistent monitoring and improvement of the program, at least twice during the school year – at least once prior to January 1 and at least once prior to June 1 - the school principal of each school where an SRO is assigned shall complete and provide to the Senior Director of Security a School Feedback Form, as developed and provided by WCPSS, to provide feedback pertaining to operation of the program and implementation of the SRO MOU.

7. Annual Review of SRO Program. At the conclusion of the school year and before the start of the next school year, the Senior Director of Security or his/her designee shall meet separately with each school principal of any school where an SRO has been assigned and with the SRO supervisor for each Agency to collect additional feedback regarding the SRO program and to provide feedback to each Agency regarding the SRO program and the performance of SROs based on staff and administrator feedback obtained during the course of the school year. The Senior Director of Security will provide an annual update to, and solicit feedback from, the Board regarding operation of the SRO Program, new recommendations or legislation from federal, state, and local bodies regarding the role of SROs in schools including any potential impact on the operation of the SRO Program, and potential changes to future operation of the SRO Program. A copy of update shall be provided to the Agency.

Article V

Financing the School Resource Officer Program

The WCBOE agrees to enter into a separate service contract with the governing body of each individual Agency to address the assignment of SROs to specific WCPSS schools and payment for SRO services during each fiscal year. The terms of any separate service contract shall not be inconsistent with the terms of this MOU. In the event of any conflict between any separate service contract regarding SRO services and the terms of this MOU, the terms of this MOU shall prevail, except that the service contract will prevail only with respect to the issue of payment for SRO services. Notwithstanding the foregoing, continuation of the SRO Program shall be contingent upon available funding from the WCPSS and the Agencies.

In the event the WCBOE and the governing board of an individual Agency are unable to agree on a separate service contract, then such individual Agency shall be relieved of any and all obligations hereunder, and such Agency's execution of this MOU shall be null and void, having no further effect.

Article VI

Employment Status of School Resource Officers; Suspension or Reassignment

Each individual SRO shall remain an employee of his or her respective assigning Agency, and shall not be an employee of the WCBOE. Each Agency shall provide their SROs with the same type benefits, equipment, supplies, and training as that provided to their regularly employed law enforcement officers. As required by N.C. Gen. Stat. §§153A-98 and 160A-168, each SRO will be afforded the same privacy rights regarding his/her personnel information as any other municipal or county employee without regard to the location of their assignment; to wit, any complaints, feedback received or given, and evaluations of the SROs are part of the SRO's personnel record, and confidential pursuant to North Carolina law, with the understanding that WCPSS must comply with the North Carolina Public Records law (N.C.G.S. 132-1, et seq) for records it receives or in its possession.

The parties recognize that frequent input and feedback from both WCPSS staff and law enforcement officers is critical to ensuring effective operation of the SRO Program and consistent implementation of the guidelines articulated in this MOU. In addition to encouraging their respective employees to communicate any questions or concerns pertaining to operation of the SRO Program to their supervisors, the Agencies and WCPSS shall jointly develop and make accessible via the WCPSS web site an SRO/School Administrator Feedback Form through which any individual may report and describe concerns pertaining to the implementation of this MOU. Any concerns pertaining to the performance of a particular SRO shall be directed to the Agency. The forms shall be made accessible, upon submission, to the WCPSS Senior Directory of Security, and shall be shared with the appropriate law enforcement agency consistent with state and federal laws governing confidentiality of student and employee information. The WCPSS reserves the ability to review any complaint received to include obtaining necessary information and to comply with Board policy. To the extent appropriate, the WCPSS Senior Director of Security or his/her designee shall obtain further information regarding the complaint from the complainant. WCPSS, in consultation with the Board attorney, the Agency, and any representative thereof, shall determine whether the received complaint should be further investigated by WCPSS security staff or other school officials within the process outlined in this MOU and in accordance with federal and state law, including but not limited to any personnel laws. Any formal interviews or investigations of SROs will be conducted by the Agency's Internal Affairs or Professional Standards division, as the case may be. WCPSS may interview an SRO when required by state or federal law or if WCPSS, after notice to the Agency, finds that the interview of the SRO is necessary for WCPSS to conduct an investigation in accordance with its statutory mandate. If an SRO is interviewed by WCPSS, the Agency shall have the opportunity to appear with representation. Any counsel appearing during a WCPSS interview of an SRO shall be present on behalf of the Agency and not in a representative capacity for the SRO; the SRO shall be afforded an opportunity to have counsel present. Any release of information, documentation, or records requested by the WCPSS, the Board, or other any persons on their behalf or in connection to a complaint, shall be subject to all applicable federal and state laws, including but not limited to personnel laws and the North Carolina Public Records Act.

Notwithstanding expression of concern regarding SRO performance through the method described above, if, in the discretion of the WCPSS Senior Director of Security, a SRO is not effectively performing his or her duties or responsibilities, based on the Senior Director's experience and/or a complaint from a staff member, student or family about actions of the SRO, the Senior Director should report concerns s/he has regarding SRO performance to the SRO supervisor to address the performance concerns. In the event concerns continue or persist, the Senior Director

shall recommend to the Superintendent that the SRO be removed from the program and shall state the reasons in writing. After receiving the recommendation from the Senior Director, the Superintendent or his/her designee, if s/he agrees, shall advise the individual Agency of the request. The Agency shall contact the Superintendent or his/her designee and shall agree to remove the SRO from serving WCPSS if, upon review by the Agency, there is verifiable, documented evidence of ongoing performance issues that have persisted despite the SRO being provided notice and an opportunity to improve.

In addition, if the WCPSS Senior Director of Security documents SRO misconduct that threatens the health or safety of students or staff, the WCPSS will immediately notify the SRO supervisor and provide copies of such documentation, and the Agency shall promptly remove the SRO from serving WCPSS until the completion of the Agency's review of the misconduct, consistent with the Agency's policies and ordinances and this MOU.

In the event of the resignation, dismissal, removal or reassignment of an SRO, the responsible Agency shall provide a replacement for the SRO within a reasonable period of time, to be discussed between the parties when a vacancy occurs. During such interim period, as much as reasonably possibly, the Agency shall assign an alternate law enforcement officer temporarily to carry out the duties of the SRO until a replacement can be secured. The Agencies agree to use all reasonable efforts to prioritize the assignment of replacement officers at high school campus sites.

Notwithstanding the foregoing, nothing in this MOU shall prohibit the Superintendent, in exigent circumstances, from preventing the access of any individual, including any assigned SRO to WCBOE property, with notice of the Agency, if the Superintendent determines it is in the best interest of the WCPSS students and/or staff. In the event the Superintendent prevents the access of an SRO from an Agency to WCBOE property during the term of this MOU, the associated Agency may terminate this MOU upon thirty (30) days written notice to the Wake County Board of Education. Likewise, the Agency reserves the right to suspend an SRO from duty with the WCPSS. During any period of suspension under this section, the Agency shall provide a replacement SRO pursuant to Article II, Section 6 (SRO Work Hours and Absences).

Article VII

Term and Termination of MOU

The term of this MOU shall begin on July 1, 2021 and end on June 30, 2024 unless terminated earlier as provided herein. However, the parties shall review the terms of this MOU at least annually and may amend it at any time in writing and by mutual agreement.

Any party's participation in this MOU may be terminated by that party, with or without cause, upon ninety (90) days written notice to the other parties.

Article VIII

Notice

Any notice, consent, or other communication in connection with this Agreement shall be in writing and may be delivered in person, by mail or by facsimile transmission (provided sender confirms notice by written copy). If hand-delivered, the notice shall be effective upon delivery. If by facsimile copy, the notice shall be effective when sent. If served by mail, the notice shall be effective three (3) business days after being deposited in the United States Postal Service by certified mail, return receipt requested, addressed appropriately to each Agency at its address listed on their respective signature page, and to the WCBOE at the address below:

If to WCBOE:

Wake County Public School System
Attn: Superintendent
5625 Dillard Drive
Cary, NC 27518

Article IX

Miscellaneous Provisions

1. Sex Offender Registry Checks. The parties acknowledge that the requirements of G.S. 115C-332.1 apply to this MOU. Each Agency shall conduct an annual check of all sworn law enforcement officers assigned as SROs on the North Carolina Sex Offender and Public Protection Registration Program, the North Carolina Sexually Violent Predator Registration Program, and the National Sex Offender Registry. Each Agency certifies that no individual may provide services to WCBOE under this MOU if he/she appears on any of the sex offender registries.
2. Relationship of Parties. The Agencies and the WCBOE shall be independent contractors, and nothing herein shall be construed as creating a partnership or joint venture; nor shall any employee of either party be construed as employees, agents, or principals of any other party hereto. Each Agency maintains control over its personnel and any employment rights of personnel assigned under this MOU shall not be abridged. Each party agrees to assume the liability for its own acts or omissions, or the acts or omissions of their employees or agents, during the term of this Agreement to the extent permitted under North Carolina law.
3. Governing Law; Venue. This MOU shall be governed by the laws of the State of North Carolina. The venue for initiation of any such action shall be Wake County, North Carolina.
4. Amendments and Modifications; Additional Policies and Procedures. This MOU may be modified or amended by mutual consent of the parties as long as the amendment is executed in the same fashion as this MOU. Notwithstanding the foregoing, the parties may

develop additional policies and procedures by consent to implement this MOU, including but not limited to policies and procedures regarding reporting requirements and sharing information between WCPSS and the Agencies. Further, each party may develop internal policies and procedures to implement their respective obligations under this MOU.

5. Entire Agreement. This MOU constitutes the entire agreement between the parties and supersedes all prior agreements and understandings, whether written or oral, relating to the subject matter of this MOU.
6. Severability. In the event that any provision of this MOU shall be invalid, illegal or otherwise unenforceable, the validity, legality and enforceability of the remaining provisions shall in no way be affected or impaired thereby.
7. No Third-Party Benefits. There are no third-party beneficiaries to this MOU. Nothing in this MOU shall create or give to third parties any claim or right of action against an Agency or an SRO.
8. Counterparts. This MOU may be executed in one or more counterparts, each of which shall be deemed an original, but all of which taken together constitute one and the same instrument.
9. E-Verify. All parties shall comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes, "Verification of Work Authorization," and will provide documentation reasonably requested by the other demonstrating such compliance.
10. Non-Discrimination. To the extent permitted by North Carolina law, the parties hereto for themselves, their agents, officials, employees and servants agree not to discriminate in any manner on the basis of race, religion, color, sex, national origin, marital status, age, disability, sexual orientation, gender identity, political affiliation, or genetic information with reference to the subject matter of this MOU.

<Remainder of page intentionally left blank. Signatures follow.

The Wake County Board of Education hereby agrees to the terms of the School Resource Officer Program Memorandum of Understanding (MOU), effective July 1, 2021.

Chair, Wake County Board of Education Date

Attest:

By: _____
Dr. Lloyd Gardner
Chief of Staff and Strategic Planning

Date: _____

By: _____
Russ Smith
Senior Director for the Office of Security

Date: _____

The Wake County Sheriff's Office, with a mailing address at 330 S. Salisbury Street, Raleigh NC 27602 hereby agrees to the terms of the School Resource Officer Program Memorandum of Understanding (MOU), effective July 1, 2021.

Sheriff, Wake County Sheriff's Office

Date

The City of Raleigh/Raleigh Police Department, with a mailing address at P.O. Box 590, Raleigh, NC 27602 hereby agrees to the terms of the School Resource Officer Program Memorandum of Understanding (MOU), effective July 1, 2021.

Raleigh Police Chief

Date

Attachment A

Policy Code: 4309 Student Behavior – Code of Student Conduct

A. Philosophy and Goals

A safe, orderly, and welcoming school environment is essential for student learning. To that end, this Code of Student Conduct is intended to (1) create clear standards and expectations for student behavior; (2) promote integrity and self-discipline among students; (3) encourage the use of behavioral supports and interventions as alternatives to exclusionary discipline; and (4) provide clear guidance to teachers and administrators as to how, when, and to what extent students may be disciplined for violating conduct rules.

Consistent with these goals, the Board endorses and adopts the following general principles relating to three key domains of student behavior and conduct.

Principle 1: Climate and Prevention

Schools that foster positive school climates can help to engage all students in learning by preventing problem behaviors and intervening effectively to support struggling and at-risk students.

Principle 2: Expectations and Consequences

Schools that have discipline policies or codes of conduct with clear, appropriate, and consistently applied expectations and consequences will help students improve behavior, increase engagement, and boost achievement.

Principle 3: Equity and Continuous Improvement

Schools that build staff capacity and continuously evaluate the school's discipline policies and practices are more likely to ensure fairness and equity and promote achievement for all students.

B. Role of Staff, Students, Parents, and Community Partners in Promoting Positive School Climates

Positive school climates require ongoing support and collaboration among staff, students, parents, and the community at large. In particular:

-
- Students have the right to attend school in a safe and orderly environment and to have conduct rules applied fairly to them without regard to race, gender, religion, disability, or other defining characteristics. They also bear the responsibility to understand conduct rules, behave appropriately, and be individually accountable for their own actions and decisions.
 - Parents or legal custodians have the right, in a reasonably prompt manner, to be informed of disciplinary actions taken with their children. They are encouraged to support their children in engaging in positive behaviors at school and to partner with teachers and administrators on effective strategies to correct misbehaviors within the parameters of this Code and other applicable policies.
 - Teachers and administrators have statutory duties to maintain safety and order at school and are expected to reinforce and implement clear and consistent behavioral expectations consistent with this Code and other applicable policies. They are also expected to teach and encourage good citizenship and to communicate with parents regarding any serious or persistent behavioral issues. As an integral part of its educational mission, each school should identify school-wide behavioral expectations, make them known to students, and link behavioral and social-emotional practices to core instruction, with data-based monitoring and assessments tied directly to the skills taught.
 - The entire community has a vested interest in safe and orderly schools. Community organizations and individual members of the community are encouraged to offer support and assistance to teachers and administrators in the promotion of positive student behaviors at school and to provide feedback to school and central office administrators on ways to improve school climates and help ensure fair and equitable discipline practices.

These rights and obligations are interrelated, but they are also independent. Thus, for example, student failure to abide by specific behavioral rules do not excuse the failure of school staff to take reasonable measures to nurture and support a generally positive and supportive school climate. Similarly, shortcomings in administrator or parent efforts to support and encourage positive student behaviors do not excuse student violations of specific behavioral rules. To create and maintain the safe, orderly, and positive climate that the entire school community deserves, all stakeholders must work together while remaining individually accountable for their own actions and should strive for continuous improvement over matters within their respective control.

C. Applicability of Code

All students shall comply with this Code as well as all state and federal laws, school board policies, and local school rules governing student behavior and conduct. This Code applies to any student who is on school property (including school transportation), who is in attendance at school or at any school-sponsored activity, or whose conduct at any time, place, or cyberspace, on or off campus, has or is reasonably expected to have a direct

and immediate impact on the orderly and efficient operation of the schools or the safety of individuals in the school environment.

D. Corporal Punishment Prohibited

The Board strictly prohibits all forms of corporal punishment. For purposes of this policy, corporal punishment is the intentional infliction of physical pain upon the body of a student as a disciplinary measure. It includes, but is not limited to, spanking, paddling, and slapping. No administrator, teacher, substitute teacher, student teacher, bus driver, or other employee, contractor, or volunteer may use corporal punishment to discipline any student. Violations of this prohibition may result in disciplinary action, up to and including dismissal. Reasonable force that is necessary to protect oneself or others is not considered corporal punishment ([G.S. 115C-390.3](#); [-391.1](#)).

E. Interventions, Supports, and Responses to Behavioral Concerns

Multi-Tiered System of Support

Teachers and principals will utilize a Multi-Tiered System of Support (MTSS) for behavioral interventions and responses to promote positive changes in student behavior. By utilizing MTSS, school staff engage in data-based problem solving using academic, behavioral, and social-emotional data to identify reasons why particular students may be experiencing significant academic and/or behavioral challenges. Designated central office staff will provide ongoing training and support to school-based staff in the development, implementation, and monitoring of district-approved MTSS protocols. Data and analysis on the effectiveness of these measures will be shared periodically with the Board.

Notification to Parents

When a significant behavioral intervention (beyond mere redirection or warning) is imposed, the school will attempt to notify the parent or legal custodian in a reasonably prompt manner. The school will also attempt to notify the parent or legal custodian of any in-school disciplinary consequence that results in removal from normal classroom or school activities. This includes lunch or after-school detention, in-school suspension, or suspension from school-sponsored extracurricular activities. For out of school suspensions, the administration will provide formal written notice to parents or legal custodians as required by the Board's "Due Process" policy.

After-school detention may preclude a student from using bus transportation or create other transportation difficulties. If a school principal deems it appropriate to require a student to stay after school for detention for a disciplinary reason, the principal may authorize such detention only if the parent or guardian has received at least one day's notice and has agreed to assume responsibility for transportation home.

Range of Interventions and Consequences

When student behaviors interfere with a safe, orderly, and respectful school environment where instruction and learning can flourish, schools should consider (consistent with MTSS protocols) a range of potential interventions and consequences to address the problematic behavior and to reinforce positive behaviors. When feasible, taking into account the specific facts and circumstances of each individual case, schools are encouraged to implement *non-disciplinary* behavioral interventions. Non-disciplinary interventions are responses to problematic behaviors that attempt to support students in learning to make more positive choices, minimize exclusion from instruction and other normal school activities, and do not result in a loss of privileges. Examples of non-disciplinary interventions include, but are not limited to: (1) student-parent-teacher or student-parent-administrator conferences; (2) behavior contracts; (3) reward systems; (4) oral or written warnings; (5) referrals to school counselors; (6) referrals to programs or agencies that support at-risk students; (7) peer mediation; and (8) restorative justice practices. Teachers and administrators are encouraged to solicit the assistance of designated school-based or central office staff in developing appropriate responses and interventions in specific cases.

Only when non-disciplinary interventions are, in the discretion of responsible school officials, deemed unlikely to be sufficiently effective to promote the goals outlined in this policy should *disciplinary consequences* be considered. Disciplinary consequences may be “exclusionary” or “non-exclusionary.” *Exclusionary* discipline consequences are responses to problematic behaviors that expressly exclude a student from instructional time for more than a brief interval (as may be needed, for example, to question a student during a disciplinary investigation). Examples include in-school suspension, out-of-school suspension, and expulsion. *Non-exclusionary* discipline consequences are responses that result in a loss of privileges or imposition of other consequences that do not include exclusion from instructional time. Examples may include, when appropriate (1) lunch or after-school detention; (2) school or community service; or (3) restitution.

Recognizing that exclusionary discipline can exacerbate behavioral problems, diminish academic achievement, and hasten school drop outs, the Board urges schools to use non-exclusionary measures when feasible and to reserve exclusionary discipline for more serious misconduct, such as behavior that threatens the safety of students, staff, or visitors or threatens to substantially disrupt the educational environment.

F. Special Requirements for Out-of-School Suspension and Expulsion

Out-of-school suspension and expulsion are allowed only if specifically authorized by this Code and the Board’s “Due Process” policy. Except to the extent that North Carolina law requires school administrators to recommend a 365-day suspension for any student who violates Rule IV-1 Firearm/ Destructive Device K-12, this Code authorizes, but does not require, the use of out-of-school suspensions.

In addition to the notice and due process requirements set out in the “Due Process” policy, administrators must adhere to the following requirements before imposing or recommending any out-of-school suspension or expulsion:

- When deciding whether to recommend a long-term suspension (suspension of more than ten [10] days) or determining the specific length of any short-term suspension or long-term suspension recommendation, principals may consider any relevant “aggravating” or “mitigating” factors of which they are aware. “Aggravating” factors are factors that tend to increase the seriousness of a disciplinary infraction. “Mitigating” factors are factors that tend to decrease the seriousness of disciplinary infraction. Aggravating and mitigating factors are “relevant” when, in the judgment of responsible school officials, they have a bearing on the student’s level of responsibility for the behaviors in question. When both aggravating and mitigating factors are present, principals should exercise their discretion in weighing and balancing them.
- Suspensions of more than ten (10) days may be imposed only if they have been approved by the Superintendent or designee and the student has been offered the opportunity for a hearing under the Board’s “Due Process” policy. Expulsion from school based on a recommendation of both the principal and the Superintendent must be approved by the Board.
- In determining the length of a suspension, the principal should consider that the duration of a suspension has a disproportionate impact on students attending a school on block schedules.
- Nothing in this policy shall be interpreted to conflict with state and federal laws governing students with disabilities.
- Students in grades K-5 shall not be subject to long-term suspension except as required by law or in cases involving serious injury to students or staff or serious threat to safety or welfare of members of the school community.

G. Levels of Code

The Code of Student Conduct rules are leveled according to the seriousness of the behaviors and range of potential disciplinary consequences.

Level I: Level I rule violations can generally be addressed with non-disciplinary interventions or non-exclusionary discipline consequences. Except in the very limited circumstances described in Rule II-20, Level I rule violations may not result in out-of-school suspension.

Level II: Level II rule violations involve more serious misconduct that may warrant short-term suspension of up to five (5) school days when, in the judgment of the principal or designee, non-disciplinary interventions and non-exclusionary discipline consequences are insufficient to address the behavior and prevent its recurrence. Principals may impose a short-term suspension of six (6) to ten (10) days or

recommend a long-term suspension of eleven (11) days or more based on one or more aggravating factor(s) regarding the severity of the violation and/or safety concerns, provided such aggravating factor(s) are listed in the written suspension notice.

Level III: Level III rule violations are more severe in nature and may support long-term suspension. The principal may impose a short-term suspension of ten (10) days or less or decline to impose any suspension based on mitigating factors.

Level IV: The only rule in Level IV is one that reflects a statutory prohibition on the possession of a “firearm” or “destructive device” (as defined in the rule) on school property or at a school-sponsored event. State law requires principals to recommend a 365-day suspension for all violations of this rule. Only the Superintendent or Board of Education may modify this outcome. A level IV violation is always extremely serious and is treated as such.

Level V: Level V allows for permanent expulsion of a student from the Wake County Public School System for violation of one or more Level II, III, or IV rules in this Code if the following criteria are met: (1) the student is fourteen (14) years old or older; (2) both the principal and the superintendent/designee recommend expulsion; (3) the superintendent and Board determine, consistent with the Board’s “Due Process” policy, that there is a significant or important reason not to offer the student alternative educational services; and (4) the Board determines, by clear and convincing evidence, that the student’s continued presence in school constitutes a clear threat to the safety of other students or school staff. Additionally, any student who is registered as a sex offender under [Article 27A of Chapter 14 of the North Carolina General Statutes](#) may be expelled in accordance with these procedures. If such a student is offered alternative education services on school property, the student must be under the supervision of school personnel at all times.

H. Rules of Conduct

LEVEL I

I-1 Compliance with Directives: Students shall comply with all lawful and reasonable directives of school employees, including but not limited to directives to identify oneself, to remove oneself from a dangerous or disruptive situation, or to report to a designated person or location.

I-2 Mutual Respect: Mutual respect is expected between students and staff. Students will refrain from words (written or oral) and/or gestures that demean, degrade, antagonize, or humiliate a school employee, volunteer, visitor, or other student(s). Examples may include ridiculing, cursing at, or aggressively or angrily shouting at an employee, volunteer, visitor, or other student(s).

I-3 School/Class Attendance: Students will attend school each school day except in the case of excused absences. Students will be on time to school and on time to class, will refrain from entering unauthorized areas, and will remain at school and in the designated locations for the duration of each school day unless excused.

I-4 Appropriate Language: Cursing or use of vulgar, profane, or obscene language, oral or written, is prohibited. If such language is directed at a school employee, volunteer, visitor, or other student(s), such conduct should be treated under Rule I-2.

I-5 Student Dress Code: Student dress will adhere to the standards set out in the [Student Dress Code](#) policy.

I-6 Electronic Devices: Personal technology devices (including, but not limited to smart phones, tablets, and laptops) may be used by students for instructional purposes with the permission and under the supervision of the teachers in compliance with the Technology Responsible Use policy. The use of personal technology devices to engage in misconduct (e.g., bullying, harassment, or threats) may result in consequences under rules in this Code. Malicious or intentionally destructive use of technology devices or resources (e.g., hacking, password theft, or introduction of viruses) may result in consequences under Rule II-3. The school system assumes no responsibility for personal technology devices brought to school.

I-7 Trespassing: Students shall not be on the campus of any school except the one to which the student is assigned without the knowledge and consent of the officials of that school. Students who remain at school after the close of the school day or come onto school grounds when school is not in session without permission will be considered trespassers. If the student does not leave when instructed to do so, he/she may be prosecuted. A student under suspension from school is trespassing if he/she appears on the property of any school or at any school sponsored activity during the suspension period without the express permission of the principal. Students who trespass on school property to engage in other forms of misconduct (e.g., fighting/physical aggression or theft) may be subject to consequences under other applicable rules in this Code, and the act of trespassing may be considered an aggravating factor.

I-8 Tobacco, Vaporizers, and Nicotine Products: Student health and well-being is of the highest priority. For this reason, no student shall violate the Board's "Use of Tobacco and Nicotine Products" policy. Students are specifically advised that this policy prohibits vaporizers and liquids used in vaporizers even if they do not contain tobacco or nicotine.

I-9 Gambling: Students shall not participate in any unauthorized games of chance in which money or items of value may be won or lost.

I-10 Integrity: Students are expected to be honest and forthright with school staff and volunteers. Lying, intentionally misleading, and actively concealing the truth from staff and volunteers are prohibited. Dishonest acts or statements that violate other rules in this Code may result in consequences under those other rules. Integrity may also be considered as an aggravating factor in connection with other forms of misconduct.

I-11 Honor Code: All students are expected to adhere to the academic [Honor Code](#) policy. Disciplinary consequences for violations of this policy will typically be consistent with Level I violations. However, serious violations of the [Honor Code](#) may be addressed under Rule II-1 Falsification or Deceit.

LEVEL II

II-1 Falsification or Deceit: Intentional acts of falsification or serious deceitful misconduct that threaten the health, safety, or welfare of others, or that cause a substantial detrimental impact on school operations or other individuals, are prohibited.

II-2 Inappropriate, Illustrations Images, or Other Materials: The possession of illustrations, audio or video recordings, written materials, graphics, or other print or digital documents, media, or files which significantly disrupt the educational process or which are profane, pornographic, or obscene is prohibited.

II-3 Hacking and Unauthorized Computer Access: Students will comply with all state and federal laws and regulations governing access to computers, computer networks, stored data, passwords, and other technology systems and resources and will refrain from all forms of computer or network “hacking,” whether criminal or not. Any willful or knowing effort to obtain unauthorized access; to steal; to maliciously alter, modify, or destroy; to introduce viruses; or otherwise to cause harm to any such computer, computer network, stored data, or other technology resource is a violation of this rule.

II-4 Substantially Disruptive or Dangerous Behavior: Students will not make oral or written statements or intentionally engage in conduct that, despite efforts by staff to intervene or redirect the behavior, (1) substantially disrupts the educational environment or (2) threatens the health, safety, or welfare of staff or students. Statements or conduct that “substantially disrupt” the educational environment may include, for example, intentionally blocking entrances or exits or obstructing the flow of traffic within or outside of the school building, intentionally interfering with or interrupting school activities such that teaching and learning are compromised, or engaging in loud or boisterous conduct that significantly distracts others from peaceable and orderly school activities.

Words or conduct that would otherwise be a Level I violation (e.g., failure to comply with directives or unacceptable language) may also constitute a violation of this Level II rule if they (1) persist directly following attempts by staff to intervene or redirect the behavior and substantially disrupt teaching, learning, or the orderly conduct of school activities or (2) inherently threaten the health, safety, or welfare of staff or students. Examples include, but are not limited to, continuing to shout or use profanity directly after intervention or redirection, continuing to engage in disruptive rough-housing or horseplay directly after intervention or redirection or in a manner that is reasonably likely to cause injury, or throwing objects directly after intervention or redirection or in a manner that is reasonably likely to cause injury.

II-5 School Transportation Disturbance: Disturbances on school buses or other transportation vehicles or near streets at school bus stops can put many students at risk. Any physical or verbal disturbance which occurs on school transportation vehicle or at a bus stop and which interrupts or interferes with the safe and orderly operation of the vehicle or otherwise puts others at risk of harm is prohibited.

II-6 False Fire Alarm or Reported Emergency: Smoke and fire alarms and other emergency systems are vital for the safe operation of schools and must not be tampered with. No student shall set off, attempt to set off, or aid and abet anyone in giving a false fire alarm. No student shall interfere with or damage any part of a fire alarm, fire detection, smoke detection, fire extinguishing system, or emergency escape system.

II-7 Fire Setting/Incendiary Material: Fires and fire-setting materials pose a risk of harm to everyone in the school environment. The possession of any incendiary material (including but not limited to matches, lighters, or lighter fluid) or the use of any material reasonably likely to result in a fire on school property is prohibited.

II-8 Property Damage: Students shall not intentionally damage or deface or attempt to damage or deface any school property or the personal property of another.

II-9 Theft: Students shall not steal, attempt to steal, or knowingly be in possession of stolen property.

II-10 Extortion: Students shall not obtain or attempt to obtain money, property, or other items of value or compel another person to take action or refrain from action against that person's will by means of force, intimidation, or threat.

II-11 Indecent Exposure/Sexual Behavior: Students shall not engage in behavior, whether consensual or non-consensual, which is lewd, indecent, or of a sexual nature.

II-12 Harassment/Bullying: Students shall not engage in conduct prohibited by the Board's "Prohibition against Discrimination, Harassment, and Bullying" policy.

II-13 Sexual Harassment: Students shall not engage in conduct prohibited by the Board’s “Prohibition against Discrimination, Harassment, and Bullying” policy.

II-14 Threat/False Threat: Students shall not make any threat through written or verbal language, sign, or act which conveys a serious expression of intent to cause harm or violence. Furthermore, no student shall make a false threat of harm or violence, even jokingly, which causes or is reasonably likely to cause fear or a disruption to school activities.

II-15 Physical Aggression/Fighting: Physical aggression toward and fighting with students, staff, or visitors are prohibited. A student who is attacked may use reasonable force in self-defense, but only to the extent necessary to get free from the attack and notify proper school authorities. A student who exceeds reasonable force may be disciplined even though someone else provoked or initiated the fight.

The prohibition on fighting and physical aggression includes, but is not limited to:

- a. Choking, hitting, slapping, shoving, scratching, spitting, biting, blocking the passage of, or throwing objects at another person in an aggressive, confrontational or dangerous manner.
- b. Taking any action or making comments or writing messages that might reasonably be expected to result in a fight or physical aggression.

II-16 Report Firearm or Destructive Device: Any student who has reason to believe that another student possesses or intends to bring a “firearm” or “destructive device,” as defined in Rule IV-1, onto any school campus or to any school activity shall report this information to school or law enforcement authorities immediately.

II-17 Hazing: No group or individual shall require a student to wear abnormal dress; play abusive or ridiculous tricks on him or her; or frighten, scold, beat, harass, or otherwise subject him or her to personal indignity as a condition of inclusion in group or as a ritual associated with group membership. Hazing is prohibited even if the person hazed consents to the conduct.

II-18 Search and Seizure: Students may not refuse to allow and may not seek to impede any search or seizure of their person or belongings that is authorized under the Board’s “Student Searches” policy.

II-19 Aiding and Abetting: Students shall not assist or facilitate others in violating any Level II, III, or IV rule in this Code.

II-20 Repeated / Willful Violations of Level I Rules: A student may be subject to out-of-school suspension of up to two (2) days under this Rule for repeated, willful violations of any Level I rules, but only if (1) the school has documented at least

three prior violations of the same Level I rule prior within the same academic semester; (2) appropriate MTSS non-disciplinary interventions have been attempted and documented with each of those last three violations; and (3) school administrators have contacted the student and parent to warn them of the possibility of out-of-school suspension before the final incident that leads to the suspension.

LEVEL III

III-1 Narcotics, Alcoholic Beverages, Controlled Substances, Chemicals, and Drug Paraphernalia: Drugs and alcohol present serious risks of harm to all persons, especially adolescents, and drug and alcohol overdoses and abuse result in well over 100,000 deaths each year in the United States alone. Addiction can start slowly and take hold before a person realizes he or she is addicted. It can destroy relationships, shatter dreams and ambitions, and lead to imprisonment, brain damage, disfiguring injury, and death. Students who are struggling with addiction or who are tempted or feeling pressured to use intoxicating drugs or alcohol are urged to seek help immediately from a parent, teacher, counselor, administrator, or other trusted adult. No student will face disciplinary consequences for coming forward, proactively, to seek help while not in possession of or under the influence of contraband.

That said, the Board has a solemn duty to adopt policies that are reasonably designed to keep its school and students safe. To that end, the Board strictly prohibits all narcotics, alcoholic beverages, unauthorized prescription drugs, and similar substances at schools and school-sponsored activities. Specifically, no student shall possess, use, distribute, sell, possess with intent to distribute or sell, conspire or attempt to distribute or sell, purchase, or be under the influence of any narcotic drug, opioid, hallucinogen, amphetamine, barbiturate, marijuana or cannabis product, anabolic steroid, controlled substance, alcoholic beverage, drug paraphernalia, counterfeit substance, unauthorized prescription drug, or any other chemical or product with the intention of bringing about a state of exhilaration, euphoria, or of otherwise altering the student's mood or behavior. The proper use of a drug authorized by valid medical prescription from a legally authorized health care provider shall not be considered a violation of this rule when the drug is taken by the person for whom the drug was prescribed.

The following definitions apply to this rule:

- a. Possession: Having the prohibited substance on the student's person or in another place where the student, either alone or jointly with others, has control over it. This may include, but is not limited to, possession of a prohibited substance in an automobile, locker, book bag, or desk.
 - b. Use: The consumption, injection, inhalation, ingestion, or absorption of a prohibited substance into a student's body by any means.
-

c. Under the influence: Having used a prohibited substance such that it continues to influence a student's mood, behavior, or learning to any degree.

d. Counterfeit Substance: Any substance that is described or presented with the intention of deceiving another into believing that it is a substance prohibited under this rule.

e. Unauthorized Prescription Drug: Any prescription drug or medication that is used or possessed by someone other than the person for whom the prescription was written.

f. Drug Paraphernalia: Objects that are used or intended to be used for ingesting, injecting, inhaling, or otherwise introducing a substance prohibited by this rule into the body, including but not limited to pipes, vaporizers, rolling papers, and syringes. Relevant evidence may be considered in determining whether an object is drug paraphernalia.

g. Conspiracy: An agreement by two or more persons to commit an unlawful act in violation of this rule.

h. Sell: To exchange a substance prohibited by this rule for money, property, or any other benefit or item of value.

i. Possess with Intent to Distribute/Sell: Intent to distribute or sell may be determined from relevant evidence such as the amount of the prohibited substance found; the manner in which it was packaged; the presence of packaging materials such as scales, baggies or other containers; and the statements or actions of students.

j. Distribute: To transmit a prohibited substance to one or more other students, with or without compensation. For purposes of this definition, a student has not "distributed" a prohibited substance (but may be guilty of "possession" or "use") if the student's sole involvement is to share or pass a prohibited substance with other students in the course of using it, so long as the student was not the one who brought the prohibited substance onto school property or otherwise made it available to other students.

When a first infraction of this rule involves solely possession, use, conspiracy to possess or use, and/or being under the influence of a substance prohibited by this rule, and a long-term suspension recommendation for violation of this rule is not supported by any other rule violations that independently support long-term suspension, an alternative to long-term suspension shall be offered.

The alternative shall consist of a short-term suspension of five (5) days on condition that the student participates in and completes an approved Alternative Counseling

and Education (ACE) program. The program shall be designed by the superintendent and agreed to in writing by the parent, guardian, student, and school principal. Parents, guardians, and students shall be provided information by school authorities concerning approved ACE programs. Declining this opportunity or failing to meet any requirements of the ACE program reactivates the underlying long-term suspension or alternative education assignment.

III-2 Gang and Gang Related Activity: The Board believes that gangs and gang-related activities pose a serious safety threat to students and staff members of the Wake County Public School System and can significantly disrupt the educational environment. Even actions that are not innately dangerous, such as displaying hand signs, wearing items of particular colors, and speaking with special jargon can substantially increase the risks of criminal activity and physical injury when those signs and signals are used to support, signal, promote, or encourage gang activity or affiliation. Students who feel pressured to participate in or condone gang activities are urged to seek help from teachers, administrators, parents, and law enforcement officers.

a. No student shall participate in any gang-related activities. For purposes of this rule:

i. A gang is any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of criminal acts, and having a common name or common identifying sign, colors or symbols.

ii. Gang-related activities are any activities engaged in by a student on behalf of an identified gang; to perpetuate the existence of an identified gang; to promote the common purpose and design of an identified gang; or to represent gang affiliation, loyalty, or solidarity.

b. Conduct prohibited by this rule includes:

i. Wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, emblems, badges, symbols, signs, visible tattoos and body markings, or other items, with the intent to convey or promote membership or affiliation in any gang;

ii. Communicating either verbally or non-verbally (gestures, handshakes, slogans, drawings, etc.), with the intent to convey or promote membership or affiliation in any gang;

iii. Tagging, or otherwise defacing school or personal property with symbols or slogans intended to convey or promote membership or affiliation in any gang;

iv. Requiring payment of protection, money or insurance, or otherwise intimidating or threatening any person in connection with gang-related activity;

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

vi. Soliciting others for gang membership;

vii. Committing or conspiring to commit illegal act in connection with gang-related activity.

c. When a first infraction involves only the wearing of gang-related attire, the student shall receive a warning and be allowed to immediately change or remove the attire as an alternative to disciplinary action.

d. The Superintendent or Superintendent's designee shall regularly consult with law enforcement officials to identify examples of gang-related items, symbols and behaviors and shall provide each principal with this information. Parents and students shall be notified that such information is maintained in the principal's office, that it is subject to change, and that the principal's office may be consulted for updates. In providing this information for parents and students, the school system acknowledges that not all potential gang indicators connote actual membership in a gang.

III-3 Weapons/Dangerous Instruments/Substances: No student shall possess, handle, or transmit any weapon, facsimile of a weapon, dangerous instrument/substance or other object that can reasonably be considered or used as a weapon or dangerous instrument/substance. This does not apply to any student who finds a weapon or dangerous instrument/substance on school property or receives it from another person on school property and who immediately reports the weapon or dangerous instrument/substance to school or law enforcement authorities.

The following definitions apply to this rule:

a. **Weapon:** Any firearm, BB gun, stun gun, air rifle, air pistol, ammunition, power loads, fireworks, knife, slingshot, leaded cane, blackjack, metallic knuckles, razors, razor blades except cartridge razors used solely for personal shaving, box cutter, mace, pepper spray, and other personal defense sprays, and any sharp- pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction, and maintenance.

b. **Dangerous Instruments/Substances:** Any object or substance that is possessed, handled, transmitted, or used for the purpose of causing or attempting to cause physical injury.

c. **Facsimile of a Weapon:** Any copy of a weapon that could reasonably be perceived to be a real weapon.

Note: Refer to Level IV: Rule IV-1 for violations involving Firearms/Destructive Devices.

III-4 Assault on a Student: No student shall cause or attempt to cause serious physical injury to another student. For the purposes of this policy, serious physical injury shall refer to any significant or aggravated bodily injury, including but not limited to broken bone(s), loss or chipping of teeth, loss or impairment of vision, loss of consciousness, internal injuries, scarring or other disfigurement, significant bleeding, lacerations resulting in sutures, significant bruising, severe or prolonged pain, any injury requiring hospitalization for any period of time, and/or any injury resulting in medical treatment beyond simple first aid procedures.

III-5 Assault on School Personnel or Other Adult: No student shall cause or attempt to cause physical injury to any school employee or other adult.

Note: If a teacher is assaulted or injured by a student and as a result the student is reassigned to alternative education services, long-term suspended, or expelled, the student shall not be returned to that teacher's classroom unless the teacher consents.

III-6 Assault Involving Weapon/Dangerous Instrument/Substances: No student shall assault another using a weapon, dangerous instrument, or dangerous substances.

Note: Refer to Level IV: Rule IV-1 for violations involving Firearms/Destructive Devices.

III-7 Bomb Threats: No student shall make a bomb threat or hoax by making a false report that a device designed to cause damage or destruction by explosion, blasting, or burning is located on the school premises or at the site of school activities, or by placing or concealing an object or artifact on school property or the site of school activities so as to cause any person to reasonably believe the object or artifact to be a bomb or other destructive device.

III-8 Threats of Mass Violence: No student shall, by means of communication to any person or group, threaten to commit an act of mass violence on educational property or at a curricular or extracurricular activity sponsored by a school. For purposes of this rule, "mass violence" is physical injury that a reasonable person

would conclude could lead to permanent injury (including mental or emotional health) or death to two or more people.

LEVEL IV

IV-1 Firearm/ Destructive Device K-12: As required by state law, any student in grades K-12 shall be recommended for suspension for 365 calendar days for bringing a “firearm” or “destructive device” onto school property or to a school-sponsored event off school property, or for possessing a “firearm” or “destructive device” on school property or at a school-sponsored event off school property. School property includes any property owned, used, or leased by the Board, including school buses, other vehicles, and school bus stops. Principals are required to refer to the law enforcement system any student who brings a firearm or weapon to school.

The following definitions apply to this rule:

- a. Firearm: A weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; or any firearm muffler or firearm silencer. The term does not include an inoperable antique firearm, BB gun, stun gun, air rifle, or air pistol.
- b. Destructive Device: An explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or device similar to any of the devices listed in this definition.

Violation of this rule shall result in suspension from school for 365 days unless modified by the Superintendent or Board on a case-by-case basis.

The 365-day suspension does not apply to any student who finds the firearm on school property or receives it from another person on school property and who delivers the weapon, immediately, to school or law enforcement authorities.

LEVEL V

Level V is the most serious level in this Code. While there are no separate Level V rules, the violation of one or more Level II, III, or IV rules in this Code becomes subject to Level V sanctions – meaning that a student may be permanently expelled from the Wake County Public School System – if all of the following criteria are met: (1) the student is fourteen (14) years old or older; (2) both the principal and the superintendent/designee recommend expulsion; (3) the superintendent and Board determine, consistent with the Board’s “Due Process” policy, that there is a significant or important reason not to offer the student alternative educational services; and (4) the Board determines, by clear and

convincing evidence, that the student's continued presence in school constitutes a clear threat to the safety of other students or school staff.

Additionally, any student who is registered as a sex offender under [Article 27A of Chapter 14 of the North Carolina General Statutes](#) may be expelled in accordance with these procedures. If such a student is offered alternative education services on school property, the student must be under the supervision of school personnel at all times. This is a consequence of last resort. Principals are urged to consult with their area superintendents before recommending a student for permanent expulsion.

Adopted: June 6, 2017

Revised: May 7, 2019

Wake County Board of Education

Attachment B

Policy Code: 5120 Relationship with Law Enforcement

The Wake County Board of Education recognizes the importance of law enforcement authorities in providing safe schools. The Board desires an effective working relationship with law enforcement.

The maintenance of order and security in and around public schools is essential to creating learning environments in which students can meet high academic standards, educators can teach to those standards, and parents can be assured that the children are guaranteed their right to learn. The maintenance of safety and good order is the collective responsibility of all school staff, law enforcement, parents, and students. Principals and law enforcement shall consult and work cooperatively with each other on matters pertaining to school security. The comprehensive partnership with law enforcement encompasses multiple situations and roles, including the use of SROs, requests by a school for immediate assistance of law enforcement, mutual communication regarding possible security risk, and other situations. The scope of this policy is only on situations where it is necessary for law enforcement to question, search or arrest a student on school property. This policy does not apply to a School Resource Officer (SRO) exercising the duties for conducting a school-related investigation as set forth in the "[School Resource Officer Program Memorandum of Understanding](#)."

The superintendent shall ensure that local law enforcement have schematic diagrams, including digital schematic diagrams, of all school facilities and provide them updates of the schematic diagrams when the school system makes substantial facility modifications, such as the addition of new facilities or modifications to doors or windows. The superintendent shall also provide local law enforcement with (1) either keys to the main entrance of all school buildings or emergency access to key storage devices for all school buildings and (2) updated access to school buildings when changes are made to the locks of the main entrances or to the key storage devices.

School resource officers (SROs) are assigned duties as specified in the "[School Resource Officer Program Memorandum of Understanding](#)."

When it is necessary for a law enforcement officer other than an SRO to question, search, or arrest a student on school property, the following guidelines are in effect:

1. Law enforcement officers are expected to question students away from school regarding non-school related matters unless the officers have a warrant or unless questioning, searching, or arresting a student on school property at that time is necessary, in the discretion of the officers, for the success of a law enforcement investigation or to prevent injury or crime.

2. When law enforcement officers must question or arrest a student at school, attempts should be made to avoid embarrassing the student before teachers and peers and to avoid disrupting the educational program of the student and the school unless immediate intervention by the officer is necessary to prevent injury, a serious crime, or flight of the student.

3. If law enforcement officers have a warrant for the student's arrest, they must be permitted to arrest the student; however, whenever possible the arrest should be conducted in the principal's office out of the view of other students.

4. Law enforcement officers should remain in the administration office while school personnel seek out the student unless immediate intervention by the officer is necessary to prevent injury, a serious crime, or flight of the student. In circumstances where the officer needs to seek out a student, the principal/designee shall accompany the officer unless the officer instructs otherwise as a result of a potentially dangerous situation.

5. Law enforcement officers' questioning of a student is expected to be conducted so as to not cause the student to miss class time, unless questioning is determined to be time critical for the success of a law enforcement investigation or to prevent injury or crime.

6. Any questioning by law enforcement officers shall ordinarily be conducted in a private room or area where confidentiality can be maintained. This should be an area removed from observation by or contact with other students and school personnel other than the principal/designee.

7. Except in cases of suspected child abuse or neglect, or when the parent is implicated in the investigation, an administrator at the student's school must make reasonable attempts to contact the student's parent or guardian.

8. In cases where the parent or guardian cannot be reached and the questioning is conducted without parental notification, the principal/designee must be present during the questioning unless law enforcement directs otherwise for safety reasons. Presence of a principal/designee does not in any way impact law enforcement's duty, if applicable in the situation, to comply with the juvenile's Miranda rights established in [General Statutes Chapter 7B](#).

9. While interacting with students on school premises, the law enforcement officer must abide by state and federal law governing use of force, interrogations, searches, and arrests.

10. School administrators must maintain and provide to the superintendent's office a written record of when law enforcement officers who are not SROs come onto school property to search, arrest, or question a student. The record must include:

-
- a. The name of the law enforcement officer;
 - b. The agency of the law enforcement officer;
 - c. The name(s) of the student(s);
 - d. The action(s) taken by the law enforcement officer while on campus, including but not limited to, questioning the student, searching the student, or escorting the student off school grounds; and
 - e. The date of the encounter.

School administrators and employees are expected to cooperate in criminal investigations but should attempt to do so in a way that minimizes disruptions to the educational environment.

Visits by probation officers to students during the school day must be in accordance with the applicable policy addressing visitors.

Legal References: [G.S. 115C-36](#), [-47](#), [-105.53](#)

Adopted: September 4, 2018

Wake County Board of Education

Attachment C

Policy Code: 4700 Student Records

All student records must be current and maintained with appropriate measures of security and confidentiality. The principal is responsible for complying with all legal requirements pertaining to the maintenance, review, and release of student records retained at the school. For purposes of this policy, “student records,” “student education records,” or “education records,” are those records, files, documents, and other materials that contain information directly related to the student that are maintained by the school system or by a party acting for the school system.

An employee’s failure to maintain the confidentiality of student records may result in disciplinary action, up to and including dismissal.

A. Annual Notification of Rights

The superintendent or designee shall provide eligible students and parents with annual notification of their rights under the Family Educational Rights and Privacy Act (FERPA). The notice must contain all information required by federal law and regulations, including the following:

1. the right to inspect and review the student’s education records and the procedure for exercising this right;
2. the right to request amendment of the student’s education records that the parent or eligible student believes to be inaccurate, misleading, or in violation of the student’s privacy rights; and the procedure for exercising this right;
3. the right to consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent;
4. the type of information designated as directory information and the right to opt out of release of directory information;
5. that the school system releases records to authorized institutions that have requested the information and in which the student seeks or intends to enroll;
6. the right to opt out of releasing the student’s name, address, and phone number to military recruiters or institutions of higher education that request such information;

7. a specification of the criteria for determining who constitutes a school official and what constitutes a legitimate educational interest if a school official discloses or intends to disclose personally identifiable information to school officials without consent;

8. notification if the school system uses contractors, consultants, volunteers, or similar persons as school officials to perform certain school system services and functions that it would otherwise perform itself; and

9. the right to file complaints with the Family Policy Compliance Office in the U.S. Department of Education.

School officials are not required to individually notify parents or eligible students of their rights but must provide the notice in a manner reasonably likely to inform the parents and eligible students of their rights. Schools will accommodate requests to translate the notice into the primary language of a student or parent and will accommodate requests of a student or parent with a disability to provide assistance in accessing the notice.

B. Definition of Parent and Eligible Student

1. Parent

For purposes of this policy, the term “parent” includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian. If the parents of a student are separated or divorced, both parents have the right to access the student’s records as provided in this policy, unless the school system has been provided with evidence that there is a court order, state statute, or other legally binding document that specifically revokes these rights. If a court order restricts either parent’s access to student records, it is the parents’ responsibility to provide a full, unedited copy to the school principal, who will place a copy in the student’s cumulative file and accommodate the terms of the order to the extent possible.

2. Eligible Student

For purposes of this policy, an eligible student is a student who has reached 18 years of age or is attending an institution of postsecondary education. The rights afforded to parents under this policy transfer to an eligible student. However, parents may still have access to the records as long as the student is claimed as a dependent by the parent for federal income tax purposes. An eligible student who desires to prevent access to records by his or her parents must furnish to the principal information verifying that the student is not a dependent of his or her parents. If a parent of a student who is at least 18 and no longer attending a school within the system wishes to inspect and review

the student's records, he or she must provide information verifying that the student is a dependent for federal income tax purposes.

A student under age 18 may have access to student records only upon the consent of his or her parents.

C. Classification and Maintenance of Records

1. Student Education Records

The principal is the custodian of student records maintained at the school, including but not limited to a student's cumulative file.

Student education records may be separated into several categories, including, but not limited to, the following.

a. Cumulative Records

The cumulative record is the official record for each student. The cumulative record includes student identification information, such as the student's name, address (or the living situation of a student experiencing homelessness), sex, race, birthplace, and birth date; family data including the parents' names, addresses, work and home telephone numbers, and places of employment; academic work completed; grades; standardized test scores; health screenings and immunization documentation; attendance records; withdrawal and reentry records; discipline records; honors and activities; class rank; date of graduation; and follow-up records.

b. Discipline Records

Student discipline records are part of the student's official record and must be maintained and reviewed pursuant to policy 4345, Student Discipline Records. Discipline records must be expunged and forwarded pursuant to the requirements of law and the procedures of policy 4345.

c. Records of Students with Disabilities

Students with recognized disabilities must be accorded all rights in regard to their records as provided by state and federal law, including the Individuals with Disabilities Education Act and policy 3520, Special Education Programs/Rights of Students with Disabilities. Records for a student identified as a student with a disability are considered part of the student's official records and must be maintained in accordance with all

appropriate federal and state regulations. Access to these records will be restricted to personnel having specific responsibility in this area. A list of all approved personnel having access to these restricted files will be updated as needed, and a current, dated list will be posted in the student records location.

d. Records Received from the Department of Social Services

The Department of Social Services may disclose confidential information to the school system in order to protect a juvenile from abuse or neglect. Any confidential information disclosed under these circumstances must remain confidential and may only be redisclosed for purposes directly connected with carrying out the school system's mandated educational responsibilities.

e. Juvenile Records

Juvenile records include documentation or information regarding students who are under the jurisdiction of the juvenile court. These records may be received from local law enforcement and/or other local agencies authorized to share information concerning juveniles in accordance with [G.S. 7B-3100](#). These records also may include notice from the sheriff to the school system that a student has been required to register with the sheriff because the student has been found to be a danger to the community under [G.S. Chapter 14, Part 4](#). Such documents must not be a part of a student's official records but must be maintained by the principal in a safe, locked storage area that is separate from the student's other records. The principal shall not make a copy of such documents under any circumstances.

Juvenile records will be used only to protect the safety of or to improve the educational opportunities for the student or others. The principal may share juvenile records with individuals who have (a) direct guidance, teaching, or supervisory responsibility for the student and (b) a specific need to know in order to protect the safety of the student and others. Persons provided access to juvenile records must indicate in writing that they have read the document(s) and agree to maintain confidentiality of the records.

The principal or designee must destroy juvenile documents if he or she receives notification that a court no longer has jurisdiction over the student or if the court grants the student's petition for expunction of the records. The principal or designee shall destroy all other information received from an examination of juvenile records when he or she finds that the information is no longer needed to protect the safety of or to

improve the educational opportunities for the student or others. If the student graduates, withdraws from school, transfers to another school, is suspended for the remainder of the school year, or is expelled, the principal shall return all documents not destroyed to the juvenile court counselor. If the student is transferring, the principal shall provide the juvenile court counselor with the name and address of the school to which the student is transferring.

2. Records Not Considered Student Education Records (Sole Possession, Employment, and Law Enforcement Records)

Student education records do not include, and release of information under this policy does not apply to:

- a. records made by teachers, counselors, and administrators that are in the sole possession of the maker thereof and that are not accessible or revealed to any other person except a substitute;
- b. employment records of student employees if those records relate exclusively to the student in his or her capacity as an employee and are not made available for any other use; and

D. Records of Students Participating in the North Carolina Address Confidentiality Program

Students or parents enrolled in the North Carolina Address Confidentiality Program (NCACP) must provide a valid NCACP authorization card to the school principal if they wish to keep their home address confidential. The school system will maintain a confidential record of the actual home address for admission and assignment purposes only and will not release that address except as provided by law. With the exception of such specially-maintained records, student records will include the substitute address and not the actual home address of any students or parents for whom a valid NCACP authorization card is on file.

When transferring the record of a student participating in the North Carolina Address Confidentiality Program to a school outside of the system, the transferring school may send the files to the Address Confidentiality Program participant (parent or guardian) via the substitute address provided by the Address Confidentiality Program.

E. Records of Missing Children

Upon notification by a law enforcement agency or the North Carolina Center for Missing Persons of the disappearance of a child who is currently or was previously enrolled in the school, school officials shall flag the record of that child. If the missing

child's record is requested by another school system, the principal shall provide notice of the request to the superintendent and the agency that notified the school that the child was missing. The principal shall provide the agency with a copy of any written request for information concerning the missing child's student education record.

Any information received indicating that a student transferring into the system is a missing child must be reported promptly to the superintendent and the North Carolina Center for Missing Persons.

F. Records of Military Children

School administrators shall comply with any regulations pertaining to the records of military children developed by the Interstate Commission on Educational Opportunity for Military Children.

In addition, children of military families, as defined by policy 4050, Children of Military Families, are entitled to the following.

2. For Students Leaving the School System

In the event that official education records cannot be released to the parents of military children who are transferring away from the school system, the custodian of records shall prepare and furnish to the parent a complete set of unofficial education records containing uniform information as determined by the Interstate Commission.

When a request for a student's official record is received from the student's new school, school officials shall process and furnish the official records to the student's new school within 10 days or within such time as is reasonably determined by the Interstate Commission.

3. For Students Enrolling in the School System

Upon receiving an unofficial education record from the student's previous school, school administrators shall enroll the student and place him or her in classes as quickly as possible based on the information in the unofficial records, pending validation by the official records.

Simultaneous with the enrollment and conditional placement of the student, school administrators shall request the student's official record from his or her previous school.

G. Review, Release of Records to Parent or Eligible Student

1. Review by Parent or Eligible Student

A parent or eligible student may access the student's education records upon proper request. The principal or other authorized personnel of the student's school shall schedule an appointment as soon as possible but no later than 45 days after the request by the parent or eligible student. The parent or eligible student may formally review the student's complete education records only in the presence of the principal or designee. Parents or eligible students who are unable to physically inspect student records at the school may contact Central Records to request copies of those records. School personnel shall not destroy any education records if there is an outstanding request to inspect or review the records.

2. Release to Parent or Eligible Student

Upon request of a parent or eligible student, the school district will provide a copy of the student's cumulative file.

H. Amendment to Student Records

A parent or eligible student has the right under this policy to challenge an item in the student education record believed to be inaccurate, misleading, or otherwise in violation of the student's privacy rights, but not to challenge a grade, opinion, or substantive decision. Challenges shall be processed as follows:

1. Requesting an Amendment

The parent or eligible student shall make a request for an amendment in writing to the principal. The request shall identify the information in the student's record that is claimed to be inaccurate, misleading, or in violation of the student's privacy rights; the basis for the request; and the proposed change to the record. The principal shall examine a request to amend a student record item and respond in writing within (10) days to the person who challenges the item unless the principal notifies the parent or eligible student that additional time is needed to review the request. If the principal determines that the record is inaccurate, misleading, or in violation of the student's privacy rights, he or she shall inform the parent or student in writing through the procedure set forth below.

The word "days" as used in this policy means days, exclusive of Saturdays, Sundays, vacation days, or holidays, as set forth in the school calendar. In counting days, the first day will be the first full working day following the receipt of the request.

2. Hearing to Challenge Content of Student Record

A parent or eligible student must make a request in writing to the superintendent for a hearing within fifteen (15) days from receipt of the principal's written decision. The Superintendent may appoint as the Superintendent's designee a Hearing Officer. The Hearing Officer shall not have a direct interest in the outcome of the hearing. Within a reasonable period of time after the request for a hearing, the Hearing Officer shall inform the parent or eligible student of the date, place, and time of the hearing.

During the hearing, each party may make a brief oral presentation of no more than fifteen (15) minutes to summarize his or her position. The parent or eligible student may present evidence relating to the issue that the contested student record is inaccurate, misleading, or in violation of the student's privacy rights. The parent or eligible student may be assisted or represented at their own expense by one or more individuals of his or her choice at the hearing, including an attorney.

Within twenty days from the hearing, unless additional time is needed to review the evidence, the hearing officer shall issue a written decision based solely on the basis of the evidence presented at the hearing. The decision shall summarize the evidence, state the reasons for the decision, and be delivered to all parties. If the decision is in favor of the parent or eligible student, the record shall be amended accordingly. If the decision is that the information in the record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student and therefore the record will not be amended, the parent or eligible student shall be informed of the right to appeal the decision to the Board as set forth below and the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the school system. If such a statement is submitted, it shall be maintained with the challenged item in the student's record and released with the challenged item whenever it is released.

3. Appeal to the Board of Education

If the parent or eligible student disagrees with the decision of the Hearing Officer, he or she may submit a written appeal to the Board of Education within ten (10) days. Appeals to the Board should be submitted in writing to the Superintendent, who will forward the information to the Board Chair.

a. Upon receipt of the appeal, the Board Chair shall appoint a panel of not less than two members of the Board to hear and decide the appeal.

b. The panel shall make reasonable efforts to meet and consider the appeal within twenty (20) days after the chairperson refers the appeal to the panel. Notice of the appeal hearing will be given to the parties.

c. The panel shall review the appeal on the record unless it determines that additional information may be presented. No new evidence, written or verbal, may be presented without the prior knowledge and consent of both parties. Each party may make a brief oral presentation of no more than fifteen (15) minutes to summarize their position. The panel has the authority to ask questions, extend time limits, exclude extraneous or duplicative information, and otherwise maintain an efficient and fair appeal hearing. The hearing will be recorded and shall be held in closed session.

d. At the conclusion of the hearing, the Board panel will deliberate in private to determine whether the education record(s) in question are inaccurate, misleading, or otherwise in violation of the student's privacy rights.

e. The Board panel will provide a final written decision within twenty (20) days of the Board appeal hearing unless the panel determines that additional time is needed for further review. The decision of the Board panel shall be final.

f. If the final decision is that the information in the record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student and therefore the record will not be amended, the parent or eligible student shall be informed of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the Board. If such a statement is submitted, it shall be maintained with the challenged item in the student's record and released with the challenged item whenever it is released.

I. Release or Disclosure of Records to Others

Before releasing or disclosing student education records as permitted by law, school officials shall use reasonable methods to identify and authenticate the identity of the party to whom the records are disclosed.

1. Release/Disclosure with Parental Consent

School officials shall obtain written permission from a parent or eligible student before releasing or disclosing student records that contain personally identifiable information, except in circumstances where the school system is authorized by law to release the records without such permission. The written permission must specify the records to be released, the purpose of the release, and the party(ies) to whom they are to be released.

If a parent or eligible student refuses to consent to the release of student records, the school system may disclose, in response to a request for records, that the parent or eligible student has not consented to release the records.

2. Release/Disclosure without Parental Consent

School system officials shall promptly release student records when a student transfers to another school. The records custodian may release or disclose records with personally identifiable information without parental permission to the extent permitted by law, including to other school officials who have a legitimate educational interest in the records.

When personally identifiable information from a student's record is released or disclosed without prior written consent of the parent or eligible student, the party to whom the information is released must agree not to disclose the information to any other party without the prior consent of the parent or eligible student. This restriction does not apply to the release of directory information, release of information to parents of non-eligible students, release of information to parents of dependent students, or release of information in accordance with a court order or subpoena.

Information may be released in the following circumstances without prior written consent:

- a. To officials within the school system who have a legitimate educational need to review the student's records. A school official is a person employed by the school system as an administrator, supervisor, instructor, or support staff member (including health or medical staff, school security, and school resource officers); a school board member; or a person or company with whom the school system has contracted to perform a special task that would otherwise be performed by an employee (such as an attorney, auditor, medical consultant, or therapist). A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.
- b. To officials of other schools and school systems in which the student has enrolled or intends to enroll, provided that the parent or eligible student receive notice of the disclosure, either through the annual notice provided in the parent/student handbook or through specific individual notice. The school system shall give the parent or eligible student, upon request, (i) a copy of the record that was disclosed and/or (ii) an opportunity to challenge the contents of the record.

c. To federal government representatives and state and local educational authorities, for the purposes of auditing, evaluating, enforcing or complying with federal or state-supported educational programs.

d. In connection with a student's application for or receipt of financial aid, if the information is necessary to (i) determine eligibility for the aid; (ii) determine the amount of the aid; (iii) determine the conditions of the aid; or (iv) enforce the terms and conditions of the aid.

e. To representatives of the juvenile justice system for students under juvenile court jurisdiction, prior to adjudication, when the release of records concerns the system's ability to effectively serve the student whose records are released.

f. To organizations conducting educational studies, provided the purpose of the study is to develop, validate or administer predictive tests, to administer student aid programs, or to improve instruction. The study must be conducted in such a way that there is no personal identification of parents and students to individuals outside the organization conducting the study. In addition, student record information must be destroyed when no longer needed for purposes of the study.

g. To accrediting organizations, to the extent necessary to allow them to carry out their accrediting functions.

h. To parents of an eligible student, if the student is classified as a dependent of the parent for income tax purposes.

i. To persons acting under a court order or lawfully-issued subpoena. Before releasing records under this provision, the principal should attempt to verify that the subpoena is lawful. The principal or his or her designee must make a reasonable effort to notify the parent or eligible student of the request for release prior to release of the records under this exception.

j. To the court, without a court order or subpoena, when a parent or eligible student initiates legal action against the school system or when the school system initiates legal action against a parent or eligible student. In such circumstances, the school system may disclose to the court the student's education records that are relevant for the school system to proceed as a plaintiff or defend itself.

k. To appropriate persons in connection with an emergency, if the release of the information is necessary to protect the health or safety of the student or other persons.

l. Directory information, in accordance with Section I.4.a, below.

m. To military recruiters and institutions of higher education, in accordance with section I.4.e below, provided the parent has not opted out as previously described in section A.6.

n. To a contractor, consultant, volunteer, or other party to whom the school system has outsourced institutional services or functions, but only to the extent authorized by law.

The superintendent shall employ reasonable methods to ensure that teachers and other school officials obtain access only to those education records in which they have legitimate educational interests.

3. Sharing Information Among Agencies

A standing order issued August 24, 2000, by the Chief District Court Judge of the Tenth Judicial District (Wake County) names the agencies which may share with one another information that is relevant to any case in which a petition has been filed alleging that a juvenile is abused, neglected, dependent, undisciplined, or delinquent pursuant to [Chapter 7B of the North Carolina General Statutes](#). The agencies named in the standing order are the Wake County Public School System, Wake County Human Services, the Wake County District Attorney's office; all local law enforcement agencies in Wake County; the North Carolina Department of Juvenile Justice and Delinquency Prevention; the Office of Guardian Ad Litem Services of the Administrative Office of the Court; and all local agencies receiving funding through the local Juvenile Crime Prevention Council. Information may be shared among these agencies only for the limited purpose of providing protection of the juvenile and others or to improve the educational opportunities of the juvenile, and only for so long as the juvenile remains subject to the jurisdiction of the juvenile court. Confidential student information may be shared with other local, state, or federal agencies or in other circumstances only as expressly allowed by law.

4. Release of Directory Information

Permission of the parent or eligible student is not required for the release of information that is designated as directory information provided that the parent or eligible student has not opted out of such disclosures in writing and such disclosures are otherwise consistent with this policy. Disclosures of directory information may be made only to the categories of persons or organizations and for the purposes set out below.

a. The Board designates the following student record information as directory information that may be disclosed without parental consent to

(1) official representatives of law enforcement; (2) official representatives of Wake County Health and Human Services; and (3) authorized third parties for purposes of administering student award and honor programs:

(1) name;

(2) address;

(3) telephone listing;

(4) date and place of birth;

(5) dates of attendance (in years, semesters, or other academic periods);

(6) grade level;

(7) diplomas (including graduation awards and honors earned); and

(8) most recent previous school or education institution attended by the student.

b. The Board further designates the following student record information as directory information that may be disclosed without parental consent in official school or district-sponsored publications such as yearbooks; awards or honors programs; athletic, music, or drama programs; and team rosters for athletic teams and other competitive interscholastic clubs:

(1) name;

(2) photograph;

(3) age (in years);

(4) participation in officially recognized activities and sports;

(5) height and weight of members of athletic teams;

(6) official honors or awards received;

(7) grade level; and

(8) most recent previous school or education institution attended by the student.

c. The Board further designates the following information as directory information that may, at the discretion of the Communications Department, be released to the media in response to specific inquiries to confirm or deny facts that may be subject to public reporting when the Communications Department determines that release of such information is in the best interests of the school system and is not likely to compromise student safety or disrupt the educational environment:

i. name;

ii. grade level; and

iii. most recent previous school or education institution attended by the student.

d. The Board further designates the following information as directory information that may be disclosed upon request exclusively to other students enrolled in the same online/virtual class who ask to review an audio or video recording of particular online/virtual class session for instructional purposes:

i. name, to the extent it is referenced during the audio or video recording;

ii. any photograph or pictorial representation of the student used in the online/virtual class session;

iii. any audio or video recording of the student participating in the online/virtual class session; and

iv. any online chats or other recorded communications among all participants in the online/virtual class.

Notes:

1. For practical reasons, opting out of disclosures of this directory information may limit the extent to which students will be able to participate in virtual/online classes.

2. To protect the privacy of other students, students and parents are not permitted to make their own recordings of online/virtual class sessions.

e. Except as expressly provided by this policy, personally identifiable information about students contained in official student records shall not be considered directory information and shall be disclosed only as authorized or required by the Family Educational Rights and Privacy Act (FERPA), [20 U.S.C. 1232g](#), and other applicable law. In particular, the telephone number and actual address of a student who is or whose parent is a participant in the North Carolina Address Confidentiality Program and information on the living situation of a student experiencing homelessness are not considered directory information.

f. As required by law, the names, addresses, and telephone numbers of secondary school students shall be released, upon request, to military recruiters or institutions of higher learning, whether or not such information is designated directory information by the school system. Students or their parents, however, may request that the student's name, address, and telephone number not be released without prior written parental consent. School officials shall notify parents of the option to make a request and shall comply with any requests made. In addition, directory information shall be made available to military recruiters for the purpose of informing students of educational and career opportunities available in the military to the same extent that such information is made available to persons or organizations that inform students of occupational or educational options.

g. All requests for directory information must be submitted to the superintendent or designee for approval. The superintendent is authorized to establish regulations regarding the release of directory information.

5. Records of Students with Disabilities

Students with recognized disabilities must be accorded all rights in regard to their records as provided by state and federal law, including the Individuals with Disabilities Education Act. The rights of parents and eligible students concerning a student's special education records are explained in the Handbook on Parents' Rights and in the North Carolina Procedures Governing Programs and Services for Children with Disabilities.

6. Disclosure of De-Identified Information

Education records may, at the discretion of school officials, be released without consent of the parent or eligible student if all personally identifiable information has been removed. Personally identifiable information includes both direct and indirect identifiers that, alone or in combination, would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.

Unless specifically permitted by law, records that have been de-identified must not be released without the consent of the parent or eligible student if school officials reasonably believe that the person requesting the information knows the identity of the student to whom the education record relates

J. Withholding Records

School system administrators shall not withhold records upon a valid request by a parent, eligible student, or school to which the student is transferring for any reason, including in order to collect fines assessed to the parent or student.

K. Record of Access and Disclosure

The principal or designee shall maintain a record in each student's file indicating all persons who have requested or received personally identifiable information from a student's record and the legitimate reason(s) for requesting or obtaining the information. This requirement does not apply to requests by or disclosure to parents, eligible students, school officials, parties seeking directory information, a party seeking or receiving the records under a court order or subpoena that prohibits disclosure, or those individuals with written parental consent.

L. Destruction of Student Records

School officials shall only destroy student records in accordance with state and federal law and the *Records Retention and Disposition Schedule for Local Education Agencies*. After notifying parents, school officials may destroy student records when the records are no longer needed to provide educational services to the student or to protect the safety of the student or others. School officials must destroy student records if the parent or eligible student requests their destruction and if such records are no longer needed to provide educational services to the student or to protect the safety of the student or others. School officials shall not destroy student records if there is an outstanding request to inspect the particular records.

M. Longitudinal Data System

School system administrators will comply with the data requirements and implementation schedule for the North Carolina Longitudinal Data System (NCLDS)

and will transfer designated student record data to the system in accordance with the NCLDS data security and safeguarding plan and all other requirements of state law, provided that doing so does not conflict with the requirements of FERPA.

Legal References: Family Educational Rights and Privacy Act, [20 U.S.C. 1232g, h, 34 C.F.R. pt. 99](#); Individuals with Disabilities Education Act, [20 U.S.C. 1411 et seq.](#); Elementary and Secondary Education Act, [20 U.S.C. 7908](#); McKinney-Vento Homeless Assistance Act, [42 U.S.C. 11431 et seq.](#); [G.S. 7B-302, -3100; 14-208.29; 115C-47\(26\), -109.3, -402, -403, -407.5; 116E-6](#); *Records Retention and Disposition Schedule for Local Education Agencies*, N.C. Department of Natural and Cultural Resources (1999), available at <https://archives.ncdcr.gov/government/retention-schedules/local-government-schedules#localschedules>

Adopted: January 16, 2018

Revised: January 7, 2020

Revised: September 15, 2020

Wake County Board of Education

Attachment D

Policy Code: 4240/7312 Child Abuse and Related Threats to Child Safety

The board is concerned with the health, safety, and welfare of all children and recognizes the legal and ethical obligations that school employees, contractors, and volunteers have to report known or suspected maltreatment of children. North Carolina has two separate systems that mandate reports to state authorities of suspected child abuse, neglect, dependency, or maltreatment and a third system for mandated reporting of certain crimes against juveniles to local law enforcement.

When a parent or other caretaker is suspected to have caused a child to be abused, neglected, or dependent, this information must be reported to the county child welfare agency. Suspected human trafficking, involuntary servitude, and sexual servitude of a child and death of a child as a result of maltreatment are special forms of child abuse under law and must be reported to the county child welfare agency, regardless of the relationship between the victim and the perpetrator. By contrast, suspected child maltreatment by a caregiver in a child care facility, including in a licensed preschool classroom or other licensed classroom or program operated by the school system, must be reported to the Department of Health and Human Services, Division of Child Development and Early Education. When the source of the harm or threat of harm is uncertain, a report should be made to both the county child welfare agency and the Department of Health and Human Services, Division of Child Development and Early Education.

In addition, state law mandates reports to local law enforcement when a child is a victim of certain violent offenses, sexual offenses, or misdemeanor child abuse. An adult who knows or reasonably should have known of any of these offenses inflicted upon a child must report that information immediately.

The board of education supports all employees who in good faith make a report under North Carolina's mandated reporting laws.

A. Duty to Report Certain Crimes Against Children to Local Law Enforcement

A school employee, contractor, or volunteer is legally required to report to local law enforcement when the employee or volunteer knows or reasonably should know that a child has been a victim of any of the following crimes:

1. a sexual offense (which for purposes of this policy, the board interprets to mean any offense that relates to inappropriate sexual contact with a child);

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2. an offense that inflicts serious bodily injury or serious physical injury upon the child by nonaccidental means;
 3. an attempt, solicitation, or conspiracy to commit either offense described above, or aiding and abetting either offense; or
 4. misdemeanor child abuse, which occurs when a parent or any other person providing care or supervision to a child who is under the age of sixteen (1) inflicts or allows to be inflicted physical injury to the child by nonaccidental means or (2) creates or allows a substantial risk of physical injury to the child by nonaccidental means.

Compliance with this reporting requirement does not relieve the employee or volunteer from his or her duty to report pursuant to Sections B and C of this policy. The employee, contractor, or volunteer also shall immediately report the case to the principal.

A school employee, contractor, or volunteer is immune by statute from any state civil and/or criminal liability when making a report in good faith under this Section. An employee who fails to report or who prevents another person from making a report is subject to disciplinary action by the school system and civil and criminal action under the law. A volunteer or contractor who fails to report or prevents another person from making a report may be restricted from school property or lose the privilege of volunteering for or contracting with the school system and is subject to civil and criminal action under the law.

B. Duty to Report Child Abuse, Neglect, Dependency, or Death as a Result of Maltreatment to the County Child Welfare Agency

A school employee, contractor, or volunteer who has knowledge of or has cause to suspect that (1) a parent, guardian, custodian, or caretaker of a child has caused the child to be abused, neglected, or dependent, or (2) that a child has died as a result of maltreatment or been a victim of human trafficking, involuntary servitude, or sexual servitude by any person is legally required to report the case to the North Carolina Department of Human Services, Child Protective Services (CPS). The employee, contractor, or volunteer also shall immediately report the case to the principal. Any doubt about reporting suspected abuse or neglect shall be resolved in favor of reporting, and the report must be made immediately.

A school employee, contractor, or volunteer is immune by statute from any civil and/or criminal liability when making a report in good faith under this Section. An employee who fails to report or who prevents another person from making a report is subject to disciplinary action by the school system and civil and criminal action under the law. A volunteer or contractor who fails to report or prevents another person from making a report may be restricted from school property or lose the privilege of

volunteering for or contracting with the school system and is subject to civil and criminal action under the law.

C. Duty to Report Child Maltreatment in a Child Care Facility to the Division of Child Development and Early Education

A school employee, contractor, or volunteer who has cause to suspect that a child in a child care facility has been maltreated by a caregiver or has died as a result of maltreatment occurring in a child care facility is legally required to report the case to the North Carolina Department of Health and Human Services (DHHS), Division of Child Development and Early Education (DCDEE).

A “child care facility” includes any DHHS-licensed classroom or program operated by the school system, including for example, licensed pre-school or Title I classrooms, licensed afterschool programs, and licensed developmental day programs.

Any doubt about reporting a suspected situation or uncertainty whether the child’s care is being provided in a child care facility must be resolved in favor of reporting, and the report should be made immediately.

An employee making a report to DCDEE also shall immediately report the case to the principal. If the suspected maltreatment occurred in a licensed preschool classroom or other licensed classroom or program operated by board, the principal shall immediately notify the superintendent of the suspected maltreatment. No reprisals of any kind may be taken against an employee who makes a good faith report of child maltreatment occurring in any licensed preschool classroom or other licensed classroom or program operated by the board.

An employee who fails to make a report as required by law and this policy may be subject to disciplinary action by the school system. In addition, if the employee works in a licensed preschool classroom or other licensed classroom or program operated by the board, failure to report maltreatment of a child in the program or classroom may itself constitute child maltreatment and result in the employee being placed on the state child maltreatment registry. A volunteer or contractor who fails to report or prevents another person from making a report may be restricted from school property or lose the privilege of volunteering for or contracting with the school system.

D. Cooperation with State and Local Agencies

1. The principal may establish a contact person in the school to act as a liaison with state and local agencies charged with investigating reports made pursuant to this policy.

2. Employees shall cooperate fully with agency personnel conducting an investigation of reports made pursuant to this policy.

3. In a case under the jurisdiction of local law enforcement in which the child's parent, guardian, or custodian is suspected of wrongdoing, employees shall permit the child to be interviewed by local law enforcement on school campuses during school hours. Otherwise, permission from the parent, guardian, or custodian must be obtained before the child may be interviewed by local law enforcement on school campus during school hours.

4. In a case under the jurisdiction of social services, employees shall permit the child to be interviewed by social services on school campuses during school hours.

5. In a case under the jurisdiction of DCDEE concerning suspected child maltreatment by a caregiver in a child care facility, permission from the parent must be obtained before the child may be interviewed on school campus during school hours.

6. Employees shall provide confidential information to agency personnel, so long as the disclosure does not violate state or federal law.

7. Any confidential information disclosed by the investigating agency to employees must remain confidential and may be redisclosed only for purposes directly connected with carrying out the responsibilities of the school system or the employee.

E. Sharing Information with Other Agencies

Upon request and to the extent permitted by law, school system officials shall share with the agencies designated below information that is relevant to (1) any assessment by the department of social services of a report of child abuse, neglect, dependency, or death as a result of maltreatment; (2) the provision or arrangement of protective services in a child abuse, neglect, or dependency case by the department of social services; or (3) any case in which a petition is filed alleging that a juvenile is abused, neglected, dependent, undisciplined, or delinquent. As required by law, any such information must remain confidential, be withheld from public inspection, and used only for the protection of the juvenile or to improve the juvenile's educational opportunities. For purposes of this policy, the designated agencies are (1) the Department of Juvenile Justice & Delinquency Prevention; (2) the Office of Guardian Ad Litem Services of the Administrative Office of the Courts; (3) the county Department of Social Services; (4) area mental health developmental disability and substance abuse authorities; (5) local law enforcement agencies; (6) the district attorney's office; (7) county mental health facilities, developmental disabilities, and substance abuse programs; (8) the local health department; and any

other agencies designated by administrative order by the Chief District Court judge for Wake County. School system officials and the designated agencies must continue to share such information until the protective services case is closed by the department of social services or, if a petition is filed, until the juvenile is no longer subject to the jurisdiction of juvenile court. School officials shall document the name of the agencies and the information shared pursuant to this policy.

F. Child Sexual Abuse and Sex Trafficking Training Program

In even numbered years, the school system will provide a child sexual abuse and sex trafficking education and awareness training program for teachers, instructional support personnel, principals, and assistant principals. The program will include at least two hours of training related to best practices from the field of prevention, the grooming process of sexual predators, the warning signs of sexual abuse and sex trafficking, how to intervene when sexual abuse or sex trafficking is suspected or disclosed, legal responsibilities for reporting sexual abuse or sex trafficking, and available resources for assistance. Designated school personnel shall participate in such training as required by law and board policy.

The superintendent shall develop any necessary procedures for making a report pursuant to this policy, for sharing information with designated agencies, and for cooperating with agency investigations.

In addition to the requirements of this policy, any administrator who knows or has reason to believe that a licensed employee has engaged in conduct which involves physical or sexual abuse of a child shall report that information to the State Superintendent of Public Instruction and law enforcement in accordance with the Staff-Student Relations Policy. Specifically, any administrator, including the superintendent, a deputy/associate/assistant superintendent, a personnel administrator, or a principal, who knows or has reason to believe that a licensed employee has engaged in conduct which involves physical or sexual abuse of a child shall report that information to the State Superintendent of Public Instruction within five working days of any disciplinary action, dismissal, or resignation based on the conduct. For purposes of this subsection, physical abuse is the infliction of physical injury other than by accidental means or in self-defense, and sexual abuse is the commission of any sexual act upon a child or causing a child to commit a sexual act, regardless of consent and the age of the child. Failure to report such conduct may result in the suspension or revocation of an administrator's license by the State Board of Education.

Legal References: Family Educational Rights and Privacy Act, [20 U.S.C. 1232g](#); [G.S. 7B-101](#), [-301](#), [-302](#), [-309](#), [-3100](#); [8-53.4](#); [14-208.6](#), [-318.2](#), [-318.4](#), [-318.6](#); [110-90.2](#), [-105.3](#), [-105.4](#), [-105.5](#); [115C-375.20](#), [-400](#), [-402](#); [126-5](#); [16 N.C.A.C. 6C .0312](#); State Board of Education Policies [LICN-007](#) and [NCAC-039](#)

Adopted: February 6, 2018

Revised: April 24, 2020

Wake County Board of Education