

SCHOOL LEVEL INVESTIGATIONS

The Avery County Board of Education is committed to creating a safe, orderly environment for students and staff. Principals are authorized and responsible for investigating conduct that may violate board policies, school standards or rules, unless that authority and duty is conferred on another school administrator under a particular board policy.

All employees and students, including students alleged to have engaged in misconduct, are expected to respond fully and truthfully to any questions or issues raised in the course of an investigation and any other related proceedings. Employees and students may be subject to disciplinary action for knowingly making false statements or knowingly submitting false information during an investigation or any related proceedings.

Any student who violates board policy or school standards or rules must accept the consequences for the misbehavior. In administering consequences, all students are to be treated in accordance with accepted standards of fairness and constitutional rights.

The school administrator will take the following steps in addressing all cases of alleged misbehavior appropriately referred to his or her office except when a particular board policy provides for a more specific response:

1. Investigate the facts and circumstances related to the alleged misbehavior;
2. Offer the student an opportunity to be heard on the matter; and
3. Determine whether board policy or school standards or rules have been violated.

If a violation has occurred, the school administrator is to implement an appropriate consequence in accordance with the school's plan for managing student behavior or applicable board policy. Parents or guardians are to be notified and involved in accordance with board policy 4341, Parental Involvement in Student Behavior Issues.

Where the misbehavior may result in suspension or expulsion from school, procedures provided in related board policies also will apply.

A child with disabilities recognized by Section 504 of the 1973 Rehabilitation Act or the Individuals with Disabilities Education Act (IDEA) will be accorded all rights granted by federal and state laws and regulations (see policy 4307, Disciplinary Action for Exceptional Children/Students with Disabilities).

Legal References: Americans with Disabilities Act, [42 U.S.C. 12131 et seq.](#), [28 C.F.R. pt. 35](#); Individuals with Disabilities Education Act, [20 U.S.C. 1400 et seq.](#), [34 C.F.R. pt. 300](#); Rehabilitation Act of 1973, [29 U.S.C. 705\(20\)](#), [794](#), [34 C.F.R. pt. 104](#); [G.S. 115C art. 9](#); [115C-47](#), [-288](#), [-390.4](#), [-390.5](#), [-390.6](#), [-390.7](#), [-390.8](#), [-390.10](#), [-390.11](#); *Policies Governing Services for Children with Disabilities*, State Board of Education Policy [EXCP-000](#)

Cross References: School Plan for Management of Student Behavior (policy 4302), Disciplinary Action for Exceptional Children/Students with Disabilities (policy 4307), Parental Involvement in Student Behavior Issues (policy 4341), Student Searches (policy 4342), Short-Term Suspension (policy 4351), Long-Term Suspension, 365 Day Suspension, Expulsion (policy 4353)

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Revised: 9/26/07; 4/28/17; 08/11/20