

**ORANGE COUNTY
BOARD OF EDUCATION**

AGENDA ITEM ABSTRACT

Meeting Date: May 29, 2012

AGENDA ITEM No: 12-05-(2)-12

ACTION ITEM: (Y/N) Y

SUBJECT: Student Discipline and Code of Conduct Policy #4300-Revised – 1st Reading Approval

INFO CONTACT: Dr. Denise Morton and Steven Weber **PHONE:** 919-732-8126

ATTACHMENTS:

1. Student Discipline and Code of Conduct Changes at a Glance
2. Revised Student Discipline and Code of Conduct Policy #4300
3. Due Process Procedures
4. Annual Notifications
5. Board Policy #4331 Assaults, Threats and Harassment
6. Board Policy #4333 Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety

PURPOSE: To provide the Board of Education, for approval on first reading, the proposed revisions to the 2012-2013 Student Code of Conduct Handbook (Policy #4300).

BACKGROUND: All Orange County Schools (OCS) students will receive this handbook at the beginning of the 2012-2013 school year, or whenever they enroll in the district. All students and their parents/guardians must sign that they have received, reviewed, and understand the standards of behavior for students attending OCS. A thorough review of the code of conduct was conducted by legal counsel, and a committee of principals, assistant principals, and Central Office staff.

All required annual notifications to parents are included in the Code of Conduct.

Several existing policies are related to the Code of Conduct Policy and district legal counsel has recommended the deletion of Board policy #4331 (Assaults, Threats and Harassment) and Board Policy #4333 (Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety). The rationale for deleting these two policies is that they are outdated, are already covered in the document and are not aligned with the code of conduct. Staff will bring these two policies back for board review at the June 11th Board of Education meeting.

FINANCIAL IMPACT: The approximate printing costs are \$3,500 to print 8,000 copies.

RECOMMENDATION: The Superintendent recommends that the Orange County Board of Education approve for first reading the proposed revisions to the 2012-2013 Student Code of Conduct Handbook.

CHANGES AT A GLANCE

General notes: overall, the Code was revised and reorganized to make it more user-friendly and, where possible, more concise. The chart below explains major revisions; many other small changes were made in order to clarify language and make the organization of the Code more user-friendly for students, parents and administrators. Where adjustments were made in the consequences listed below each Rule, those changes were made after consultation with a committee of building-level administrators.

Page	Change
1	3 rd ¶: redundant language removed 4 th ¶: definition of contraband materials clarified New paragraph re: authority of principals and teachers – moved from elsewhere in Code
2	"Authority of School Personnel" – reorganized and language clarified, combined with language previously listed under later section "General Provisions"
3	"Law Enforcement Involvement" – list of reportable offenses modified to match statute (115C-288(g)) "General Provisions" – deleted as redundant with "Authority of School Personnel," above
5	"Role of School Resource Officers" – reorganized/clarified Definitions: Definitions of consequences deleted as they are explained in a separate section
7	"Disciplinary Consequences" – new section added. List of aggravating and mitigating circumstances originates in the new disciplinary statute.
8	"Suspension and Expulsion" – deleted as redundant
10	Rule 1 divided into Rules 1 and 2 Dress Code: -Several items deleted after discussion with school administrators about what elements are currently relevant/enforced at the school level.
13	Rule 6 "Forging" deleted because this information is contained in Rule 4 "Integrity"
14	Rule 8 "Tobacco" revised to match current NC General Statute 115C-407, which was updated in 2007 to prohibit all tobacco products on school property. Consequences simplified at request of school administrators.
15	Electronic Devices: -After in-depth discussion with building administrators, the Electronic Devices and Portable Communications Devices rules were combined into one, simplified, and clarified.
18	Rule 13: Simplified to cover only language, with gestures, gang signs and threats being covered in other rules. Rule 14: New rule added to cover inappropriate images, such as might be distributed via smartphones.
19	Gang policy: language added that is already present in Policy 4330 Sexual Harassment: definition revised to match definition in Policy 7235

20	Bullying/Harassment: clearer definitions added, in line with Policy 3532
22	New rule added to cover "threats," previously encompassed in broader rule on harassment
24	Rule 25: section "b" added after discussion with administrators to include any level of physical aggression against adults, even if not rising to the level of assault
28	Former Rules 28 and 29 combined
29	Expulsion language removed from Narcotics rule, because the standard for expulsion is covered more generally in the beginning of the Code and applies to all types of misconduct.
30	New rule added to cover aiding and abetting others in violations of the Code
32	Sentence added as per new statute 115C-390.8, which contains a list of certain basic information to be translated into Spanish on all long-term suspension notices.
32-35	Various minor wording changes made to more closely track discipline statute

STUDENT DISCIPLINE AND CODE OF CONDUCT	<i>Date Reviewed/Approved:</i> 07/07/2011	<i>Policy Number:</i> 4300
<i>Rescinds Policy Number:</i>		<i>Issued: 06/20/2005, 05/21/2007, 05/19/2008</i>

I. Introduction and Statement of Purpose

Because an educated citizenry is essential to good government and can be attained only in an atmosphere conducive to teaching and learning, the Orange County Board of Education requires the maintenance of good order in the schools.

The purpose of this policy is to provide students, parents, guardians, school personnel, and the public with a concise, comprehensive description of the expectations for the behavior of all students enrolled in the Orange County Schools. This Code contains definitions of inappropriate student conduct and possible courses of action, which may be utilized by school officials to discipline students who behave improperly. The Board places emphasis upon the right of all students to learn in an atmosphere free from disruption by others.

All students shall comply with the Code of Student Conduct, state and federal laws, School Board policies and local school rules governing student behavior and conduct. This policy applies to any student who is on school property, including school bus stops, who is in attendance at any school or any school-sponsored activity, or whose conduct at any time or place, on or off campus, has a direct and immediate impact on the orderly and efficient operation of the schools or the safety of individuals in the school environment. This policy also applies to regular school buses, school activity buses, other school vehicles or any private vehicle located on property owned by the Orange County Board of Education. This policy also applies to students on any school sponsored field trip, including student conduct during travel times, in places of accommodation, and at all other times. ~~Students may be suspended for conduct not occurring on educational property that violates the Code of Conduct and 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.~~

Lockers, desks, and other school property remain at all times the property of the Board and shall be subject to search at the discretion of the Superintendent or his/her designee. Lockers, desks, parking lots, and any other property of the Orange County Schools may not be used for any unlawful purpose, and any ~~unlawful, disruptive or dangerous~~ material found in or on school premises ~~that is unlawful, disruptive, dangerous, or contraband under Board policy or school rules~~ may be confiscated.

In order to ensure that all students attending the Orange County Schools receive the full benefits of their education, cooperation between the home and school is essential.

School-based administrators are authorized to handle any incident that is not covered or mentioned in this handbook in a timely and appropriate manner. This code is not intended

to restrict in any way the authority of principals to make such rules, not inconsistent with this code, as they are authorized by law to make for the government and operation of their respective schools, or with the authority of teachers to make such rules, not inconsistent with this code, as they are authorized by law to make for their respective classes.

II. Authority of School Personnel

A. Building Administrators

The principal has the authority and responsibility to investigate and take appropriate action regarding any antisocial or criminal student behavior and any other behavior appropriately credible allegations of student misconduct referred to him or her. The principal is responsible for informing students and parents of any standards or rules that, if violated, could result in short-term or long-term suspension, 365-day suspension, or expulsion. Principals are authorized to develop school rules of conduct not inconsistent with this Code, and must notify students of any school rules that may result in out-of-school suspension. Principals are authorized to impose disciplinary consequences up to ten days out-of-school suspension, and to make a recommendation to the Superintendent for long-term suspension or expulsion. The teacher has the authority and responsibility to manage student behavior in the classroom and while students are under his or her supervision. The teacher is expected to implement the student management plan and any other school standards or rules. The teacher may develop other standards or rules consistent with the direction provided by the Board and school. Every teacher, student teacher, substitute teacher, voluntary teacher or teacher assistant is required to report to the principal all acts of violence occurring in school, on school grounds, or at any school-related activity.

The teacher has

B. Teachers

Teachers have the responsibility and authority to maintain order and discipline within the classroom and in common areas. Teachers may not suspend students or permanently remove them from class, but should report serious misconduct to the principal or designee for appropriate disciplinary action.

C. Bus Drivers

The school bus driver, subject to the direction of the principal, shall have complete authority over and responsibility for the operation of the bus and the maintenance of good order and conduct on the bus, and shall report promptly to the principal any misconduct or disregard or violation of the driver's instructions by any person riding on the bus.

D. All Personnel

All staff members have the responsibility to maintain order and safety in the school, and students must obey directives of all authorized school personnel.

All school personnel have the authority to manage or remove disruptive or dangerous students.

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

1. To correct students;
2. To quell a disturbance threatening injury to others;
3. To obtain possession of a weapon or other dangerous object on the person, or within the control of a student;
4. For the protection of persons or property or for self-defense;

5. To maintain order on educational property, in the classroom, or at a school-related activity on or off educational property.

Students shall comply with the direction of principals, teachers, substitute teachers, student teachers, voluntary teachers, teacher assistants, bus drivers, parent volunteers and any other school personnel authorized to give such directions, whether assigned to the school personnel or not; during any period of time when they are subject to the authority of school personnel. Unless this Code specifically requires that certain punishments be given for misconduct, principals and teachers may use their discretion in deciding which disciplinary actions to take. Any student who refuses to comply with reasonable rules, regulations or directions imposed by authorized school employees, or fails to cooperate with the investigation, shall be held in violation of the Student Code of Conduct. This Code of Student Conduct is not intended to restrict in any way the authority of principals to make rules, which they are authorized by law to make for the governance and operation of their respective schools or the authority of teachers to make such rules which they are authorized by law to make for their respective classes.

III. Law Enforcement Involvement

Principals may contact law enforcement to report suspected criminal activity on school grounds or at school events. Law enforcement will be notified if the principal has a reasonable belief/notice that an act has occurred on school property involving assault on school personnel, assault of a student resulting in serious personal injury, sexual assault, sexual offense, rape, kidnapping, an adult taking indecent liberties with a minor, assault involving the use of a weapon, possession of a controlled substance in violation of the law, death by other than natural causes, robbery with or without a dangerous weapon, or any other conduct that is required by law or policy to be reported to law enforcement. If the principal has personal knowledge, a reasonable belief, or actual notice from school personnel that an act has occurred on school property involving assault resulting in serious personal injury, sexual assault, sexual offense, rape, kidnapping, indecent liberties with a minor, assault involving the use of a weapon, possession of a firearm in violation of the law, possession of a weapon in violation of the law, or possession of a controlled substance in violation of the law, the principal shall immediately report the act to the appropriate local law enforcement agency.

In addition, law enforcement will be called in other instances if the principal has reason to believe a crime may have been committed and if the involvement of law enforcement would advance the principal's efforts to determine whether a crime has been committed, quell a disturbance, or maintain order. School officials shall cooperate at all time with the efforts of law enforcement; however, school disciplinary measures will proceed independently of any criminal, juvenile investigation or prosecution.

IV. General Provisions

A. Principal Responsibilities

According to G.S. 115C-288

The principal shall have authority to exercise discipline over the pupils of the school. The principal may suspend a student for ten (10) days or less, recommend long-term suspension, recommend 365 day suspension or expulsion of a student following procedures outlined in the section on Due Process.

Principals will distribute the Code of Conduct to all students and verify, in writing, the Code's distribution. Additionally, each student will be required to provide a copy of the Code of Conduct to his or her parents/guardian and every student and parents/guardian will sign a verification form that they have read and reviewed the Code and understand the expected behavior and consequences

resulting from unacceptable behavior. This verification will take place at the beginning of the school year, or, in the case of students enrolling after the beginning of school, at the time of enrollment. The form for the verification is found in the Appendices of this document.

B. Teacher Responsibilities

According to G.S. 115C-307(a), teachers have a duty and responsibility to maintain order and discipline. "It shall be the duty of all teachers, including student teachers, substitute teachers, voluntary teachers, and teacher assistants when given authority over some part of the school program by the principal or supervising teacher to maintain good order and discipline in their respective schools."

A teacher may not suspend a student from school nor may he/she permanently remove a child from a classroom. A teacher should report serious misconduct to the principal or designee for appropriate disciplinary action.

Responsibility for supervising each student's conduct should be assumed by all teachers of the school. The responsibility shall include supervision of students in classrooms, halls, restrooms, auditorium, on the playground, or at school sponsored events.

C. School Staff Responsibilities

All staff members should assume their responsibility as adults to help maintain good order in the school. Consequences for student misconduct should ordinarily be left to certified employees.

D. Parents/Guardian Responsibilities

Parents/guardians have the responsibility to provide a home atmosphere which enhances the total development of the child. Parents/guardians should understand the school's rules and regulations and support the school's discipline efforts. Parents/guardians should see that their child attends school regularly, and they should regularly schedule and attend parent-teacher conferences. Parents/guardians should contact school officials whenever the need arises.

E. Student Responsibilities

Each student has the right to attend the public schools of Orange County and must accept the consequences for his/her actions. Each student is responsible for knowing all regulations and policies, which may affect him/her, and for following those regulations. Students share with school officials the responsibility of maintaining order at school through their compliance with all lawful directions of principals, teachers, substitute teachers, teacher assistants, and other school personnel authorized to give directions.

F. Bus Drivers

-Responsibilities

1. School bus drivers shall have all qualifications prescribed by the regulations of the State Board of Education. They must be at least 18 years old and have at least six months driving experience as a licensed operator of a motor vehicle before employment as a regular or substitute driver.
2. School bus drivers shall keep informed of and abide by all federal, state and local laws, rules, and regulations pertaining to the operation of the school buses and shall cooperate with the principal and other school officials.
3. The school bus driver, subject to the direction of the principal, shall have complete authority over and responsibility for the operation of the bus and the maintenance of good order and conduct on the bus, and shall report promptly to the principal any misconduct or disregard or violation of the driver's instructions by any person riding on the bus.
4. The school bus driver shall permit no person to ride on the bus except as assigned by the principal.
5. The school bus driver shall inspect the bus before and after each trip and report safety concerns or vandalism.

G. School Resource Officers (SRO's)

The Center for Prevention of School Violence defines a School Resource Officer in the following way:

a certified law enforcement officer who is permanently assigned to provide coverage to a school or a set of schools.

The Role of School Resource Officers

The SRO is specifically trained to perform three roles: law enforcement officer; law-related counselor; and law-related education teacher. School Resource Officers may be involved in investigating possible criminal misconduct by students but are not generally involved in school disciplinary proceedings. The SRO is not necessarily a Drug Abuse Resistance Education (DARE) officer (although many have received such training), security guard, or officer who has been placed temporarily in a school in response to a crisis situation but rather acts as a comprehensive resource for his/her school.

Responsibilities/SRO responsibilities:

1. To protect lives and property for the citizens and public school students of the County; To provide security for students, staff and others on school property and at school events;
2. To enforce Federal, State and Local criminal laws and ordinances, and to assist school officials with the enforcement of Board of Education Policies and Administrative Regulations regarding student conduct investigate suspected criminal activity on school property;
3. To investigate criminal activity committed on school property;
43. To counsel public school students in special situations, such as students suspected of engaging in criminal misconduct, when requested by the principal or by the parents of a student;
54. To answer questions that students may have about North Carolina or Juvenile laws;
65. To assist other law enforcement officers with outside investigations concerning students attending the school(s) which the SRO is assigned;
76. To provide security for special events or functions, such as PTA meetings, at the request of the principal or the safety manager; and
87. To provide traffic control during the arrival and departure of students when a school crossing guard is absent.

IV. Definitions

Alternative Education Services – Part or full-time programs providing direct or computer-based instruction in a setting other than the student's assigned school that allow a student to progress in one or more core courses.

Board -- the Orange County Board of Education

Classroom -- any locations where designated learning experiences take place and where school officials have supervisory responsibility.

Consequences -- consequences for violation of the Code of Conduct include, but are not limited to, conferences with parents/guardians, confiscation of property which disrupts the learning

~~environment, restitution, in-school suspension, suspension from school activities and events, suspension of bus privileges, after-school detention, out-of-school suspension and expulsion.~~

Day or Days -- school days excluding teacher workdays, holidays, vacations days and weekends, unless otherwise specified.

Expulsion -- permanent exclusion of a student from registering, enrolling or attending any Orange County school. This exclusion also includes riding in a school-owned or operated vehicle and prohibits the student from participating in school activities or entering any school property.

Expulsion requires action of the Board of Education.

In-School Suspension (hereinafter ISS) -- ~~the in-school program is an alternative to students being suspended out of school. The purpose of the program is to provide a form of consequence that results in improved behaviors without the removal of students from the school environment and supervision.~~

Long-Term Suspension -- ~~out-of-school suspension for any designated period of more than 10 days but not exceeding the time remaining in the school year, except if the offense leading to the long-term suspension occurs during the final quarter of the school year, the suspension may include a period up to the remainder of the school year and the first semester of the following school year.~~

Out-of-School Suspension (hereinafter OSS) -- ~~the removal of the student from school, school activities and school grounds for a designated period of time as prescribed by law.~~

Parent -- includes the natural parent, legal guardian, legal custodian or other caregiver adult who is acting in the place of a parent and is entitled under state law to enroll the student in school.

PCD -- ~~portable communication devices.~~

Principal -- the school principal or any school professional to whom the principal ~~may officially~~ delegates authority.

Restitution -- ~~to make whole, by replacement or restoration of property to its original condition, or payment of money sufficient to compensate for damage to property.~~

Student -- any person enrolled or attending any of the Orange County Schools.

Substitute Teacher -- any person who is approved according to local policy to take the place of the teacher during his/her absence.

Superintendent -- the Superintendent of the Orange County Schools or his/her chosen representative.

Teacher -- the certified professional entrusted by the Board and the Superintendent with the responsibility pursuant to law for the education, health and well-being of students under his/her direction, or a substitute teacher.

Tardy -- late for a class or other school period as defined by the schools and the North Carolina laws and regulations.

365 Day Suspension -- out-of-school suspension for 365 calendar days.

VI. Preventive Measures

When it is recognized that a student is behaving in a manner which indicates potential disciplinary problems, school personnel shall make reasonable efforts to initiate preventive measures. Possible preventive intervention procedures may include, but are not limited to:

- conferences with the student;
- conferences with the parents/guardians;
- periodic follow-up reports to parents/guardians; and
- referral to appropriate support personnel.

School personnel shall actively seek effective, positive methods and strategies to help each student learn to behave in a manner that is conducive to effective learning and that respects the rights of others. Each school principal shall systematically identify potential problem areas within his/her

school that may contribute to discipline problems and shall work to maintain a positive school environment to minimize discipline problems.

VI. Disciplinary Consequences

A suggested range of consequences is listed under each Rule. Principals have discretion to impose punishment outside the suggested range. In selecting a disciplinary consequence, principals may consider the presence of aggravating or mitigating circumstances, such as:

- The student's age;
- The student's intent;
- The student's disciplinary history, including number of infractions and prior discipline for the same violation;
- The student's academic history;
- Whether the conduct caused a threat to safety;
- Whether school property or personal property was damaged;
- Whether the conduct caused a substantial disruption of the educational environment;
- Whether a weapon was involved and whether any injury resulted.

Long-term suspensions are reserved for serious violations of the Code of Conduct that either threaten the safety of students, staff, or school visitors or threaten to substantially disrupt the educational environment. Students receiving services under an IEP or 504 plan will be disciplined in accordance with state and federal laws pertaining to children with disabilities.

The following is a non-exclusive list of possible consequences for violating the Student Code of Conduct:

• Conference with Parents

Parents are encouraged to set up an appointment with any teacher, counselor or administrator to discuss their child's progress or problems. In the case of serious or repeated violations of school rules, an administrator shall endeavor to schedule a parent conference to discuss the child's behavior.

• Confiscation

Any student's property that disrupts the learning environment may be removed from that student's possession. In the case of non-threatening property, the parent may reclaim the property when attending a conference with a school official. Any property that may cause a threat to any person or school property may be turned over to law enforcement officials.

• Restitution

The replacement of or payment for any property taken, damaged or destroyed.

• Detention

Supervised detention on campus before or after school hours is available as a disciplinary consequence. Parents should be notified 24 hours in advance.

• Removal from the Classroom

Any student may be removed from regular class activities for any portion of a school day, if necessary to maintain order and safety or to conduct an investigation of a school discipline matter, as long as he/she is placed under the supervision of an adult.

• Suspension from Extracurricular Activities/Loss of Privileges

A student may be suspended from participating in any or all extracurricular activities including graduation exercises for violation of the Student Code of Conduct. Principals, teachers and/or their designees may withdraw specific school privileges from students who exhibit inappropriate behaviors. Principals may condition participation in athletics or other activities on good conduct, as per Policy 3620.

- Removal from School Provided Transportation

Students who violate the Code of Conduct while on a school system vehicle may be prohibited from riding the bus or other school provided transportation for any period of time up to the remainder of the school year.

- Community Service

Principals are authorized to develop community service programs in which students may perform tasks on campus as a consequence for misconduct.

- In-School Suspension (ISS)

In-school suspension is provided as an alternative environment for certain infractions of the Student Code of Conduct. The student is counted as present and is required to complete assignments developed by his/her regular teachers. Credit is given for this work. ISS is not considered a short-term suspension.

- Out-of-School Suspension (OSS)

A student may be suspended from attendance at school for violations of the Student Code of Conduct. During a period of out-of-school suspension the student will not be permitted on any school grounds or allowed to participate in or attend any school-related functions without express permission from the building principal.

Short-term suspension is for 10 days or less.

Long-term suspension is for more than 10 days and up to the end of the school year, except that if the conduct leading to the long-term suspension occurs in the final quarter of the school year, the suspension may be extended up to and including the first semester of the following school year.

365-day suspension is used for special circumstances defined by state law.

- Expulsion

The Board of Education may, upon recommendation of the Superintendent and Principal, permanently expel from the Alamance-Burlington-Orange County Schools any student 14 years of age or older whose behavior indicates that the student's continued presence in the school constitutes a clear threat to the safety of other students or employees.

VII. Corporal Punishment

The district believes that a well disciplined school system can be maintained without the use of corporal punishment. Therefore, the district prohibits the use of corporal punishment by principals, assistant principals, teachers, substitute teachers, any other school system personnel, student teachers or volunteers.

VIII. Suspension and Expulsion

While the teacher has the major responsibility for classroom discipline, some disruptive behavior may require the attention of the principal or his/her designee. State law assigns the principal the authority to suspend for ten days or less. Suspensions of longer than ten days are imposed by the Superintendent upon recommendation of the principal. Special statutory provisions apply in the event that a student enrolled in an exceptional children's program exhibits behavior which might result in suspension or expulsion (G.S. 115C-112).

The Superintendent shall develop guidelines to implement this policy and assist principals in selecting appropriate disciplinary consequences.

Upon recommendation of the superintendent, the Board may expel any student 14 years of age or older whose continued presence in school constitutes a clear threat to the safety of other students or school staff, pursuant to the procedures set forth in this policy.

During the period that a student is suspended or expelled, he/she is prohibited from entering the grounds of any school of the Orange County Schools and from attending any school-related functions without first securing express permission from the building principal. Further, a student suspended from riding school-provided transportation should not enter a school bus or contract vehicle for the purpose of being transported from home to school or from school to home during the suspension.

VIOLETIONS OF THE CODE OF CONDUCT

Rule 1. Minor Infractions of Classroom/School Rules -- Students may be disciplined for violations of classroom or school rules. Teachers will follow a classroom discipline procedure appropriate to the infraction, to include: warning, parents/guardian contact, after-school detention, isolation and referral to office for assignment of ISS or OSS. Unnecessary objects which detract from the learning process or possess safety hazards, including but not limited to lighters, matches, toys, etc. should not be brought to school.

Consequences

Elementary	Middle School	High School
Ranging from in-school disciplinary action up to 1 day OSS	Ranging from in-school disciplinary action up to 3 days OSS	Ranging from in-school disciplinary action up to 10 days OSS

Rule 2. Contraband Items -- Students may not bring to school or possess at school objects which disrupt or distract from the learning process or pose safety hazards, including but not limited to lighters, matches, toys, and games.

Consequences

Elementary	Middle School	High School
<u>Confiscation of item. Ranging from in-school disciplinary action up to 1 day OSS</u>	<u>Confiscation of item. Ranging from in-school disciplinary action up to 3 days OSS</u>	<u>Confiscation of item. Ranging from in-school disciplinary action up to 10 days OSS</u>

Rule 23. Dress Code Violation -- The Orange County Board of Education respects a student's right to choose his or her style of dress or appearance. The Board of Education requires students to appear at school fully clothed and groomed in an appropriate manner consistent with the establishment and continuance of a proper atmosphere for learning. Good grooming promotes pride and good behavior. Students are expected to adhere to standards of cleanliness and dress that are compatible with the requirement of a good safe school environment. If a student's dress or lack of cleanliness is such that it constitutes a threat to health or safety, the principal or principal's designee may require the student and student's parent or guardian to take appropriate action to remedy the situation. In addition, if a student's dress or appearance violates the dress code or is so unusual, inappropriate or lacking in cleanliness that it clearly disrupts class or learning activities, the student may will be required to change his or her dress or appearance. Appropriate action may include having a parent/guardian bring appropriate clothes to school or sending a student home to change into more appropriate attire. Repeated violations may result in further disciplinary action.

Principals will maintain guidelines to assist students in determining appropriate dress and appearance for school. A copy of this policy will be distributed to all students each year. Reasonable accommodations will be made by the school principal or principal's designee for those students who, because of a sincerely held religious belief or medical reason, request in advance a waiver of a particular guideline for dress or appearance. Reasonable accommodations shall be made by the principal to accommodate students

involved in special duties, activities, or projects approved by the school. This would include but not be limited to: athletics, vocational classes and projects, special events, or other activities that would allow for non-conforming dress on a school campus.

Items listed below shall apply to all students:

- No student's appearance or clothing will be acceptable if it is deemed disruptive, provocative, indecent, vulgar, or obscene, or if it endangers the health or safety of the student or others.
- Hats, sweatbands, hoods (or other head coverings), or sunglasses are not to be worn inside school buildings.
- ~~No bandanas or gang-related clothing or styles are permitted before, during, or after school hours, or at any school-sponsored/school-related function. Clothing that shows affiliation with a gang or promotes gang affiliation, including bandanas, is prohibited at all times. See Policy 4330, Gang Membership and Gang-Related Activities Policy 4330.~~
- Any adornment such as chains or spikes that reasonably could be perceived as or used as a weapon; and any symbols, styles or attire frequently associated with intimidation, violence or violent groups will not be permitted.
- ~~Students are not to wear halter tops/tank tops, clothing that reveals underclothes or lack thereof, see-through clothes, undershirts or clothing. Clothing bearing lewd/vulgar or offensive themes/remarks (including tee-shirts advertising alcohol or tobacco products) is prohibited. Sleeveless blouses are permissible if undergarments do not show and chest area and underarms are not exposed.~~
- ~~Clothing must be worn appropriately (nothing inside-out or backwards, no rolled-up pant legs, no shirts worn half on and half off, or unfastened bib overalls; belts must be buckled and worn at the waist line).~~

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- Clothing must not reveal underclothes or lack thereof, midriff, backs, cleavage, or chest/torso area. Shirts and blouses must cover the waist and go past the waistline.
- Pajamas or nightclothes may not be worn to school.

~~Coats must fit and be appropriate for the season.~~

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- No sagging pants are allowed. A belt is required if pants do not remain at the waist.
- Tight clothing such as knit or spandex bicycle/biker pants or overly tight pants are not allowed.
- Skirts, dresses, and/or shorts may be no higher than mid-thigh.
- Proper footwear is required. Shoes that have laces must be laced, tied and fit. No bedroom slippers or shower shoes are allowed.
- For elementary schools, high heels and platform shoes are dangerous for young students and are prohibited. They are not able to walk well in them and may trip when trying to run. Flip-flops and backless sandals present similar problems and are prohibited. Shoes that are firmly attached to the feet are required.

Consequences

Elementary	Middle School	High School
Ranging from in-school disciplinary action up to 1 day	Ranging from in-school disciplinary action up to 3 days OSS	Ranging from in-school disciplinary action up to 3 days

OSS		OSS
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Rule 34. Issues of Integrity -- Cheating, plagiarism, falsification of notes or documents will result in disciplinary measures. Students shall not cheat, lie, plagiarize, falsify notes or other documents, or provide false information to school officials with regard to any report card, attendance matter, grades or progress reports, discipline matters or any other school business.

Cheating is producing academic work by means of dishonesty or deceit.

Plagiarism is copying the language, structure, or idea of another and representing it as one's own work.

Falsification is the verbal or written statement of any untruth, including forged signatures or other forgeries.

Students should also refer to the Technology and Acceptable Use Policy for rules governing integrity and the use of electronic resources.

Consequences

Elementary	Middle School	High School
In-school disciplinary action	Ranging from in-school disciplinary action up to 5 days OSS	Ranging from in-school disciplinary action up to 10 days OSS. Zero on assignment

Rule 45. Trespassing – Students are prohibited from trespassing on school property. ~~A student will be considered a trespasser and may be criminally prosecuted under any of the following circumstances~~ Trespassing is unauthorized presence on any Orange County Schools property, including:

- A student who is on the campus of a school to which he or she is not assigned during the school day without the prior knowledge and consent of the officials of the school the student is visiting;
- Any student who loiters at any school after the close of the school day without specific need or supervision; or
- Any student who has been suspended from school who appears on the property of any school during the suspension period without the express permission of the principal.

Consequences

Elementary	Middle School	High School
Ranging from in-school disciplinary action up to 1 day OSS. Law enforcement may be notified	Ranging from in-school disciplinary action up to 3 days OSS. Law enforcement may be notified	Ranging from in-school disciplinary action up to 10 days OSS. Law enforcement may be notified

Rule 56. Attendance – Students shall follow State and local attendance guidelines as reflected in Board Policy 4400 and attend classes in a timely and regular fashion. Parents/guardians have the responsibility under state law to insure their children comply with the compulsory attendance laws. In addition to the consequences reflected below, parent conferences and other interventions as outlined in Policy 4400, including truancy enforcement, may be utilized.

a) **Skipping (Not coming to school) School-in-whole or in part**--- Students shall come to school and be present in their designated homeroom and/or their assigned classroom unless they have been authorized to be absent by the principal or his/her designee or they have an absence that is excused pursuant to State guidelines and Board policy for attendance for every class period unless their absence is excused by an administrator or teacher or as provided in the school attendance policy.

Consequences

Elementary	Middle School	High School
In-school disciplinary action	ISS or other in-school disciplinary action, including after-school detention	ISS or other in-school disciplinary action, including Saturday school or after-school detention

b) **Skipping (leaving school once present) School-in-whole or in part**--- Students shall come to school, remain at school once they have arrived and be present in their designated homeroom and/or their assigned classroom unless they have been authorized to do otherwise by the principal or his/her designee.

Consequences

Elementary	Middle School	High School
In-school disciplinary action	ISS, or other in-school disciplinary action, up to 1 day OSS	ISS, or other in-school disciplinary action, up to 2 days OSS

c) **Unexcused Tardies in Homeroom or Assigned Classes** -- Students are not to be tardy to homeroom or assigned classes.

Consequences

Elementary	Middle School	High School
In-school disciplinary action	ISS or other in-school disciplinary action	ISS or other in-school disciplinary action

Rule 6. Forging Notes/Documents -- Students shall not provide false information to school officials and/or parents or guardians with regard to any report card, attendance matter, grades or progress reports, discipline matters or any other school business.

Consequences

Elementary	Middle School	High School
Ranging from in-school disciplinary action up to 3 days	Ranging from in-school disciplinary action up to 5 days	Ranging from in-school disciplinary action up to 5 days

OSS	OSS	OSS
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Rule 7. Inappropriate Interpersonal and/or Sexual Behavior -- ~~Students shall conduct their personal and social relationships according to acceptable community standards. No student shall engage in behavior which is indecent, overly affectionate, or of a sexual nature, including displays of affection which are disruptive to the learning environment. Inappropriate public displays of affection as determined by the principal will not be allowed.~~

Consequences

Elementary	Middle School	High School
Ranging from in-school disciplinary action up to 2 days OSS	Ranging from in-school disciplinary action up to 5 days OSS	Ranging from in-school disciplinary action up to 5 10 days OSS

Rule 8. Use of Tobacco Products -- ~~Students shall not use or possess any tobacco product at any time in any building, facility, or vehicle owned, leased, rented or chartered by the Orange County Schools, on any school grounds and property – including athletic fields and parking lots – owned leased, rented or chartered by the Orange County Schools, or at any school-sponsored or school-related event on-campus or off-campus or at any other time when students are subject to the authority of school personnel. The Board of Education believes that a smoke/tobacco-free environment will better protect the health and well-being of students of the Orange County School System and of other persons. To this end, the Board of Education will prohibit or restrict smoking and the use of tobacco products as follows:~~

- ~~■ Students may not possess, display, or use any tobacco product at any time on school premises, including school vehicles or while participating in school events, both indoor and outdoor and both on and off school property.~~
- ~~■ The prohibition of display of tobacco products shall not extend to display that has a legitimate instructional or pedagogical purpose.~~
- ~~■ No student shall be permitted under any circumstances to use tobacco products in any indoor facility owned or leased or contracted for by the Orange County Schools.~~

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~~This policy does not prohibit the use of tobacco products for instructional or research activities if the activity is conducted or supervised by a faculty member and the activity does not include smoking, chewing, or otherwise ingesting the tobacco product.~~

For purposes of this policy, "tobacco product" is defined to include cigarettes, cigars, pipes, chewing tobacco, snuff, and any other items containing or reasonably resembling tobacco or tobacco products. "Tobacco use" includes smoking, chewing, dipping, or any other use of tobacco products.

Consequences

Elementary	Middle School	High School
Confiscation. Parental/guardian contact. Conference with school nurse. In-school disciplinary action.	Confiscation. First Offense: Mandatory ATS course or a one-day suspension & parent notification. Second Offense: Mandatory ATS course & parent	Confiscation. First Offense: Mandatory ATS course or a one-day suspension & parent notification. Second Offense: Mandatory ATS course & parent

	notification. Third Offense: Three day-suspension & parent notification. Fourth Offense: Administrator's discretion. In-school disciplinary action up to five days OSS. An alternative educational program may be offered for the first violation at the principal's discretion. *See below	notification. Third Offense: Three day-suspension & parent notification. Fourth Offense: Administrator's discretion. In-school disciplinary action up to five days OSS. An alternative educational program may be offered for the first violation at the principal's discretion. *See below
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* For the first violation at the middle and high school levels, an alternative to suspension tobacco education program may be offered. The alternative shall require participation of the student and parent/guardian in an approved corrective education program (ex. ATS-Alternative to Suspension Tobacco Education Program). Failure to meet the requirements of the alternative program reactivates the consequences listed above.

Students interested in quitting will be assessed by the Youth Tobacco-Use Prevention Project Manager at the Orange County Health Department or appropriate school-based personnel and for their interest in enrolling into a cessation program (ex. NOT-Not on Tobacco). Continued follow-up by the project manager or school personnel will be determined on a case-by-case basis.

Rule 9. Disrespect and Noncompliance with Directives from Principals, Teachers, and Other School Personnel -- Students shall comply with the directives of all school personnel and shall exhibit respectful and appropriate behavior toward school personnel and volunteers at all times while a student is subject to this Code. at school. This includes being in any school building and on any school premises, attending school-sponsored activities, on or about any school-owned or operated vehicle, off school property at any school-sponsored or school-approved activity or function or during any period of time when student's behavior has a direct and immediate effect on maintaining order and discipline and protecting the safety and welfare of students and staff.

Consequences

Elementary	Middle School	High School
Ranging from in-school disciplinary action up to 5 days OSS. Long-term suspension may be recommended for serious violations if justified by the presence of aggravating circumstances.	Ranging from in-school disciplinary action up to 10 days OSS. Long-term suspension may be recommended for serious violations if justified by the presence of aggravating circumstances.	Ranging from in-school disciplinary action up to 10 days OSS. Long-term suspension may be recommended for serious violations if justified by the presence of aggravating circumstances.

Rule 10. Electronic Devices -- Electronic devices subject to this rule include but are not limited to cell phones, pagers, walkie-talkies, other portable communication devices, digital cameras, music players, electronic games, and personal laptop or tablet computers (unless provided or approved by a teacher or administrator for instructional purposes).

- Elementary students are not allowed to possess electronic devices at school. Principals may grant specific, conditional waivers of this rule to individual elementary school students for health or other unusual reasons.
- In middle and high schools, electronic devices must be turned off, put away, and kept out of sight at all times during the school day and during school-sponsored activities. Middle/high school students are allowed to use cellular phones for athletic events and after school events such as dances, unless otherwise notified by an administrator or other faculty member supervising the activity. Students are not allowed to possess electronic devices including, but not limited to, beepers, lasers, walkie-talkies, music players, and other non-instructional electronic devices on school grounds or at any school-sponsored activity, in any school building and on any school premises, attending school-sponsored activities, on or about any school-owned or operated vehicle, off school property at any school-sponsored or school-approved activity or function or during any period of time when students are subject to the authority of school personnel and at any time when the student's behavior has a direct and immediate effect on maintaining order and discipline and protecting the safety and welfare of students and staff. All electronic devices
- Cell phones and other wireless communication devices are banned for all students attending Partnership Academy Alternative School.
- Students shall be personally and solely responsible for the security of their electronic devices. The Orange County Board of Education shall not assume responsibility or liability for the theft, loss or damage to a student's cellular telephone or other electronic devices and does not assume responsibility for the unauthorized use of any device.
- Using cellular telephones or other devices with photographic capabilities in student locker-rooms, restrooms or any other student changing areas, at any time is prohibited.

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Violations of this rule will result in confiscation of the device, ~~will be confiscated~~ and a parent/guardian is required to attend a conference in order to gain possession of the item. This rule does not apply to personal vehicles, overnight/day school-sponsored field trips and athletic events. ~~Cell phones and pagers are governed by Board policy and are addressed elsewhere in the Code of Conduct.~~

Consequences

Elementary	Middle School	High School
Confiscation of device. Ranging from in-school disciplinary action up to 2 days OSS	Confiscation of device. Ranging from in-school disciplinary action up to 5 days OSS	Confiscation of device. Ranging from in-school disciplinary action up to 5 days OSS

Rule 11. Portable Communication Devices— The Orange County Board of Education has as its highest priority a strong commitment to preserving an atmosphere that enhances the learning process in schools. Therefore, to avoid disruption to instruction, the use of electronic devices, including, but not limited to cellular telephones, pagers, and other portable communication devices (PCDs) are allowed only with the restrictions outlined below:

- Students in elementary school are not allowed to possess cellular telephones and other PCDs on any school site except for health or other unusual reasons approved on an individual basis by the school principal and subject to regulations developed by the Superintendent.
- The use or possession of cellular telephones and other PCDs is a privilege the board extends to high school and middle school students only before and after the official school day

subject to regulations developed by the Superintendent. The school day for middle school is defined as the hours between 8:20 a.m. and 3:20 p.m. High school hours are between 8:45 a.m. and 3:45 p.m. Middle/high school students are allowed to use cellular phones for athletic events and after-school events; i.e., dances. PCDs will be prohibited during the school day.

Students violating this policy and the associated regulations shall be deemed to have created a disruption to the instructional environment and are subject to appropriate disciplinary action:

- Staff members and visitors shall turn off the audible notification on their cell phones and pagers during the school day when they are supervising students or participating in an activity with students. School bus drivers may not use a cellular phone while operating a school bus.

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- Students must insure that all cellular phones remain turned off and not visible when being transported to and from home by district owned vehicles (i.e., school buses). The school bus is viewed as an extension of the school and therefore, all regulations apply.

- Students shall be personally and solely responsible for the security of their cellular telephones and other PCDs. The Orange County Board of Education shall not assume responsibility or liability for the theft, loss or damage to a student's cellular telephone or other PCDs and does not assume responsibility for the unauthorized use of any device.

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- Using portable communication devices to reproduce images of tests, to access unauthorized school information or to assist students in any aspect of their instructional program in a manner that violates any school board policy, district or school code of conduct.

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- Using cellular telephones or other devices with photographic capabilities in student locker rooms, restrooms or any other student changing areas, at any time is prohibited.

- Cell phones are banned for all students attending Partnership Academy Alternative School.

Consequences

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Elementary	Middle School	High School
Confiscation Possible confiscation of device. Ranging from in-school disciplinary action up to 2 days OSS	Confiscation Possible confiscation of device. Ranging from in- school disciplinary action up to 5 days OSS	Confiscation Possible confiscation of device. Ranging from in- school disciplinary action up to 5 days OSS

Rule 1211. Bus Misbehavior -- Students, at all times while riding a school bus or other school-owned or operated vehicle, shall observe the directives of the school bus driver and/or bus/contract vehicle safety monitor. The following conduct is specifically prohibited and may result in revocation of school system provided transportation privileges: delaying the bus schedule, fighting, smoking, using profanity or refusing to obey the driver's instructions, tampering with or willfully damaging the school vehicle, getting off at an unauthorized stop, distracting the driver's attention by participating in disruptive behavior while the vehicle is in operation, throwing objects from the bus, failing to observe and obey safety regulations, willfully trespassing on a school-owned or operated vehicle or violating any other Code of Conduct rule while on the school bus. ~~If a violation of this code also violates other rules, consequences in addition to those listed below may be implemented.~~

Consequences

Elementary	Middle School	High School
Ranging from in-school disciplinary action up to 10 days OSS, and/or suspension from bus transportation up to the remainder of the year.	Ranging from in-school disciplinary action up to 10 days OSS, and/or suspension from bus transportation up to the remainder of the year.	Ranging from in-school disciplinary action up to 10 days OSS, and/or suspension from bus transportation up to the remainder of the year.

Rule 1312. Gambling -- Students shall not engage in any form of games of chance or gambling for money and/or objects of value.

Consequences

Elementary	Middle School	High School
Ranging from in-school disciplinary action up to 1 day OSS	Ranging from in-school disciplinary action up to 3 days OSS	Ranging from in-school disciplinary action up to 5 days OSS

Rule 1413. Insulting, Abusive, Harassing, Profane, Obscene or Seriously Disrespectful Language, Words, Acts of Touching, Gestures, Signs (including Gang Signs), Verbal Threats and Threats by Electronic Devices or Other Acts -- Students shall respect other students, visitors, school employees and other persons by utilizing appropriate language and behaviors at all times. ~~Any action~~ The use of any language, whether written, oral or electronic, which is insulting, abusive, harassing, profane, obscene or seriously disrespectful and which disrupts the learning process for any student or which demeans or degrades another person is specifically prohibited.

Rule 14. Inappropriate Literature, Illustrations or Images. The possession of literature, illustrations, or other images, including electronic images, which significantly disrupt the educational process or which are obscene is prohibited.

Rule 15. Gang-Related Activity.

The Orange County School System does not tolerate gang membership or gang-related activity. Orange County Schools supports a proactive approach to dealing with gangs and gang-related activities in schools, at school-related events, and in the community.

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, or the purposeful violation of any OCS policy, and having a common name identifying signs, colors, or symbols. No student shall commit any act that furthers gangs or gang-related activities. Conduct prohibited by this policy includes:

- A. Wearing, possessing, distributing, displaying, or selling any clothing, jewelry, emblems, badges, symbols, signs, visible tattoos and body markings, or other items, or being in possession of

literature that show affiliation with a gang, or is evidence of membership or affiliation in any gang or that promotes gang affiliation;

- B. Communicating either verbally or non-verbally (gestures, handshakes, slogans, drawings, etc.) to convey membership affiliation in any gang or that promotes gang affiliation;
- C. Tagging, or otherwise defacing school or personal property with gang or gang-related symbols or slogans;
- D. Requiring payment of money or insurance for gang-related protection or harassing others in intimidating or threatening ways as part of gang-related activities;
- E. Inciting other students to intimidate or to act with physical violence upon any other person as related to gang activity;
- F. Soliciting others for gang membership; and
- G. Conspiring to commit any violation of this policy or committing or conspiring to commit any other illegal act or other violation of school district policies that relates to gang activity.

The Superintendent and/or the district designee shall regularly consult with law enforcement officials to identify gang-related items, symbols and behaviors, and provide each principal with this information.

Before being suspended for a first offense of wearing gang-related attire, a student will receive a warning and will be allowed to immediately change or remove the attire that is in violation of this policy. Unless the student has been specifically notified of a prohibited item of attire, a student will receive this warning the first time he or she is observed wearing a particular item in violation of this policy.

Consequences

Elementary	Middle School	High School
Ranging from in-school disciplinary action up to 5 days OSS. Long-term suspension may be recommended for serious violations if justified by the presence of aggravating circumstances.	Ranging from in-school disciplinary action up to 5 days OSS. Long-term suspension may be recommended for serious violations if justified by the presence of aggravating circumstances.	Ranging from in-school disciplinary action up to 10 days OSS. Long-term suspension may be recommended for serious violations if justified by the presence of aggravating circumstances.

Rule 4516. Sexual Harassment -- Students are prohibited from engaging in sexual harassment of fellow students or other individuals while subject to this Code. For purposes of this Rule, sexual harassment includes unwanted conduct of a sexual nature, whether verbal or physical, which has the effect of unreasonably interfering with the victim's educational performance or creating an intimidating, hostile, or offensive environment for the victim.

Any student who believes he or she has been the victim of sexual harassment is encouraged to report the conduct to a staff member for investigation, as outlined in Policy 7235. or encouraging any form of

harassment against students, employees or any other individuals on school grounds or at school-related functions. Harassment is unwanted, not welcomed and uninvited behavior that demeans, threatens or offends the victim and results in a hostile environment for the victim. The hostile environment can be created through pervasive or persistent misbehavior or a single incident if sufficiently severe. Harassment and sexual harassment are further defined in Board policy 3532 "Prohibition Against Unlawful Discrimination, Harassment, Bullying, and Cyberbullying".

Consequences

Elementary	Middle School	High School
Ranging from in-school disciplinary action up to 10 days OSS.	OSS up to and including long-term suspension. Law enforcement may be notified.	OSS up to and including long-term suspension. Law enforcement may be notified.

Rule 4617. Harassment and Bullying – Bullying, Harassment, bullying and cyberbullying as defined in Policy 3532 are prohibited.

Harassment is unwanted, unwelcomed, and uninvited behavior that demeans, threatens, or offends the victim and which has the effect of unreasonably interfering with the victim's educational performance or creating an intimidating, hostile, or offensive environment for the victim. A hostile environment can be created through pervasive or persistent misbehavior or a single incident, if sufficiently severe. Harassing behavior may include, but is not limited to epithets, derogatory comments or slurs and lewd propositions, assault, impeding or blocking movement, offensive touching or any physical interference with normal work or movement, and visual insults, such as derogatory posters or cartoons. Legitimate age-appropriate teaching techniques are not considered harassing behavior.

Bullying means the repeated intimidation of others by the real or threatened infliction of physical, verbal, written, electronically transmitted or emotional abuse or through attacks on the property of another. Bullying may include, but is not limited to, verbal taunts, name-calling and put-downs, extortion of money or possessions, implied or stated threats, and exclusion from peer groups.

Cyberbullying is when one or more people intentionally bully another person using technology. Examples of cyberbullying: sending mean or threatening messages to a classmate via email, IM (instant messaging), or text messages; spreading rumors about classmates through email, IM, or text messages; creating a Web site or MySpace (or other social-networking) account that targets another student; sharing fake or embarrassing photos or videos of classmates with others via a cell phone or the Web; stealing a classmate's login and password to send mean or embarrassing messages from his or her account.

The Orange County Board of Education recognizes that bullying is disruptive, damaging and sometimes violent, and has a negative effect on school climate. Students who are intimidated and fearful cannot give their education the single-minded attention they need for success. Every student has the right to learn and achieve high academic standards in a safe and civil school environment.

Bullying is a form of aggression, which involves one or more students verbally, physically, and/or psychologically harassing another student repeatedly over a period of time. Bullying includes, but is not limited to, acts based on race, gender, color, national origin, sexual orientation, physical characteristics or mental capacity.

Consequences

Elementary	Middle School	High School
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Parents/guardian Contact. Ranging from in-school disciplinary action up to 10 days including OSS. Long-term suspension may be recommended for serious violations if justified by the presence of aggravating circumstances. Repeated offenses may require student participation in an approved corrective education program (ex. Dispute Settlement Center). Law enforcement may be notified.	Parents/guardian Contact. Ranging from in-school disciplinary action up to 10 days including OSS. Long-term suspension may be recommended for serious violations if justified by the presence of aggravating circumstances. Repeated offenses may require student participation in an approved corrective education program (ex. Dispute Settlement Center). Law enforcement may be notified.	Parents/guardian Contact. Ranging from in-school disciplinary action up to 10 days including OSS. Long-term suspension may be recommended for serious violations if justified by the presence of aggravating circumstances. Repeated offenses may require student participation in an approved corrective education program (ex. Dispute Settlement Center). Law enforcement may be notified.
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Rule 1718. Hazing and Intimidation -- It shall be a violation for any student to engage in what is known as hazing or to aid or abet any other student in hazing. For the purpose of this policy, hazing is defined as follows: "to annoy any student by playing abusive or ridiculous tricks on him/her, to frighten, scold, beat or harass him/her or to subject him/her to personal indignity. Furthermore, deliberate intimidation or harassment in any form is prohibited. (G.S. 14-36 and 115C-391)

Consequences

Elementary	Middle School	High School
Ranging from in-school disciplinary action up to 5 days OSS. Long-term suspension may be recommended for serious violations if justified by the presence of aggravating circumstances. Law enforcement may be notified.	Ranging from in-school disciplinary action up to 10 days OSS. Long-term suspension may be recommended for serious violations if justified by the presence of aggravating circumstances. Law enforcement may be notified.	Ranging from in-school disciplinary action up to 10 days OSS. Long-term suspension may be recommended for serious violations if justified by the presence of aggravating circumstances. Law enforcement may be notified.

Rule 1819. Fighting Among Students and Physical Aggression -- Students shall not fight or attempt to cause bodily harm to another student. If a student is attempting to involve another student in a fight, the other student should walk away and report it to a teacher, assistant principal or principal. Students who instigate fights will be subject to the same consequences as those who are actually involved in fighting.

Consequences

Elementary	Middle School	High School
Ranging from in-school disciplinary action up to 10 days OSS. Long-term suspension may be	Ranging from in-school disciplinary action up to 10 days OSS. Long-term suspension may be recommended for serious	Up to 10 days OSS. Long-term suspension may be recommended for serious violations if justified by the presence of aggravating

recommended for serious violations if justified by the presence of aggravating circumstances. Law enforcement may be notified.	violations if justified by the presence of aggravating circumstances. Law enforcement may be notified.	circumstances. Law enforcement may be notified.
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Rule 20. Threat/False Threat. No student shall make any threat through written or verbal language 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 in jest, which causes or is reasonably likely to cause fear or a disruption to school activities.

Consequences

<u>Elementary</u>	<u>Middle School</u>	<u>High School</u>
Ranging from in-school disciplinary action up to 10 days OSS. Long-term suspension may be recommended for serious violations if justified by the presence of aggravating circumstances. Law enforcement may be notified.	Ranging from in-school disciplinary action up to 10 days OSS. Long-term suspension may be recommended for serious violations if justified by the presence of aggravating circumstances. Law enforcement may be notified.	Up to 10 days OSS. Long-term suspension may be recommended for serious violations if justified by the presence of aggravating circumstances. Law enforcement may be notified.

Rule 1921. Unjustified Activation of a Fire or Other Alarm System -- Students shall not activate any fire or other alarm system unless authorized to do so by school employees or unless there are reasonable grounds to believe that an actual emergency situation exists.

Consequences

<u>Elementary</u>	<u>Middle School</u>	<u>High School</u>
Ranging from in-school disciplinary action up to 5 days OSS. Long-term suspension may be recommended for serious violations if justified by the presence of aggravating circumstances. Law enforcement may be notified.	Ranging from in-school disciplinary action up to 10 days OSS. Long-term suspension may be recommended for serious violations if justified by the presence of aggravating circumstances. Law enforcement may be notified.	Ranging from in-school disciplinary action up to 10 days OSS. Long-term suspension may be recommended for serious violations if justified by the presence of aggravating circumstances. Law enforcement may be notified.

Rule 2022. Extortion -- Students shall not extort through verbal, written or physical threats, coercion or intimidation anything of value from any other student or school employee.

Consequences

<u>Elementary</u>	<u>Middle School</u>	<u>High School</u>
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Restitution of costs may be required. Minimum of 3 days OSS. Long-term suspension may be recommended for serious violations if justified by the presence of aggravating circumstances. Law enforcement may be notified.	Restitution of costs may be required. Minimum of 3 days OSS. Long-term suspension may be recommended for serious violations if justified by the presence of aggravating circumstances. Law enforcement may be notified.	Restitution of costs may be required. Minimum of 3 days OSS. Long-term suspension may be recommended for serious violations if justified by the presence of aggravating circumstances. Law enforcement may be notified.
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Rule 2423. Theft or Destruction of School or Personal Property -- Students shall not steal or attempt to steal or knowingly be in possession of stolen property ~~or intentionally damage or attempt to damage any school or private property while under school jurisdiction~~. Students shall not vandalize or damage or attempt to damage school property or property belonging to others.

Consequences

Elementary	Middle School	High School
<u>In-school disciplinary action up to 10 days OSS. OSS up to 10 days.</u> Long-term suspension may be recommended for serious violations if justified by the presence of aggravating circumstances. Law enforcement may be notified. Restitution may be required.	OSS up to 10 days <u>In-school disciplinary action up to 10 days OSS.</u> Long-term suspension may be recommended for serious violations if justified by the presence of aggravating circumstances. Law enforcement may be notified. Restitution may be required.	<u>In-school disciplinary action up to 10 days OSS</u> OSS up to 10 days. Long-term suspension may be recommended for serious violations if justified by the presence of aggravating circumstances. Law enforcement may be notified. Restitution may be required.

Rule 2224. Robbery, Burglary, Taking or Destroying Property Using Violence or Threat of Violence -- Students shall not steal or attempt to steal, damage or destroy property of others using threats of bodily harm.

Consequences

Elementary	Middle School	High School
Ranging from in-school disciplinary action up to 10 days OSS. Law enforcement may be notified. Restitution may be required.	OSS up to 10 days and/or long-term suspension. Law enforcement may be notified. Restitution may be required.	OSS up to 10 days and/or long-term suspension. Law enforcement may be notified. Restitution may be required.

Rule 2325. , Physical Aggression, Threats or Actions of Assault Against Adults --

a) **Physical Assault or Physical Harm to School Employees and Other Adults** -- Students shall not cause or attempt to cause or act in a way that reasonably could cause physical or bodily harm to principals, assistant principals, teachers, substitute teachers, student teachers, teacher assistants, coaches, advisors, counselors, media specialists, bus drivers or monitors, or other adults. school employees or other adults.

Consequences

Elementary	Middle School	High School
Short-term or long-term suspension. Law enforcement will be notified.	Short-term or long-term suspension. Law enforcement will be notified.	Short-term or long-term suspension. Law enforcement will be notified.

b) Physical Aggression Toward Adults – Students shall not exhibit physical aggression toward school employees or other adults at any time.

Consequences

Elementary	Middle School	High School
In-school disciplinary action up to 10 days OSS. Long-term suspension may be justified by aggravating circumstances.	OSS up to 10 days. Long-term suspension may be justified by aggravating circumstances.	OSS up to 10 days. Long-term suspension may be justified by aggravating circumstances.

c) Written or Verbal Assault to School Employees and Other Adults -- Students shall not, through written, oral, or electronic communication, threaten to cause, cause or attempt to cause harm to principals, assistant principals, teachers, substitute teachers, student teachers, teacher assistants, coaches, advisors, counselors, media specialists, bus drivers or monitors, school employees or other adults.

Consequences

Elementary	Middle School	High School
Ranging from in-school disciplinary action up to 10 days OSS. Law enforcement may be notified.	OSS up to and including long-term suspension. Law enforcement may be notified.	OSS up to and including long-term suspension. Law enforcement may be notified.

Rule 2426. Violent Physical Assault Upon a Student -- Students shall not cause, or attempt to cause, or verbally (written, electronically or orally) threaten to cause serious injury of any kind to another student.

Consequences

Elementary	Middle School	High School
Short-term or long-term suspension. Law enforcement will be notified if required by law and may be notified in other circumstances.	Short-term or long-term suspension. Law enforcement will be notified if required by law and may be notified in other circumstances.	Short-term or long-term suspension. Law enforcement will be notified if required by law and may be notified in other circumstances.

Rule 2527. Possession of a Firearm or Destructive Device. Students shall not bring onto school property or possess a firearm or destructive device. A firearm is any 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

definition of firearm under this rule does not include an inoperable antique firearm, a BB gun, stun gun, air rifle, or air pistol.

A destructive device is 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 or more than one-quarter ounce, mine, or similar device.

A student is not in violation of this particular rule if the student took or received the firearm or destructive device from another person at school or found the firearm or destructive device at school, provided that the student delivered or reported the firearm or destructive device as soon as practicable to a law enforcement officer or school employee and had no intent to use such firearm or destructive device in a harmful or threatening way.

Consequences

Elementary	Middle School	High School
365 day suspension. Confiscate weapon. Law enforcement will be notified.	365 day suspension. Confiscate weapon. Law enforcement will be notified.	365 day suspension. Confiscate weapon. Law enforcement will be notified.

- a) **Possession of Other Types of Guns** -- Students shall not possess or conceal or transport any air gun, BB gun, pellet gun, stun-gun, paintball gun, zip gun or any other weapon capable of or causing serious bodily injury or any gun facsimile (an exact or close reproduction or imitation of a gun that could reasonably be perceived by a person to be an actual or real gun) or incidental items relating to firearms use, such as bullets, magazine clips, or other projectile items.

Consequences

Elementary	Middle School	High School
Out of school suspension up to and including long-term suspension. Confiscate weapon. Law enforcement will be notified.	Out of school suspension up to and including long-term suspension. Confiscate weapon. Law enforcement will be notified.	Out of school suspension up to and including long-term suspension. Confiscate weapon. Law enforcement will be notified.

- b) **Possession of Other "Look-alike" Firearms** -- Students shall not possess any other "look-alike" gun such as a plastic gun, rubber gun, candy gun, or water pistol.

Consequences

Elementary	Middle School	High School
Up to 10 days of OSS and conference with parents/guardian. Confiscate "look-alike" weapon. Repeated offenses may result in a recommendation for long-term suspension. Law enforcement will be notified.	Up to 10 days of OSS and conference with parents/guardian. Confiscate "look-alike" weapon. Repeated offenses may result in a recommendation for long-term suspension. Law enforcement will be notified.	Up to 10 days of OSS and conference with parents/guardian. Confiscate "look-alike" weapon. Repeated offenses may result in a recommendation for long-term suspension. Law enforcement will be notified.

Rule 2628. Disruption of School

- a) **Disruption of Class/School:** Students shall not initiate or join in any physical or verbal conduct which disrupts the school environment and/or interferes with teaching or orderly conduct of class or school activities.

Consequences

Elementary	Middle School	High School
Ranging from in-school disciplinary action up to 5 days OSS.	Ranging from in-school disciplinary action up to 10 days OSS. Long-term suspension may be recommended if justified by the presence of aggravating factors.	Ranging from in-school disciplinary action up to 10 days OSS. Long-term suspension may be recommended if justified by the presence of aggravating factors.

- (b) **Communicating a False Bomb Report or Perpetrating a Bomb Hoax** No student shall make or aid and abet anyone in making a false report concerning the existence of a bomb or any other dangerous object on school premises or at the site of school activities. —Students shall not communicate a false bomb report that there is located on any school property or at any school-sponsored event on or off school property any device designed to cause damage by explosion, blasting, or burning. Students shall not perpetrate a bomb hoax by any means, including the concealment, placement, or display of any device, machine, or artifact to cause a person to reasonably believe the item is a bomb.

Consequences

Elementary	Middle School	High School
Out of school suspension up to and including long-term suspension. Law enforcement will be notified.	Out of school suspension up to and including long-term suspension. Law enforcement will be notified.	Out of school suspension up to and including long term suspension. Law enforcement will be notified.

- bc) Communicating a Terroristic Threat or Perpetrating a Terroristic Hoax** -- Students shall not communicate a false report by any means that there is located on any school property or at any school-sponsored school activity off school property any device, substance, or material used to cause harmful or life-threatening illness or injury to others. Students shall not perpetrate a hoax by concealing, placing, disseminating, or displaying on school property or at school-sponsored activity off school property any device, machine, instrument, artifact, letter, package, material or substance to cause a person to reasonably believe the item is capable of causing harmful or life-threatening illness or injury. Students shall not threaten to commit an act of terror with the intent of causing a serious disruption to or causing an actual significant disruption of the instructional day or school-sponsored activity while a student is on any school property or school-sponsored activity on or off school property. Students shall not communicate a false report that terroristic act likely to cause serious injury or death is about to occur or is occurring on any school property or at any school-sponsored event off school property, with the intent of causing a significant disruption or actually causing a significant disruption of the instructional day or school-sponsored activity.

Consequences

Elementary	Middle School	High School
Out of school suspension up to and including long-term suspension. Law enforcement will be notified.	Out of school suspension up to and including long-term suspension. Law enforcement will be notified.	Out of school suspension up to and including long-term suspension. Law enforcement will be notified.

(d) Inciting or Participating in Student Disorder -- Students shall not lead or participate in any activity that has as its purpose the disruption of school business or which significantly adversely affects the educational process. In the event that the disruption does not abate immediately or if the principal deems it appropriate, law enforcement will be called.

Consequences

Elementary	Middle School	High School
Ranging from in-school disciplinary action up to 10 days OSS. Long-term suspension may be recommended for serious violations if justified by the presence of aggravating circumstances. Law enforcement will be notified.	Ranging from in-school disciplinary action up to 10 days OSS. Long-term suspension may be recommended for serious violations if justified by the presence of aggravating circumstances. Law enforcement will be notified.	Ranging from in-school disciplinary action up to 10 days OSS. Long-term suspension may be recommended for serious violations if justified by the presence of aggravating circumstances. Law enforcement will be notified.

Rule 2729. Possession of a Dangerous Weapon or Other Instruments -- Students shall not possess or conceal or transport any weapon or other instrument that could cause or that is intended to cause bodily injury or other harm to another or misuse otherwise acceptable objects in a manner intended to cause harm to others.

Consequences

Elementary	Middle School	High School
Confiscate weapon. Up to 10 days OSS. Special circumstances may result in long-term suspension. Law enforcement will be notified.	Confiscate weapon. Up to 10 days OSS. Special circumstances may result in long-term suspension. Law enforcement will be notified.	Confiscate weapon. Long-term suspension recommended. Law enforcement will be notified.

Rule 2830. Arson or Making or Possessing Explosive or Incendiary Devices -- Students shall not make, or possess, light or explode firecrackers, explosives, pyrotechnic, incendiary (capable of producing flame or fire) or smoke-creating devices or materials or facsimiles thereof including matches and lighters. Students shall not set fire to anything unless directed to do so under the supervision of a teacher or administrator for educational purposes. In the event that a device is discovered, it shall be confiscated and not returned to the student.

Consequences

Elementary	Middle School	High School
Confiscate device. OSS up to and including long-term	Confiscate device. OSS up to and including long-term	Confiscate device. OSS up to and including long-term suspension.

suspension. Law enforcement will be notified.

suspension. Law enforcement will be notified.

Law enforcement will be notified.

Rule 29. Exploding Firecrackers or Igniting Similar Devices—Students shall not explode firecrackers or ignite pyrotechnic, incendiary or smoke-producing devices or cause any fire whether or not there is an intent to commit arson or other crimes involving fire or explosion.

Consequences

Elementary	Middle School	High School
Confiscate device. Ranging from in-school disciplinary action up to long-term suspension. Restitution may be required. Law enforcement may be notified.	Confiscate device. OSS up to and including long-term suspension. Restitution may be required. Law enforcement may be notified.	Confiscate device. OSS up to and including long-term suspension. Restitution may be required. Law enforcement may be notified.

Rule 3031. Narcotics, Alcoholic Beverages, Controlled Substances, Chemicals and Paraphernalia --

No student shall possess, use, distribute, sell, possess with intent to distribute or sell, or conspire or attempt to distribute or sell, or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid, other controlled substance, any alcoholic beverage, malt beverage, fortified wine, other intoxicating liquor, drug paraphernalia, counterfeit controlled substance, any unauthorized prescription drug, or any other chemicals or products with the intention of bringing about a state of exhilaration, euphoria, or of otherwise altering the student's or other persons' mood or behavior.

For the purpose of the Student Code of Conduct the following definitions apply:

1. Possess: Having the power or intent to control a prohibited substance and shall include, but is not necessarily limited to the possession of a prohibited substance in a student's automobile, locker, book-bag, or desk, or on a student's person.
2. Use: The consumption, injection, inhalation or absorption of a prohibited substance into a student's body by any means.
3. Under the influence: The use of any prohibited substance at any time or place when the prohibited substance would influence a student's mood, behavior, or learning to any degree.
4. Sell: The exchange of a prohibited substance for money, property, or any other benefit or item of value.
5. Distribute: To give, share, or pass a prohibited substance.
6. Possess with intent to distribute/sell: Intent to distribute or sell may be determined from 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, or from statement or actions of the student that demonstrate an intent to distribute or sell.
7. 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 policy.

8. Unauthorized Prescription Drug: Any drug or medication that has not been prescribed for the student.

Consequences

Elementary	Middle School	High School
Out of school suspension up to and including long-term suspension. See # 1 & 2 below.	Out of school suspension up to and including long-term suspension. See # 1 & 2 below.	Out of school suspension up to and including long-term suspension. See # 1 & 2 below.

1. When a first infraction does not involve the distribution, sale or possession with intent to distribute or sell, or conspiracy or attempt to distribute or sell a substance prohibited by this policy, an alternative to suspension may be offered. This alternative may be offered only one time to students during their school career unless an exception is made by the Superintendent. Upon the students return to school, he/she will be asked to sign an OCS No Drug Contract. Violation of this contract and/or a second offense will result in a long-term suspension recommendation.

~~2. Any student who is fourteen (14) years of age or older and who distributes, sells, possesses with intent to sell, or conspires to distribute or sell any schedule I or schedule II controlled substance as defined by the North Carolina Controlled Substances Act may be recommended for expulsion.~~

32. 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.

Note: Schedule I substances include, among other types, opiates and hallucinogenics such as LSD

Rule 32.1. Violation of North Carolina Criminal Statutes -- Students shall not violate any criminal statute or local ordinance or commit any act which could result in criminal prosecution or juvenile proceedings not previously covered elsewhere in these rules.

Consequences

Elementary	Middle School	High School
Out of school suspension up to and including long-term suspension. -- Law enforcement will be notified.	Out of school suspension up to and including long-term suspension. --Law enforcement will be notified.	Out of school suspension up to and including long-term suspension. Law enforcement will be notified.

Rule 33. Aiding and Abetting -- Students shall not help, aid or facilitate others in the violation of any rule of conduct.

Due Process Procedures

Short-Term Suspensions

Before imposing a short-term suspension, the principal must provide the student the opportunity for an informal hearing with the principal. The student must be informed of the charges and the basis for the accusations either verbally or in writing and must be given the opportunity to make statements in his or her defense or to explain any mitigating circumstances. There is an exception to the hearing requirement where giving the student the hearing would create a direct and immediate threat to the safety of other students or staff, or substantially disrupts or interferes with the education of other students or the maintenance of discipline at the school. In such cases, the informal hearing may be delayed but must occur as soon as practicable once the threat to safety or threat of disruption has passed.

A student is not entitled to appeal the principal's decision to impose a short-term suspension to the superintendent or the Board of Education.

When a student is suspended for a period of 10 days or less, the principal or designee shall give notice to the student's parent or guardian of the student's suspension and the student's rights by telephone, facsimile, e-mail, or any other method reasonably designed to achieve actual notice. If English is the second language of the parent, the notice shall be provided in the parent's primary language if foreign language resources are readily available.

A student suspended for 10 days or less shall be provided:

- (1) The opportunity to take textbooks home for the duration of the suspension;
- (2) Upon request, the right to receive all missed assignments and, to the extent practicable, the materials distributed to students in connection with the assignment; and
- (3) The opportunity to take any quarterly, semester, or grading period examinations missed during the suspension period.

Long-Term Suspensions

- (1) Parents will be notified of the principal's recommendation to the Superintendent to long-term suspend the student and of their appeal rights under this policy by certified mail, telephone, facsimile, e-mail, or any other method reasonably designed to achieve actual notice. This notice shall be provided to the parent by

the end of the workday during which the suspension was recommended when reasonably possible, or as soon thereafter as is practicable.

This notice shall also contain:

- a) A description of the incident leading to the recommendation for suspension;
- b) The rule or policy violated;
- c) The process for appealing the recommendation, including applicable deadlines;
- d) The hearing procedures;
- e) Notice that the parent is permitted to retain an attorney to represent the student in the hearing process or to bring up to one non-attorney advocate to assist in the presentation of the student's appeal;
- f) Notice that the parent has a right to review the student's educational records prior to the hearing;
- g) A copy of this policy; and
- f) A reference to the Board's policy for expungement of discipline records under G.S. 115C-402.

If school personnel are aware that the parent's first language is not English and foreign language resources are readily available, this notice shall be provided in both English and the parent's primary language. All notices will contain certain basic information translated into the dominant non-English language used by residents within the county, as required by law.

- (2) Parents/guardians shall, within four (4) school days of the date of mailing, give written notice to the Superintendent of their intention to appeal the principal's recommendation. If the parent/guardian chooses to retain an attorney to represent the student, he or she must notify the Superintendent that of that attorney's presence at least three (3) school days prior to the hearing.
- (3) If the student declines the opportunity to appeal, the superintendent shall review the circumstances of the recommendation for long-term suspension, and may (a) impose the suspension if it is consistent with board policy and appropriate under the circumstances; (b) ~~impost~~ impose another appropriate penalty authorized by board policy; or (c) decline to impose any penalty.
- (4) Upon receipt of a request for an appeal hearing, the Superintendent shall convene a hearing within six (6) school days prior to the tenth day of suspension. If the parent/guardian requests a postponement of the hearing, this request will be

accommodated if reasonably possible, but the student shall not have the right to return to school pending the hearing.

- (5) The hearing shall be conducted in private before the Superintendent or the Superintendent's designee. The hearing will be conducted according to the following procedures:
- a) The student has the right to be present, accompanied by his or her parents. The student has the right to be represented by an attorney or by a single advocate chosen to assist in the presentation of his or her case.
 - b) The student, parent, or student's representative has the right to review prior to the hearing any audio or video recordings of the incident and any evidence supporting the suspension that may be presented at the hearing, to the extent consistent with federal and state student records privacy laws and regulations, except that school officials are not required to disclose names or other information that could allow the student or his or her representative to identify witnesses if such information could create a safety risk for the witness.
 - c) The Superintendent or designee may consider the testimony of any witness, including hearsay or other evidence of a kind commonly relied on by reasonably prudent persons in the conduct of serious affairs.
 - d) In presenting evidence, the principal or other representative of the school shall present first the witnesses and documentary evidence against the student.
 - e) The student or his or her representative may present his or her evidence, including any documents and witnesses he or she may have related to the suspension or any aggravating or mitigating factors.
 - f) Both the principal or school representative and the pupil or his or her representative may examine-question the witnesses presented by the other side. The Superintendent or designee may also question witnesses and has the power to limit questioning by any person if such questioning is unproductively lengthy, repetitive or irrelevant.
 - g) The Superintendent shall provide for the making of a tape recording of any information orally presented at the hearing and shall maintain a record of any tangible evidence submitted. The student may make his or her own audio recording of the hearing.
- (6) After the evidence has been presented and the hearing adjourned, the Superintendent or designee shall proceed to reach a decision. The decision should set forth in writing the findings upon which the decision rests as well as the decision. The written decision shall include the basis for the Superintendent's

decision, including a reference to the policy or rule(s) violated; notice of what information will be included in the student's official record; and notice of the student's right to appeal to the Board of Education and the procedures for such appeal. The Superintendent shall notify the student of his/her decision by the tenth day of suspension and will provide a copy of the written decision. send a copy of his/her written decision to the parents or guardian of the student and to the principal within four (4) school days of the hearing.

(7) Any student aggrieved by final action of the Superintendent may in writing within five (5) school days of the notice from the Superintendent appeal to the Board of Education and at the hearing of such appeal shall have the right to be represented by any person of his or her choice. The period of suspension imposed by the Superintendent is not stayed pending the outcome of the appeal. Board-level suspension appeals shall be conducted according to the following procedure:

- a) The board-level appeal may be heard by a panel of at least two board members, as provided in Policy 2500.
- b) The Board shall consider the record from the hearing before the Superintendent. If the student claims the discovery of new evidence which could not have been discovered by reasonable diligence at the time of the first hearing, the student may request the opportunity to present the new evidence to supplement the record or may request a de novo hearing. The Board of Education will first decide whether to allow the new evidence as a supplement to the record, whether to hear the matter de novo, if requested, or whether to hear the matter on the record from the hearing before the Superintendent. –
- c) Except as provided in this policy, board-level suspension appeal will be conducted according to the procedures contained in Policy 2500.
- d) The board will hear the suspension appeal and render a decision within thirty calendar days following receipt of the request for a board hearing.

A decision by the Board of Education adverse to the student may be appealed to the courts of this state in the manner provided by N.C. General Statute 115C-390.8 (i).

365 – Day Suspension and Expulsion Recommendations

The Superintendent shall suspend for 365 days any student who brings or is in possession of a firearm or destructive device on educational property or at a school-sponsored event off of educational property.

Principals shall recommend to the superintendent a 365-day suspension for any student believed to have violated board policies regarding firearms or destructive devices. The superintendent may uphold or modify such recommendations on a case-by-case basis. The superintendent will not impose a 365-day suspension if the superintendent determines that the student took or received the firearm or destructive device from another person at school or found the firearm or destructive device at school, provided that the student delivered or reported the firearm or destructive device as soon as practicable to a law enforcement officer or school employee and had no intent to use such firearm or destructive device in a harmful or threatening way.

If a 365-day suspension is recommended, the principal shall provide the student with the same notice required for a long-term suspension, above.

If the superintendent recommends a 365-day suspension, the superintendent must provide the student and the student's parent of the right to petition the board for readmission pursuant to N.C. General Statute 115C-390.12.

The superintendent's recommendation may be appealed to the board of education according to the procedures contained in this policy for appeal of a long-term suspension to the board of education.

The local Board of Education may, upon the recommendation of the principal and Superintendent, expel any student 14 years of age or older whose ~~behavior indicates that the student's~~ continued presence in school constitutes a clear threat to the safety of other students or employees ~~(G.S. 115C-391 (d))~~. Prior to expelling the student, the board shall conduct a hearing to determine whether there is clear and convincing evidence that the student's continued presence in school constitutes a clear threat to the safety of other or employees.

Any student recommended for expulsion shall receive reasonable notice of the recommendation in accordance with the provisions of this policy for notice of long-term suspensions, and shall receive reasonable notice of the time and place of the scheduled hearing.

An expulsion hearing will be conducted according to the procedures applicable to appeal of long-term suspensions. Prior to issuing an expulsion, the board must consider whether there are alternative education services that may be offered to the student in a manner that does not create safety risks to other students and staff. The decision of the Board of Education is subject to judicial review in accordance with Article 4 of Chapter 150A of the General Statutes.

Requests for Readmission

Students suspended for 365 days or expelled may requested readmission in writing after 180 calendar days from the date of the suspension or expulsion. Petitions for readmission will be reviewed and decided upon according to the procedures contained in N.C. General Statute 115C-390.12 and guidelines developed by the board.

If a petition for readmission is granted, the board or superintendent may assign the student to any program within the school system, and may place reasonable conditions on the student's readmission. No student will be returned to the classroom of a teacher whom he/she assaulted, unless the teacher consents.

Student Code of Conduct Contacts:

Steven Weber (Short Term-Suspensions)

Director of Secondary Instruction

steven.weber@orange.k12.nc.us

Michael Gilbert (Long-Term Suspensions)

Public Information Officer

Michael.gilbert@orange.k12.nc.us

Patrick Rhodes, Superintendent

Orange County Schools

200 East King Street

Hillsborough, NC 27278

The Board expressly prohibits unlawful discrimination, harassment, bullying and cyberbullying however motivated, directed toward any person or group, including, but not limited to members of a socially distinct group or category, race, sex, religion, age, national origin, sexual orientation, pregnancy, or disability.

ORANGE COUNTY SCHOOLS' PUBLIC NOTICES

Federal and state laws require public school systems across the nation and the state to provide parents and legal guardians with annual notification regarding specific issues. Those issues are listed below.

Section 504 of the Rehabilitation Act of 1973

No otherwise qualified individual with a disability in the United States...shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. *U.S. Department of Education*

Medical Information and New Vaccines

North Carolina General Statute 115C-47 requires schools to provide information concerning cervical cancer, cervical dysplasia and human papillomavirus. North Carolina General Statute 115C-375.4 requires Local Boards of Education to provide parents and guardians information on Meningococcal disease and vaccines, meningococcal meningitis and influenza and their vaccines. Information on these diseases can be found at http://www.orange.k12.nc.us/academic_dept_pages/student_services_nurse.html or www.cdc.gov/vaccines/vpd-vac. Those without internet access can contact a school nurse or the Orange County Health Department at 919.245.2400 for more information.

Policy 4301: Permissible Use of Seclusion and Restraint

It is the policy of the Orange County School System to promote the safety of all students, staff, and visitors in its schools. To further this policy, school personnel may, in compliance with G. S. 115C-391.1 and state and local policies and procedures, employ reasonable restraint or seclusion techniques with students.

The Superintendent or designee shall provide copies of this policy and General Statute 115C-391.1 to school personnel and parents/guardians at the beginning of each school year. Principals shall notify parents of any prohibited use of seclusion, restraint, or aversive techniques and shall provide a written incident report within 30 days of any such incident as required by G. S. 115C-391.1 and applicable policies and procedures. The Superintendent or designee shall annually provide a record of reported incidents to the State Board of Education.

Comment [A1]: You are required to provide parents with the entire policy 4301 AND a copy of the statute at the beginning of each year. If you are doing that via a separate handout, then you do not need to include this notification in your Code of Conduct at all. If you are relying on the handbook to take care of the notification, then you need to replace this section with a copy of the entire 4301 and the entire statute.

North Carolina's Safe Surrender Law

~~In 2001, the North Carolina General Assembly passed a law, G.S. 7B-500(b) or G.S. 7B-500(d), making it legal for females to surrender their newborn baby to a responsible adult without fear of criminal prosecution. Under North Carolina law, a parent may surrender an infant less than seven days old to a responsible adult without fear of criminal prosecution.~~ While any responsible adult may receive a newborn, school social workers or family specialist social worker, school nurses, school counselors and law enforcement are examples of responsible adults who are familiar with this law. More information can be found at www.safesurrender.net. Those without internet access can contact their school nurse, school social worker or family specialist social worker.

Students with Disabilities – Individuals with Disabilities Education Act (IDEA)

The Individual with Disabilities Education Act mandates that every student (ages 3-21) identified with a disability under the Individuals with Disability Education Act receive a free and

appropriate public education. If a student or parent/ guardian suspects the child may have a disability, the parent should contact the school principal for a possible referral.

Non-Discrimination Statement

The Orange County Board of Education believes that all employees and students should be free of unlawful discrimination, including harassment and bullying and cyberbullying, as a part of a safe, orderly and inviting working and learning environment. It commits itself to non-discrimination in all its educational and employment activities. The Board expressly prohibits unlawful discrimination, harassment, bullying and cyberbullying however motivated, directed toward any person or group, including, but not limited to members of a socially distinct group or category, race, sex, religion, age, national origin, sexual orientation, pregnancy, or disability.

Family Educational Rights and Privacy Act (FERPA)

~~The Family Educational Rights and Privacy Act (FERPA) is a federal law that governs the maintenance of student records. Under the law, parents of student(s) or students if they are at least 18 years of age have both the right to inspect records kept by the school about the student and the right to request correction of inaccuracies in the records. Access to the records by persons other than the parents or the eligible student is limited and generally requires prior consent by the parents or the eligible student.~~

Comment [A2]: Unnecessary since full FERPA notification follows.

Career and Technical Education (CTE)

The Orange County School System offers a wide range of Career and Technical education programs including Agriculture Sciences, Business and Marketing, Family and Consumer Sciences, Career Development, Technology, Trade and Industrial Education, and Health Occupations. All middle schools offer exploratory Career and Technical Education courses. Orange County Career and Technical Education programs do not discriminate on the basis of race, color, national origin, sex, disability or age in its activities and programs, including employment policies and practices.

The following person(s) has/have been designated to handle inquiries regarding the non-discrimination policies at the following address:

Orange County Schools
200 East King Street
Hillsborough, NC 27278

IDEA – Ms. Milinda Martina, Director of Exceptional Children's Program
Title IX and Title VI – Ms. Marcie Holland, Assistant Superintendent of Human Resources

Section 504 – Ms. Milinda Martina, Director of Exceptional Children's Program

Career and Technical Education – Ms. Patricia Harris, Director of Career and Technical Education Program

Comment [A3]: Need to update with current contact names

Notification of Rights under FERPA

The Family Educational Rights and Privacy Act (FERPA) affords parents and students who are 18 years of age or older ("eligible students") certain rights with respect to the student's education records. These rights are:

1. The right to inspect and review the student's education records within 45 days after the day the school receives the request for access.

Parents or eligible students should submit to the school principal a written request that identifies the records they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

Parents or eligible students who wish to ask the school to amend a record should write the school principal, clearly identify the part of the record they want changed, and specify why it should be changed. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. The right to provide written consent before the school discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

Student records may be disclosed without consent to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the school board. A school official also may include a volunteer or contractor outside of the school who performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. 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.

Upon request, the school discloses education records without consent to officials of another school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer.

The school district may also disclose directory information without consent, unless the parent/guardian specifically objects to its release. The following information is considered to be directory information:

- Student's name;
- address;
- telephone listing;
- date and place of birth;
- participation in officially recognized activities and sports;
- weight and height of members of athletic team;
- dates of attendance;
- diplomas, certification and awards received;
- most recent previous school or education at institution attended by the student; and
- pictures or videos taken on buses, school grounds, in school buildings and at school activities unless the picture or video may reveal confidential information about a student.

A parent/guardian wishing to object to the release of directory information about a specific student should provide such objection in writing to the school principal.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school district to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

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

Student Internet Acceptable Use

User Responsibilities

Use of the electronic media provided by the Orange County Schools is a privilege that offers a wealth of information and resources for research. Where it is available, this resource is offered to staff, students, and other patrons at no cost. In order to maintain the privilege, users agree to learn and comply with all of the provisions of this policy.

Acceptable Use

1. All use of the Internet must be in support of educational and research objectives consistent with the mission and objectives of the Orange County Schools.
2. Proper codes of conduct in electronic communication must be used. In news groups, giving out personal information is inappropriate. When using e-mail, extreme caution must always be taken in revealing any information of a personal nature.
3. Network accounts are to be used only by the authorized owner of the account for the authorized purpose.
4. All communications and information accessible via the network should be assumed to be private property.
5. Subscriptions to mailing lists and bulletin boards must be reported to the system administrator. Prior approval for such subscriptions is required for students and staff.
6. Mailing list subscriptions will be monitored and maintained, and files will be deleted from the personal mail directories to avoid excessive use of fileserver hard-disk space.
7. Exhibit exemplary behavior on the network as a representative of your school and community. Be polite!
8. From time to time, the Orange County Schools will make determinations on whether specific uses of the network are consistent with the acceptable use practice.

Unacceptable Use

1. Giving out personal information about another person, including home address and phone number, is strictly prohibited.
2. Any use of the network for commercial or for-profit purposes is prohibited.
3. Excessive use of the network for personal business shall be cause for disciplinary action.
4. Any use of the network for product advertisement or political lobbying is prohibited.
5. Users shall not intentionally seek information on, obtain copies of, or modify files, other data, or passwords belonging to other users, or misrepresent other users on the network.
6. No use of the network shall serve to disrupt the use of the network by others. Hardware and/or software shall not be destroyed, modified, or abused in any way.
7. Malicious use of the network to develop programs that harass other users or infiltrate a computer or computing system and/or damage the software components of a computer or computing system is prohibited.
8. Hate mail, chain letters, harassment, discriminatory remarks, and other antisocial behaviors are prohibited on the network.

...continued

Student Internet Acceptable Use Form (cont.)

9. The unauthorized installation of any software, including shareware and freeware, for use on Orange County Schools computers is prohibited.
10. Use of the network to access or process pornographic material, inappropriate text files (as determined by the system administrator or building administrator), or files dangerous to the integrity of the local area network is prohibited.
11. The Orange County Schools network may not be used for downloading entertainment software or other files not related to the mission and objectives of the Orange County Schools for transfer to a user's home computer, personal computer, or other media. This prohibition pertains to freeware, shareware, copyrighted commercial and non-commercial software, and all other forms of software and files not directly related to the instructional and administrative purposes of the Orange County Schools.
12. Downloading, copying, otherwise duplicating, and/or distributing copyrighted materials without the specific written permission of the copyright owner is prohibited, except that duplication and/or distribution of materials for educational purposes is permitted when such duplication and/or distribution would fall within the Fair Use Doctrine of the United States Copyright Law (Title 17, USC).
13. Use of the network for any unlawful purpose is prohibited.
14. Use of profanity, obscenity, racist terms, or other language that may be offensive to another user is prohibited.
15. Playing games is prohibited unless specifically authorized by a teacher for instructional purposes.
16. Establishing network or Internet connections to live communications, including voice and/or video (relay chat), is prohibited unless specifically authorized by the system administrator.

Adapted from the National Center for Education Statistics suggested Acceptable Use Policy template.

Required Signature Forms

Student Internet Acceptable Use Agreement

Student Internet & Media Permission Slip

Student & Parent/Guardian Code of Conduct Verification of Receipt & Review

Student Internet Acceptable Use Agreement

I have read, understand, and will abide by the Acceptable Use Policy when using computer and other electronic resources owned, leased, or operated by the Orange County Schools. I further understand that any violation of the regulations above is unethical and may constitute a criminal offense. Should I commit any violation, my access privileges may be revoked, school disciplinary action may be taken, and/or appropriate legal action may be initiated. The Orange County School System seeks to promote positive, responsible and appropriate use of the Internet/Network.

However, the user is ultimately responsible for his or her activity on the Internet/Network.

Name of Student (please print) _____

Name of Parent/Guardian (please print) _____ Phone Number: _____

Signature of Parent/Guardian: _____ Date: _____

Adapted from the National Center for Education Statistics suggested Acceptable Use Policy template.

Orange County Schools Student Internet and Media Permission Slip

Photographs/Videos

The Orange County School System seeks to promote the positive classroom experiences of students. To do so, schools or the district public information officer will frequently contact area news media to report on activities in our schools. In addition, the media may contact the school district for permission to photograph or video classroom or school activities. Media representatives may not photograph students without principal approval. The district also publishes student accomplishments on school or district web sites. To give the district permission to release photographs/videos or other likenesses of your child to media representatives, please sign and return the permission slip below.

I give my permission for photographs/videos or other likenesses of my child to be released to the media (newspapers/TV) or published on school or district web sites and publications.

Name of Parent/Guardian (please print) _____ Phone Number: _____

Name of Student (please print) _____

Signature of Parent/Guardian: _____ Date: _____

Orange County Schools Student Code of Conduct and Annual Notifications

Student and Parent/Guardian Verification of Receipt and Review

This is to certify that we have received and reviewed the Student Code of Conduct and Annual Notifications and understand that this document governs the standards of behavior for students in the Orange County School District. We understand that these standards of student behavior apply to all school sites, off-site school sponsored activities, and on any form of transportation provided by the Orange County Schools.

Signature of Student _____ Date _____

Signature of Parent/Guardian _____ Date _____

ASSAULTS, THREATS AND HARASSMENT	Date Reviewed/Approved: 02/16/2009	Policy Number: 4331
Rescinds Policy Number:		Issued:

Assaults, threats or harassment will not be tolerated from any student. Any student exhibiting such behavior will be removed from the classroom or school environment for as long as is necessary to provide a safe and orderly environment for learning. Except when certain consequences for misbehavior are required by law, principals in the elementary grades are directed to use good judgment and reasonable discretion in determining the appropriate consequence for violation of board policies, school standards or school rules.

A. ASSAULT, INJURY

1. Prohibited Behavior

Students are prohibited from assaulting, physically injuring, attempting to injure or intentionally behaving in such a way as could reasonably cause injury to any other person. Assault includes engaging in a fight.

2. Consequences

a. General Consequences

Violation of this section may result in short-term suspension up to 10 days, long-term suspension, 365 day suspension or expulsion. The procedures for long-term suspension or expulsion are provided in board Policy 4353, Long-Term Suspension, 365 Day Suspension, Expulsion. A determination of the appropriate consequence will be made in accordance with the provisions of that policy except as otherwise provided below. Placement in an alternative educational setting may be made in lieu of suspension in accordance with Policy 4353, Long-term Suspension, 365 Day Suspension, Expulsion, and/or as provided in Sections A.2.b and A.2.c of this policy.

b. Consequences for Serious Assaults on School Personnel

Any student who is found by the superintendent to be at least 13 years of age and to have physically assaulted and seriously injured school personnel must be removed to an alternative educational setting in accordance with G.S. 115C-391(d2). If an appropriate alternative educational setting is not available, the superintendent, upon recommendation of the principal, must suspend the student for no less than 300 days but no more than 365 days. A student may also be expelled for assaultive conduct when his or her behavior constitutes a clear threat to the safety of others. The principal shall make recommendations to the superintendent regarding placement decisions and the recommended length of the placement or the suspension, within the limits established by law, based at least in part upon recommendations of the principal of the school that constitutes the alternative setting.

c. **Consequences for Certain Physical Assaults of Adults and Students**

Upon the recommendation of the principal, the superintendent may remove a student to an alternative educational setting if the student is at least 13 and has:

- 1) physically assaulted a teacher or other adult who is not a student;
- 2) physically assaulted another student if the assault is witnessed by school personnel; or
- 3) physically assaulted and seriously injured another student.

This section applies to behavior that occurs on school property or at a school-sponsored or school-related event. It does not apply when a student was acting in self-defense. If no appropriate alternative educational setting is available, the superintendent may suspend the student for up to 365 days. A student may also be expelled for assaultive conduct when his or her behavior constitutes a clear threat to the safety of others. The principal will make recommendations to the superintendent regarding placement decisions and the recommended length of the placement or suspension, within the limits established by law.

If the student is under age 13, the consequences for assault will be determined in accordance with the general guidelines in Policy 4353, Long-Term Suspension, 365 Day Suspension, Expulsion, and the school behavior management plan.

B. THREATENING ACTS

1. **Prohibited Behavior**

Students are prohibited from directing toward any other person any language that threatens force, violence or disruption, or any sign or act that constitutes a threat of force, violence or disruption.

2. **Consequences**

Violation of this section may result in short-term suspension up to 10 days, long-term suspension or expulsion. The procedures for long-term suspension or expulsion are provided in Policy 4353, Long-Term Suspension, 365 Day Suspension, Expulsion. A determination of the appropriate consequence will be made in accordance with the provisions of that policy. Placement in an alternative educational setting may be made instead of suspension in accordance with Policy 4353, Long-Term Suspension, 365 Day Suspension, Expulsion. Consequences for bomb and terrorist threats are addressed in Policy 4333, Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety, and may include a 365 day suspension.

C. HARASSMENT

1. **Prohibited Behavior**

Students are prohibited from engaging in or encouraging any form of harassment, including bullying or cyber bullying against students, employees or any other individuals on school grounds or at school-related functions. Harassment is unwanted, unwelcomed and uninvited behavior that demeans, threatens or offends the victim and results in a hostile environment for the victim. The hostile environment may be created through pervasive or persistent misbehavior or a single incident if sufficiently severe. Harassment and bullying are further defined in Policy 7230, Prohibition Against Discrimination and Harassment. Sexual harassment is further defined in Policy 7235, Sexual Harassment.

2. Consequences

Complaints of harassment will be investigated pursuant to Policy 1740, Student and Parent Grievance Procedure. The consequences for harassment will be more severe than for violations of the standards of integrity and will be decided pursuant to Policy 7235 Sexual Harassment. Consequences may include disciplinary action up to and including expulsion, as appropriate.

Legal References: G.S. 14-33, -34 to -34.2; 115C-47, -276(r), -288, -307, -390, -391

Cross References: Prohibition Against Discrimination and Harassment (Policy 7230), Sexual Harassment (Policy 7235), Student and Parent Grievance Procedures (Policy 1740), Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety (Policy 4333), Long-Term Suspension, 365 Day Suspension, Expulsion (Policy 4353)

Adopted:

WEAPONS, BOMB THREATS TERRORIST THREATS AND CLEAR THREATS TO SAFETY	<i>Date Reviewed/Approved:</i> 05/18/2009	<i>Policy Number:</i> 4333
<i>Rescinds Policy Number:</i> JCDAE	<i>Issued:</i> 02/07/1983, 12/06/2004	

The board will not tolerate the presence of weapons, bomb or terrorist threats, or actions that constitute a clear threat to the safety of students and employees. Any student violating this policy will be removed from the classroom or school environment for as long as is necessary to provide a safe and orderly environment for learning. The superintendent is responsible for ensuring that consequences for prohibited behaviors are uniformly applied throughout the schools district. Except in cases when certain consequences for misbehavior are required by law, principals in the elementary grades are directed to use good judgment and reasonable discretion in determining the appropriate consequence for violation of board policies, school standards or school rules.

A. WEAPONS AND WEAPON-LIKE ITEMS

1. Prohibited Behavior

Students are prohibited from possessing, handling, using or transmitting, whether concealed or open, any weapon or any instrument that reasonably looks like a weapon or could be used as a weapon. Weapons include all of the following:

- a. loaded or unloaded firearms, including guns, pistols or rifles;
- b. explosives, including dynamite cartridges, bombs, grenades or mines;
- c. knives, including pocket knives, bowie knives, switchblades, dirks or daggers;
- d. slingshots or slungshots;
- e. leaded canes;
- f. blackjacks;
- g. metal knuckles;
- h. BB guns;
- i. air rifles or air pistols;
- j. stun guns or other electric shock weapons, such as tasers;
- k. icepicks;
- l. razors or razor blades (except those designed and used solely for personal shaving);
- m. fireworks; and
- n. any sharp pointed or edged instruments except unaltered nail files and clips and tools used solely for preparation of food, instruction and maintenance.

Examples of other objects that may be considered weapons are box cutters and other types of utility blades and blowguns.

No student may knowingly or willfully cause, encourage or aid any other student to possess, handle or use any of the weapons or weapon-like items listed above. A student who finds a weapon or weapon-like item, who witnesses another student or other person with such items, or who becomes aware that another student or other person intends to possess, handle or use such items must notify a teacher or the principal immediately.

This section does not apply to pupils who are members of the Reserve Officer Training Corps and who are required to carry arms or weapons in the discharge of their official class duties, nor does this section apply to weapons used in school-approved instruction, teams or ceremonies.

2. Consequences

a. General Consequences

Violation of this section may result in short-term suspension up to 10 days, long-term suspension, 365 day suspension or expulsion. The procedures for suspension or expulsion are provided in policy 4353, Long-Term Suspension, 365 Day Suspension, Expulsion. A determination of the appropriate consequence for firearms/explosives violations will be made in accordance with the provisions of that policy and Subsection A.2.b, below. Placement in an alternative educational setting may be made instead of suspension in accordance with policy 4353, Long-Term Suspension, 365 Day Suspension, Expulsion.

b. Consequences for Firearms/Explosives Violations

As required by law, a student who brings or possesses a firearm or powerful explosive on school property or at a school-sponsored curricular or extracurricular activity may be suspended for 365 days, unless the superintendent recommends and the board approves a modification. A firearm includes any gun, rifle, pistol or other weapon used for firing a projectile by means of an explosive charge. A firearm does not include a BB gun, stun gun, air rifle or air pistol. A powerful explosive includes a dynamite cartridge, a blasting cap, trinitrotoluene (TNT), nitroglycerin, a grenade or a mine.

A student who possesses a firearm or powerful explosive on school property also will be referred to the criminal justice or juvenile justice system. For purposes of this subsection, "school property" includes any public school building, bus, public school campus, grounds, recreational area or athletic field in the charge of the principal.

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

B. BOMB THREATS

1. Prohibited Behavior

Students are prohibited from making, aiding and/or abetting in making a bomb threat or perpetrating a bomb hoax against school system property by making a false report that a device designed to cause damage or destruction by explosion, blasting or burning is located on school property.

No student may knowingly or willfully cause, encourage or aid another student to make a bomb threat or perpetrate a bomb hoax. Any student who becomes aware that another student or other person intends to use a bomb, make a bomb threat or perpetrate a bomb hoax must notify a teacher or the principal immediately.

2. Consequences

As required by law, the board will suspend for 365 days any student who:

- a. makes a false report that there is a bomb or bomb-like device located on school property or at a school-related or school-sponsored activity; or
- b. conceals, places or displays a device on school property or at a school-related or school-sponsored activity with the intent to cause others to believe the device is a bomb.

Upon the superintendent's recommendation, the board may modify the suspension. A student who violates this section also will be referred to the criminal justice and/or juvenile justice system.

C. TERRORIST THREATS

1. Prohibited Behavior

Students are prohibited from making, aiding, conspiring and/or abetting in making a terrorist threat (threatening to commit a violent crime for the purpose of terrorizing another or of causing public panic) or perpetrating a terrorist hoax against school system property by making a false report that a device, substance or material designed to cause harmful or life-threatening injury to another person is located on school property.

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

2. Consequences

As required by law, the board or superintendent will suspend for 365 days any student who:

- a. makes a false report that there is a device, substance or material designed to cause harmful or life-threatening illness or injury to another person located on school property or at a school-related or school-sponsored activity;
- b. conceals, places, disseminates or displays a device, machine, instrument, artifact, letter, package material or substance on school property or at a school-related or school-sponsored activity with the intent to cause others to believe the device is a substance or material capable of causing harmful or life-threatening illness or injury to another person;
- c. threatens to commit on school property or at a school-related or school-sponsored activity an act of terror that is likely to cause death, with the intent to cause a significant disruption to the instructional day or school-sponsored activity or which actually causes such disruption;
- d. makes a false report that there is about to occur or is occurring on school property or at a school-related or school-sponsored activity an act of terror

that is likely to cause serious injury or death, with the intent to cause a significant disruption to the instructional day or school-sponsored activity or which actually causes such disruption; or

- e. conspires to commit any of the above-described acts.

Upon the superintendent's recommendation, the board may modify the suspension. A student who violates this section also will be referred to the criminal justice and/or juvenile justice system.

D. CLEAR THREATS TO SAFETY OF STUDENTS AND EMPLOYEES

1. Prohibited Behavior

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

- a. theft or attempted theft by a student from another person by using or threatening to use a weapon;
- b. the intentional and malicious burning of any structure or personal property, including vehicles;
- c. an attack or threatened attack by a student against another person wherein the student uses a weapon or displays it in a manner found threatening to that person;
- d. an attack by a student on any employee, adult volunteer or another student that does not result in serious injury but that is intended to cause or reasonably could cause serious injury;
- e. an attack by a student upon another person whereby the victim suffers obvious severe or aggravated bodily injury, such as broken bones, loss of teeth, possible internal injuries, laceration requiring stitches, loss of consciousness, or significant bruising or pain; or whereby the victim requires hospitalization or treatment at a hospital emergency room as a result of the attack;
- f. any intentional, highly reckless or negligent act that results in the death of another person;
- g. confining, restraining, or removing another person from one place to another, without the victim's consent or the consent of the victim's parents, for the purpose of committing a felony or for the purpose of holding the victim as a hostage, for ransom, or for use as a shield;
- h. the possession of a weapon on any school property, including in vehicles;
- i. taking or attempting to take anything of value from the care, custody or control of another person or persons, by force, threat of force, or violence, or by putting the victim in fear;
- j. any unauthorized and unwanted intentional touching, or attempted touching,

of a person's sexual organs by another, including the breasts of the female and the genital areas of the male and female;

- k. the possession, manufacture, sale or delivery, or any attempted sale or delivery, of a controlled substance in violation of Chapter 90 of the General Statutes;
- l. any behavior resulting in a felony conviction on a weapons, drug, assault or other charge that implicates the safety of other persons; and
- m. any other behavior that demonstrates a clear threat to the safety of others in the school environment.

2. Consequences

a. General Consequences

Violation of this section may result in long-term suspension, or expulsion. In addition, violations that otherwise constitute bomb or terrorist threats under Section B or C of this policy or firearms/explosives violations under Section A.2.b of this policy may result in a 365 day suspension. The procedures for long-term suspension or expulsion are provided in policy 4353, Long-Term Suspension, 365 Day Suspension, Expulsion. A determination of the appropriate consequence will be made in accordance with the provisions of that policy. Placement in an alternative educational setting may be made instead of suspension or expulsion in accordance with policy 4353, Long-Term Suspension, 365 Day Suspension, Expulsion.

b. Expulsion

Upon the recommendation of the superintendent, the board may expel a student who is 14 years of age or older if the student's behavior indicates that his or her continued presence in school constitutes a clear threat to the safety of other students or employees. In determining whether expulsion is appropriate, the board will consider the culpability of the student, the dangerousness of the student and the harm caused by the student, in accordance with policy 4353, Long-Term Suspension, 365 Day Suspension, Expulsion.

The board also may expel a student who is subject to and in accordance with policy 4260, Student Sex Offenders.

Legal References: Gun-Free Schools Act, 20 U.S.C. 7151; G.S. 14-17, -18, -27.2 to -27.5, -32, -33, -34 to -34.2, -41, -60, -69.1, -69.2, -87, -87.1, -132, -132.2, -202.1, -208.18, -269.2, 277.5; ch. 90, art. 5; 115C-47, -207, -276(r), -288, -390, -391; State Board of Education Policy SS-A-002

Cross References: Student Sex Offenders (policy 4260), Long-Term Suspension, 365 Day Suspension, Expulsion (policy 4353)

Adopted: