

ORANGE COUNTY
BOARD OF EDUCATION

AGENDA ITEM ABSTRACT

Meeting Date: June 20, 2011

AGENDA ITEM No. 11-06-(2)-17

ACTION ITEM: (Y/N) Y

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

INFO. CONTACT: Mike Parker, Attorney PHONE: 919-732-8141

ATTACHMENTS:

1. Revisions to Chapter 115C, Article 27 School Discipline (H736)
2. Memorandum dated 6/17/11 Re: Revisions to Student Code of Conduct Related to Pending Legislation.
3. DRAFT POLICY – Student Code of Conduct Policy #4300 Revised.
4. Due Process Procedures.

PURPOSE: To reflect changes required by Senate Bill 648.

BACKGROUND: Senate Bill 648, if adopted, will make significant changes to student discipline under NCGS 115C-391. That legislation has not passed, but indications are that it will in some form. Due to time constraints in printing the student code of conduct, the Board needs to adopt the policy on first reading and make any necessary modifications on second reading at the July 7 meeting. If not available at the time of printing, a draft policy incorporating SB 648 in its most recent form will be forwarded to the Board prior to the meeting Monday night. Some of the expected changes of significance in the student discipline law are as follows:

1. Mandatory long term suspensions are only permitted for offenses requiring long term suspensions under state or federal law. Long term suspensions are limited to offenses that are serious violations of the code of conduct that threaten the safety of individuals in the school setting or substantially disrupt the learning environment. 365 day suspensions are strictly limited to possession of a firearm or explosive device.
2. Any student suspended long term must receive alternative educational services unless the superintendent provides a significant or important reason for declining such services.
3. Penalties for truancy and tardiness may not exceed two day suspensions.
4. Off campus behavior that violates the code of conduct is subject to disciplinary action if the action has a direct and immediate impact on the orderly and efficient operation of the schools or safety of individuals in the school environment.

FINANCIAL IMPACT: None.

RECOMMENDATION: The Superintendent recommends the Board of Education approve the Student Code of Conduct Policy #4300 for 1st Reading Approval.

Revisions to Chapter 115C, Article 27 School Discipline (H 736)

- **Clarifies, reorganizes, and renumbers Article 27**
 - Provides local school officials with expanded control and flexibility
 - Preserves basic framework of current law
 - Codifies existing case law
- **115C-390.1: Overall policy statement and definitions:** School officials need tools to maintain good discipline in schools, but overuse of school removal is counterproductive. Definitions follow currently accepted meanings of terms, but provide needed clarification.
- **115C-390.2: Local boards retain authority to develop policies regarding school discipline.** Those policies are limited in the following respects:
 - Policies may allow discipline for off-campus conduct only when a direct and immediate impact on school safety or order can be established. This codifies existing case law.
 - Policies may not prohibit superintendent from considering mitigating and aggravating circumstances in imposing suspension.
 - Long-term suspension must be reserved for serious offenses.
- **115C-390.3: Reasonable force** may be used by school personnel in specified situations. This provision does not change current law.
- **115C-390.4: Corporal punishment** may be used where authorized by the local school board. These provisions follow current law, with very minor adjustments.
- **115C-390.5 and 390.6: Short-term suspensions** – 10 school days or less – may be imposed by the principal as under current law and are not appealable, except in the local school board’s discretion. Principal must offer student an informal opportunity to be heard regarding any accusations; this codifies existing case law. Written notice must be provided to the student’s parents.
- **115C-390.7 and 390.8: Long-term suspensions** – more than 10 school days – may be imposed by the superintendent as under current law. Prior to imposition of a long-term suspension, the student must be allowed a hearing. Legally-required **procedural due process** protections for students are included, though the particular procedures of the process are left to the discretion of the local board.
- **115C-390.9:** Codifies the recent N.C. Supreme Court ruling in *King v. Beaufort Co. Board of Education* concerning the right of students to be assigned to **alternative school** during suspension unless the superintendent provides a significant reason for declining such assignment.
- **115C-390.10:** Retains current law requiring a **365-day suspension for a student who possesses a gun or destructive device** on campus.
- **115C-390.11:** Allows **expulsion**, as under current law, to a student 14 years or older who is found by the board to be a clear threat to the safety of other students and staff.
- **115C-390.12:** Allows students who have been suspended for 365 days or expelled to petition the local board for **readmission** every six months.

Supported by the N.C. School Boards Assn., the N.C. School Administrators Assn., the N.C. Association of Educators, and the N.C. Justice Center, Education & Law Project.

**MEMORANDUM
ATTORNEY-CLIENT PRIVILEGED**

To: Superintendent Patrick Rhodes
From: Eva DuBuisson, Tharrington Smith, LLP
Re: Revisions to Student Code of Conduct Related to Pending Legislation
Date: June 17, 2011

You asked us to review the Orange County Schools' Student Code of Conduct in light of proposed legislation which is likely to pass and will make sweeping changes to student discipline laws effective with the upcoming school year. In an effort to prepare for the passage of this legislation and the opening of year-round schools in July, you would like to present the Board with a first draft of policy changes to consider at the June board meeting.

The enclosed revisions were made based on the language in House Bill 736, with revisions as adopted by the conference committee on June 16. It is possible that further revision will occur before passage of the legislation. In addition, as we and our clients further review and interpret the legislation, and as your staff implement the changes, it is likely that we will find additional areas for revision. Therefore, this draft should be viewed as a starting point. In general, these revisions were made specifically to implement changes in the new legislation and did not include an overall review of the policy.

I have enclosed a more general memo from my office regarding the scope of the legislation which may be helpful to the board. In addition, below are some notes regarding OCS's policies in particular.

Scope of the Policy

The scope of the policy (in the Introduction) has been revised slightly to comport with the new legislation. In the old Code of Conduct some, but not all, of the rules contain a statement that the violation should not happen "at any time while a student is at school . . ." etc. I deleted these statements where I found them, because that statement applies to the entire Code of Conduct and is stated in the introduction, and it may be misleading to then have it repeated in some rules but not others.

Aggravating/Mitigating Circumstances

The legislation requires that districts "minimize the use of long-term suspension and expulsion by restricting the availability of long-term suspension or expulsion to those violations deemed to be serious violations of the board's Code of Student Conduct that either threaten the safety of students, staff, or school visitors or threaten to substantially disrupt the educational

environment." Examples of "minor" violations include inappropriate language, noncompliance, dress code violations, and fights not involving weapons or injury. However, it does provide for the possibility that a "minor" offense may become a major one if "aggravating circumstances are present."

I have not included a list of aggravating or mitigating circumstances in this policy, because I believe staff who have more experience with day-to-day discipline should be involved in drafting that list. However, principals will need some explicit guidance on what constitutes an aggravating circumstance. Therefore, I recommend you adopt a procedure or revisions to Policy 4353 that defines "aggravating/mitigating circumstances," and includes at least the following:

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

Principals should be required to describe any aggravating circumstances when they present their recommendation for long-term suspension to the superintendent.

Alternative School

The new bill allows districts to administratively reassign students to an alternative school without triggering due process procedures for a long-term suspension, **IF** the alternative school is "a full-time educational program that meets the academic requirements of the standard course of study established by the State Board of Education as provided in G.S. 115C-12 and provides the student with the opportunity to make timely progress towards graduation and grade promotion."

Staff should consider whether Partnership meets these criteria and whether OCS should revise its procedures for assignment to Partnership to take advantage of this section.

Additional Revisions

Revisions will also be necessary to Policy 4353, including:

- The legislation's distinction between "minor" and "major" offenses (with long-term suspension strongly discouraged for "minor" offenses);
- A long-term suspension imposed in the last quarter can be extended into the first semester of the following year.

In addition, if OCS does not currently have guidelines for when students are offered alternative educational services, clear guidelines should be developed. The legislation requires that all

students either be offered alternative education or be provided with a reason why alternative education will not be offered. I have drafted this policy such that this offer will come from the Superintendent. The legislation provides a list of examples of acceptable reasons for not offering alternative education:

- (1) The student exhibits violent behavior.
- (2) The student poses a threat to staff or other students.
- (3) The student substantially disrupts the learning process.
- (4) The student otherwise engaged in serious misconduct that makes the provision of alternative educational services not feasible.
- (5) Educationally appropriate alternative education services are not available in the local school administrative unit due to limited resources.
- (6) The student failed to comply with reasonable conditions for admittance into an alternative education program.

The decision not to offer alternative education is appealable to the Board. I would need to see OCS's current guidelines for assignment to the alternative school (if any) in order to make suggestions regarding compliance with this portion of the bill.

Student Code of Conduct – Policy #4300

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.

Deleted: effect on maintaining order and discipline or protecting the safety and welfare of students or staff in the schools

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.

II. Authority of School Personnel

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 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.

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 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;

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

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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.

Law enforcement will be notified if the principal has a reasonable belief 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.

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.

During the period that a student is suspended, 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.

Lockers, desks, and other school property remain at all time 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 may be confiscated.

III. 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 SRO is specifically trained to perform three roles: law enforcement officer; law-related counselor; and law-related education teacher. 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

1. To protect lives and property for the citizens and public school students of the County;
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.

3. To investigate criminal activity committed on school property;
4. 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;
5. To answer questions that students may have about North Carolina or Juvenile laws;
6. To assist other law enforcement officers with outside investigations concerning students attending the school(s) which the SRO is assigned
7. To provide security for special events or functions, such as PTA meetings, at the request of the principal or the safety manager; and
8. To provide traffic control during the arrival and departure of students when a school crossing guard is absent.

IV. Definitions

Alternative Setting -- educational services provided by the system or another provider in a setting other than the student's school assignment.

Board -- the Orange County Board of Education

Classroom -- 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.

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 the approval 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.

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

Parent -- includes the natural parent, legal guardian, legal custodian or person serving in loco parentis having charge or control of any student enrolled in Orange County Schools.

PCD -- portable communication devices

Principal -- the school principal or any school professional to whom the principal may officially delegate 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.

Tardy -- means 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.

V. 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. 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.

VII. 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, or with prior approval of the Superintendent, for more than ten days. (G.S. 115C-391) 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)

VIOLATIONS OF THE CODE OF CONDUCT

Rule 1. Minor Infractions of Classroom Rules -- Teachers will follow a classroom discipline procedure 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. 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 is so unusual, inappropriate or lacking in cleanliness that it clearly disrupts class or learning activities, the student may 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.

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 (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.
- 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 bearing lewd/vulgar or offensive themes/remarks (including tee-shirts advertising alcohol or tobacco products). 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).
- Clothing must not reveal midriff, backs, cleavage, or chest/torso area. Shirts and blouses must cover the waist and go past the waistline.
- Coats must fit and be appropriate for the season.
- 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 OSS	Ranging from in-school disciplinary action up to 3 days OSS	Ranging from in-school disciplinary action up to 3 days OSS

Rule 3. Issues of Integrity -- Cheating, plagiarism, falsification of notes or documents will result in disciplinary measures.

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 4. 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:

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 5. Attendance – Students shall follow State and local attendance guidelines 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.

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.

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 OSS	Ranging from in-school disciplinary action up to 5 days OSS	Ranging from in-school disciplinary action up to 5 days OSS

Rule 7. Inappropriate Interpersonal Behavior -- Students shall conduct their personal and social relationships according to acceptable community standards. 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 days OSS

Rule 8. Use of Tobacco Products -- 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.

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 notification. Third Offense: Three day suspension & parent notification. Fourth Offense: Administrator's discretion. <i>*See below</i>	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. <i>*See below</i>

* For the first violation at the middle and high school levels, an alternative to suspension 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 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. Noncompliance with Directives from Principals, Teachers, and Other School Personnel --

Students shall comply with the directives of all school personnel at all times while a student is 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	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.

~~Repeated violations may result in long-term suspension~~

~~Repeated violations may result in long-term suspension~~

Rule 10. Electronic Devices -- Students are not allowed to possess electronic devices including, but not limited to, beepers, lasers, walkie-talkies, 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 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.
- During the school day, all devices must be out of sight and inactivated.
- 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. Please see OCS Code of Student Conduct, Rule # 11.
- 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.

- 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.
- 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.

- 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

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 12. 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 13. 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	Ranging from in-school disciplinary action up to 5 days

	OSS	OSS
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Rule 14. Insulting, Abusive, Harassing, Profane, Obscene or Seriously Disrespectful 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 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.

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:

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 5 days OSS. <u>Long-term suspension may be recommended for serious violations if justified by the presence of aggravating circumstances.</u>	Ranging from 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.</u>

Deleted: Repeated violations may result in long-term suspension

Deleted: Repeated violations may result in long-term suspension

Rule 15. Sexual Harassment -- Students are prohibited from engaging in 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.

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.

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Rule 16. Bullying -- 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. Orange County Schools will not tolerate any acts of bullying of students on school grounds, in school transportation or at any school-sponsored function.

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
Parents/guardian contact. Ranging from in-school disciplinary action up to 10 days including OSS. Repeated offenses may require student participation in an approved corrective education program (ex. Violence Prevention Program and/or Dispute Settlement Center involvement). 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.

Deleted: More severe infractions may result in long-term suspension.

Deleted: More severe infractions may result in long-term suspension.

Rule 17. 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. 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.

Deleted: More severe infractions may result in long-term suspension.

Deleted: More severe infractions may result in long-term suspension.

Rule 18. Fighting Among Students -- 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. 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.

Deleted: Special circumstances may result in a long-term suspension.

Deleted: Special circumstances may result in a long-term suspension.

Rule 19. 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

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

Deleted: Up to and including long-term suspension.

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Rule 20. 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

Elementary	Middle School	High School
Restitution of costs may be required. Ranging from in-school disciplinary action up to 10 days OSS. 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.

Deleted: up to and including long-term suspension
Deleted: up to and including long-term suspension

Rule 21. 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 property belonging to others.

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. 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. 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.

Deleted: OSS and/or long-term suspension
Deleted: OSS and/or long-term suspension

Rule 22. 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 23. 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 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.

Consequences

Elementary	Middle School	High School
Ranging from in-school disciplinary action up to 10 days OSS. 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) Written or Verbal Assault to School Employees and Other Adults -- Students shall not, through written (may include electronic devices and My Space) or oral 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, 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.

Deleted: at any time while a student is at school 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 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 safety and welfare of students and staff. A student who is at least 13 years old and physically assaults and seriously injures a teacher or other school personnel will be suspended for at least 300 days up to 365 days. A student who is at least 13 years old and physically assaults and seriously injures a teacher or other adult may be suspended for up to 365 days.

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Deleted: at any time while a student is at school 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 safety and welfare of students and staff.

Rule 24. Violent Physical Assault Upon a Student -- Students shall not cause, attempt to cause or verbally (written, electronically or orally) threaten to cause injury of any kind to another student.

Consequences

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

Deleted: student while a student is at school in any school building and on any school premises, 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 safety and welfare of students and staff.

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Rule 25. 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 of more than one-quarter ounce, mine, or similar device.

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.

Deleted: -- Students shall not possess or conceal or transport any gun, air gun, BB gun, pellet gun, firearm, stun-gun, starter pistol, paintball gun, zip gun or any similar weapon that is capable of or causing serious bodily injury or any gun facsimile (an exact or close reproduction or imitation of an actual or real gun) or incidental items relating to firearms use, such as bullets, magazine clips, or other projectile items at any time while a student is at school 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 during any period of time when students are subject to the authority of school personnel, at any time when the student's behavior has a direct and immediate effect on maintaining order and discipline and protecting safety and welfare of students and staff. Students will be subject to the following circumstances.

b) 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 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
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Deleted: a) Possession of Gun, Rifle, Pistol, or Other Actual Firearm - Students shall not possess or conceal or transport any gun, rifle, pistol, firearm or other weapon capable of firing a bullet or missile. (The term does not include weapons listed in subsection 25b or those weapons approved in advance by the principal for instructional or school sanctioned purposes, such as a drama production). Any student who brings a gun, rifle, pistol or firearm of any kind on campus may be suspended for 365 days pursuant to N.C. G.S. 115-39(d).§

Deleted: starter pistol.

Long-term suspension up to 365 days. Confiscate weapon. Law enforcement will be notified.	Long-term suspension, Confiscate weapon. Law enforcement will be notified.	Long-term suspension, Confiscate weapon. Law enforcement will be notified.
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Deleted: up to 365 days
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c) **Possession of Other "Look-alike" Firearms** -- Students shall not possess any other "look-alike" gun or knife 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 26. Disruption of School

a) **Communicating a False Bomb Report or Perpetrating a Bomb Hoax** -- 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
365 day 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.

Deleted: 365 day
Deleted: 365 day

b) **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
Long-term suspension up to 365 days. 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.

Deleted: Long-term suspension up to 365 days

Deleted: Long-term suspension up to 365 days

c) 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. Special circumstances may result in long-term suspension. 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.

Deleted: Special circumstances may result in long-term suspension.

Deleted: Special circumstances may result in long-term suspension.

Rule 27. 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	Confiscate weapon. Up to 10 days	Confiscate weapon. Long-term

Deleted: at any time while a student is at school 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 safety and welfare of students and staff.

days OSS. Special circumstances may result in long-term suspension. Law enforcement will be notified.	OSS. Special circumstances may result in long-term suspension. Law enforcement will be notified.	suspension recommended. Law enforcement will be notified.
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Rule 28. Arson or Making or Possessing Explosive or Incendiary Devices -- Students shall not make or possess 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 365 days. Law enforcement will be notified.	Confiscate device. OSS up to and including long-term suspension. Law enforcement will be notified.	Confiscate device. OSS up to and including long-term suspension. Law enforcement will be notified.

Deleted: 365 days.
Deleted: 365 days

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.

Deleted: at any time while a student is at school 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 safety and welfare of students and staff.
Deleted: 365 days
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Deleted: 365 days
Deleted: 365 days OSS

Rule 30. 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 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
Ranging from in-school disciplinary action up to 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.

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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.

Deleted: long-term

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.

3. 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; hallucinogenics such as LSD

Rule 31. 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.

Deleted: at any time while a student is at school 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 safety and welfare of students and staff.

Consequences

Elementary	Middle School	High School
Long-term suspension for maximum allowed. 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.

Deleted: Long-term suspension for maximum allowed.

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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.

Comment [A1]: Unless OCS has a different practice. Must be consistent for all students.

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;
- e) A copy of this policy; and
- f) A reference to the Board's policy for expungement of discipline records under G.S. 115C-102; ~~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.~~

Comment [A2]: Note: you do not have to allow an advocate to assist, but if you do allow it it must be in policy -- and if you don't allow it, that must also be in policy.

Comment [A3]: Do you have such a policy? I couldn't find one.

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1. Parents/guardians will be notified by registered mail of the principal's recommendation to the Superintendent to long-term suspend the student.¶

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(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) 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. 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.~~

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Deleted: notification of appeal

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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:

Deleted: The hearing may be attended by the Superintendent, the principal and his associate(s), the students, his or her parents/guardians and if desired, his or her representative and such other persons as the Superintendent deems necessary.

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Comment [A4]: Again - optional.

(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 laws and regulations.

(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 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.

Deleted: 5. The Superintendent 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.

Deleted: 6. In presenting evidence, the principal or other representative of the school shall present first the witnesses and documentary evidence against the student.

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8. Both the principal or school representative and the pupil or his or her representative may examine the witnesses presented by the other side. The Superintendent has power to limit questioning by any person if such questioning is unproductively lengthy, repetitive or irrelevant.

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9. The Superintendent shall provide for the making of a tape recording of any information orally presented at 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 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.

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(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:

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(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.

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Deleted: After making that initial decision, the Board of Education shall proceed accordingly

(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).

Deleted: Article 4, Chapter 150A of the General Statutes

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.

Deleted: brings a weapon, as defined in G.S. 14-269.2 (b) and (g), on school property, who brings explosives or assaults a teacher, student, or in some instances as described in G.S. 115-391 (d1) and/or who communicates a false bomb report or perpetrates a bomb hoax as described in G.S. 115-391 (d3).

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.

Comment [A5]: Note: the legislation contains the word "weapons" here. The context leads me to believe that the legislature intended this to apply only to firearms or destructive devices. If this interpretation changes I will update you.

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.

Deleted: The Board may modify the suspension upon recommendation of the Superintendent. The Board may also elect to provide educational services in an alternative setting. (G.S. 115C-391(d1))

Deleted: and

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.

Deleted: The Superintendent's decision may be appealed to the Board of Education.

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.

Comment [A6]: This process will need to be fleshed out.

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.