

DESCRIPTOR TERM: STUDENT CODE OF CONDUCT FOR THE BURKE COUNTY SCHOOLS	DESCRIPTOR CODE: 4300	ISSUED DATE: May 3, 2010
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STATUTORY PROVISIONS

G.S. 115C -47

G.S. 115C-390.1, 390.2, 390.3, 390.4, 390.5, 390.6, 390.7, 390.8, 390.9, 390.10, 390.11, 390.12

G.S. 115C-45C

G.S. 115C-288,

G.S. 20-11, -13.2

G.S. 14- -27.4, -27.5

20 USC 1415

STATE BOARD POLICY

None.

LOCAL BOARD POLICY

INTRODUCTION

The Burke County Board of Education is committed to discipline practices that encourage the development of self-control, personal responsibility and respect for the dignity of all individuals. The Board is committed to maintaining effective discipline in order to establish positive learning environments within which students have the opportunity to receive an appropriate public education.

In order for effective discipline to be maintained in each school, the Board acknowledges that cooperative relationships must be established among students, parents and school personnel.

All students and school personnel are expected to work positively toward this goal and to respect the individuality and the rights of all people. Parents/Guardians, students and school personnel are also expected to deal effectively with behavioral concerns. **To carry out this commitment, the Board established the following responsibilities and student behavior guidelines for all students system wide in grades K-12.**

Efforts will be made to ensure early identification of students at risk for potential disciplinary problems. 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. Preventive interventions should attempt to identify and address the sources and cause of the potential discipline problems. **Preventive intervention procedures may include, but are not limited to:**

- conferences with parents/guardians, school personnel
- conferences with student
- change of schedule or teacher
- change of instructional methods
- change of educational setting
- use of daily or weekly progress reports to parents
- visit by parents in the classroom
- referral to building assistance teams
- referral to appropriate support personnel (counselor, school psychologist, attendance counselor, school resource officer, school social worker, juvenile justice)
- referral to school-based assessment committee
- referral to and/or consultation with community agencies
- referral to the Burke Alternative School
- use of Peer Mediation
- referral to the Burke Alternatives to Suspension program (BATS)
- referral to a conflict resolution program, or anger management

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 with his/her school that may contribute to discipline problems within the school. The Board encourages the school's administration to continue to work with appropriate community agencies in dealing with the discipline issues.

CHILDREN WITH SPECIAL NEEDS

A student with an identified disability as defined in the North Carolina Procedures Governing Programs and Services for Children with Special Needs (the Procedures) may be disciplined or suspended according to the policy set forth below. However, the suspension procedure does not apply in the event that:

(1) the student's Individualized Education Program contains procedures or other disciplinary techniques, which are to the contrary; or

(2) the length of the proposed in-school or out-of-school suspension or any combination thereof related to the child's disability exceeds ten (10) school days; and, therefore, may constitute a change in the student's educational placement.

Before suspending a child for more than ten days, the Individual Educational Program Team shall be convened to evaluate the child in order to determine whether the disability or lack of medication caused the behavior. If it determines that the behavior was caused by the child's disability, then the child may not be suspended. In addition, there is a need to complete a manifestation determination. This determination will direct the team on the discipline options and possible recommendations. Then the IEP committee will complete a Functional Behavioral Assessment to possibly prevent future problems. The Individual Education Plan (IEP) Committee shall be reconvened to recommend an appropriate placement.

In all actions involving in-school or out-of-school suspensions in excess of ten days, the parties shall have available all the due process rights of G.S. 115C and 20 USC 1415. Prior written notice of any change of placement shall comply with the requirements of the Procedures (Section .1517). Nothing in this policy shall be regarded as affording any rights additional to those provided under the most recent revision of Section .1517 of the North Carolina Procedures or Section 504 of the Vocational Rehabilitation Act and/or federal laws and regulations. **(Recent amendments to Individuals with Disabilities Education Act (IDEA) give school authorities additional flexibility in protecting the safety of other students when any student with a disability brings a firearm to school.)**

If the parent or legal guardian of a handicapped child appeals a suspension or expulsion decision under the Procedures (Section .1517), "stay put" the right of a child to remain in his current educational setting pending the outcome of any appeals shall apply unless the guardians or, as a last resort, the courts give permission for the child's removal.

SYSTEMWIDE UNIFORM CONSEQUENCES FOR MISCONDUCT

The principal or his/her designee shall investigate and deal with incidents of alleged misconduct of students whenever:

- a student discipline problem is referred, or
- the alleged misconduct violates the Student Code of Conduct, or
- the principal determines that a situation exists which could pose a danger to persons or property or which seriously disrupts the learning environment.

The use of the following disciplinary consequences is based on the assumption that teachers and/or other student support personnel have utilized broad reasonable available discipline alternatives and preventive measures prior to referring the student to the principal or designee or that the student's behavior presents harm or a significant risk of harm to others or property or a threat to the orderly operation of the school.

The principal or his/her designee shall have the authority to suspend for ten days or less any student who violates the Student Code of Conduct by applying the Systemwide Uniform Consequences for Misconduct. **Suspensions in excess of 10 days must be administered by the superintendent or his/her designee only.**

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

- to quell a disturbance threatening injury to others;
- to obtain possession of weapons or other dangerous objects on the person, or within the control of, a student;
- for self-defense;
- for the protection of persons or property.

G.S. 115C-390.3, School personnel will not be civilly liable for using reasonable force, furthermore the burden of proof is on the claimant to show that the amount of force used was not reasonable.

CLARIFICATIONS OR EXPLANATIONS OF TERMS RELATING TO THIS POLICY AND PUNISHMENTS USED:

- A. **Parent** - Parent is the parent(s), guardian(s), or individual(s) standing "in loco parentis," as appointed by a court of law, of a student.
- B. **Principal** - Principal shall include assistant principals.
- C. **Parent Visitation** - A student who breaks the Student Code of Conduct may be given the opportunity by the principal to have one of his/her parents attend school with him/her for a day and attend class with him/her. This disciplinary action is decided solely by the principal and will not be used when serious conduct infractions have occurred.
- D. **Loss of driving privileges** - amount of time to be determined by the principal. May be used for repeated class cuts, leaving school without permission, repeated tardies, reckless driving, truancy, having contraband in the car or other offenses that are inappropriate.
- E. **Corporal Punishment** - Paddling will be administered pursuant to NCGS 115C-390.4. The principal will notify parents/guardians prior to any corporal punishment administered to their child and follow up with a letter.
- F. **Restitution** - The replacement of, or payment for, property taken, damaged, or destroyed shall be sought, including discovery cost. (Reward money)
- G. **Search of Student Lockers** - Student lockers are a school property and remain at all times under control of the schools; however, students are expected to assume full responsibility for the security of their lockers. **Periodic general inspections of lockers may be conducted by school authorities for any reason at any time without notice, without student or parent consent, and without a search warrant.**
- H. **Saturday In-School Suspension** may be used in some schools in lieu of in-school or out-of-school suspension. Students will attend school at a time set by the school on Saturday and will be required to perform "community service" activities (i.e. pick up trash, police the grounds, and other cleaning duties). Parents should be notified of the suspension in a timely manner by letter and or phone.
- I. **In-School Suspension** - In-school suspension is used as a disciplinary procedure, which allows students to remain in the school environment where their conduct and academic progress can be closely supervised by school personnel. In-school suspension also prevents the student from accumulating excessive days of absence. Any student assigned to in-school suspension will not be allowed to participate in school sponsored activities during the time of his/her in-school suspension and will be required to perform "community service" activities (i.e. pick up trash, police the grounds, and other cleaning duties). Parents should be notified of the suspension in a timely manner by letter or phone.
- J. **Burke Alternatives to Suspension Program** – Burke Alternatives to Suspension (BATS) is a collaborating community alliance sponsored by Burke County Public Schools. BATS is designed to target at-risk youth who have been suspended for one to ten days. Combining community service with completing assigned school work successfully in a structured environment may begin a change in feelings of self worth and result in positive behaviors at school and in the community. Suspended students have an opportunity to report to one of multiple participating agencies or, if appropriate, to assist Burke County Public Schools and to perform community service work during school hours. Upon completing the program, the students will receive the following benefits: (1) academic process is not interrupted because students receive homework assignments and spend a portion of the day completing academic assignments as directed by the BATS coordinator. Because a portion of the day is spent on academics, participants are not counted absent from school and (2) because this program is an alternative to traditional out-of-school suspension, the suspension may be reduced by the principal.

- K. **Immediate Removal from School** - If the principal witnesses or is made aware of serious student misconduct and believes that immediate removal of the student is necessary to restore order or to protect persons or school property on the school grounds, she/he may suspend the student immediately. In all cases, minimal due process (notice of the charge and an opportunity for the student to explain his version of what happened) must be given to the student as soon as is reasonably possible. Parents should be notified as soon as possible.
- L. **Short-Term Suspension** - A short-term suspension is removal from school for a period of ten (10) school days or less. The principal may invoke a short-term suspension only after investigating the misconduct, confronting the student with the charges, and allowing for the student's response.
Note: A suspended student shall be provided an opportunity to take any quarterly, semester, or grading period examinations missed during the suspension. Once a principal has decided to invoke a short-term suspension, she/he shall make every effort to talk by telephone with the parent and shall mail or hand deliver a timely notice to the parents and superintendent or his/her designee stating the charges against the student. If practical students will have access to school materials.
- M. **Long-Term Suspension** - A long-term suspension is removal from school for more than ten (10) days but not exceeding the remainder of the school year. Following an investigation, if the principal determines that long-term suspension is appropriate, she/he shall invoke a short-term suspension of ten (10) school days and inform the student, and parent that the Superintendent is being requested to approve Long-Term Suspension. The student and parent shall be provided a copy of the Due Process Procedures. If infraction occurs in final quarter of the school year suspension may carryover through the first semester of the following school year. Students may request readmission not sooner than 180 days after a suspension of 365 days, by a petition in writing.
- N. **Restrictions during "any" suspension**
1. Student is not to be on any school campus in Burke County without special permission from the school principal.
 2. Student cannot participate in or attend any school-sponsored activity without written permission from the school principal.
- O. **Appeal to Long-Term Suspension** - The policy of the Burke County Public Schools Board of Education provides that a child suspended for more than ten (10) days or expelled from school shall have the opportunity for a hearing before an impartial hearing officer. If such a hearing is desired, the parent or student must so indicate to the superintendent's office within five days after being informed in writing of the suspension. The parent or student may bring witnesses, documentary evidence and engage an attorney if so desired.
- P. **Assignment to the Alternative School Program** - A long-term suspension could be waived at the discretion of the superintendent and a student could be assigned to the Alternative School Program. Students in grades 7-10 who have repeated or subsequent offenses may be assigned to the Alternative School. Students in grade 6 may be assigned to the Alternative School Program on a case-by-case basis and only with approval of the superintendent or his/her designee.
- Q. **Expulsion** - Expulsion from the Burke County Public Schools is a **permanent** action in which the student is denied attendance at any school within the county. Expulsion may be exercised only when the student is at least fourteen (14) years or older and whose behavior shows that the student's continued presence at school threatens the safety of other students or employees. **Expulsion may be recommended by the principal and Superintendent and approved by the school board.** Students may request readmission not sooner than 180 days after an expulsion, by a petition in writing.

STUDENT CODE OF CONDUCT

The following list of rules for the Burke County Schools is provided as a guidance for students, parents, teachers and administrators. This cannot be an all-inclusive list; however, administrators shall use their discretion in dealing with all specific behavior that violates the principles set forth in this policy. Consideration is to be given to the student's cognitive and developmental ability to appreciate the significance of his/her behavior and to assume responsibility for behavior.

This policy pertains to all students in the Burke County Public Schools while they are on the campus of any school in the Burke County School System, while they are participating in any activity sponsored by the Burke County Public Schools, while they are being transported in a vehicle owned or operated by the Burke County Schools, while they are awaiting pick-up/drop-off at a bus stop, while going to or from a bus stop, in route to and from school, while they are representing the Burke County Public Schools in any way or while

students are off campus if the incident was initiated at school or if the incident could substantially disrupt the school environment. In circumstances where student behavior indicates that the student's continued presence in the school constitutes a clear threat to the safety of employees or other students, a student may be suspended or expelled regardless of where the acts and conduct occur. Students may be suspended for off-campus conduct only if the conduct otherwise violates the Student Code of Conduct AND the conduct has or is reasonably expected to have a direct and immediate impact on the orderly operation of the school or on the safety of individuals in the school environment. **It is expected that any subsequent infraction will build upon disciplinary actions of previous infractions.**

Students will be subject to random searches for weapons or contraband.

In any case where out of school suspension is utilized, a parental conference with the principal and/or teacher(s) is required before re-entry into school. If the parent/guardian cannot or will not come to school for a conference, the student may come back to school at the discretion of the principal. Parents are to be notified concerning any rule violation. Parents should be informed of all out-of-school suspensions by phone if at all possible. If parents are not available by phone, a letter should be mailed in a timely manner. All rule infractions will be retained in the Burke County Uniform Disciplinary Database.

The Superintendent and Principals are allowed to consider the student's intent, disciplinary and academic record, the potential benefits of alternatives to suspension, and other mitigating and aggravating factors when deciding whether to recommend or impose long-term suspension. (Special circumstances)

CLASS I

RULE 1 CLASSROOM AND EXTRACURRICULAR DISRUPTION OR DISTRACTION

The act of disruption or distraction which affects the normal education process or interferes with any school extracurricular activity, including, but not limited to, interrupting the class, provoking other students or talking excessively.

FIRST OFFICE REFERRAL: Verbal warning up to two (2) days in-school suspension.

SECOND OFFICE REFERRAL: Up to five (5) days in-school suspension. Special circumstances may warrant up to 2 days out-of-school suspension.

THIRD & SUBSEQUENT OFFICE REFERRAL(S): Up to three (3) days out-of-school suspension. Special circumstances may warrant suspension for remainder of the year.

RULE 2 BEING IN UNAUTHORIZED AREAS

Students shall not be in unauthorized areas during the school day or during school related/after school activities.

FIRST OFFENSE: Up to one (1) day in-school suspension.

SECOND OFFENSE: Up to three (3) days in-school suspension or up to two (2) days out-of-school suspension.

THIRD OFFENSE: Up to five (5) days in-school suspension or up to five (5) days out-of-school suspension

RULE 3 SKIPPING (TRUANCY) SCHOOL ALL DAY OR ASSIGNED CLASSES DURING SCHOOL DAY.

Students shall be on campus and in their assigned classes unless they have been authorized to be elsewhere by authorized personnel.

FIRST OFFENSE: Up to one (1) day in-school suspension. (Punishment may include but is not limited to before or after school detention, lunch detention, or Saturday detention.)

SECOND AND SUBSEQUENT OFFENSE(S): Up to two (2) days in-school suspension.

UNEXCUSED TARDIES TO SCHOOL OR ASSIGNED CLASSES.

STATEMENT: It is imperative that students realize and recognize the importance of arriving at school on time and being punctual to class on a daily basis. Habits formed in school often determine habits after school. Punctuality is a habit that should be cultivated, practiced and endorsed.

TARDY TO SCHOOL OR CLASS: (Grades K-12)

Each school will develop procedures that address students who are tardy to school for unexcused reasons. The policy/procedures developed at the school level may include but is not limited to lunch detention, before or after school detention, Saturday detention, loss of driving privileges, possible revocation of a student transfer if applicable, suspension of extra-curricular opportunities, or in-school-suspension as a last resort. **Schools shall not use out-of-school suspensions as punishment for being tardy to school.** Other methods of dealing with students who are tardy to school should be explored by each school.

RULE 4 NON-COMPLIANCE WITH DIRECTIONS OF TEACHERS AND OTHER SCHOOL PERSONNEL OR PROVIDING FALSE INFORMATION

Students shall comply with all lawful directions of teachers, and substitute teachers, teacher aides, student teachers and any other authorized school personnel during any period in which they are subject to school authority. **At no time shall a student provide false information to an administrator, a teacher or staff member.**

FIRST OFFENSE: Up to two (2) days out-of-school suspension.

SECOND OFFENSE: Up to five (5) days out-of-school suspension based on the severity of the offense. Additional community service duties, such as picking up trash from the grounds, etc., may be assigned.

THIRD AND SUBSEQUENT OFFENSE(S): Up to ten (10) days out-of-school suspension.

RULE 5 INAPPROPRIATE APPEARANCE OR CLOTHING

Appearance or clothing which is disruptive, provocative, indecent, vulgar, obscene, or which advertises illegal drugs or displays obnoxious or indecent signs, symbols or drawings, or which endangers the health or safety of the student or others is prohibited. Articles of clothing, which are offensive to race, creed, color, or sex will not be permitted.

Dress Which is Considered Inappropriate (This is not an all inclusive list and pertains to the regular school environment)

- Due to health and safety concerns, body-piercing jewelry will be limited to the ears only.
- Halter tops
- Tank tops and shirts altered to resemble tank tops (Unacceptable Tank Top: T-shirt with narrow straps and large arm holes.)
- Bare midriff tops
- Bare-back tops
- Shorts, skirts, and dresses should not be shorter than mid-thigh
- Slashed or cut-up clothing
- "Sagging" Pants
- Underwear worn as outerwear
- Clothing with alcohol, tobacco, or controlled substance advertisement or reference
- Clothing displaying vulgar writing or symbols, sexual reference, or racial comments
- Exposed undergarments
- See-through clothing
- Biker tights worn as outer wear
- No headgear, hats, hoods or bandanas to be worn inside a school building unless prior approval by the school administration for special occasions.
- Unnatural hair colors such as, but not limited to pink, blue, green, and purple are distracting and disruptive and are not allowed.
- Various modes of dress that would fall under the "disruptive behavior" category
- Dark glasses worn within a building
- Lack of appropriate foot covering
- Chains or jewelry that hang from wallets, studded collars and bracelets which may be used as a weapon, cause injury, or hinder movement
- **Any other disruptive clothing or attire**

FIRST OFFENSE: Up to two (2) days in-school suspension.

SECOND OFFENSE: Up to five (5) days in-school suspension. Special circumstances may warrant up to 2 days out-of-school suspension.

THIRD & SUBSEQUENT OFFENSE(S): Up to three (3) days out-of-school suspension.

RULE 6 CHEATING

Students shall not cheat on tests/examinations, not copy the work of another student nor assist a student who is attempting to copy his/her work, nor plagiarize work, nor complete in a dishonest or deceptive manner any type of academic assignment.

FIRST OFFENSE: Teacher conference with administration, student and parent(s) and may receive a grade of zero (0) for assignment.

SECOND OFFENSE: Up to three (3) days in-school suspension and a grade of zero (0) for assignment.

THIRD OFFENSE: Up to three (3) days out-of-school suspension. A grade of zero (0) for assignment will be given.

RULE 7 INAPPROPRIATE INTERPERSONAL BEHAVIOR

Inappropriate public displays of affection or indecent exposure, as determined by school personnel, are not allowed. Examples are but are not limited to kissing, inappropriate touching, mooning, instigating, and encouraging inappropriate interpersonal behavior, etc.

FIRST OFFENSE: Conference with students and parent(s). Up to two (2) days in-school suspension. Extremely inappropriate acts may result in out-of-school suspension for the remainder of the school year.

SECOND OFFENSE: Up to four (4) days in-school suspension or up to two (2) days out-of-school suspension. Extremely inappropriate acts may result in out-of-school suspension for the remainder of the school year.

THIRD OFFENSE: Up to five (5) days out-of-school suspension. Extremely inappropriate acts may result in out-of-school suspension for the remainder of the school year.

RULE 8 BUS MISBEHAVIOR

Students shall not engage in any type of behavior that interferes with the safe and efficient operation of the school bus and/or the safety of persons riding in the bus. All students are required to remain seated on their assigned bus during the entire bus trip with the exception of changing buses to continue their route or in an emergency situation.

School transportation service is a privilege, not a right. Students at all times while riding a school bus or other school vehicle shall observe the directives of the bus or vehicle driver. The following conduct is specifically prohibited:

- stopping, impeding, delaying or detaining a bus or school vehicle;
- disturbing the peace, order or discipline on a bus or school vehicle;
- refusing to obey the driver's instructions;
- tampering with or willfully damaging the bus or school vehicle;
- getting off a bus at an unauthorized stop;
- refusing to meet the bus at designated stops;
- distracting the driver's attention by participating in disruptive behavior while the vehicle is in operation;
- failing to observe established safety rules and regulations;
- opening the emergency door and/or windows without authorization;
- willfully trespassing upon a school bus or school vehicle; and
- fighting, smoking using profanity, possessing or using drugs or intoxicating beverages, or otherwise violating any other board policy or school rule while on a school bus or other school vehicle.

Note: Inappropriate conduct in violation of other rules of the Student Code of Conduct may result in additional consequences.

FIRST OFFENSE: Conference with student and parent contact. Up to three (3) days suspension from riding the bus.

SECOND OFFENSE: Up to five (5) days suspension from riding the bus.

THIRD OFFENSE: Suspension from riding bus for up to 10 days.

SUBSEQUENT OFFENSE: Students may be suspended from riding the bus for the remainder of school year.

RULE 9 USE OF TOBACCO PRODUCTS

Students **shall not use or possess** any type of tobacco products on school property during the time school is open for the school day or for any supervised school activities, or when being transported to and from school in a school financed vehicle. (This includes school-sponsored events such as dances, field trips, athletic functions, etc. while participating or being under the direct supervision of a school staff member.) This policy is in effect for any Burke County student on any campus of the Burke County Schools.

FIRST OFFENSE: Up to three (3) days in-school suspension and enrollment and successful completion in a tobacco awareness program. Confiscate products.

SECOND OFFENSE: Up to three (3) days out-of-school suspension. Confiscate products. Loss of driving privileges for one semester.

THIRD OFFENSE: Up to five (5) days out-of-school suspension. Confiscate products. Loss of driving privileges for one year.

CLASS II

RULE 10 INSULTING, DISRESPECTFUL, ABUSIVE, PROFANE, OBSCENE WORDS, SIGNS, GESTURES, AND OTHER ACTS

Students shall not make or direct insulting, abusive, profane, obscene words, signs, gestures, and other acts toward other students, visitors, school employees, and other persons.

FIRST OFFENSE: Up to five (5) days out-of-school suspension.

SECOND OFFENSE: Up to ten (10) days out-of-school suspension.

THIRD OFFENSE: Up to suspension for the remainder of school year.

RULE 11 DISCRIMINATION, HARASSMENT, AND BULLYING

Students shall not bully or intimidate other students. Bullying is defined as: purposeful, repetitive actions by an individual with the intent to inflict physical and/or emotional harm. These actions can be Direct Bullying such as but not limited to hitting, punching, shoving, kicking, etc. or Indirect Bullying such as but not limited to verbal threats, embarrassing comments, videos or pictures, 'ranking', isolating, ignoring or Cyber-Bullying such as but not limited to published e-mail, text, and web page hurtful, degrading, or embarrassing comments, pictures, or videos, etc. (Burke County Policy 4021 – Prohibition Against Discrimination, Harassment and Bullying and 4015 – Discrimination, Harassment, and Bullying Complaint Procedures).

FIRST OFFENSE: Up to five (5) days out-of-school suspension and conference with parent/guardian. Cases of severe harassment and/or bullying may be subject to a long-term suspension or expulsion.

SECOND OFFENSE: Up to ten (10) days out-of-school suspension and conference with parent/guardian. Cases of severe harassment and/or bullying may be subject to a long-term suspension or expulsion.

THIRD OFFENSE: Up to suspension for the remainder of school year.

RULE 12 SEXUAL HARASSMENT

Students shall not make or direct unwelcomed sexual advances, requests for sexual favors, or other inappropriate oral, written, or physical conduct of a sexual nature to another student. All students must be allowed to learn and work in an environment free from such harassment. **Law enforcement officials may be notified.**

FIRST OFFENSE: Up to five (5) days out-of-school suspension and parent/guardian conference.

SECOND OFFENSE: Up to ten (10) days out-of-school suspension and parent/guardian conference.

THIRD OFFENSE: Up to suspension for the remainder of school year.

RULE 13 GAMBLING

Students shall not participate in any form of gambling or games of chance/skill for money and/or other items of value.

FIRST OFFENSE: Up to five (5) days in-school suspension.

SECOND OFFENSE: Up to three (3) days out-of-school suspension.

THIRD OFFENSE: Up to ten (10) days out-of-school suspension.

RULE 14 USE AND POSSESSION OF ELECTRONIC DEVICES

Students may possess but shall not use a cellular telephone, portable electronic paging device of any kind, commonly known as a "beeper," a digital camera, or any kind of electronic recording device in school during regular school hours except as approved by a principal or his/her designee. "Regular school hours" means from the beginning of the student instructional day to the end of the student instructional day.

Using wireless 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 is prohibited.

Using cellular telephones or other devices with photographic capabilities in student locker-rooms, restrooms, or any other student changing areas, regardless of whether such use occurs during the school day or outside the school day is prohibited. Students taking photos of other students and posting on websites is not authorized without the permission of student, parents, and principal/designee.

Using a laser pointer in a way that reasonably could cause physical harm or is disruptive is prohibited.

This policy will be in effect for students who are on a school bus, activity bus, any school system sponsored transportation, or on any school sponsored activity.

FIRST OFFENSE: Up to five (5) days in-school suspension.

SECOND OFFENSE: Up to three (3) days out-of-school suspension.

THIRD OFFENSE: Up to ten (10) days out-of-school suspension.

CLASS III

Class III rules refer to student behaviors, which are disruptive to the educational process and may have the potential for physical injury to others. In cases in which these behaviors are violations of North Carolina General Statutes, involvement of law enforcement officers will be required.

General Statute 115C-288, requires certain acts to be reported by the principal to law enforcement. Those acts are:

1. assault resulting serious personal injury,
2. sexual assault,
3. sexual offense,
4. rape,
5. kidnapping,
6. indecent liberties with a minor,
7. assault involving the use of a weapon,
8. possession of a firearm in violation of the law,
9. possession of a weapon in violation of the law, or
10. possession of a controlled substance in violation of the law.

In addition to those that are specifically spelled out in North Carolina General Statutes all of the following SHOULD BE IMMEDIATELY REPORTED TO LAW ENFORCEMENT OFFICIALS. The superintendent's office shall also be notified.

1. larcenies,
2. extortion as well as extortion attempts,
3. robbery (armed or common law),
4. hate crimes,
5. stalking,
6. possession of any explosive or incendiary device or arson/attempted arson

DRIVER ELIGIBILITY

General Statute 20-11 requires a student's driver's permit or license to be suspended one year if a student is given an expulsion/suspension for more than 10 consecutive days or an assignment to an alternative educational setting for more that 10 consecutive days for one of the following reasons:

1. The possession or sale of an alcoholic beverage or an illegal controlled substance on school property.
2. The possession or use on school property of a weapon or firearm that resulted in disciplinary action under G.S. 115C-390.10 or that could have a resulted in that disciplinary action if the conduct had occurred in a public school.
3. The physical assault on a teacher or other school personnel on school property.

Violations of Class III offenses shall be considered on their own set of facts and circumstances. Appropriate punishment shall be determined by the principal and superintendent. The punishment set out under each Rule for first or second offenses is a guideline only. Any punishment, including expulsion of a student over 14 years of age, may be warranted in the circumstances, even for first offenses. Expulsion will be appropriate provided that the student's continued presence at school threatens the safety of other students or employees.

RULE 15 TRESPASSING

Students shall not willfully enter or remain in any school structure, conveyance or property without having been **authorized or invited**, nor refuse to depart after being directed to leave by **authorized** personnel. **Law enforcement may be notified based on the severity of the act.**

FIRST OFFENSE: Up to ten (10) days out-of-school suspension depending on severity of the act. Special circumstances may warrant out-of-school suspension for the remainder of school year. Driving privileges could be revoked depending on the severity of the act.

SECOND OFFENSE: Up to out-of-school suspension for the remainder of school year.

RULE 16 MAKING AND/OR POSSESSING EXPLOSIVE OR INCENDIARY DEVICES

Students shall not make or possess firecrackers or pyrotechnic, explosive, incendiary, or smoke-creating devices. **LAW ENFORCEMENT AND PARENTS SHALL BE NOTIFIED.**

FIRST OFFENSE: Up to five (5) days out-of-school suspension. Special circumstances may warrant out-of-school suspension for remainder of school year. Confiscate device.

SECOND OFFENSE: Confiscate device. Up to ten (10) days out-of-school suspension. Special circumstances may warrant out-of-school suspension for remainder of school year.

RULE 17 EXPLODING FIRECRACKERS OR IGNITING SIMILAR DEVICES

Students shall not explode firecrackers or ignite pyrotechnic, explosive, incendiary, or other smoke-creating devices. **LAW ENFORCEMENT AND PARENTS SHALL BE NOTIFIED.**

FIRST OFFENSE: Confiscate device. Up to ten (10) days out-of-school suspension. Special circumstances may warrant suspension for the remainder of the school year.

SECOND OFFENSE: Confiscate device. Up to ten (10) days out-of-school suspension. Special circumstances may warrant out-of-school suspension for remainder of school year.

RULE 18 POSSESSION OR USE OF MARIJUANA, NARCOTICS, STIMULANTS, DEPRESSANTS, ALCOHOLIC BEVERAGES, ANY OTHER UNAUTHORIZED OR ILLEGAL SUBSTANCE OR DRUG PARAPHERNALIA, AND COUNTERFEIT FORM OF SAID SUBSTANCES

Students shall not possess, be under the influence of, or use marijuana, narcotics, stimulants, depressants, counterfeit form of an illegal substance, alcoholic beverages or any other unauthorized or illegal substance or drug paraphernalia. **LAW ENFORCEMENT AND PARENTS SHALL BE NOTIFIED.**

FIRST OFFENSE: Confiscate substance. Up to ten (10) days out-of-school suspension with a minimum of five (5) days required. Active involvement in a substance abuse/chemical dependency program.

SECOND OFFENSE: Confiscate substance. Up to ten (10) days out-of-school suspension, Special circumstances may warrant out-of-school suspension for remainder of school year. Active involvement in a substance abuse/chemical dependency program.

RULE 19 SALE, DELIVERY, OR DISTRIBUTION OF MARIJUANA, NARCOTICS, STIMULANTS, DEPRESSANTS, ALCOHOLIC BEVERAGES, AND ANY OTHER UNAUTHORIZED OR ILLEGAL SUBSTANCE, DRUG PARAPHERNALIA OR COUNTERFEIT FORM OF SAID SUBSTANCES

Students shall not sell, deliver, or distribute marijuana, narcotics, stimulants, depressants, counterfeit form of an illegal substance, alcoholic beverages, or any other unauthorized or

illegal substance or drug paraphernalia. **LAW ENFORCEMENT AND PARENTS SHALL BE NOTIFIED.**

OFFENSE: Confiscate substance. A student who sells, delivers, or distributes marijuana, narcotics, stimulants or any other unlawful or un-authorized substance, drug paraphernalia or counterfeit form of such substance. Up to ten (10) days out-of-school suspension. Special circumstances may warrant out-of- school suspension for remainder of school year.

RULE 20 MAJOR DISRUPTION OF THE SCHOOL ENVIRONMENT (INCITING OR PARTICIPATING IN A STUDENT DISORDER; i.e. riots, walk outs, sit-ins, assaults, etc.)

Students shall not lead, participate in, or encourage others to participate in major group disruptions, which adversely affect the educational process. **LAW ENFORCEMENT AND PARENTS SHALL BE NOTIFIED.**

FIRST OFFENSE: Minimum five (5) days out-of-school suspension, Special circumstances may warrant out-of- school suspension for remainder of school year.

SECOND OFFENSE: Up to ten (10) days out-of-school suspension, Special circumstances may warrant out-of- school suspension for remainder of school year.

RULE 21 PARTICIPATION IN A GANG OR GANG ACTIVITY THAT DISRUPTS THE NORMAL SCHOOL ENVIRONMENT

Students shall not lead, participate in, or encourage others to participate in a gang or gang activity. (A "gang" is defined as group who organizes for unlawful activities or to harass or intimidate others.) **LAW ENFORCEMENT AND PARENTS SHALL BE NOTIFIED.**

FIRST OFFENSE: Minimum five (5) days out-of-school suspension, Special circumstances may warrant out-of- school suspension for remainder of school year.

SECOND OFFENSE: Up to ten (10) days out-of-school suspension, Special circumstances may warrant out-of- school suspension for remainder of school year.

RULE 22 UNJUSTIFIED ACTIVATION OF A FIRE ALARM OR MAKING A FALSE REPORT OF AN EMERGENCY

Students shall not activate any fire alarm unless authorized to do so by school employees, or unless there are reasonable grounds for the student to believe an actual emergency condition exists. At no time shall a student call in or in any other manner communicate a false report concerning a bomb, other explosive device, or any emergency situation. **LAW ENFORCEMENT AND PARENTS SHALL BE NOTIFIED.**

FIRST OFFENSE: Up to ten (10) days out-of-school suspension. Special circumstances may warrant out-of-school suspension for the remainder of the school year.

SECOND OFFENSE: Out-of-school suspension for remainder of school year. Up to ten (10) days out-of-school suspension, Special circumstances may warrant out-of- school suspension for remainder of school year.

BOMB/EXPLOSIVE DEVICE THREAT

THE BOARD OF EDUCATION MAY SUSPEND FOR 365 CALENDAR DAYS ANY STUDENT WHO, BY ANY MEANS OF COMMUNICATION TO ANY PERSON OR GROUP OF PERSONS, MAKES A REPORT, KNOWING OR HAVING REASON TO KNOW THE REPORT IS FALSE, THAT THERE IS LOCATED ON EDUCATIONAL PROPERTY OR AT A SCHOOL SPONSORED ACTIVITY OFF EDUCATIONAL PROPERTY ANY DEVICE DESIGNED TO DESTROY OR DAMAGE PROPERTY BY EXPLOSION, BLASTING, OR BURNING, OR WHO, WITH INTENT TO PERPETRATE A HOAX, CONCEALS, PLACES, OR DISPLAYS ANY DEVICE, MACHINE, INSTRUMENT, OR ARTIFACT ON

EDUCATIONAL PROPERTY OR AT A SCHOOL-RELATED ACTIVITY ON OR OFF EDUCATIONAL PROPERTY, SO AS TO CAUSE ANY PERSON REASONABLY TO BELIEVE THE SAME TO BE A BOMB OR OTHER DEVICE CAPABLE OF CAUSING INJURY TO PERSONS OR PROPERTY. [G.S. 115C-390-10] ALSO THE COURTS MUST REVOKE THE PERMIT OR LICENSE OF A PERSON UNDER THE AGE OF 18 PER G.S. 20-13.2.

PARENTS CAN ALSO BE HELD RESPONSIBLE FOR ACTUAL COMPENSATORY AND CONSEQUENTIAL DAMAGES RESULTING FROM THE DISRUPTION OR DISMISSAL OF SCHOOL OR THE SCHOOL-SPONSORED ACTIVITY.

RULE 23 FIGHTING AMONG STUDENTS

Students shall not fight or attempt to cause bodily harm to another student. If a student is a victim of a sudden, unprovoked attack or fight, he/she may defend himself/herself long enough to disengage from fighting to report it to an appropriate school official. **Students who instigate fights will be subject to the same consequences as those who are actually involved in fighting.** Parents shall be notified.

FIRST OFFENSE: Up to ten (10) days out-of-school suspension.

SECOND OFFENSE: Up to ten (10) days out-of-school suspension. Special circumstances may warrant out-of-school suspension for the remainder of the school year.

THIRD OFFENSE: Up to ten (10) days out-of-school suspension, Special circumstances may warrant out-of-school suspension for remainder of school year.

RULE 24 EXTORTION

Students shall not obtain through verbal or physical threats, coercion, or intimidation anything of value (personal property, money or information) from any other student or school employee. **LAW ENFORCEMENT AND PARENTS SHALL BE NOTIFIED.**

FIRST OFFENSE: Up to five (5) days out-of-school suspension. Special circumstances may warrant out-of-school suspension for the remainder of the school year.

SECOND OFFENSE: Up to ten (10) days out-of-school suspension, Special circumstances may warrant out-of-school suspension for remainder of school year.

NOTE: FULL RESTITUTION WILL BE SOUGHT.

RULE 25 THEFT, ROBBERY, BURGLARY OR DAMAGE TO SCHOOL OR PERSONAL PRIVATE PROPERTY OR POSSESSION OF STOLEN PROPERTY

Students shall respect school property and the personal property of other students, school employees, and other persons. Students shall not steal, rob, attempt to burn or convert school property and property of any other person or entity, nor cause damage to such property. **LAW ENFORCEMENT AND PARENTS SHALL BE NOTIFIED.**

FIRST OFFENSE: Up to five (5) days out-of-school suspension. Special circumstances may warrant out-of-school suspension for the remainder of the school year.

SECOND OFFENSE: Up to ten (10) days out-of-school suspension. Special circumstances may warrant out-of-school suspension for the remainder of the school year.

THIRD OFFENSE: Up to ten (10) days out-of-school suspension, Special circumstances may warrant out-of-school suspension for remainder of school year.

NOTE: FULL RESTITUTION WILL BE SOUGHT.

RULE 26 VERBAL OR PHYSICAL ASSAULT (INCLUDING THREATS) OR PHYSICAL INJURY TO SCHOOL PERSONNEL (THIS INCLUDES INJURY TO REAL OR PERSONAL PROPERTY)

Students shall not cause, attempt to cause or verbally (written or oral) threaten to cause damage to property, physical or bodily injury to principals, assistant principals, teachers, substitute teachers, teacher aides, student teachers and other school personnel or visitors. **LAW ENFORCEMENT SHALL BE NOTIFIED IF THERE IS A SERIOUS INJURY OR AT THE DISCRETION OF THE PRINCIPAL. A local board of education may remove to an alternative educational setting any student who is at least 13 who physically assaults and seriously injures a teacher or other school personnel.**

FIRST OFFENSE: Up to out-of-school suspension for remainder of school year for special circumstances.

RULE 27 VERBAL OR PHYSICAL ASSAULT OR PHYSICAL INJURY TO STUDENTS

Students shall not cause, attempt to cause or verbally (written or oral) threaten to cause damage to property, physical or bodily injury to another student. **LAW ENFORCEMENT SHALL BE NOTIFIED IF THERE IS A SERIOUS INJURY OR AT THE DISCRETION OF THE PRINCIPAL. PARENTS SHOULD BE NOTIFIED.**

FIRST OFFENSE: Up to ten (10) days out-of-school suspension. Special circumstances may warrant out-of-school suspension for the remainder of the school year.

SECOND OFFENSE: Up to out-of-school suspension for remainder of school year.

RULE 28 HAZING

Students shall not commit any act of hazing. Hazing is defined as follows: "To subject another student to physical injury as part of an initiation, or a prerequisite to membership, into any organized school group, including any society, athletic team, fraternity or sorority, or similar group." Any student who aids or abets hazing shall be disciplined as a principle actor. **LAW ENFORCEMENT AND PARENTS SHALL BE NOTIFIED. LAW ENFORCEMENT NOTIFICATION IS MANDATORY.** Conviction in criminal court may result in automatic expulsion.

FIRST OFFENSE: Up to ten (10) days out-of-school suspension. Special circumstances may warrant expulsion.

SECOND OFFENSE: Up to ten (10) days out-of-school suspension. Special circumstances may warrant expulsion.

RULE 29 WEAPONS AND/OR OTHER DANGEROUS INSTRUMENTS

Students shall not possess or conceal any weapon or any other instrument that could cause bodily harm or be used to threaten bodily harm. **LAW ENFORCEMENT AND PARENTS SHALL BE NOTIFIED.**

FIRST OFFENSE: Confiscate weapon or device. Up to ten (10) days out-of-school suspension. Special circumstances involving an assault may warrant out-of-school suspension for the remainder of the school year.

SECOND OFFENSE: Confiscate weapon or device. Up to ten (10) days out-of-school suspension. Special circumstances involving an assault may warrant out-of-school suspension for the remainder of the school year.

RULE 30 POSSESSION OF A FIREARM(S)

Students shall not bring to school or possess or conceal any firearm or weapon - "any gun, rifle, pistol, or other firearm of any kind, or any dynamite cartridge, bomb, grenade, mine or powerful explosive" on any property owned by the Burke County Public Schools. **LAW ENFORCEMENT AND PARENTS SHALL BE NOTIFIED.**

- A. If a student brings a weapon to school; confiscate firearm or weapon. Out-of-school suspension for a minimum of 365 days (a calendar year) pursuant to GS 115C-390.10, when authorized by the local board upon recommendation by the superintendent.
- B. If a student possesses a weapon at school; confiscate firearm or weapon. Out-of-school suspension for the remainder of the school year or expulsion for the student who possesses a firearm on any property owned by the Burke County schools.

RULE 31 SEXUAL ASSAULT, SEXUAL OFFENSES, ETC.

Students shall not commit any sexual offense as defined by the North Carolina General Statutes. (NC General Statute 14-27.4 & 14-27.5) **LAW ENFORCEMENT AND PARENTS SHALL BE NOTIFIED.**

FIRST OFFENSE: Up to ten (10) days out-of-school suspension. Special circumstances may warrant out-of-school suspension for the remainder of the school year or expulsion.

SECOND OFFENSE: Up to ten (10) days out-of-school suspension year. Special circumstances may warrant expulsion.

RULE 32 INNAPPROPRIATE USE OF COMPUTERS/INTERNET/EMAIL/NETWORK/ETC.

Students shall not violate the Burke County Public Schools Acceptable Use Policy.

FIRST OFFENSE: Up to five (5) days in-school suspension and possible loss of technology privileges.

SECOND OFFENSE: Up to three (3) days out-of-school suspension and possible loss of technology privileges.

THIRD OFFENSE: Up to ten (10) days out-of-school suspension and loss of technology privileges

RULE 33 OTHER NORTH CAROLINA CRIMINAL STATUTES AND LOCAL ORDINANCES NOT PREVIOUSLY COVERED

Students shall not violate any North Carolina Criminal Statute or local ordinances not previously covered. A student convicted of a felony or serious misdemeanor may be recommended for expulsion from Burke County Schools. (Any plea of nolo contendere or the entry of a "prayer for judgement" shall be deemed as a conviction for the purposes of this policy.) **LAW ENFORCEMENT AND PARENTS SHALL BE NOTIFIED.**

FIRST OFFENSE: Up to ten (10) days out-of-school suspension. Special circumstances may warrant out-of-school suspension for the remainder of the school year and or exclusion from all extra-curricular activities.

SECOND OFFENSE: Up to ten (10) days out-of-school suspension. Special circumstances involving an assault may warrant out-of-school suspension for the remainder of the school year.