

Descriptor Term:  
**CODE OF STUDENT CONDUCT  
& OPTIONS FOR EFFECTIVE DISCIPLINE AND CONTROL**

Descriptor Code:  
**4.3600**

Legal References: Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d-2000d7; Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. § 1681; Gun-Free Schools Act of 1994, 20 U.S.C. § 8921; Equal Employment Opportunity Commission's "Final Amendment Guidelines on Discrimination Because of Sex"; G.S. 14-33, -35, -36, -60, -67, -69.1 - 69.2, -132, -132.2, -134, -269.2, -284.1, -288.4; 115C -36, -45, -47, -112, - 288(g), -307, -390, -391, -392, G.S. 18B-300 to 302

Cross References:

I. PURPOSE

An educated citizenry, which is essential to good government in this country, cannot exist without effective public schools. The effectiveness of the public schools depends in large part on the maintenance of discipline and good order in the schools. In its effort to maintain order and safety in the school system, the board earnestly solicits the cooperation of every student, every parent, and the community at large.

The purpose of this Code of Student Conduct is to outline the proper conduct and behavior expected, required and prohibited of and from any student in the Catawba County Board of Education (hereinafter "CCBOE") school system.

II. DEFINITIONS AND TERMS WHICH APPLY TO THIS POLICY

- A. Administrator is defined as a principal, assistant principal, or their designee.
- B. Parent is defined as the student's biological parent(s), adoptive parent(s), legal guardian(s), legal custodian or other person legally responsible for a student.
- C. School employee(s) shall include, for purposes of this policy, all school employees, all authorized school volunteers, student teachers, substitute teachers, substitute cafeteria workers, non-faculty coaches, school resource officers, sports officials and all persons authorized by a school employee to have authority and control over a student.
- D. School property shall included any premises, facility or property, real or personal, which is owned, leased, used, operated or provided by CCBOE.

III. APPLICATION

Unless otherwise specified, **this Code of Student Conduct shall apply to all students enrolled in the CCBOE school system as follows:**

- A. at all times before, during and after school hours on and to any school property;
- B. at all times before, during and after school hours on and to any motor vehicle owned, leased, used, operated or provided by CCBOE for transportation of students to and from school or school activities or events;
- C. at all times before, during and after school hours on and to any motor vehicle or mechanical equipment owned, leased, used or operated by CCBOE;

- D. at all times before, during and after school hours at and during any and all school-related events, functions, field trips, and any function or activity sponsored or conducted by the CCBOE or in which CCBOE is involved or participating regardless of the location of the event, function or activity;
- E. at all times before, during and after school hours at any approved school bus stop; and
- F. at all times before, during and after school hours during any period of time when students are subject to the authority of school personnel.

This Code of Student Conduct is not intended to restrict the authority of administrators or teachers to make rules that regulate the operation of their respective schools or classes. All students shall comply with all policies, laws, rules and regulations governing student behavior and conduct and all directives and rules issued or imposed by individual schools, teachers, administrators and other authorized school employees. Any student who refuses to comply with board policies, rules or regulations, the Code of Student Conduct, directives and rules issued or imposed by individual schools, teachers, administrators and other authorized school employees, or the North Carolina General Statutes shall be held in violation of this Code of Student Conduct and such violations may result in disciplinary action to the student including, but not limited to, in-school discipline, out-of-school suspensions, expulsions or assignments to alternative settings or programs.

School administrators shall have the authority to impose disciplinary actions upon students pursuant to this Code of Student Conduct. The complete circumstances and the degrees of involvement with regard to any incident may lessen a serious offense or make a minor offense more serious. Each administrator has the authority to modify the discipline recommended in this Code of Student Conduct when, in his/her opinion, the facts and circumstances justify a less or more severe penalty.

While this policy attempts to address inappropriate student conduct, the Board of Education recognizes that all inappropriate behaviors cannot be defined within the context of these sections. Therefore, the Board of Education delegates to the school administrators the authority to determine the appropriate discipline and consequences for inappropriate behaviors not specifically addressed in this policy and for student violations of other CCBOE policies.

#### IV. OPTIONS FOR EFFECTIVE DISCIPLINE AND CONTROL

School personnel should make every effort to develop and implement behavior management techniques and strategies unique to the student and his or her specific disciplinary problem. When appropriate, and as a part of the continuum of disciplinary options, the student's behavior management plan might incorporate contact with the school counselor, school psychologist, school social worker, school behavior management consultant, etc, and/or staffing by the school assistance team.

When corrective actions are necessary, the following options are available to those authorized to discipline or control students. This list is not intended to restrict in any way the authority of teachers and principals to discipline and control students in a manner consistent with board policies. The board encourages and supports the right of administrators to employ a variety of control techniques and disciplinary actions with respect to students including, but not limited to, the following:

- A. Reasonable Force: School personnel may use reasonable force to control behavior or to remove a person from a scene in situations such as:
  - 1. to quell a disturbance threatening injury to others;
  - 2. to obtain possession of a weapon or other dangerous object on the person or within the control of a student;
  - 3. for self-defense;
  - 4. for the protection of persons or property; or
  - 5. to restrain or correct students and maintain order.
- B. Searches of Students, Student's Property, Student Lockers and Student Desks
  - 1. Student Lockers and Desks. Student lockers and desks are the property of CCBOE and may be searched or inspected at any time without prior notice to or consent of the student

or student's parent and without a search warrant. While students may store books, papers, clothing and other personal items in their assigned locker or desk, students shall not place any item or substance that is prohibited on school premises in any desk or locker. Students shall at all times keep their locker and desks in a neat, clean and orderly manner.

2. Student's Person, Motor Vehicle or Possessions. A school official may search a student's person, possessions (such as a pocket book, book bag, gym bag, electronic device) or motor vehicle if reasonable grounds exist for suspecting the search will turn up evidence that the student has violated or is violating either the law or the policies, regulation or rules of CCBOE or the student's school. A search will be permissible in its scope when the manner in which the search is conducted is reasonably related to the objectives of the search and not excessively intrusive in light of the student's age and sex and nature of the infraction.
  3. Reasonable Suspicion. Reasonable suspicion may be based on information provided by a confidential informant, circumstantial evidence and/or the administrator's "common-sense conclusions about human behavior" upon which "practical people," including government officials, are entitled to rely in making decisions.
  4. Plain View. Anything seen by a school employee, official or school resource officer in plain view, including items in plain view inside a student's vehicle, may be used as evidence to discipline, suspend or expel a student. Otherwise, a school employee or official needs reasonable suspicion to search a student's person, motor vehicle or possessions.
  5. Bombs, Explosive Devices and Firearms. If any school employee, official or school resource officer has any reason to suspect a bomb or firearm is on the premises of any school and students are at risk of serious bodily injury or death, the administration or its designee may conduct a complete search of the school as well as student vehicles and student possessions for any weapon, bomb or other explosive device.
  6. Drug Dogs. The use of trained drug or bomb sniffing dogs to detect the presence of a controlled substance or explosives in a student's desk, locker, vehicle or personal possessions is acceptable. If a dog "hits" on an item, such a "hit" constitutes reasonable suspicion that the item contains a controlled substance or explosive and the item may be searched.
- C. Corporal Punishment: **Corporal punishment may not be used by any school employee under any circumstances.**
- D. In-school discipline (ISD) includes the discipline of a student that occurs during school hours or on school property. Students shall be supervised at all times during any period of in-school discipline. Types of in-school discipline include, but are not limited to, the following:
1. Warning includes a school employee giving a verbal or written warning to a student that the student's behavior has violated a CCBOE policy and that future violations may result in discipline to the student.
  2. Conference(s) with Administrator includes requiring a student to respectfully meet with an administrator regarding the student's behavior or violation of the Code of Student Conduct.
  3. Conference(s) with Parents includes an administrator meeting with a student's parent(s) regarding the student's behavior or violation of the Code of Student Conduct.
  4. Suspension from School Transportation includes the temporary or permanent suspension from any bus or motor vehicle owned, leased, used, operated or provided by CCBOE for transportation of students to and from school or school activities or events at any time

before, during and after school hours.

APPROVAL: Suspension from School Transportation requires administrator approval.

NOTICE TO PARENT: In the event a school administrator suspends a student from school transportation, the student's parent(s) shall be notified of the suspension and the reason for the revocation prior to the suspension.

5. "Timeout" / "Lunch Detention" or its equivalent is the separation of a student from other students for a period of time less than one (1) class period to a monitored setting on school property or the removal of a student from his or her assigned classroom or activity to another designated monitored setting on school property for a period of time less than one (1) class period.
6. Service to School is service provided by a student to the school in lieu of other disciplinary sanctions that a teacher or administrator is authorized to impose. The teacher or administrator may require the student to perform specified school service for a period of time in lieu of other disciplinary sanctions. If the student does not complete the assigned school service, the teacher or administrator may invoke other disciplinary sanctions appropriate for the original violation.
7. Restitution includes an administrator requiring a student who removed, took, stole, secreted, lost, destroyed or damaged the personal or real property of another person or entity to give back, return, reimburse the cost of or reimburse for damages the student caused to any personal or real property of another person or entity. An administrator may require restitution by a student if the student's behavior directly resulted in or was a proximate cause of the property of another person or entity being removed, taken, stolen, secreted, lost, destroyed or damaged.
8. Confiscation includes a school employee or administrator taking temporary or permanent possession of any item of personal property from a student when such personal property is, in the discretion of a school employee or administrator, potentially dangerous, used inappropriately, prohibited or relates to any investigation by CCBOE or its employees.
9. Loss of Driving/Parking Privileges is the revocation for any period of time of a student's privilege to drive to and from school and park a vehicle at school during the school day.

APPROVAL: Loss of Driving/Parking Privileges requires administrator approval.

NOTICE TO PARENT: In the event a school administrator revokes a student's driving/parking privileges, the student's parent(s) shall be notified of the revocation and the reason for the revocation prior to the revocation of driving/parking privileges.

10. In-School Suspension (ISS) is the removal of a student from his or her assigned classroom to a designated in-school suspension classroom for a period of time equal to or greater than one (1) class period.

APPROVAL: The imposition of ISS with respect to any student requires administrator approval.

NOTICE TO PARENT: In the event a school administrator imposes ISS upon a student, the student's parent(s) shall be notified of the imposition of and the reason for ISS.

AFFECT ON EXTRACURRICULAR AND CO-CURRICULAR ACTIVITIES:

Any student who is assigned ISS for a period of time equal to one (1) school day is, on the day such ISS occurs, prohibited from participating in, but may attend, any extracurricular activity conducted or sponsored by CCBOE or in which CCBOE is participating or involved. In addition, the administrator may prohibit such student from participating in any co-curricular activity conducted or sponsored by CCBOE or in which CCBOE is participating or involved.

11. Detention is requiring a student to report to and remain at a specific area on school property for a designated period of time prior to the beginning of or after the conclusion of a school day or on a Saturday. The student and parent(s) shall be given at least 24 hours notice that the student is to report to a specific area for detention. The parent(s) is/are responsible for transportation. If the parent(s) cannot or will not provide transportation, the administrator shall substitute another disciplinary action.

APPROVAL: Detention requires administrator approval.

NOTICE TO PARENT: In the event a school administrator imposes detention upon a student, the student's parent(s) shall be notified of the imposition of and the reason for the detention prior to the student serving the assigned detention.

12. Exclusion from Extracurricular and Co-Curricular Activities. Participation in extracurricular or co-curricular activities is a privilege that may be withheld as a measure to maintain effective discipline and control.

Any student who is assigned ISS for a period of time equal to one (1) school day is, on the day such ISS occurs, prohibited from participating in, but may attend, any extracurricular activity conducted or sponsored by CCBOE or in which CCBOE is participating or involved. In addition, the administrator may prohibit such student from participating in any co-curricular activity conducted or sponsored by CCBOE or in which CCBOE is participating or involved.

Any student who is assigned OSS is prohibited on any day during which the student is assigned OSS from attending and participating in any extracurricular or co-curricular activities that are conducted or sponsored by CCBOE or in which CCBOE is participating or involved.

In compliance with the North Carolina High School Athletic Association (NCHSAA) By-laws, any student who is convicted of a crime classified as a felony under North Carolina or federal law or is an adjudicated delinquent for an offense that would be a felony if committed by an adult is NOT eligible to participate in any school sponsored sports program.

#### E. Out-of-School Suspension (OSS) and Expulsion

1. Short-Term Out-of-School Suspension Less Than or Equal to 10 days (OSS $\leq$ 10 days) is the suspension of a student from school, school activities, extra-curricular and co-curricular activities and school property for a period of up to and including 10 days.

APPROVAL: OSS $\leq$ 10 days requires administrator approval.

NOTICE TO PARENT: In the event a school administrator imposes OSS $\leq$ 10 days upon a student, the student's parent(s) shall be notified of the imposition and the reason therefore in accordance with state law and board policy.

AFFECT ON EXTRACURRICULAR AND CO-CURRICULAR ACTIVITIES:

Any student who is assigned OSS  $\leq 10$  days is prohibited on any day during which the student is assigned OSS from being on any school property and from attending and participating in any extracurricular or co-curricular activities that are conducted or sponsored by CCBOE or in which CCBOE is participating or involved.

2. Long-Term Out-of-School Suspension (OSS $>10$  days and  $\leq$  remainder of the school year) is the suspension of a student from school, school activities and school grounds for a period in excess of 10 school days but not exceeding the remainder of the school year in which the long-term out-of-school suspension occurs.

APPROVAL: Long Term OSS (OSS $>10$  days and  $\leq$  remainder of the school year) requires approval by the Superintendent.

NOTICE TO PARENT: In the event a Superintendent approves OSS $>10$  days and  $\leq$  remainder of the school year upon a student, the student's parent(s) shall be notified of the imposition and the reason therefore in accordance with state law and board policy.

AFFECT ON EXTRACURRICULAR AND CO-CURRICULAR ACTIVITIES:

Any student who is assigned OSS  $> 10$  days and  $\leq$  remainder of the school year is prohibited on any day during which the student is assigned OSS  $> 10$  days and  $\leq$  remainder of the school year from being on any school property and from attending and participating in any extracurricular or co-curricular activities that are conducted or sponsored by CCBOE or in which CCBOE is participating or involved. Provided, however, a student who is assigned to an alternative school setting on any day during which the student is assigned OSS  $> 10$  days and  $\leq$  remainder of the school year is allowed to be on school property on which the alternative school setting is located and operated and allowed to participate in extracurricular and co-curricular activities operated in conjunction with the alternative school setting.

3. 365 Day Suspension is the out-of-school suspension of a student from school for a full calendar year.

APPROVAL: 365 Day Suspension requires approval by the Superintendent.

NOTICE TO PARENT: In the event a Superintendent approves a 365 Day Suspension upon a student, the student's parent(s) shall be notified of the imposition and the reason therefore in accordance with state law and board policy.

AFFECT ON EXTRACURRICULAR AND CO-CURRICULAR ACTIVITIES:

Any student who is assigned a 365 Day Suspension is prohibited on any day during which the student is assigned the 365 Day Suspension from being on any school property and from attending and participating in any extracurricular or co-curricular activities that are conducted or sponsored by CCBOE or in which CCBOE is participating or involved. Provided, however, a student who is assigned to an alternative school setting on any day during which the student is assigned a 365 Day Suspension is allowed to be on school property on which the alternative school setting is located and operated and allowed to participate in extracurricular and co-curricular activities operated in conjunction with the alternative school setting.

4. Alternative School Setting or Program is the assignment of a student by the Superintendent or Board to a school setting or educational environment other than the student's school setting or educational environment existing at the time of the disciplinary action. A principal may recommend and a Superintendent or Board may authorize a student's assignment to an alternative educational class or program in lieu of or in order to reduce any disciplinary action imposed upon the student. Any assignment of a student to an alternative school

setting or an alternative school program must be made in accordance with board policy and state and federal law.

**APPROVAL:** Assignment to an Alternative School Setting, except when assigned in lieu of expulsion, requires recommendation by the school principal and approval by the Superintendent. Assignment to an Alternative School Setting in lieu of Expulsion requires Board approval.

**NOTICE TO PARENT:** In the event the Superintendent or Board approves an Assignment to an Alternative School Setting for a student, the student's parent(s) shall be notified of the assignment and the reason therefore in accordance with state law and board policy.

5. Expulsion is the permanent removal of a student from the school system. Expulsion may only be exercised if:
- a. the student is at least fourteen (14) years or older; the student's behavior shows or indicates that the student's continued presence at school threatens the safety of other students or employees; and, the board approves the expulsion based upon clear and convincing evidence and upon recommendation of the principal and superintendent; OR
  - b. the board determines that a student is a registered sex offender and should be expelled based upon clear and convincing evidence pursuant to N.C.G.S. 14-208 et al.

**APPROVAL:** Expulsion can only be authorized by the Board of Education upon recommendation of the Principal and the Superintendent.

**NOTICE TO PARENT:** In the event the Board approves the expulsion of a student, the student's parent(s) shall be notified of the expulsion and the reason therefore in accordance with state law and board policy.

**AFFECT ON EXTRACURRICULAR AND CO-CURRICULAR ACTIVITIES:**

Any student who is expelled is prohibited on any day during which the student is expelled from being on any property owned or operated by CCBOE and from attending and participating in any extracurricular or co-curricular activities that are conducted or sponsored by CCBOE or in which CCBOE is participating or involved. Provided, however, a student who is assigned to an alternative school setting on any day during which the student is expelled is allowed to be on school property on which the alternative school setting is located and operated and allowed to participate in extracurricular and co-curricular activities operated in conjunction with the alternative school setting.

6. Immediate Removal of a Student From School Grounds is the immediate removal of a student from school or premises owned or operated by the board. During the school day, the principal may, under the following circumstances, remove from school property a student upon whom out-of-school discipline has been imposed:
1. the parent is notified and is able to make arrangements for the student to leave the school or school premises or agrees to the student's using public transportation or driving himself or herself home;
  2. the parent is notified and is available to receive the student and the principal is able to arrange for transportation of the student from the school or school premises to the student's home; or
  3. the principal involves law enforcement in the removal of the student from school or

school premises because this action is necessary to provide a safe or orderly school environment.

If none of these circumstances exist, the out-of-school suspension shall begin on the next school day.

V. Calculation of Days. The number of days for any disciplinary action refers to the days when schools are in session for students except for reference to a 365 Day Suspension. A 365 Day Suspension refers to calendar days.

VI. INFRACTIONS

**A. BUS/VEHICLE MISBEHAVIOR**

Students shall obey all directives of any school bus driver, school employee or any driver of any vehicle owned, leased, operated or provided by CCBOE while riding any school bus or any vehicle owned, leased, operated or provided by CCBOE. School transportation is a privilege, not a right. The following conduct is specifically prohibited by any student riding any school bus or any vehicle owned, leased, operated or provided by CCBOE:

- delaying any bus or transportation schedule;
- refusing to obey the driver's or school employee's instructions or directives;
- tampering with or willfully damaging any vehicle owned, leased, operated or provided by CCBOE;
- getting off at an unauthorized bus stop;
- distracting the driver's attention by participating in disruptive behavior while the vehicle is in operation;
- failing to observe established safety rules and regulations;
- willfully trespassing upon a school bus or any vehicle owned, leased, operated or provided by CCBOE;
- attempting to open an emergency door; or
- violating any other rule of the Code of Student Conduct while on the any school bus or other vehicle owned, leased, operated or provided by CCBOE.

Violation of this section will result in disciplinary action to the student as determined by the school administrator which shall include the following Recommended Discipline:

First Offense:	Temporary or permanent suspension from school transportation services; or ISD
Second Offense:	ISD; or OSS $\leq$ 10 days
Subsequent Offenses:	ISD; or OSS $\leq$ 10 days; or OSS $>$ 10 days and $\leq$ remainder of the school year; or Assignment to Alternative Program; or Expulsion

Any school administrator may impose discipline on any student for any student misbehavior under this section in addition to any discipline that may be imposed for violation of any other provision of the Code of Student Conduct.

**B. CLASS I VIOLATIONS**

**1. Recommended Discipline for Class I Violations**

Violations of this section (Class I Violations) will result in disciplinary action to the student as determined by the school administrator which shall include the following Recommended Discipline:

First Offense: ISD  
Second Offense: ISD; or OSS  $\leq$  3 days  
Subsequent Offenses: ISD; or OSS  $>$  3 days and  $\leq$  10 days; or OSS  $>$  10 days and  $\leq$  remainder of the school year; or Assignment to Alternative Program; or Expulsion

Any school administrator may impose discipline on any student for any student behavior that violates this section in addition to any discipline that may be imposed for violation of any other provision of the Code of Student Conduct.

Any school administrator may impose discipline under this section on any student if the student aides, abets or encourages another student to violate this section.

## 2. **Class I Violations**

The following violations shall be classified as Class I Violations:

### a. **Insubordination / Compliance with Directions of School Personnel**

Students shall comply with all directions of administrators, teachers, school employees and all other school personnel who are authorized to give such directions during any period of time in which students are subject to the authority of such school personnel.

### b. **Failure to Attend Assigned Classes or Activities**

No student shall fail or refuse to attend an assigned or scheduled class or activity or fail or refuse to attend the school to which he or she is assigned on any school day without permission from the school administrator or without good reason sufficient to constitute an excused absence.

### c. **Unauthorized Leaving of School**

No student who attends school during any portion of any school day shall leave the school grounds prior to the end of the school day without permission from the school administrator.

### d. **Use of Tobacco Products and Tobacco Paraphernalia**

Students are prohibited from possessing, using, smoking, chewing, dipping or otherwise consuming any tobacco product or tobacco paraphernalia. The term "tobacco paraphernalia" shall include, but is not limited to, rolling papers, matches and lighters.

### e. **Falsification / Providing False Information**

No student shall falsify information that is in any way presented to any school employee. Falsification includes the electronic, verbal or written statement, communication or creation of any untruth or any act or electronic, verbal or written statement or communication intended to give a wrong impression or deceive, including, but not limited to, forgery of any person's signature.

No student shall make or publish false statements on the Internet, electronically or by any other means of communications that defame the character or reputation of a school employee or student. While students have a constitutional right to criticize

school personnel or students, that right does not include making false statements or making statements intended to injure, harass and/or harm an individual.

**f. Dress and Appearance**

Except as specifically authorized by the principal or his/her designee, no student shall wear (as defined herein) clothing or any other garment or item or cause his/her self to have an appearance that is not compatible with an effective learning environment or that is inappropriate to the learning process. For purposes of this policy, the term "wear" shall also mean adorn, don, carry, decorate and/or display. The following is expressly prohibited:

- The creation of an appearance or the wearing of clothing or any other garment or item that is provocative, obscene, vulgar, indecent, sexually suggestive, lewd, transparent, profane, or which displays, suggests, promotes or reveals nudity, violence or an immoral, harassing, bullying, provocative, obscene, profane, indecent, lewd, vulgar, slanderous, libelous, intimidating, insulting, degrading, disrespectful, abusive, disruptive, unsafe, violent, sexually suggestive or sexual message through language, images and/or symbols;
- The wearing of hats, bandannas and headgear of any kind and any garment or item that covers the student's face or conceals the student's identify within any building except for established medical reasons;
- The wearing or removal of clothing in a manner that reveals, exposes or allows the following to be seen: undergarments, cleavage, bare midriffs or any private body part that is inappropriate for display in a school setting;
- The wearing of pants or shorts in such a manner that undergarments or private body parts are exposed, they drag on the floor, they sag below the waist or they are excessively baggy;
- The wearing of clothing or any other garment or item containing, advertising, naming, or referencing any alcoholic product, tobacco product, controlled substance, firearms or weapons;
- The wearing of chains, jewelry, including those that hang from wallets, studded collars or bracelets that may be used as a weapon, cause injury, hinder movement or are unsafe as declared by the principal;
- The wearing of dark glasses within any building except for established medical reasons;
- The failure to wear shoes or appropriate foot covering;
- The wearing of any clothing or any other garment or item in any manner or style or containing any symbol reflecting, promoting or associated with gangs, intimidation, violence or violent groups;
- The wearing of halters, spaghetti strapped tops, tank tops, tube tops, strapless tops, bras or undergarments outside of clothing, pajamas, lounge pants or bedroom shoes as well as shorts and skirts that the principal or his/her designee determines are too short; and
- The creation of an appearance or the wearing of clothing or any other garment or item that is reasonably foreseeable to cause or, in fact, causes, a material or substantial disruption or that is reasonably foreseeable to endanger or be detrimental or, in fact, is dangerous or detrimental to the health or safety of the student or others or that is reasonably foreseeable to cause a fight or, in fact, causes a fight or that creates or is likely to create a hostile learning environment

The foregoing list is not intended to be exhaustive. The CCBOE hereby delegates to the school administrators the authority to determine the appropriateness or inappropriateness of any student's dress or attire that is not specifically addressed in this section. In addition, the CCBOE hereby delegates to the school administrators the authority to make exceptions to this policy and/or reasonable accommodations as are appropriate for medical, religious or special observances.

**g. Gambling**

No student shall participate in gambling, betting money, wagering anything on the outcome of a game, contest or other event or participate in any unauthorized event, action or statement that relies on chance for the monetary advantage of one participant at the expense of others. This includes exchanging items of value as well as currency and extends to keeping score for later settlement.

**h. Inappropriate Speech, Signs, Gestures and Behavior/Disruptive Behavior**

No student shall create or engage in any communication, whether by electronic, verbal, photographic or written means or by signs, gestures, displays or other acts, that is or conveys, suggests or promotes a message that is immoral, harassing, bullying, vulgar, indecent, provocative, sexually suggestive, lewd, slanderous, libelous, intimidating, insulting, degrading, disrespectful, abusive, profane, obscene, unsafe, violent, disruptive, interrupts or interferes with or prevents an orderly and peaceful learning environment, obstructs or disrupts any lawful function or mission or process of any school, causes or is reasonably foreseeable to cause a material or substantial disruption of the school environment, endangers or is detrimental to or is reasonably foreseeable to endanger or be detrimental to the health or safety of the student or others or that causes or is reasonably foreseeable to cause a fight or create a hostile learning environment.

No student shall engage in sexual conduct or in behavior that is of an overly romantic or sexual nature or in inappropriate displays of affection including, but not limited to, hugging, embracing, kissing, groping or petting.

**i. Inappropriate Literature and Illustrations**

Except as specifically authorized by the principal or his/her designee or for instructional purposes, no student shall possess, display, distribute, disseminate or transmit literature, words, photographs, recordings, or illustrations, whether in electronic, physical or documentary form, that are illegal or that convey, suggest or promote a message that is immoral, harassing, bullying, vulgar, indecent, provocative, sexually suggestive, lewd, slanderous, libelous, intimidating, insulting, degrading, disrespectful, abusive, profane, obscene, unsafe, violent, disruptive, interrupts or interferes with or prevents an orderly and peaceful learning environment, obstructs or disrupts any lawful function or mission or process of any school, causes or is reasonably foreseeable to cause a material or substantial disruption of the school environment, endangers or is detrimental to or is reasonably foreseeable to endanger or be detrimental to the health or safety of the student or others or that causes or is reasonably foreseeable to cause a fight or create a hostile learning environment.

**j. Honor Code Violations**

No student shall commit any act in violation of any school's honor code. Cheating, plagiarism, dishonesty, falsification of assignments, falsification or forgery of signatures, violation of software regulations, violation of copyright laws, violation of the acceptable use policy and inappropriate computer access are prohibited and are considered honor code violations.

**k. Conducting or Soliciting Business on Campus**

Except for charitable solicitation approved by the principal or his/her designee and permitted by CCBOE policy, students shall not engage in any corporate, business or

financial enterprise, solicit any person or entity to purchase anything, nor sell anything to any person or entity.

## C. CLASS II VIOLATIONS

### 1. Recommended Discipline for Class II Violations

Violations of this section (Class II Violations) shall result in disciplinary action to the student as determined by the school administrator which shall include the following Recommended Discipline:

First Offense:	ISD; or OSS $\leq$ 10 days
Second Offense:	OSS $\leq$ 10 days
Subsequent Offenses:	OSS $\leq$ 10 days; or OSS $>$ 10 days and $\leq$ remainder of the school year; or Assignment to Alternative Program; or Expulsion

Any school administrator may impose discipline on any student for any student behavior that violates this section in addition to any discipline that may be imposed for violation of any other provision of the Code of Student Conduct.

Any school administrator may impose discipline under this section on any student if the student aides, abets or encourages another student to violate this section.

### 2. Class II Violations

The following violations shall be classified as Class II Violations:

#### a. Aggressive Behavior

No student shall create or engage in any communication, whether by electronic, verbal, photographic or written means or by signs, gestures, displays or other acts, that is or conveys, suggests or promotes a message that is aggressive or threatening.

No student shall engage in any behavior or conduct or commit any act that could reasonably result in or cause physical injury to any student or other person.

**It shall be considered a Class III Violation if a student engages in behavior, conduct or actions that could reasonably result in or cause physical injury to a school employee.**

#### b. Assault / Fighting

No student shall assault another student or other person.

An assault is defined as an overt or deliberate act or attempt or appearance of attempt to commit an overt or deliberate act with force and violence in order to immediately physically injure another person and with the show of force or menace of violence being sufficient to put a reasonable person in fear of immediate physical injury. An assault shall include, but is not limited to, fighting, intentionally hitting, striking, kicking, shoving, scratching, biting, blocking, emitting bodily fluids upon, using force upon, or passing or throwing objects, items or fluids at a student or other person who is not a school employee.

A student who is assaulted may use reasonable force in self-defense but only to the extent necessary to free himself/herself from the assault and notify proper school authorities. A student who exceeds this reasonable force may be disciplined even

though he/she may not have provoked the assault or fight.

**It shall be a Class III Violation if a student commits an assault upon a school employee.**

**It shall be a Class III Violation if a student commits a sexual assault upon a student or other person or school employee.**

**It shall be a Class IV Violation if a student commits an assault upon any person that causes serious injury to another person.**

**It shall be a Class IV Violation if a student commits an assault upon any person involving the use of a weapon or other object that could reasonably be considered a weapon.**

**c. Theft or Damage to Property**

No student shall steal or attempt to steal school property or the private property of any individual, organization or entity or knowingly be in possession of stolen property.

No student shall damage or attempt to damage any school property or the private property of any individual, organization or entity.

**It shall be a Class III Violation if any student robs any person.**

**d. Incendiary Devices / Combustible Materials / Devices Causing a Noise or Disturbance**

Unless specifically authorized by school personnel, no student shall possess any material, item or substance or use any material, item or substance in a manner that causes or is capable of or reasonably like to cause a noise or disturbance, is or is reasonable likely to be combustible, is capable of or is reasonably likely to start or result in a fire or explosion, or in fact, starts a fire or causes an explosion.

**e. Discrimination, Bullying, Harassment and Hazing**

All forms of discrimination, harassment, bullying, sexual harassment, gender-based harassment or hazing are prohibited. Discrimination, harassment, bullying, sexual harassment and gender-based harassment are defined in policy 1.7100.

All complaints of discrimination, harassment or bullying against students will be investigated promptly and thoroughly in accordance with policies 4.3501/7.1512. Violations will be deemed to be serious disciplinary infractions.

Consequences for offenders who are not students are to be determined as appropriate within the context of the law and policy.

Hazing is defined as a group or individual requiring any student to wear abnormal dress or costume on campus, annoying another student by playing abusive or ridiculous tricks on him or her, intimidating, frightening, scolding, beating or harassing the student or subjecting him/her to personal indignity or personal injury.

**It shall be a Class II Violation if discrimination, sexual harassment, harassment, bullying or hazing is committed verbally, symbolically, electronically, in writing or by gesture.**

**It shall be a Class III Violation if discrimination, sexual harassment, harassment, bullying or hazing is committed by any means that result in physical contact or sexual harm to any person.**

**f. Communicating Threats**

No student shall communicate any threat of force or violence in any form to or about any student or other person.

It shall be considered a Class III Violation if a student communicates any threat of force or violence in any form to or about a school employee.

**g. Use of Counterfeit Items**

No student shall use any counterfeit item to obtain or attempt to obtain money, property or services.

**It shall be a Class III Violation if the counterfeit item is a counterfeit drug, medication or illegal substance.**

**h. Extortion**

No student shall engage in extortion. Extortion is defined as the use of one's position or power to obtain property, funds or patronage.

**i. Unauthorized Use or Possession of Medication or Foreign Substances**

No student shall possess or administer any medication to his/her own person except as provided in policy 4.4340/6.1250.

No student shall administer any medication to any other person.

No student shall insert a foreign substance into the food or drink of another person with the intent to injure or harm or that, in fact, injures or harms the other person or causes an adverse reaction including, but not limited to, alteration of the mind, hallucinations, sleep or euphoria.

**D. CLASS III VIOLATIONS**

**1. Recommended Discipline for Class III Violations**

Violations of this section by students (Class III Violations) shall be reported to law enforcement and shall result in disciplinary action to the student as determined by the school administrator which shall include the following Recommended Discipline:

First Offense:	OSS $\leq$ 10 days; or OSS $>$ 10 days and $\leq$ remainder of the school year
Second Offense:	OSS $>$ 10 days and $\leq$ remainder of the school year; or Assignment to Alternative Program; or Expulsion
Subsequent Offenses:	OSS $>$ 10days and $\leq$ remainder of the school year; or Assignment to Alternative Program; or Expulsion

Any school administrator may impose discipline on any student for any student behavior that violates this section in addition to any discipline that may be imposed for violation of any other provision of the Code of Student Conduct.

Any school administrator may impose discipline under this section on any student if the student aides, abets or encourages another student to violate this section.

## 2. **Class III Violations**

The following violations shall be classified as Class III Violations:

### a. **Disorderly Conduct**

No student shall engage in disorderly conduct or encourage any other student to engage in such conduct or behavior. Disorderly conduct includes, but is not limited to, any act, conduct, behavior, physical, written, verbal or electronic communication or the use of passive resistance, noise, threat, fear, intimidation, coercion, force or violence by a student that interrupts, interferes with or prevents an orderly and peaceful learning environment, interrupts, interferes with, obstructs or disrupts any lawful function or mission or process of any school or activity, causes or is reasonably foreseeable to cause a material or substantial disruption of the school environment or activity, endangers or is detrimental to or is reasonably foreseeable to endanger or be detrimental to the health or safety of the student or others or that causes or is reasonably foreseeable to cause a fight or create a hostile learning environment.

**Disorderly or disruptive behavior related to Section VI. B. 2. subparagraphs f. Dress and Appearance, h. Inappropriate Speech, Signs, Gestures and Behavior/Disruptive Behavior and i. Inappropriate Literature and Illustrations may be considered, in the administrator's discretion, a Class I Violation.**

### b. **Assault on a School Employee / Sexual Assault**

No student shall assault a school employee.

No student shall commit a sexual assault upon a student or other person or school employee.

An assault is defined as an overt or deliberate act or attempt or appearance of attempt to commit an overt or deliberate act with force and violence in order to immediately physically injure another person and with the show of force or menace of violence being sufficient to put a reasonable person in fear of immediate physical injury. An assault shall include, but is not limited to, fighting, intentionally hitting, striking, kicking, shoving, scratching, biting, blocking, emitting bodily fluids upon, using force upon, or passing or throwing objects, items or fluids at a student or other person who is not a school employee.

A student who is assaulted may use reasonable force in self-defense but only to the extent necessary to free himself/herself from the assault and notify proper school authorities. A student who exceeds this reasonable force may be disciplined even though he/she may not have provoked the assault or fight.

**It shall be a Class IV Violation if a student commits an assault upon any person involving the use of a weapon or other object that could reasonably be considered a weapon.**

### c. **Sexual Acts**

No student shall engage in sexual acts. Sexual acts shall include, but are not limited to, the touching or groping of his/her own private parts or sexual organs or

the private parts or sexual organs of another person, the use of any object or item in any sexual manner and sexual intercourse.

**d. Commission of a Crime**

No student shall commit a state or federal crime.

**e. Attempted Arson or Explosion**

No student shall use any material, item or substance in any manner in an attempt to cause or start a fire or explosion or in a manner that could reasonably cause or start a fire or explosion.

**It shall be considered a Class IV Violation if any student intentionally sets a fire on any school property, burns any school property or causes any school property to be burned.**

**It shall be considered a Class IV Violation if any student intentionally causes an explosion on school property.**

**f. Trespassing**

No student shall be on the campus of another school in this school system during the school day without the knowledge and consent of the officials of the school he/she is visiting.

No student shall be on any school property after the close of the school day without specific and legitimate permission, need or supervision.

No student shall be on any school property or shall attend any school activity after being prohibited to do so.

Any student who acts in violation of this provision will be considered a trespasser and may be prosecuted.

**g. Breaking and Entering School Property**

No student shall commit a breaking and entering upon any school property, real or personal.

**h. Robbery**

No student shall rob any person. Robbery is defined as the taking of anything of value from any person or from the areas under the immediate bodily control of a person, by force or by an act threatening force or violence that puts the victim in fear.

**i. False Fire Alarms**

No student shall deliberately "pull", initiate or make a false fire alarm.

**j. Possession of a Weapon Not Included in N.C.G.S. § 115C-391 (d1)**

No student shall possess on their person or within their custody or control, store or carry, whether open or concealed, without the consent of the school administrator, a weapon, defined as follows: Any BB gun, stun gun, facsimile of a gun, ammunition, bows and/or arrows, mace, pepper spray, incendiary device

(including, fireworks), air rifle, air pistol, knife, bowie knife, ice pick, switchblade knife, machete, dirk, dagger, slingshot, leaded cane, sword cane, blackjack, synthetic or metallic knuckles, numb chucks, razors, razor blades, box cutter or any other sharp pointed or edged instrument or any other object that can reasonably be considered a weapon or dangerous instrument.

This section shall not apply to a weapon used solely for educational or school-sanctioned ceremonial purposes or used in a school-approved program conducted under the supervision of an adult whose supervision has been approved by the school authority.

**k. Narcotics, Alcoholic Beverages, Controlled Substances, Chemicals and Drug Paraphernalia**

No student shall possess, use, consume, transmit, distribute, sell, exchange or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance, or any alcoholic beverage, malt beverage, fortified wine, spirituous liquor or other intoxicating liquor.

No student shall possess, use, consume, transmit, distribute, sell, exchange or be under the influence of any chemical, chemical compound or product with the intention of using it or enabling another student to use it to bring about a state of exhilaration of euphoria or otherwise alter the student's mood or behavior.

No student shall inhale or ingest any chemical or products with the intention of bringing about a state of exhilaration of euphoria or otherwise altering the student's mood or behavior.

No student shall possess, use, consume, transmit, distribute, sell, exchange or be under the influence of any prescription drug or medication that has not been lawfully prescribed for the particular student possessing or using the medication.

No student shall intentionally consume, ingest or inhale an excessive quantity of over-the-counter or prescription medication or drugs sufficient to impair the student's mental and/or physical capability to function in the school environment. An "excessive quantity" shall mean an amount greater than the recommended dosage or the amount prescribed.

No student shall possess, use, transmit, distribute, sell or exchange drug paraphernalia or counterfeit drugs or counterfeit controlled substances.

No student shall plan or participate in any way in the selling, distribution, transmission or exchange of substances, equipment, products or materials that are prohibited herein regardless of whether the sale, distribution, transmission or exchange ultimately occurs on school property.

As used in this policy, the term "controlled substances" includes but is not limited to any form of cocaine, marijuana, heroin, LSD, amphetamine, methamphetamine, barbiturate, hallucinogen and all drugs listed in the North Carolina Controlled Substances Act.

As used in this policy, the term "drug paraphernalia" includes, but is not limited to:

1. Testing equipment that can be used for identifying or analyzing the strength, effectiveness or purity of controlled substances;

2. Scales and balances that can be used for weighing or measuring controlled substances;
3. Diluents and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose and lactose that can be used in mixing with controlled substances;
4. Capsules, balloons, envelopes and other containers that can be used for packaging small quantities of controlled substances;
5. Hypodermic syringes, needles and other objects that can be used in parenterally injecting controlled substance in to the body;
6. Objects that can be used for ingesting, inhaling or otherwise introducing controlled substances into the body including, but not limited to:
  - a. Rolling papers;
  - b. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;
  - c. Water pipes;
  - d. Carburetion tubes and devices;
  - e. Smoking carburetion masks;
  - f. Roach clips or other objects for holding burning material, such as a marijuana cigarette;
  - g. Miniature cocaine or crack spoons and vials;
  - h. Chamber pipes;
  - i. Carburetor pipes;
  - j. Electric pipes;
  - k. Air-driven pipes;
  - l. Chillums;
  - m. Bonges;
  - n. Ice pipes or chillers;
7. All equipment, products and materials of any kind that are used to facilitate, or intended or designed to facilitate, violations of this policy and/or the North Carolina Controlled Substances Act including planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing and concealing controlled substances and injecting, ingesting, inhaling or otherwise introducing controlled substances into the human body; and;
8. All other equipment, products and materials defined or included as drug paraphernalia by the North Carolina General Statutes.

**I. Discrimination, Sexual Harassment, Harassment, Bullying or Hazing Resulting in Physical or Sexual Harm**

No student shall engage in discrimination, sexual harassment, harassment, bullying or hazing as defined in this policy and as defined in policy 1.7100 that results in physical or sexual harm to any person.

All complaints of discrimination, harassment or bullying against students shall be investigated promptly and thoroughly in accordance with policies 4.3501/7.1512.

**m. Gang Activity**

No student shall engage in gang activity. Gang activity shall include any act that furthers gang or gang-related activities including, but not limited to, the following:

- i) communicating either verbally, non-verbally or electronically through hand signs, gestures, handshakes, slogans, words, drawings or electronic means in order to convey membership or affiliation with a gang;
- ii) defacing school property with gang-related graffiti, symbols or slogans;

- iii) requiring payment of protections or insurance or otherwise intimidating or threatening any person in any way relating to gang activity;
- iv) inciting other students to intimidate or to act with physical violence upon any other person in any way relating to gang activity; and
- v) soliciting others for gang membership.

**n. Use of Counterfeit Drugs, Medication or Illegal Substance**

No student shall use any counterfeit drug, medication or illegal substance to obtain or attempt to obtain money, property or services.

**E. CLASS IV VIOLATIONS**

**1. Recommended Discipline for Class IV Violations**

Violations of this section by students (Class IV Violations) shall be reported to law enforcement and shall result in disciplinary action to the student as follows:

First Offense:	365 Day Suspension
Second Offense:	365 Day Suspension and subsequent Assignment to Alternative Program; or Expulsion
Subsequent Offenses:	Expulsion

Any school administrator may impose discipline on any student for any student behavior that violates this section in addition to any discipline that may be imposed for violation of any other provision of the Code of Student Conduct.

Any school administrator may impose discipline under this section on any student if the student aides, abets or encourages another student to violate this section.

**2. Class IV Violations**

The following violations shall be classified as Class IV Violations:

**a. Assault with a Weapon/ Assault Causing Serious Injury**

No student shall commit an assault upon any person involving the use of a weapon or other object that could reasonably be considered a weapon.

No student shall commit an assault upon any person that causes or results in serious injury to another person.

An assault is defined as an overt or deliberate act or attempt or appearance of attempt to commit an overt or deliberate act with force and violence in order to immediately physically injure another person and with the show of force or menace of violence being sufficient to put a reasonable person in fear of immediate physical injury. An assault shall include, but is not limited to, fighting, intentionally hitting, striking, kicking, shoving, scratching, biting, blocking, emitting bodily fluids upon, using force upon, or passing or throwing objects, items or fluids at any person.

A student who is assaulted may use reasonable force in self-defense but only to the extent necessary to free himself/herself from the assault and notify proper school authorities. A student who exceeds this reasonable force may be disciplined even though he/she may not have provoked the assault.

**b. Arson or Explosion**

No student shall intentionally set a fire on any school property, burn any school property or cause any school property to be burned.

No student shall intentionally cause or attempt to cause an explosion on school property.

**c. Possession of a Firearm or Powerful Explosive**

Except as specifically provided herein, no student shall possess on their person or within their custody or control, store or carry whether open or concealed, without the consent of the school administrator, a weapon defined as follows:

Any gun, rifle, pistol, firearm of any kind or as defined by the North Carolina General Statutes, or any dynamite cartridge, bomb, grenade, mine or other powerful explosive as defined in N.C.G.S. 14-284.1 or any other North Carolina General Statute, whether operable or inoperable.

This section shall not apply to a weapon used solely for educational or school-sanctioned ceremonial purposes or used in a school-approved program conducted under the supervision of an adult whose supervision has been approved by the school authority.

**d. Bomb Threat or Hoax**

No student shall, by any means of communication make a report, knowing or having reason to know the report is false, that there is located on any school premises a device designed to cause damage or destruction by explosion, blasting or burning.

No student shall place on any school premises with the intent of perpetrating a hoax, any device that would appear to a reasonable person to be a bomb or similar instrument capable of causing injury or damage.

**VII. INAPPROPRIATE CONDUCT, BEHAVIOR THAT CHALLENGES THE INTEGRITY OF THE SCHOOL ENVIRONMENT AND/OR SCHOOL OFFICIALS**

While this policy attempts to address inappropriate student conduct, the Board of Education recognizes that all inappropriate behaviors cannot be defined within the context of these sections. Therefore, the Board of Education delegates to the school administrators the authority to determine the appropriate discipline and consequences for inappropriate behaviors not specifically addressed in this policy and for student violations of other CCBOE policies.

## CHART FOR STUDENT CODE OF CONDUCT

<p><b>Class I Violations</b></p> <ul style="list-style-type: none"> <li>a. Insubordination / Non-Compliance with Directions of School Personnel</li> <li>b. Failure to Attend Assigned Classes or Activities</li> <li>c. Unauthorized Leaving of School</li> <li>d. Use of Tobacco Products and Tobacco Paraphernalia</li> <li>e. Falsification / Providing False Information</li> <li>f. Dress and Appearance</li> <li>g. Gambling</li> <li>h. Disruptive Behavior / Inappropriate Speech, Signs, Gestures and Behavior</li> <li>i. Inappropriate Literature and Illustrations</li> <li>j. Honor Code Violations</li> <li>k. Conducting or Soliciting Business on Campus</li> </ul>	<p><b>Class II Violations</b></p> <ul style="list-style-type: none"> <li>a. Aggressive Behavior</li> <li>b. Assault / Fighting</li> <li>c. Theft or Damage to Property</li> <li>d. Incendiary Devices / Combustible Materials / Devices Causing a Noise or Disturbance</li> <li>e. Discrimination, Bullying, Harassment and Hazing (<u>not resulting in physical contact or sexual harm to another person</u>)</li> <li>f. Communicating Threats</li> <li>g. Use of Counterfeit Items (<u>that are not counterfeit drugs, medication or illegal substance</u>)</li> <li>h. Extortion</li> <li>i. Unauthorized Use or Possession of Medication or Foreign Substances</li> </ul>
<p><b>Class I Punishment:</b>            1<sup>st</sup> Offense: ISD            2<sup>nd</sup> Offense: ISD; or OSS &lt;= 3 days            3<sup>rd</sup> Offense: ISD; or OSS &gt; 3 days and &lt;= 10days; or OSS&gt;10days and &lt;= remainder of the school year; or Assignment to Alternative Program; or Expulsion</p>	<p><b>Class II Punishment:</b>            1<sup>st</sup> Offense: ISD; or OSS &lt;= 10 days            2<sup>nd</sup> Offense: OSS &lt;= 10 days            3<sup>rd</sup> Offense: OSS &lt;= 10 days; or OSS&gt;10days and &lt;= remainder of the school year; or Assignment to Alternative Program; or Expulsion</p>
<p><b>Class III* Violations:</b></p> <ul style="list-style-type: none"> <li>a. Disorderly Conduct</li> <li>b. Assault on a School Employee / Sexual Assault</li> <li>c. Sexual Acts</li> <li>d. Commission of a Crime</li> <li>e. Attempted Arson or Explosion</li> <li>f. Trespassing</li> <li>g. Breaking and Entering School Property</li> <li>h. Robbery</li> <li>i. False Fire Alarms</li> <li>j. Possession of a Weapon Not Included in N.C.G.S. 115C-391 (d1)</li> <li>k. Narcotic, Alcoholic Beverages, Controlled Substance, Chemical and Drug Paraphernalia</li> <li>l. Discrimination, Bullying, Harassment and Hazing (<u>resulting in physical contact or sexual harm to another person</u>)</li> <li>m. Gang Activity</li> <li>n. Use of Counterfeit Drugs, Medication or Illegal Substance</li> </ul>	<p><b>Class IV* Violations:</b></p> <ul style="list-style-type: none"> <li>a. Assault with a Weapon / Assault Causing Serious Injury</li> <li>b. Arson or Explosion</li> <li>c. Possession of a Firearm or Powerful Explosive</li> <li>d. Bomb Threat or Hoax</li> </ul>
<p><b>Class III Punishment:</b>            1<sup>st</sup> Offense: OSS &lt;= 10 days; or OSS&gt;10days and &lt;= remainder of the school year            2<sup>nd</sup> Offense: OSS&gt;10days and &lt;= remainder of the school year; or Assignment to Alternative Program; or Expulsion            3<sup>rd</sup> Offense: OSS&gt;10days and &lt;= remainder of the school year; or Assignment to Alternative Program; or Expulsion</p>	<p><b>Class IV Punishment:</b>            1<sup>st</sup> Offense: 365 Day            2<sup>nd</sup> Offense: 365 Day Suspension and subsequent Assignment to Alternative Program; or Expulsion            3<sup>rd</sup> Offense: Expulsion</p>

\* Violations by Students that are Reportable to Law Enforcement

# CHART FOR STUDENT CODE OF CONDUCT

## VI. INFRACTIONS

### A. BUS/VEHICLE MISBEHAVIOR

Students shall obey all directives of any school bus driver, school employee or any driver of any vehicle owned, leased, operated or provided by CCBOE while riding any school bus or any vehicle owned, leased, operated or provided by CCBOE. School transportation is a privilege, not a right. The following conduct is specifically prohibited by any student riding any school bus or any vehicle owned, leased, operated or provided by CCBOE:

- delaying any bus or transportation schedule;
- refusing to obey the driver's or school employee's instructions or directives;
- tampering with or willfully damaging any vehicle owned, leased, operated or provided by CCBOE;
- getting off at an unauthorized bus stop;
- distracting the driver's attention by participating in disruptive behavior while the vehicle is in operation;
- failing to observe established safety rules and regulations;
- willfully trespassing upon a school bus or any vehicle owned, leased, operated or provided by CCBOE;
- attempting to open an emergency door; or
- violating any other rule of the code of student conduct while on the any school bus or other vehicle owned, leased, operated or provided by CCBOE.

Violation of this section will result in disciplinary action to the student as determined by the school administrator which shall include the following Recommended Discipline:

First Offense:	Temporary or permanent suspension from school transportation services; or ISD
Second Offense:	ISD; or OSS $\leq$ 10 days
Subsequent Offenses:	ISD; or OSS $\leq$ 10 days; or OSS $>$ 10days and $\leq$ remainder of the school year; or Assignment to Alternative Program; or Expulsion

Any school administrator may impose discipline on any student for any student misbehavior under this section **in addition to** any discipline that may be imposed for violation of any other provision of the student code of conduct.

Board of Education Policy 4.3600  
Administrative Procedure

CONFIDENTIALITY REQUIREMENTS FOR WORKING WITH STUDENTS  
WHERE THERE ARE SUBSTANCE ABUSE CONCERNS

A federal law and its implementing set of federal regulations guarantee the strict confidentiality of persons (including students or other minors) receiving alcohol and drug abuse services. The legal citations for the law and regulations are 42.U.S.C. (United States Code) §290dd-2; 42 C.F.R. (Code of Federal Regulations) Part 2. The law and regulations are designed to protect patients' privacy rights and thereby to attract people into treatment.

The federal confidentiality law and regulations protect any information about a student if the student has applied for or received any alcohol or drug abuse-related services – including assessment, diagnosis, counseling, group counseling, treatment or referral for treatment – from a covered program. The restrictions on disclosure apply to any information, whether or not recorded, that would identify the student as an alcohol or drug abuser, either directly or by implication. Any program that specializes, in whole or in part, in providing treatment, counseling an/or assessment and referral services for students with alcohol or drug abuse problems must comply with federal confidentiality regulations. 42 C.F.R. §2.12 (e). The federal regulations explicitly provide that specialized school-based substance abuse programs are subject to the regulations' confidentiality requirements. §2.12 (e) (1).

Alcohol and drug abuse education programs that are not designed to provide individual assessment, diagnosis, counseling treatment or referral are not covered. The federal regulations apply only to programs that are federally assisted, but this includes indirect forms of federal aid such as tax-exempt status, or state or local government funding that originated with the federal government. Virtually all programs in public schools, and many private school programs, will meet this requirement. Coverage under the federal regulations does not depend on the administrative structure of the program. A program that is run by a school district and staffed by school employees must comply with the federal law, as must a free-standing program or a program operated in a school on a contract basis by a community program.

The federal confidentiality law and regulations prohibit all disclosures of information about a student that would identify the student as an applicant for or recipient of alcohol or drug abuse services (either explicitly or implicitly.) The rule applies whether or not the information is recorded and whether or not a person making an inquiry already has the information, has other ways of getting it, enjoys official status, is authorized by state law, or comes armed with subpoena or search warrant. Information that is protected by the federal confidentiality regulations may always be disclosed after the student has signed a proper consent form. The regulations also permit disclosure without the client's consent in several situations, including medical emergencies, child abuse reports, and communications made within a program. All disclosures, and especially those made pursuant to a consent form, must be limited to information that is necessary to accomplish the need or purpose for the disclosure. §2.13(a). The student must always sign the consent form in order for a program to release information, even to his or her parent.

The restrictions on disclosure in these regulations do not apply to communications of information between or among personnel having a need for the information in connection with their duties that arise out of the provision of diagnosis, treatment, or referral for treatment of alcohol or drug abuse if the communications are (i) within a program or (ii) between a program and an entity that has direct administrative control over that program. §2.12(c)(3). Disclosures to other school personnel are exempt from confidentiality restrictions only if the disclosure is made (1) to someone who is part of the program or (2) to someone who is in direct administrative control of the program. In both circumstances, disclosures may only be

made if the other person or entity needs the information for the purpose of facilitating the provision of drug or alcohol-abuse related services to the student.

A subpoena, search warrant or arrest warrant, even when signed by a judge, is not sufficient, standing alone, to require or even to permit the disclosure of information. §2.61. “Before issuing an authorizing order, the court must find that there is “good cause” for the disclosure. A court can find “good cause” only if it determines that the public interest and the need for disclosure outweigh any adverse effect that the disclosure will have on the counselor-student relationship. A program may make disclosures to public or private medical personnel “who have a need for information about a patient for the purpose of treating a condition which poses an immediate threat to the health of the student or any other individual. The regulations limit “medical emergency” to situations that pose an immediate threat to health and require immediate medical intervention. §2.51.

In 1990, the U.S. Department of Education and the federal Alcohol, Drug Abuse and Mental Health Administration issued a joint opinion to clarify their position about the relationship between the FERPA regulations (34 C.F.R. Part 99) and the federal confidentiality regulations as those two sets of regulations apply to SAPs. FERPA defines “educational records” as information that is recorded in any way that is directly related to a student and is maintained by an educational agency or institution or by a party acting for such an agency or institution. There are a number of exemptions to FERPA’s requirements. First, FERPA does not apply to information that is not written. Second, FERPA exempts records “of instructional, supervisory, and administrative personnel and educational personnel ancillary to those persons that are kept in the sole possession of the maker of the record, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.” It is noted, however, that this exemption is strictly construed; notes lose their exempt status if they are shown to any person, including the student.”

Superintendent’s Signature \_\_\_\_\_ Date \_\_\_\_\_