# Code of Student Conduct
**Transylvania County Schools**

## INTRODUCTION

The Transylvania County Board of Education is committed to teaching responsibility and respect for cultural and ideological differences and to maintaining safe, orderly, and inviting schools. Each student in Transylvania County Schools is responsible for exhibiting the highest standards of behavior. The Code of Student Conduct (the "Code") outlines system-wide expectations for student behavior designed to provide the best possible learning environment. This Code does not restrict the authority of teachers, site-based teams, or principals to make individual school or class rules not inconsistent with the procedures outlined below.

Students are encouraged to make responsible choices regarding personal behavior and to seek the support, guidance, and intervention of school officials when needed. Mediation services are available to all students as a healthy and proactive process for guiding good decision making, resolving conflicts in a peaceful manner, and maintaining healthy relationships throughout the school environment.

### Applicability

Students must comply with the Code in the following circumstances:

1. While in any school building or on any school premises before, during, or after school hours;
2. While on any bus or other vehicle as part of any school activity;
3. While waiting at any school bus stop;
4. During any school-sponsored activity or extracurricular activity;
5. When subject to the authority of school employees; and,
6. At any place or time when the student's behavior has or is reasonably expected to have a direct and immediate impact on the orderly and efficient operation of the schools or the safety of individuals in the school environment.

### Definitions

- *Alternative Education Services* – part- or full-time programs, wherever situated, providing direct or computer-based instruction that allows a student to progress in one or more core courses
- *Board* – Transylvania County Board of Education
- *Day(s)*– school day(s*)* excluding teacher workdays, holidays, vacation days, and weekends
- *Destructive Device* – an explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one quarter ounce, mine, or other device similar to any of the devices listed
- *Expulsion* – the indefinite exclusion of a student from registering, enrolling, or attending any school under the operation of the Board for disciplinary purposes. This exclusion also includes riding in a school-owned or school-operated vehicle and prohibits the student from participating in school activities or entering any school property.
- *Firearm* – includes (1) a weapon, including a starter gun, which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; (2) the frame or receiver of any such weapon; and, (3) any firearm muffler or firearm silencer. The term "firearm" does not include an inoperable antique firearm, BB gun, stun gun, air rifle, or air pistol.
- *Long-Term Suspension* – exclusion from the school to which the student was assigned at the time of the disciplinary action and from participation in school activities or events for a period in excess of ten days but not to exceed the remainder of the school year, except that if the offense leading to the

long-term suspension occurs in the final quarter of the school year, the exclusion may extend to the end of the first semester of the following school year

- *Parent* – includes the natural parent, legal guardian, legal custodian, or other caregiver adult who is acting in the place of a parent and is entitled under state law to enroll the student in school
- *Principal* – includes the Principal and the Principal's designee
- *School Personnel* – includes (1) any Board employee; (2) any person working on school grounds or at a school function under a contract or written agreement with the school system to provide educational or related services to students; and, (3) any person working on school grounds or at a school function for another agency providing educational or related services to students
- *Short-Term Suspension* – exclusion from school and participation in school activities or events for up to ten days
- *Superintendent* – includes the Superintendent and the Superintendent's designee

**Interrogation and Searches of Students**

As outlined in Board Policy JFG, "Interrogations of Students," and Board Policy JFGA, "Searches of Students," students may be questioned and/or searched if it is necessary to maintain a safe and orderly school environment. The Board believes that students should be free from unreasonable search and seizure by school officials. School officials may search a student when a reasonable suspicion exists that the student has violated a school rule or broken a law.

Since student lockers are school property, they may be inspected at any time.

When law enforcement authorities have initiated the search, or are directly involved in the search, the search will be conducted under criminal law standards rather than under the provisions of this policy.

The Board will not prohibit law enforcement agents from attempting to question students at school if any of the following conditions exist:

1. Parental consent;
2. A court order involving the student(s); or,
3. A warrant involving the student(s).

Any of these three stated conditions provide sufficient justification for law enforcement agents to escort students to other locations for questioning. Should a law enforcement agent present a court order or warrant for a student, reasonable efforts will be made to contact the parents if they have not been previously notified.

**Reports to Law Enforcement**

As outlined in Board Policy JFCA, "Criminal Behavior," principals shall report to law enforcement certain criminal offenses that occur on school property when the principal has personal knowledge, actual notice, or a reasonable belief that the following criminal acts have occurred, regardless of the age or grade of the perpetrator or victim: (1) assault resulting in 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; and, (10) possession of a controlled substance in violation of the law. Additionally, the principal may notify law enforcement of any other potential criminal conduct or incident which may jeopardize the safety, security, or well-being of the school environment.

The principal shall notify the superintendent in writing or by e-mail of any report made to law enforcement. Such notice must occur by the end of the workday in which the incident occurred, when reasonably

possible, but not later than the end of the following workday. The superintendent must inform the Board of any such reports. In addition, the principal must notify the parents or guardians of students who are alleged to be victims of any reported offenses.

Certain crimes must be reported to the State Board of Education in accordance with State Board of Education Policy HRS-A-000.

**Consequences and Behavioral Interventions**

Violation of Board policies, the Code, regulations issued by the individual school or an individual teacher, or North Carolina law may result in disciplinary action. Principals shall inform students at the beginning of each school year of the contents of the Code and any school rules that may result in discipline. Most disciplinary consequences can occur with the student remaining in an educational environment. Illustrative examples of in-school disciplinary consequences available to principals include, but are not limited to:

1. Parental involvement, such as conferences;
2. Isolation or time-out for short periods of time;
3. Behavior improvement agreements;
4. Instruction in conflict resolution and anger management;
5. Mediation;
6. Individual or small group sessions with the school counselor;
7. Academic intervention;
8. In-school suspension;
9. Detention before and/or after school or on Saturday;
10. Community service;
11. Exclusion from graduation ceremonies;
12. Exclusion from extracurricular activities;
13. Suspension from bus privileges; and,
14. Placement in an alternative school.

As outlined in Board Policy JGA, "Corporal Punishment," the Board prohibits corporal punishment, believing other consequences are more appropriate and effective for teaching self-control. No employee, student teacher, or volunteer may use corporal punishment with any student. The use of reasonable force as permitted by law, including force necessary to protect oneself or others, is not considered corporal punishment.

When, in the judgment of the school principal, a student's behavior warrants an out-of-school suspension, the principal may impose a short-term suspension or, for more serious violations of the Code, may recommend a long-term suspension, a 365-day suspension, or expulsion. Suspensions of greater than ten days are reserved for serious misconduct that either threatens the safety of others within the school or threatens to substantially disrupt the educational environment.

In determining the appropriate consequence for a violation of this Code, principals shall consider all aggravating or mitigating circumstances they deem relevant. Examples of aggravating or mitigating circumstances that may be considered include, but are not limited to:

1. The student's age;
2. The student's intent;
3. The student's disciplinary history, including number of infractions and prior discipline for the same violation;
4. The student's academic history;
5. Whether the conduct caused a threat to safety;

6. Whether school property or personal property was damaged;
7. Whether the conduct caused a substantial disruption of the educational environment; and,
8. Whether a weapon was involved and whether any injury resulted.

The Code is leveled to indicate the severity of the violation and the type of consequence. The principal shall inform students of local school rules that, if broken, may result in suspension from school.

- **Level I** rule violations should generally result in in-school interventions in lieu of out-of-school suspensions. In cases where a student refuses to participate in the in-school interventions or engages in persistent violations of a Level I rule, or other aggravating factors are present, the principal may impose a short-term suspension. The procedures established by Board Policy JGD, "Short-Term Suspension," shall be followed when disciplinary consequences for a Level I rule violation include suspension for fewer than ten (10) days. Any short-term suspension for truancy or tardiness shall not exceed two (2) school days and shall only occur following documented interventions. Level I rule violations may not result in long-term suspension.

- **Level II** rule violations involve more serious misconduct that may warrant short-term suspension. The procedures established by Board Policy JGD, "Short-Term Suspension," shall be followed when disciplinary consequences for a Level II rule violation include suspension for fewer than ten (10) days. Principals may recommend a long-term suspension based upon the presence of aggravating factors. The procedures established by Board Policy JGDA, "Long-Term Suspension, 365-Day Suspension, and Expulsion," shall be followed when disciplinary consequences for a Level II rule violation include the principal's recommendation for suspension in excess of ten (10) days.

- **Level III** rule violations are more severe in nature and support long-term suspension. The procedures established by Board Policy JGDA, "Long-Term Suspension, 365-Day Suspension, and Expulsion," shall be followed when disciplinary consequences for a Level III rule violation include the principal's recommendation for suspension in excess of ten (10) days. The principal may impose a short-term suspension based on mitigating factors. The procedures established by Board Policy JGD, "Short-Term Suspension," shall be followed when disciplinary consequences for a Level III rule violation include suspension for fewer than ten (10) days.

- **Level IV** rule violations compromise the safety and welfare of students and staff and require a suspension of a specific length under the North Carolina General Statutes. In such cases, the procedures established by Board Policy JGDA, "Long-Term Suspension, 365-Day Suspension, and Expulsion," shall be followed.

- **Level V** allows for expulsion of a student, as provided by state law, for a violation of the Code, if (1) the student is fourteen years of age or older, (2) the student's behavior indicates that his or her continued presence in school constitutes a clear threat to the safety of other students or employees, and (3) the Board determines that there is no appropriate alternative education program. Additionally, any student who is a registered sex offender under N. C. Gen. Stat. § 14-208 may be expelled consistent with state law. The procedures established by Board Policy JGDA, "Long-Term Suspension, 365-Day Suspension, and Expulsion," shall be followed.

## VIOLATIONS AND CONSEQUENCES

**Level I** violations result in in-school disciplinary consequences or possible short-term suspension due to aggravating factors, and include:

**I-1 Inappropriate Language.** Cursing and the use of vulgar, profane, or obscene language is prohibited.

**I-2 Attendance.** Students shall attend school regularly. Students shall be considered truant and subject to discipline whenever they are absent from school without a valid excuse or not in class or an approved instructional activity during the school day. Arriving late to class, skipping class or school, leaving the school campus without permission, and being in an unauthorized area on the school campus are prohibited.

**I-3 Cheating.** Cheating includes the actual giving or receiving of any unauthorized aid or assistance or the actual giving or receiving of unfair advantage on any form of academic work.

**I-4 Plagiarism.** Plagiarism includes the copying of the language, structure, idea and/or thought of another and representing it as one's own original work. Plagiarism may include a grade of zero (0) for the assignment or paper in addition to other disciplinary consequences.

**I-5 Falsification.** Falsification includes the verbal or written statement of any untruth.

**I-6 Compliance with Directions.** Students shall comply with all reasonable directions of principals, teachers, substitute teachers, student teachers, teacher assistants, bus drivers, and all other school personnel who are authorized to give such directions.

**I-7 Disrespect of Other Students.** Students shall not mistreat fellow students or act in a way that interferes with the ability of other students to learn in a peaceful and safe environment.

**I-8 Disruptive Behavior.** A student may not use any means to interrupt or interfere with teaching or orderly conduct of school activities.

**I-9 Wireless Communication and Electronic Devices.** As outlined in Board Policy JI, "Wireless Communication and Electronic Devices," the Board regards the possession of a wireless communication and/or electronic device as a privilege. The use of these devices can also be a disruption to the instructional process and create a safety hazard.

Students and parents assume the risk of loss when an electronic device is brought onto school grounds for any reason. The school system is not responsible for the loss of, theft of, or damage to any wireless communication and/or electronic device, including any such device confiscated by school personnel. Nothing in this policy shall prevent a principal from immediately banning from school the possession of any item or device when used in the violation of a specific provision of the Code for which a more stringent punishment is warranted.

No elementary student shall have in their possession on school property any wireless communication and/or electronic device, including but not limited to cell phones, laser pointers, paging devices, two-way radios, iPods, any devices possessing photographic capabilities, CD/MP3 players, electronic games, PDAs, Bluetooth devices, or other communication and/or electronic devices not specified capable of the same or similar functions.

Except as provided below, no high school or middle school students shall use, have in view, or have on their person or in their personal belongings during the instructional day (from the beginning school bell

until the dismissal bell) any wireless communication and/or electronic device, including but not limited to cell phones, laser pointers, paging devices, two-way radios, iPods, any devices possessing photographic capabilities, CD/MP3 players, electronic games, PDAs, Bluetooth devices, or other communication and/or electronic devices not specified capable of the same or similar functions. All such devices must be stored in locked cars or locked lockers during the instructional day. Devices in lockers must be in the "off" position and shall be stored in such a manner as to make them inaccessible during the instructional day.

High school and/or middle school students, with permission from their principal, may have wireless communication and/or electronic devices in their possession on yellow school buses. However, all such devices must be in the "off" position and shall be stored in such a manner as to make them inaccessible during the bus ride. The use of such devices on white activity buses is at the discretion of the sponsor/coach in charge of the white activity bus.

School administrators have the right to conduct searches of students upon reasonable suspicion to ensure the enforcement of this policy. Any school staff member witnessing a violation of this policy at his/her school shall report it to a school administrator immediately.

An "offense" shall occur each time this policy is violated, regardless of the specific device or devices involved. However, the possession of multiple devices at one time shall be regarded as one offense. The consequences for violation of this policy are:

1. **First Offense –** The device will be confiscated and a parent conference with the principal will be held. A contract must be signed by the parent/legal guardian, student, and principal.
2. **Second Offense –** The device will be confiscated and a parent conference with the principal will be held. At the discretion of the principal, the student may receive either a three-day in-school or out-of-school suspension. The device will be returned to the parent after a maximum of forty-five (45) calendar days or sooner at the discretion of the principal.
3. **Third Offense –** The device will be confiscated and a parent conference with the principal will be held. At the principal's discretion, the student may receive either a five-day in-school or out-of-school suspension. The device will be returned to the parent after a maximum of ninety (90) calendar days or sooner at the discretion of the principal.
4. **Possession of a wireless communication and/or electronic device during a test or quiz –** In addition to the above consequences, a grade of zero (0) will be assigned for the test or quiz. Any student who has a visible cell phone or one that rings during a test will be considered cheating on that test. In addition, any student who has a visible cell phone or one that rings during a test will go to the second offense outlined in this section, even if the student has no prior history of being caught with a cell phone.

Any student not following the directives of a school employee during the confiscation of any device is subject to disciplinary action at the discretion of the principal.

The principal may give special approval (at the request of the teacher) for the possession and/or use of electronic devices by a student(s) for special instructional activities during the school day(s).

The use of a wireless communication/electronic device in a criminal act will result in prosecution.

**I-10 Student Dress Code.** As outlined in Board Policy JFCE, "Student Dress Code," Transylvania County Schools' student dress code is established to teach grooming and hygiene, instill discipline, prevent disruption, avoid safety hazards, and teach respect for authority.

Students in an educational setting shall be modestly dressed and groomed in a manner that is clean and neat and that will not be a health hazard to themselves or others. The Board prohibits clothing or grooming that,

in the principal's judgment, may be lewd, offensive, vulgar, suggestive, obscene, or may reasonably be expected to cause disruption or interfere with normal school operations. Also prohibited are items of clothing with slogans that promote or encourage the use of tobacco products, alcohol beverages, or illegal drugs. Students should dress for success. Therefore, pajamas, slippers, and excessively casual attire should not be worn. Caps, hats, and other head coverings may not be worn indoors at the elementary or middle schools. Caps may be worn only in the hallways at the high school level.

THE CLOTHING DESCRIBED BELOW IS ACCEPTABLE AND APPROPRIATE. If the clothing is NOT described below, then it is considered unacceptable and will constitute a violation of the dress code:

1. Pants, shorts, skirts, and dresses must be knee-length. Holes, slits, or tears in garments above knee length are not acceptable.
2. All tops must be loose-fitting, must have sleeves, and must have an appropriate neckline that is not revealing. Cleavage cannot be visible at any time.
3. All students must have shirts that are tucked in or long enough to cover the midsection when standing, leaning, bending, or sitting.
4. Undergarments cannot be inappropriately visible at anytime.
5. No other type of headgear may be worn in the building (e.g., bandannas, do-rags).
6. Pants must be worn at the natural waistline.
7. Trench coats are not to be worn.

Consequences for Violations of the Dress Code Policy

1. **First Offense** – Students will be warned and directed to change clothes or correct the violation.
2. **Second Offense** – Students will be assigned to lunch detention and directed to change clothes or correct the violation.
3. **Third Offense** – Students will be referred to the office for insubordination and directed to change clothes or correct the violation.

This policy does not apply to school-sanctioned uniforms and costumes approved by the principal for athletic, choral, or dramatic performances.

**I-11 Gambling.** Students shall not participate in any unauthorized games of chance in which money or other items of value may be won or lost.

**I-12 Disruptive or Indecent Images, Literature, or Illustrations.** The possession or distribution of images, literature or illustrations that are vulgar, indecent, or obscene or that significantly disrupt the educational process is prohibited.

**I-13 Use of Tobacco.** As outlined in Board Policy Board Policy GBK, "Tobacco-Free Schools," students are prohibited from using or possessing any tobacco product: (1) in any school building, on any school campus, and in or on any other school property owned or operated by the Board, including school vehicles; (2) at any school-related activity, including athletic events; or, (3) at any time when the student is subject to the supervision of school personnel, including during school trips. For purposes of this provision, "tobacco product" means any product that contains or that is made or derived from tobacco and is intended for human consumption, including electronic cigarettes and all lighted and smokeless tobacco products. No tobacco use is allowed in buildings, on campus, in school vehicles (or vehicles used for school related transportation), or at school sponsored events. No student may possess tobacco products, matches, or lighters.

Nothing herein prohibits the use or possession of tobacco products for an instructional or research activity conducted in a school building, provided that the activity is conducted or supervised by a faculty member and that the activity does not include smoking, chewing, or otherwise ingesting tobacco.

Consequences for Tobacco Possession and/or Use

1. **First Offense –** One (1) day of in-school suspension or C-STOP. The student will be provided with educational materials regarding tobacco cessation.
2. **Second Offense –** Two (2) days of in-school suspension or C-STOP
3. **Third Offense –** One (1) day of out-of-school suspension
4. **Fourth Offense –** Two (2) days of out-of-school suspension

**I-14 Misconduct on a School Vehicle.** As outlined in Board Policy JFCC, "Student Conduct on School Buses," the Board recognizes the importance of safety on school buses as related to student welfare and an efficient transportation system. Misbehavior in any form on a bus is a safety hazard and will not be tolerated. Minor offenses will merit a warning, and repeated minor offenses or serious misbehavior will result in parent notification, punishment, and possible removal from the bus for extended periods of time. A student could lose bus privileges immediately for a serious misbehavior. A student who damages or defaces a bus must pay for the damage in addition to receiving appropriate disciplinary action. Illustrative examples of inappropriate behavior as a bus passenger include, but are not limited to:

1. Pushing or shoving;
2. Hand(s), arm(s), or leg(s) out window;
3. Getting off at an unauthorized stop;
4. Indecent language;
5. Not keeping assigned seat;
6. Use of tobacco and/or illegal substance on bus;
7. Boisterous and/or distracting behavior;
8. Eating and/or drinking on bus;
9. Fighting at bus stop or on bus;
10. Throwing objects out of window;
11. Tampering with and/or damage to any part of the bus, including the emergency door;
12. Refusal to adhere to a reasonable request of a bus driver, including failure to sit up and face forward in bus seats and/or discontinue loud talking;
13. Spitting on the bus and/or out of the window;
14. Use of cigarette lighter and/or matches on the bus;
15. Providing a substitute driver with false information;
16. Indecent physical expression and/or indecent exposure; and,
17. Other inappropriate behavior that could create a safety hazard or dangerous situation.

Elementary and Middle School Consequences

1. **First Offense –** Warning and/or other appropriate disciplinary action, including suspension from the bus for three (3) or more days for a first offense deemed to be extreme and/or dangerous
2. **Second Offense –** Three-day suspension from the bus or other appropriate disciplinary action
3. **Third Offense –** Five-day suspension from the bus or other appropriate disciplinary action
4. **Fourth Offense –** Ten-day suspension from the bus or other appropriate disciplinary action
5. **Fifth Offense –** Suspension from the bus for the remainder of the school year. If the suspension occurs prior to October 1, then the student *may* be permitted to ride again beginning January 1 if deemed appropriate by the principal.

High School Consequences

1. **First Offense –** Three-day suspension from the bus
2. **Second Offense –** Five-day suspension from the bus
3. **Third Offense –** Ten-day suspension from the bus
4. **Fourth Offense –** Suspension from the bus for the remainder of the school year. If the suspension occurs prior to October 1, then the student *may* be permitted to ride again beginning January 1 if deemed appropriate by the principal.

In addition to imposing bus disciplinary consequences, the principal may also impose school-level disciplinary consequences if specific circumstances warrant additional disciplinary action. (See also Rule II-11 in this Code for additional information.) Nothing in this section prohibits the principal from imposing a long-term bus suspension for severe violations of the Code that threaten the health, safety, or welfare of school bus passengers.

Parents shall be notified concerning inappropriate behavior and disciplinary action taken.

**I-15 Inappropriate displays of affection.** As outlined in Board Policy JFCK, "Student Public Display of Affection," the Board believes that an atmosphere must be established that promotes an optimum learning environment for all students. Appropriate social behaviors in an educational setting contribute to a positive learning environment for all students. Learning and practicing socially acceptable behavior are important aspects of the students' education. The Board explicitly prohibits public display of affection except for hand holding at the high school level.

**Level II** violations result in short-term suspension, the principal's recommendation for long-term suspension with aggravating factors, or in-school disciplinary consequences with mitigating factors, and include:

**II-1 Verbal Abuse.** Students may not direct toward any school employee cursing, threats, or language that is abusive or threatening. Using profane, indecent, or threatening language to any person over the telephone; annoying or harassing by repeated telephoning; or, making false statements over the telephone is prohibited. Serious infractions may be considered Level III violations resulting in more severe consequences.

**II-2 Threat/False Threat.** As outlined in Board Policy JFC, "Student Conduct/Discipline," students are prohibited from directing toward any other person any language that threatens force, violence, or disruption or any sign or act that constitutes a threat of force, violence, or disruption. See also Rule III-5 and Rule III-7 in this Code for additional information regarding bomb threats and terrorist threats.

**II-3 Bullying and Harassment.** As outlined in Board Policy ACB, "Interpersonal Human Relations and Student Grievance Procedures," and Board Policy JFC, "Student Conduct/Discipline," the Board will not tolerate inappropriate behavior or language which results in harassment, bullying, or discrimination based on race; color; religion; ancestry; national origin; gender; sex; age; socioeconomic status; academic status; gender identity; physical appearance; sexual orientation; pregnancy; or, mental, physical, developmental or sensory disability or by association with a person who has or is perceived to have one or more of these characteristics. Any student who believes he has been the victim of such behavior should report it to the principal, who will investigate and determine further appropriate action. All matters involving interpersonal human relations complaints shall remain confidential. Acts of retaliation against a student for filing a report under the provisions of this policy will not be tolerated.

**II-4 Sexual Harassment.** No student shall engage in any conduct prohibited by Board Policy AACA, "Sexual Harassment."

**II-5 Fighting/Physical Aggression.** No student may intentionally hit, shove, scratch, bite, block the passage of, or throw objects at a student or other person. No student shall take any action or make any comments or written messages intended to cause others to fight or which might reasonably be expected to result in a fight.

A student who is attacked may use reasonable force in self-defense, but only to the extent necessary to get free from the attack and notify proper school authorities. A student who exceeds reasonable force may be disciplined even though someone else provoked the fight.

Fighting at the elementary school level will result in the following disciplinary consequences:

1. **First Offense –** The student will be placed in in-school suspension for one (1) day. The principal will consult the School Resource Officer, and offenders may be charged.
2. **Second Offense –** The student will be placed in in-school suspension for three (3) days. A behavior contract will be developed for the student. The principal will consult the School Resource Officer, and offenders may be charged.
3. **Third Offense –** The student will be placed in in-school suspension for five (5) days. The principal will consult the School Resource Officer, and offenders may be charged.

Fighting at the middle and high school level will result in the following disciplinary consequences:

1. **First Offense –** The student may be suspended for up to three (3) days. The parent will be notified to pick up the student. The principal will consult the School Resource Officer, and offenders may be charged.
2. **Second Offense –** The student may be suspended for three (3) to five (5) days. The parent will be notified to pick up the student. Law enforcement officials will be notified, and offenders may be charged. A behavior contract will be developed for the student.
3. **Third Offense –** The student may be suspended for up to ten (10) days, and the principal may recommend the student's long-term suspension to the superintendent. The parent will be notified to pick up the student. Law enforcement will be notified, and offenders may be charged.

Parents will be encouraged to meet with the School Resource Officer to discuss the consequences of any possible criminal charges.

**II-6 Hazing.** N. C. Gen. Stat. § 14-35 defines *hazing* as "subjecting another student to physical injury as part of an initiation, or as a prerequisite to membership into any organized school group, including any society, athletic team, fraternity or sorority or other similar group." No group or individual shall require a student to wear abnormal dress, play abusive or ridiculous tricks on him/her, frighten, scold, swear, harass or subject him/her to personal indignity.

**II-7 Theft or Damage to Property.** As outlined in Board Policy JFC, "Student Conduct/Discipline," students are prohibited from stealing or attempting to steal school or private property and/or from knowingly being in possession of stolen property. Students are also prohibited from damaging or attempting to damage school or private property.

**II-8 Arson.** Starting a fire or attempting to start a fire on school property is prohibited unless specifically authorized by school officials.

**II-9 False Fire Alarms.** No student shall falsely set off, attempt to falsely set off, or aid and abet anyone in falsely setting off a fire alarm at school.

**II-10 Trespassing.** As outlined in Board Policy JFC, "Student Conduct/Discipline," students are prohibited from trespassing on school property. A student will be considered a trespasser and may be criminally prosecuted in any of the following circumstances:

1. The student is on the campus of a school to which he or she is not assigned during the school day without the knowledge and consent of the officials of that school;
2. The student is loitering at any school after the close of the school day without any specific need or supervision; or,
3. The student has been suspended from school but is on the property of any school during the suspension period without the express permission of the principal.

**II-11 School Transportation Disturbance.** Any physical or verbal disturbance that occurs on a school transportation vehicle and that interrupts or interferes with the safe and orderly operation of the vehicle is prohibited. Violations of this rule may result in removal from school transportation in addition to other disciplinary consequences available under this policy. (See also Rule I-14 in this Code and Board Policy JFCC, "Student Conduct on School Buses" for additional information.)

**II-12 Computer Misuse.** Individual users of school-provided Internet service and computers are expected to abide by Board Policy IIBG, "Technology Acceptable Use." In addition to the provisions of that policy, the following behaviors are specifically prohibited:

1. Sending or displaying offensive, vulgar, crude, or threatening messages or pictures;
2. Using obscene language;
3. Harassing, insulting or attacking others;
4. Damaging computers, computer systems, software, or computer networks;
5. Violating copyright laws;
6. Using another's ID and/or password;
7. Illegal use of data in folders or work files;
8. Intentionally wasting limited resources, including distributing mass e-mail messages, creating and participating in unauthorized news groups, and storing files on file servers without proper authorization; and,
9. Employing the network for commercial purposes.

Disciplinary consequences for violations of Board Policy IIBG, "Technology Acceptable Use," include restitution of costs incurred through damage, including loss and/or repair; limitation or cancellation of user privileges; criminal prosecution; and, short-term suspension. Nothing in this section shall inhibit the principal's authority to recommend long-term suspension for computer misuse that violates other rules established by the Code.

**Level III** violations may result in the principal's recommendation for long-term suspension or possible short-term suspension with mitigating factors, and include:

**III-1 Assault on School Personnel.** As outlined in Board Policy GBEAA-R, "Staff Protection," the Board values its employees and will prosecute to the fullest extent of the law anyone who assaults an employee. Job-related assault will be defined as any verbal assault, physical assault, or battery upon an employee which takes place at any time during an employee's performance of work-related duties, either on educational property or off.

An assault on school personnel by a student shall result in a minimum ten (10) day short-term suspension from school. The assault of a school bus driver by a student shall result in a minimum one-hundred eighty (180) day suspension from the bus and a minimum ten (10) day short-term suspension from school. The principal may recommend long-term suspension as a result of aggravating factors. If a teacher is assaulted

or injured by a student and as a result the student is long-term suspended, expelled, or assigned to alternative education, then the student shall not be returned to that teacher's classroom unless the teacher consents.

**III-2 Assault on Another Student.** No student may cause or attempt to cause serious physical injury to another student.

**III-3 Coercion or Extortion.** No student may use force or violence or threat of force or violence to obtain money, property, or personal services from another student.

**III-4 Weapons.** As outlined in Board Policy JGDC, "Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety," the Board will not tolerate the presence of weapons. Any student who violates this policy will be removed from the classroom or school environment for as long as is necessary to provide a safe and orderly environment for learning. Students are prohibited from possessing, handling, using, or transmitting, whether concealed or open, any weapon or any instrument that reasonably looks like a weapon or could be used as a weapon, including loaded and unloaded firearms, including guns, pistols, and rifles; destructive devices such as explosives, dynamite cartridges, bombs, grenades, and mines; knives, including pocket knives, bowie knives, switchblades, dirks, and daggers; slingshots and slungshots; leaded canes; blackjacks; metal knuckles; BB guns; air rifles and air pistols; stun guns and other electric shock weapons such as tasers; icepicks; razors and razor blades (except those designed and used solely for personal shaving); fireworks; and, any sharp pointed or edged instruments except unaltered nail files and clips and tools used solely for preparation of food, instruction, and maintenance. Examples of other objects that may be considered weapons are box cutters and other types of utility blades and blowguns.

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

This section does not apply to Board-approved and Board-authorized activities for which the Board has adopted appropriate safeguards to protect student safety.

A student who in any way encourages another student to bring weapons to school also endangers the safety of others. No student shall knowingly or willfully cause, encourage, or aid any other student to possess, handle, or transmit any of the weapons or facsimiles of weapons listed above.

Please refer to **Level IV** violations for additional information regarding firearms and destructive devices.

**III-5 Bomb Threats.** As outlined in Board Policy JGDC, "Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety," students are prohibited from making, aiding, and/or abetting in making a bomb threat or perpetrating a bomb hoax against school system property by making a false report that a device designed to cause damage or destruction by explosion, blasting, or burning is located on school property. No student may knowingly or willfully cause, encourage, or aid another student to make a bomb threat or perpetrate a bomb hoax. Any student who becomes aware that another student or other person intends to use a bomb, make a bomb threat, or perpetrate a bomb hoax must notify a teacher or the principal immediately.

**III-6 Drugs and Alcohol.** As outlined in Board Policy JGDB, "Drugs and Alcohol," unauthorized or illegal drugs and alcohol are a threat to safe and orderly schools and will not be tolerated. The superintendent is responsible for ensuring that this policy is consistently applied throughout the school

system. Students are prohibited from possessing, using, transmitting, selling or being under the influence of any of the following substances:

1. Narcotic drugs;
2. Hallucinogenic drugs;
3. Amphetamines;
4. Barbiturates;
5. Marijuana or any other controlled substance;
6. Synthetic stimulants, such as MDPV and mephedrone (e.g., "bath salts"), and synthetic cannabinoids (e.g., "Spice," "K2");
7. Any alcoholic beverage, malt beverage, fortified or unfortified wine, or other intoxicating liquor; or,
8. Any chemicals, substances, or products procured or used with the intention of bringing about a state of exhilaration or euphoria or of otherwise altering the student's mood or behavior.

Students also are prohibited from possessing, using, transmitting, or selling drug paraphernalia or counterfeit (fake) drugs. Students may not participate in any way in the selling or transmitting of prohibited substances, regardless of whether the sale or transmission ultimately occurs on school property.

Possession or use of prescription and over-the-counter drugs is not in violation of this policy if such drugs are possessed and used in accordance with Policy JHCD, "Administering Medicines to Students." The principal may authorize other lawful uses of substances that are otherwise prohibited by this policy, such as for approved school projects.

As required by Policy JFCA, "Criminal Behavior," the principal must report to the appropriate law enforcement agency any student who has used or possessed prohibited substances in violation of this policy. All prohibited behaviors outlined in this policy are deemed to constitute "serious violations" pursuant to Board Policy JFC, "Student Conduct/Discipline," and the disciplinary consequences for those prohibited behaviors shall be consistent therewith. The Board is concerned for the well-being of students who are substance abuse offenders and recognizes their need to remain in school and continue their education. Therefore, voluntary participation in Transylvania County Schools' Substance Abuse Offenders Program may be provided, in conjunction with other disciplinary consequences, as an alternative to long-term suspension for first-time substance abuse offenders. Please see Board Policy JGDB, "Drugs and Alcohol," for additional information about the Substance Abuse Offenders Program

**III-7 Terrorist Threats.** As outlined in Board Policy JGDC, "Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety," students are prohibited from making, aiding, conspiring, and/or abetting in making a terrorist threat or perpetrating a terrorist hoax against school system property by making a false report that a device, substance, or material designed to cause harmful or life-threatening injury to another person is located on school property.

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

**III-8 Clear Threats to Student and Employee Safety.** As outlined in Board Policy JGDC, "Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety," students are prohibited from engaging in behavior that constitutes a clear threat to the safety of other students or employees. Behavior constituting a clear threat to the safety of others includes, but is not limited to:

1. Theft or attempted theft by a student from another person by using or threatening to use a weapon;

2. The intentional and malicious burning of any structure or personal property, including any vehicle;
3. An attack or threatened attack by a student against another person wherein the student uses a weapon or displays a weapon in a manner found threatening to that person;
4. An attack by a student on any employee, adult volunteer, or other student that does not result in serious injury but that is intended to cause or reasonably could cause serious injury;
5. An attack by a student on another person whereby the victim suffers obvious severe or aggravated bodily injury, such as broken bones, loss of teeth, possible internal injuries, laceration requiring stitches, loss of consciousness, or significant bruising or pain; or whereby the victim requires hospitalization or treatment in a hospital emergency room as a result of the attack;
6. Any intentional, highly reckless, or negligent act that results in the death of another person;
7. Confining, restraining, or removing another person from one place to another, without the victim's consent or the consent of the victim's parent, for the purpose of committing a felony or for the purpose of holding the victim as a hostage, for ransom, or for use as a shield;
8. The possession of a weapon on any school property, including in a vehicle, with the intent to use or transmit for another's use or possession in a reckless manner so that harm is reasonably foreseeable;
9. Taking or attempting to take anything of value from the care, custody, or control of another person or persons, by force, threat of force, or violence, or by putting the victim in fear;
10. Any unauthorized and unwanted intentional touching, or attempt to touch, by one person of the sex organ of another, including the breasts of the female and the genital areas of the male and female;
11. The possession, manufacture, sale or delivery, or any attempted sale or delivery, of a controlled substance in violation of Chapter 90 of the North Carolina General Statutes;
12. Any behavior resulting in a felony conviction on a weapons, drug, assault or, other charge that implicates the safety of other persons; and,
13. Any other behavior that demonstrates a clear threat to the safety of others in the school environment.

**III-9 Gangs and Gang Activities.** As outlined in Board Policy JFCB, "Gang-Related Activity," gang-related activity is strictly prohibited within the schools. As it is used within this Code, "gang-related activity" means (1) any conduct that is prohibited by Board policy and is engaged in by a student on behalf of an identified gang or as a result of the student's gang membership, or (2) any conduct engaged in by a student to perpetuate, proliferate, or display the existence of any identified gang. Prohibited behaviors include, but are not limited to:

1. Wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, emblems, badges, symbols, signs, or other items with the intent to convey membership or affiliation in a gang;
2. Communicating either verbally or non-verbally (gestures, handshakes, slogans, drawings, etc.) with the intent to convey membership or affiliation in a gang;
3. Tagging, or otherwise defacing school or personal property with symbols or slogans intended to convey membership or affiliation in a gang;
4. Requiring payment of protection, insurance, or otherwise intimidating or threatening any person related to gang activity;
5. Inciting others to intimidate or to act with physical violence upon any other person related to gang activity;
6. Soliciting others for gang membership; and,
7. Committing any other illegal act or other violation of school system policies in connection with gang-related activity.

Current information on gang-related activities is maintained in the main office at each school. This information is subject to change, and the principal should be consulted for updates. Additional information identifying gang signs, symbols, clothing, and other gang indicators may be found on the website of the *Partnership for a Gang Free North Carolina* at http://www.ncgangcops.org/gfnc.html or by contacting the School Resource Officer in any school.

Before being punished for a violation of subsection 1 or 2, above, a student shall receive an individualized warning as to what item or conduct is in violation of this policy and shall be permitted to immediately change or remove any prohibited items. A student may be punished only if he or she previously received notice that the specific item or conduct is prohibited.

In a situation where a student has violated this policy or is otherwise suspected of gang affiliation through other circumstantial evidence, the principal shall conduct an intervention involving the principal and/or assistant principal, the student and the student's parent. Such intervention also may include the school resource officer and others as appropriate. The purpose of an intervention is to discuss school officials' observations and concerns and to offer the student and his or her parents information and an opportunity to ask questions or provide other information to the school officials.

This policy shall be applied in a non-discriminatory manner based on the objective characteristics of the student's conduct in light of the surrounding circumstances.

**III-10 Driver's License Revocation for Serious Infractions.** As outlined in Board Policy IJAG, "Driver's Education and License Eligibility," students shall lose their driver's license due to suspension from school for more than ten (10) consecutive days, or placement in an alternative learning program for more than ten (10) days, for the following:

1. Possession or sale of alcoholic beverages or an illegal controlled substance on school property;
2. Possession or use on school property of a weapon or firearm that resulted in disciplinary action under N. C. Gen. Stat. § 115C-391(d1) or that could have resulted in that disciplinary action if the conduct had occurred in a public school; or,
3. The physical assault on a teacher or other school personnel or school property.

Students suspended for ten (10) or fewer consecutive days for one of the above offenses will not be eligible to enroll in driver's education classes for one year from the date of the suspension. This provision applies to any student at least fourteen (14) years old or in the eighth grade. The student will be ineligible to hold a driving permit/license or attend driver's education classes for one (1) full year from the time of the offense.

**Level IV** violations shall result in mandatory suspensions required under State law, and include:

**IV-1 Firearms and Destructive Devices.**

As required by State law and outlined in Board Policy JGDC, "Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety," a student who brings or possesses a firearm or destructive device on school property or at a school-sponsored event must be suspended for 365 days, unless the superintendent modifies, in writing, the required 365-day suspension for an individual student on a case-by-case basis. The superintendent shall not impose a 365-day suspension if the superintendent determines that the student (1) took or received the firearm or destructive device from another person at school or found the firearm or destructive device at school, (2) delivered or reported the firearm or destructive device as soon as practicable to a law enforcement officer or school personnel, and (3) had no intent to use the firearm or destructive device in a harmful or threatening way.

For the purpose of this subsection, a firearm is (1) a weapon, including a starter gun that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive, (2) the frame or receiver of any such weapon, or (3) any firearm muffler or firearm silencer. A firearm does not include an inoperable antique firearm, a BB gun, a stun gun, an air rifle or an air pistol. For the purposes of this subsection, a destructive device is an explosive, incendiary, or poison gas (1) bomb, (2) grenade, (3) rocket

having a propellant charge of more than four ounces, (4) missile having an explosive or incendiary charge of more than one-quarter ounce, (5) mine, or (6) similar device.

**Level V** violations shall result in expulsion.

An expulsion is the indefinite exclusion of a student from school enrollment for disciplinary purposes. Upon the recommendation of the superintendent, the Board may expel a student who is fourteen (14) years of age or older if the student's continued presence in school constitutes a clear threat to the safety of other students or employees. Additionally, a student who is subject to Policy JFCL, "Student Sex Offenders," may be expelled if the student's continued presence in school constitutes a clear threat to the safety of other students or employees. During the expulsion, the student is not entitled to be present on educational property and is not considered a student of the school system. Please refer to Board Policy JGDA, "Long-Term Suspension, 365-Day Suspension, and Expulsion," and Board Policy JGDD, "Requests for Readmission of Students Suspended for 365 Days or Expelled," for additional information.

**Legal References:**

- N. C. Gen. Stat., Chapter 90, "Medicine and Allied Occupations"
- N. C. Gen. Stat. § 14-35, "Hazing; Definition and Punishment"
- N. C. Gen. Stat. § 14-208, "Punishment; Probation; Parole"
- N. C. Gen. Stat. § 115C-391, "Corporal Punishment, Suspension, or Expulsion of Pupils"

**Board Policy References:**

- Policy AACA, "Sexual Harassment"
- Policy ACB, "Interpersonal Human Relations and Student Grievance Procedures"
- Policy GBEAA-R, "Staff Protection"
- Policy GBK, "Tobacco-Free Schools"
- Policy IGAJ, "Driver's Education and License Eligibility"
- Policy IIBG, "Technology Acceptable Use"
- Policy JFC, "Student Conduct/Discipline"
- Policy JFCA, "Criminal Behavior"
- Policy JFCB, "Gang-Related Activity"
- Policy JFCC, "Student Conduct on School Buses"
- Policy JFCE, "Student Dress Code"
- Policy JFCK "Student Public Display of Affection"
- Policy JFCL, "Student Sex Offenders"
- Policy JFG, "Interrogation of Students"
- Policy JFGA, "Searches of Students"
- Policy JGA, "Corporal Punishment"
- Policy JGD, "Short-Term Suspension"
- Policy JGDA, "Long-Term Suspension, 365-Day Suspension, and Expulsion"
- Policy JGDB, "Drugs and Alcohol"
- Policy JGDC, "Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety"
- Policy JGDD, "Requests for Readmission of Students Suspended for 365 Days or Expelled"
- Policy JHCD, "Administering Medicines to Students"
- Policy JI, "Wireless Communication and Electronic Devices"

All Board policies referenced in this Code are available online at http://www.tcsnc.org/. Individuals without Internet access may obtain hard copies of these policies in the main office of each school in the district and at the Morris Education Center, located at 225 Rosenwald Lane in Brevard, NC.

## Required Signatures

*Please complete this page, remove it, and return it to your school.*

I have received and read Transylvania County Schools' Code of Student Conduct. I understand that I may access school board policies described in the Code of Student Conduct online or obtain hard copies of those policies in the main office of each school. I also understand that principals and other school officials are available to answer any questions I may have about the contents of the Code of Student Conduct.

Student Name (please print): _____

Student Signature: _____ Date: ____/____/____

Parent/Guardian Name (please print): _____

Parent/Guardian Signature: _____ Date: ____/____/____