



CODE OF STUDENT CONDUCT

2015-2016

Student Rights, Responsibilities and
Character Development Handbook

Charlotte-Mecklenburg Board of Education

Mary McCray

Chairperson, At-Large

(704) 281-6074

maryt.mccray@cms.k12.nc.us

Timothy S. Morgan

Vice-chairperson, At-Large

(704) 577-3102

tim.morgan@cms.k12.nc.us

Ruby M. Jones

District 3

(704) 794-5299

rubym.jones@cms.k12.nc.us

Ericka Ellis-Stewart

At-Large

(704) 763-5400

ericka.ellis-stewart@cms.k12.nc.us

Tom Tate

District 4

(704) 502-3093

tom.tate@cms.k12.nc.us

Rhonda Lennon

District 1

(704) 564-3382

rhonda.lennon@cms.k12.nc.us

Eric C. Davis

District 5

(704) 651-0217

ericc.davis@cms.k12.nc.us

Thelma Byers-Bailey, Esq.

District 2

(980) 272-1943

thelmab.bailey@cms.k12.nc.us

Paul Baily

District 6

(704) 519-9096

paul1.bailey@cms.k12.nc.us

VISION

Charlotte-Mecklenburg Schools provides all students the best education available anywhere, preparing every child to lead a rich and productive life.

MISSION

The mission of Charlotte-Mecklenburg Schools is to maximize academic achievement by every student in every school.

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Charlotte-Mecklenburg Schools

2015-2016

Student Rights, Responsibilities and Character Development Handbook

CODE OF STUDENT CONDUCT

Student and Parent Acknowledgement and Pledge

The *Code of Student Conduct* has been developed to help your child receive quality instruction in an orderly educational environment. The school needs your cooperation in this effort. Therefore, please (1) review and discuss the *Code of Student Conduct* with your child and (2) sign and return this sheet to your child's school. Should you have any questions when reviewing the *Code of Student Conduct*, please contact your child's school principal. You may access an electronic copy of the handbook on the CMS website: www.cms.k12.nc.us. You may also access a paper copy at your child's school.

NOTE: FAILURE TO RETURN THIS ACKNOWLEDGEMENT AND PLEDGE WILL NOT RELIEVE A STUDENT OR THE PARENT/GUARDIAN FROM BEING RESPONSIBLE FOR KNOWING OR COMPLYING WITH THE RULES CONTAINED WITHIN THE *CODE OF STUDENT CONDUCT*.

I have reviewed the *Code of Student Conduct*, and I understand the rights and responsibilities contained therein.

Parent: _____

To help keep my school safe, I pledge to show good character, work to the best of my ability and adhere to the guidelines established within the *Code of Student Conduct*.

Student: _____

Date: _____

Dear CMS students and families:

Welcome to the 2015-2016 school year. Helping every student succeed in school is a top priority at Charlotte-Mecklenburg Schools. School environments that nurture individual learning and achievement are an important part of academic success. Working together with our students and families, we can support a safe, orderly and welcoming culture at every school.

The student handbook, Student Rights, Responsibilities and Character Development – Code of Student Conduct, describes specifically what we expect from each student. We also ask parents and students to sign a form indicating they have read and understand the handbook. Please return the signed form to your school.

The code of conduct helps us to create an environment in which every child can learn. If you have any questions about the Code of Student Conduct, please call or e-mail the principal at your child's school.

All of us have a stake in safe and orderly schools, and we all have a role to play in creating them. Please join us in educating your child in the importance of good citizenship in school.

Thank you.



Ann B. Clark
Superintendent

Character Traits

Character education is the deliberate effort to help people understand, care about and act upon core ethical values. An intentional and comprehensive character education initiative provides a lens through which every aspect of school becomes an opportunity for character development.

Benefits:

- It promotes character development through the exploration of ethical issues across the curriculum.
- It develops a positive and moral climate by engaging the participation of students, teachers and staff, parents, and communities.
- It teaches students how to solve conflicts fairly, creating safer schools that are freer of intimidation, fear and violence, and are more conducive to learning.*

The following character traits are essential for students to compete locally, nationally and internationally! These traits should be modeled and maintained by adults and students.

Respect, Responsibility and Caring

These are the cornerstones of good character!

Respect

Showing high regard for self, others and property.

Responsibility

Being accountable for individual behavior.

Honesty

Being truthful in word and action.

Caring

Showing concern for the well-being of others.

Justice and Fairness

Demonstrating impartial, unbiased and equitable treatment for all.

Citizenship

Being an informed, responsible and caring participant in the community.

Courage

Doing the right thing in the face of difficulty and following the conscience instead of the crowd.

Perseverance

Staying the course and not giving up; demonstrating commitment, pride and a positive attitude in completing tasks.

Hope

Believing in success.

“Intelligence plus character - that is the goal of true education.”

Rev. Martin Luther King, Jr.

**Character Education Informational Handbook and Guide, DPI*

Section I – Student Rights and Responsibilities

Safe and Orderly Educational Environment

Student Rights

To attend school in a positive educational environment

To have school staff that is willing to hear the needs and concerns of students

To feel safe from crime, violence, intimidation, bullying, harassment, racism and other discrimination at school

Student Responsibilities

To only engage in behaviors which support a positive educational environment

To express needs and concerns appropriately

To understand and follow school behavior expectations and to report instances of bullying and dangerous/unsafe situations to school administrators

Attendance

Student Rights

To be informed of school board policies and school rules about absences, recovery and tardiness

To appeal a decision about recovery

To arrange to make up classwork/tests for credit within five days of returning from an absence

Student Responsibilities

To attend school and class daily and to be on time

To provide documentation of the reason for an absence

To request make-up work for an absence and arrange to complete it within five days of returning to school

School Counseling Services

Student Rights

To be informed about school guidance services

To have access to school counselors

To request counseling when needed

Student Responsibilities

To utilize guidance services for educational improvement

To request counseling or advisement when needed

To work cooperatively with school staff

Free Speech/Expression

Student Rights

To express views (in written or verbal form) without being obscene, disruptive, discriminatory or provocative

To choose to participate in patriotic observances such as the Pledge of Allegiance

To have religious beliefs respected

To help develop and distribute publications as part of the educational process

To be protected from bullying, intimidation and threats

Student Responsibilities

To respect the rights of others when they express their views

To behave respectfully during patriotic observances

To respect the religious beliefs of others and to refrain from activities that hold religious beliefs up to ridicule

To follow the rules of responsible journalism under the guidance of an advisor and administrator, including refraining from publishing material that is inappropriate for the school environment

To refrain from bullying, intimidating and threatening conduct

Privacy and Property Rights

Student Rights

To have personal possessions remain private unless school staff have reason to believe that a student is in possession of items prohibited by the *Code of Student Conduct*, other school policy or the law

To have personal property respected

Student Responsibilities

To keep prohibited items away from school and school functions

To respect the personal property of others

Safe Harbor Provision

A student who inadvertently possesses or finds a prohibited object shall immediately notify school staff and surrender the object. A student may approach a school staff member and voluntarily surrender an object prohibited by the *Code of Student Conduct* without being subjected to discipline so long as the object is one that the student could lawfully possess off school grounds. This rule does not apply to firearms or destructive devices.

If a student discovers an illegal item (i.e., drugs or weapons) or other contraband on school property or at a school function, the student may approach a school official and report the discovery. A student shall not be in violation of the *Code of Student Conduct* solely for making such a report. School officials shall make a determination after an investigation of the report.

The Safe Harbor Provision may not apply if a search is ongoing in any location at the school, if the object is surrendered during a search, or if the object is not turned in prior to discovery by school staff. With respect to objects that have been turned over to school staff, the parent/guardian must make arrangements to pick up the object from the school, unless it is an object that must be turned over to law enforcement.

Participation in Extracurricular/Co-curricular Activities

In order to participate in extracurricular/co-curricular activities or athletic programs, students must adhere to Board of Education policies, school-level criteria, North Carolina High School Athletic Association rules (where applicable) and law. The district's behavioral expectations extend beyond the classroom and school campus. Therefore, regardless of when and where the charge arises, any student who is charged with or adjudicated/found guilty of a felony may be excluded from participation in extracurricular/co-curricular activities.

Student Dress

The dress and grooming of students shall contribute to the health and safety of the individual and promote an orderly educational environment. These standards apply to all students, unless a specific exception is made by the school administrator. Please see the dress code at your school.

Behavior on the School Bus or at the Bus Stop

For the purpose of providing safe transportation for all students, in addition to the other *Code of Student Conduct* rules, the following guidelines must be observed:

- Refrain from conduct or behavior that interferes with the orderly, safe and expeditious transportation of bus riders.
 - Obey the bus driver at all times.
 - Act appropriately while waiting for the bus.
 - Give your proper name when requested by the bus driver or monitor.
- Be at the bus stop at least ten minutes prior to a scheduled stop time.
- Ride only on assigned bus.
- Board and depart only at the assigned bus stop.
- Remain seated at all times when the bus is moving.
- Refrain from eating or drinking while aboard the bus.
- Refrain from using cellular telephones and other electronic devices while on the bus.

Video cameras have been installed on some buses. Students may be filmed while on the bus.

Violations of these standards, the *Code of Student Conduct*, or any behavior which substantially distracts the bus driver and causes, or has the potential to cause, a safety hazard on a moving bus, may be the basis for suspension from the bus and/or school or revocation of bus-riding privileges.

Conduct While on School Property

Parents are encouraged to be active participants in their child’s education. A partnership between parents and the school requires meaningful and appropriate communication. As such, we must be civil in our discourse. This requires that:

1. No one disrupts or attempts to interfere with the operation of a classroom or any other area of a school.
2. School rules for access and visitation are strictly obeyed.
3. Legitimate obligations and time constraints are respected.
4. Information that might help reach our common goal is shared. This includes information about safety issues, academic progress, changes that might impact a student’s work or events in the community that might impact the school.

In the event of a violation of the above guidelines, the following steps are available:

1. Students who believe they have been treated in an inappropriate manner should report the behavior to the school administrator.
2. Parents/guardians or community members who believe they have been treated in an inappropriate manner should report the behavior to the staff member’s immediate supervisor.
3. Employees who believe they have been treated in an inappropriate manner by a student or parent shall report the incident to the school administrator.
4. Anyone on school district property may be directed to leave the premises by an administrator or other authorized staff. Anyone who threatens to, attempts to, or actually disrupts school or school district operations may be directed to leave the premises by an administrator or other authorized staff and may have limitations placed on their campus access. Disruptive behavior is conduct that creates or may reasonably be expected to create a material and substantial disruption to the educational environment or to the operation of the school, or that poses a threat to the safety of students, staff or visitors. It includes, but is not limited to:
 - Profane, lewd, obscene or abusive language, gestures or other written or electronic communication;
 - Rude or riotous noise;
 - Disorderly or assaultive behavior;
 - Vandalism or the defacement of public property;
 - Threats to the health or safety of others; and
 - Any other conduct that violates any applicable law or policies of the Board.
5. More details about the expected conduct of visitors to campus may be found in Board Policy KI, “School Visitors.”

Transfer When Criminal Charges are Pending/Triage Process

The district will continue the Criminal Watch program to monitor students charged with or convicted of criminal offenses. In addition, upon review of the underlying allegations and based upon the preponderance of evidence, the superintendent may reassign to a different school a student who has been charged with a criminal offense (juvenile or adult) that is or would be considered a felony. The parent may request a hearing to contest this reassignment. In appropriate circumstances, as permitted by NC law, the superintendent may recommend expulsion of the student, even if the incident did not occur on CMS property.

School Property

School property is defined as “the physical premises of all school campuses and properties, bus stops, all vehicles under the control of the district, and the premises of all school-sponsored curricular or extra-curricular activities, whether occurring on or away from a school campus.” (CMS Board of Education Policy JKD)

Section II – Disciplinary Response Code Overview

Student disciplinary infractions and associated responses are divided into five progressively severe tiers. Both infractions and responses are outlined later in this document.

Treatment of Administrators, Teachers and Staff

A student who commits an infraction against or involving an administrator, teacher, or other district staff member will be subject to a heightened response under the five tiers. However, the heightened response will not exceed the maximum penalty for the particular rule violation.

Participation in a Rule Violation

A student who participates or conspires with another to violate a rule may be found in violation of the rule. If so, the student will be subject to the full disciplinary consequence for the rule violation.

Conduct Away from School Property

Students may be disciplined for conduct away from CMS property that violates the *Code of Student Conduct* and that has or may have a direct and immediate impact on the orderly and efficient operation of the schools or the safety of individuals in the school environment.

Truancy

Students between ages 7 and 16, and students younger than 7 who are enrolled in school, are required by law to attend school. In addition to the consequences outlined in Rule 1, the student will be required to make up the work missed and may be subject to the district's recovery procedures. Under NC compulsory attendance statutes, students with more than 10 unexcused absences and/or their parent/caregiver may be referred for prosecution.

Possession of Illegal Substances

The unlawful possession, use or distribution of illicit drugs and/or alcohol by students on school property or at any school function is prohibited. In addition to school consequences, such actions will be reported to local law enforcement and may be required to be reported to the Department of Motor Vehicles.

Possession of Weapons

The possession of weapons by students on school property or at any school function is prohibited. In addition to school consequences, such actions will be reported to local law enforcement and may be required to be reported to the Department of Motor Vehicles.

Personal Technology Devices

A personal technology device (PTD) is a portable Internet-accessing device that is not the property of the district that can be used to transmit communications by voice, written characters, words or images, share information, record sounds, process words, and/or capture images, such as a laptop computer, tablet, smartphone, cellphone, personal digital assistant or E-Reader. A student may possess and use a PTD on school property, at after-school activities and at school-related functions, provided that during school hours and on a school bus, the PTD remains off and put away. With the approval of the superintendent, a principal may permit students to possess and use PTDs during the school day for educational purposes. "Educational purposes" include student education, research and career development. Possession of a PTD by a student is a privilege, which may be revoked for violations of the *Code of Student Conduct*. Violations may result in the confiscation of the PTD (to be returned only to a parent) and/or other disciplinary actions. The district is not responsible for theft, loss or damage to PTDs or other electronic devices brought onto CMS property. Students permitted to use PTDs during the school day must follow all rules set forth in Policy IJNDB and Regulation IJNDB-R, and sign the Student Internet Use Agreement.

Reports to Law Enforcement Agencies

As required by North Carolina law, principals are required to report the following acts to law enforcement when they have personal or actual notice of the incident and the acts occurred on the school campus: "assault involving serious personal injury, sexual assault, sexual offense, rape, kidnapping, indecent liberties with a minor, assault involving the use of a weapon, possession of a firearm in violation of the law, possession of a weapon in violation of the law or possession of a controlled substance in violation of the law." (N.C.G.S. § 115C-288 (g)). Procedures followed at school when a law enforcement officer wishes to interview a student who is an alleged perpetrator of a criminal act or a witness to a criminal act are provided in Board Regulation KLG-R.

Reports to Department of Social Services

Pursuant to state law, school personnel are required to report any suspected cases of child abuse or neglect to the Department of Social Services. Procedures followed at school when a representative of the Department of Social Services wishes to interview a student who is an alleged victim of child abuse or neglect are provided in Board Regulation KLG-R.

Reports to Department of Motor Vehicles

Pursuant to state law, CMS is required to report the following acts to the Department of Motor Vehicles if the student is the minimum age of 14 and is in the 8th grade or above: possession or sale of alcoholic beverages or illegal controlled substances; bringing, possessing or using a weapon or firearm on school property; and physical assault on school staff when the conduct results in a suspension in excess of 10 days or the student is assigned to an alternative educational setting.

Section III – Disciplinary Responses

According to CMS Board Policy JKD: "Consequences for violating the Code of Student Conduct should be progressive in nature. Principals and teachers are encouraged to use a full range of discipline responses to student misconduct, such as parental involvement, conferences, isolation or time-out for short periods of time, behavior improvement agreements, instruction in conflict resolution and anger management, peer mediation, individual or small group sessions with the school counselor, academic

intervention, in-school suspension (ISS), detention before and/or after school or on Saturday, community service, exclusion from graduation ceremonies, exclusion from extracurricular activities, suspension from bus privileges, and disciplinary placement in an alternative school.”

The use of out-of-school-suspension (OSS) should be reserved as a consequence for student conduct where other documented options either have not been effective or, in the opinion of the principal, will not serve to protect other students and staff at the school or will not preserve an orderly school environment.

Also according to Policy JKD: as principals decide what to recommend to the learning community superintendent as appropriate consequences for the most serious rule violations, they should base their recommendations “upon a review of the nature of the incident and student’s culpability in the incident, degree of danger presented by the student, intent, disciplinary and academic history, potential benefits to the student of alternatives to suspension, and other mitigating or aggravating factors. The principal must also consider and make a recommendation as to whether a reassignment to an alternative school program should be a condition of a suspension or a separate disciplinary option.”

Tier I - Provides programs and/or school options for students who are at risk for behavioral issues and may be disenfranchised from school or commit minor infractions on an infrequent basis. Program options are typically implemented in the student’s current school and include services such as support related to anger management or conflict resolution. Although the final decision on where the student will attend school will be made by the superintendent, principals, community administrators, learning community superintendents and parents will collaborate on the decision to enroll a student in the alternative programs.

Potential Responses: (This list contains some of the options that may be used by the administration in addressing student conduct. This is not intended to be an exhaustive list.)

- Parent contact
- Conference (any combination of parent/student/school officials/counselors and teacher)
- Counseling
- Verbal warning
- Peer mediation
- Social restriction
- Return of property or restitution for damages
- Bus suspension
- After-school detention or Saturday school
- Behavior contract
- Referral to intervention team according to the CMS process
- In-school suspension
- Confiscation of unauthorized items
- School-based community service/work detail
- Restorative Justice/Restorative Practice (i.e. peer jury, peer mediation, community service. See definition on page 25)
- Service Learning (See definition on page 25)
- Referral to community agency
- Revocation of school-related privileges
- Disciplinary councils

Tier II - Provides interventions and consequences for students who commit infractions of the *Code of Student Conduct* such as being chronically disruptive or participating in a first fight that does not result in injury or significant disruption to the educational environment.

Potential Responses: (This list contains some of the options that may be used by the administration in addressing student conduct. This is not intended to be an exhaustive list.)

- Choice of response from Tier I
- Suspension from bus (for bus-related offenses)
- Alternative classroom assignment
- Temporary or permanent removal from participation in extracurricular/co-curricular programs or activities
- Out-of-school suspension for one to 10 days (parent contact must be attempted and written notice is required)
- Warning of referral to Tier III (referral to Tier III is an option for repeated violations)

Tier III - Provides interventions and consequences for students who commit more serious infractions of the *Code of Student Conduct* and/or have repeat offenses.

Potential Responses: (This list contains some of the options that may be used by the administration in addressing student conduct. This is not intended to be an exhaustive list.)

- Choice of response from Tier I and/or Tier II
- Out-of-school suspension or option to attend an Alternative to Suspension Center for one to ten days. A student may also be recommended for a disciplinary reassignment to Turning Point Academy. This option is also available for Tier IV rule violations in lieu of or during long-term suspension.
- Suspension from bus (for bus-related offenses)
- Warning of referral to Tier IV (for repeated offenses)

Tier IV - Provides interventions and consequences for students who commit serious offenses and whose conduct seriously threatens the safety of students, staff or visitors or threatens to substantially disrupt the educational environment. Options at Tier IV include long-term suspension and/or assignment to Turning Point Academy for up to 180 days (in certain situations the assignment may be permanent). Additionally, by law, with limited exceptions, students must be suspended from school for 365 days for bringing a firearm or destructive device onto school property.

Tier V – Expulsion: The indefinite removal of a student from school and all school properties by the Board of Education for a student (age 14 or older) whose continued presence constitutes a clear threat to other persons or who is a registered sex offender who is subject to the Jessica Lunsford Act. An expelled student may petition the Board for readmission after 180 days from the date he/she was expelled. If granted, the student may be placed at Turning Point Academy with a re-entry plan developed by CMS personnel.

Out-of-school suspension for each tier:

Tier I 0 days (unless repeated violations)
Tier II 1 to 10 days (Short-term suspension)

Consequences for Tier III-V may be imposed only by the Community Superintendent or Superintendent

Tier III 11 to 30 days (Long-term suspension)
Tier IV up to 365 days (Long-term or mandatory 365-day suspension)
Tier V Expulsion

Within each tier, the administrator has the discretion to impose consequences deemed most appropriate to address the infraction. In the instances where an infraction falls within multiple tiers, it is within the discretion of the administrator to determine tier assignment for the infraction.

Section IV – Code Of Conduct

DPI/PowerSchool codes are listed in italics and bold print. These are state approved codes that are utilized in reporting CMS data to the state. Administrators or other authorized school personnel should select one or more when inputting incidents into PowerSchool.

Rule 1 **ATTENDANCE (Citizenship/Responsibility)** *UB: Excessive Tardiness, UB: Leaving School without permission, UB: Leaving Class without permission, UB: Truancy, UB: Skipping School, UB: Skipping Class, UB: Cutting Class, UB: Late to Class, UB: Physical Exam:* A student must attend every class every day unless there is a lawful reason for the absence. Students who are tardy, cut school or class or have excessive unexcused absences (more than 10) are in violation of this rule and are subjected to adjudication as an undisciplined youth in Juvenile Court. In addition to any administrative response, students with excessive absences may be required to comply with the district’s recovery procedures.

RESPONSES:	
Minimum:	Tier I Response(s) (see page 9)
Maximum:	Tier II Response(s) with maximum of 2 days OSS (see page 9) (Requires documented interventions by the administration team prior to OSS)

Rule 2 **FOOD/BEVERAGES (Responsibility/Honesty)** *UB: Inappropriate items on school property, UB: Insubordination:* A student will eat and drink only in authorized areas of the school.

RESPONSES:	
Minimum:	Tier I Response(s) (see page 9)
Maximum:	Tier I Response(s) (see page 9)

Rule 3 **MEDICATION (Responsibility/Honesty) UB: *Inappropriate Item on School Property*:** All medication will be provided to the school nurse and properly stored. Without proper medical authorization, students shall not transport prescription or non-prescription medication to or from school or have medication in their possession at any time without meeting conditions prescribed by the Board of Education. Students are not permitted to sell or distribute non-prescription medication. Distribution and/or consumption of such unauthorized medication may be a violation of Rule 28.

RESPONSES:
Minimum: Tier I Response(s) (see page 9)
Maximum: Tier II Response(s) (see page 9)

Rule 4 **STUDENT DRESS (Respect/Responsibility) UB: *Dress Code Violation*:** A student will maintain personal attire and grooming standards that promote safety, health, and acceptable standards of social conduct, and are not disruptive to the educational environment. This includes student clothing that materially and substantially disrupts classes or other school activities, including but not limited to gang-related articles of clothing. Please see the dress code at your school.

RESPONSES:
Minimum: Tier I Response(s) (see page 9)
Maximum: Tier I Response(s) (see page 9)

Rule 5 **PERSONAL PROPERTY (Responsibility):** A student is permitted to bring or possess only objects that have an educational purpose and will not distract from teaching or learning. Students are permitted to sell items on campus only as part of an approved school activity. (All other items will be confiscated and returned to the parent at a mutually agreed upon time, not to exceed one calendar week.) The following are among the list of prohibited items:

- A. Personal Technology Devices UB: *Cell Phone Use*:** A personal technology device (PTD) is a portable Internet-accessing device that is not the property of the district that can be used to transmit communications by voice, written characters, words or images, share information, record sounds, process words, and/or capture images, such as a laptop computer, tablet, smart phone, cell phone, personal digital assistant or E-Reader. A student may possess and use a PTD on school property, at after-school activities and at school-related functions, provided that during school hours and on a school bus, the PTD remains off and put away. With the approval of the superintendent, a principal may permit students to possess and use PTDs during the school day for educational purposes. “Educational purposes” include student education, research and career development. A principal may put additional rules in place permitting student use of cell phones during noninstructional times of the school day. The principal must assure that these rules are publicized to students and parents. Possession of a PTD by a student is a privilege, which may be revoked for violations of the *Code of Student Conduct*. Violations may result in the confiscation of the PTD (to be returned only to a parent) and/or other disciplinary actions. **The district is not responsible (monetary value or replacement) for theft, loss, or damage to PTDs or other electronic devices brought onto CMS property.** Students permitted to use PTDs during the school day must follow all rules set forth in Policy IJNDB, Regulation IJNDB-R, and sign the Student Internet Use Agreement.
- B. Toys, games (electronic and other), electronic smoking devices, pagers and other electronic equipment UB: *Inappropriate Item on School Property*:** Possession of these or any similar devices without permission of the administration is prohibited. Possession of a toy gun that could be mistaken for an actual weapon is a violation of Rule 29, Weapons and Dangerous Objects.

RESPONSES:
Minimum: Tier I Response(s) (see page 9)
Maximum: Tier II Response(s) for repeated violations (see page 9)

Rule 6 **MISREPRESENTATION (Honesty):** A student will be honest and submit his/her own work.

- A. Altering Report Cards or notes UB: *Honor Code Violation*:** Tampering with report cards, official passes, notes or other school documents in any manner, including changing grades or forging names to excuses, is prohibited.
- B. False information UB: *Falsification of Information*:** Making false statements, written or oral, to anyone in authority is prohibited.

*See Crime Definitions on pages 26-29 before using this code

C. **Cheating UB: Honor Code Violation:** Violating rules of honesty and Honor Codes, including but not limited to plagiarism or copying another student’s test or assignment, are prohibited. The superintendent has the discretion to punish violations of this rule as Tier III if the student’s actions have a serious detrimental effect on other students or staff.

RESPONSES:	
Minimum:	Tier I Response(s) (see page 9)
Maximum:	Tier II Response(s)(see page 9) OSS 1-5 days

Rule 7 **INSUBORDINATION (Responsibility/Respect) UB: Insubordination:** A student will obey the lawful direction of any authorized staff member while in school, participating in a school activity or on school property. All students are expected to behave in a respectful manner. This includes, but is not limited to, complying with the direction or instruction of a staff member, not walking away from a staff member while being spoken to, speaking to staff in an appropriate manner.

RESPONSES:	
Minimum:	Tier I Response(s) (see page 9)
Maximum:	Tier II Response(s) (See page 9) OSS 1-5 days to include documented interventions by the administration team

Rule 8 **BULLYING/CYBERBULLYING, PROFANITY, OBSCENITY AND/OR DEROGATORY LANGUAGE (Respect/Caring) UB: Bullying, UB: Harassment-Racial, UB: Harassment-Disability, UB: Inappropriate Language/Disrespect, UB: Cyber-bullying, UB: Harassment- Sexual Orientation, UB: Harassment- Religious Affiliation:** Bullying and/or harassing behavior are strictly prohibited in CMS. It is the policy of the Board of Education to maintain learning environments that are free from harassment or bullying (Policy JICK). Students are expected to use appropriate language and conduct at school and school functions and possess only appropriate materials. This rule applies to cursing, possessing, sending, or receiving written materials or electronic text and/or images that convey an offensive, racial, derogatory, bullying or obscene message to another person. This includes but is not limited to references to race, color, ancestry, national origin, gender, gender identity or expression, sexual orientation, religion, and/or physical or sensory disability, physical appearance or making offensive statements or gestures.

In addition, as with other disciplinary violations, any manner of bullying that occurs off campus may violate the *Code of Student Conduct* if it has a direct and immediate impact to the orderly and efficient operation of the school or the safety of individuals in the school environment.

Students who feel bullied, harassed or intimidated at school by an adult or another student or who witness such conduct may use the Intimidation, Bullying and/or Threats form located in the Forms Section at the back of this book to report the incident. Once completed, the form should be given to a school administrator. Retaliation for making a report is strictly prohibited. Students and parents may also use other means, such as email or other reliable methods, to make such a report.

RESPONSES:	
Minimum:	Tier I Response(s) (see page 9)
Maximum:	Tier II Response(s) (see page 9) OSS 1-10 days to include documented interventions by the administration team

Rule 9 **GENERALLY DISRUPTIVE BEHAVIOR (Responsibility/Respect/Citizenship) UB: Disruptive Behavior, UB: Repeat Offender:** A student will maintain appropriate behavior so as to refrain from disrupting class, school or bus activity and be prepared for instruction at all times. A student shall not talk out in class or move from his/her assigned seat/area without permission, throw objects (except as directed by staff for an instructional purpose), horseplay, harass, tease or make rude noises.

Repeated Violations: Repeated incidents of generally disruptive behavior will result in the student’s participation in the School Intervention Team process. A Rule 9 review must come from the school-level Intervention Team, following appropriate documented interventions. Rule 9 can be used for all students but the Rule 9 paperwork process cannot be used for EC students. The Rule 9 paperwork is located on the Student Discipline and Behavior Support Department’s intranet site. If additional information is needed, contact the Learning Community Administrator.

<p>RESPONSES: Minimum: Tier I Response(s) (see page 9) Maximum: Tier III Response with required Rule 9 paperwork completed (see page 10)</p>

Rule 10 **TRESPASSING (Citizenship) UB: Being in an unauthorized area:** A student will not enter school property or a school facility without proper authority. This rule includes entering any school during a period of suspension or expulsion.

<p>RESPONSES: Minimum: Tier I Response(s) (see page 9) Maximum: Tier II Response (s) (see page 9) OSS 1-5 days</p>

Rule 11 **UNSAFE ACTION (Citizenship/Caring): Harm’s Way UB: Being in an Unauthorized Area, UB: Disruptive Behavior, UB: Insubordination:** A student shall not commit any action that has the potential to cause danger or physical harm to himself or to others, to include but not limited to: exiting a moving school bus, exiting a school bus by way of the emergency exit absent an emergency, attempting to elude school officials by running through a parking lot or traffic area, climbing on the roof of buildings, being in construction areas, boiler rooms, attics or elevator shafts, or any action that has the potential for physical harm to self or others. This includes striking matches, flicking cigarette lighters or using any instrument capable of producing fire on school property or at a school-sponsored or school-related activity that is on or off school property. This rule will apply only when the unsafe behavior does not meet the standards of any other violation.

<p>RESPONSES: Minimum: Tier I Response(s) (see page 9) Maximum: Long-Term Suspension or Expulsion</p>
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Rule 12 **VEHICLE USE (Responsibility/Citizenship):**

A. Reckless Vehicle Use UB: Other school defined offense, UB: Disruptive Behavior: A student will not operate any motorized or self-propelled vehicle on school grounds in a manner that is a threat to health and/or safety, or a disruption to the educational process. Driving to school is a privilege, which may be limited or revoked at any time by the school principal.

B. Vehicle Parking on Campus UB: Inappropriate item on school property: A student will not park a motor vehicle on school premises unless he/she has been issued a parking permit. Parking permits must be visibly displayed and vehicles must be parked only in assigned spaces. Unauthorized vehicles may be towed.

<p>RESPONSES: Minimum: Tier I Response(s) (see page 9) Maximum: Long-Term Suspension</p>

Rule 13 **GAMBLING (Responsibility) UB: Gambling:** A student will not play games of skill or chance for money or property.

<p>RESPONSES: Minimum: Tier I Response(s) (see page 9) Maximum: Tier II Response(s) (see page 9)</p>

Rule 14 VANDALISM (Responsibility/Respect/Citizenship) UB: Property Damage: A student will not willfully, with or without malice, participate with others to damage or destroy property of another, including property belonging to the school or district, staff, students or other adults on campus or at a school-sponsored or school-related activity on or off school property. A student or parent/guardian will be held financially responsible, as allowed by law, for willful or malicious destruction of property.

RESPONSES:
Minimum: Tier I Response(s) (see page 9)
Maximum: Long-Term Suspension

Rule 15 USE OF FIRE (Responsibility/Respect/Citizenship) *RO: Burning of a School Building, UB: Unlawfully setting a fire: A student will neither set fire nor attempt to set fire to anything on school property or participate with others to damage or destroy school property through the use of fire. (This violation does not include any smoking violations. For smoking violations, refer to Rule 28)

RESPONSES:
Minimum: Tier III Response(s) (see page 10)
Maximum: Long Term Suspension or Expulsion

Rule 16 THEFT (Responsibility/Respect/Citizenship) UB: Theft, UB: Inappropriate items on school property (stolen goods): A student will not steal or possess stolen property, or participate with others to do so. Stolen property includes any object that is possessed without the permission of the owner.

RESPONSES:
Minimum: Tier I Response(s) (see page 9)
Maximum: Long-Term Suspension

Rule 17 BREAKING AND ENTERING (Responsibility/Respect/Citizenship) *UB: Being in an Unauthorized area, UB: Property Damage: A student will not break into any district property. This will include any unauthorized entry into school property with or without destruction to the property.

RESPONSES:
Minimum: Tier II Response(s) (see page 9)
Maximum: Long-Term Suspension

Rule 18 BREAKING AND ENTERING WITH INTENT TO COMMIT A FELONY OR THEFT (Responsibility/Respect/Citizenship) UB: Being in an unauthorized area, UB: Theft: A student will not unlawfully enter any district property with the intent of committing a felony, to steal and/or take and carry away the property of another, or to attempt to commit the taking of property.

RESPONSES:
Minimum: Tier II Response(s) (see page 9)
Maximum: Long-Term Suspension or Expulsion

Rule 19 ROBBERY (Responsibility/Respect/Citizenship) RO: Robbery without a dangerous weapon, *RO: Robbery with a dangerous weapon, *PD: Robbery with a firearm or powerful explosive: A student will not take or attempt to take another person's property by force or violence.

RESPONSES:
Minimum: Tier II Response(s) (see page 9)
Maximum: Long-Term Suspension or Expulsion

Rule 20 EXTORTION (Responsibility/Respect/Citizenship) UB: Extortion: A student will not take, threaten or attempt to take the property (including but not limited to money) of others through intimidation

RESPONSES:
Minimum: Tier II Response(s) (see page 9)
Maximum: Long-Term Suspension or Expulsion

Rule 21 **UNAUTHORIZED USE OF TECHNOLOGY DEVICES (Honesty)** *UB: Misuse of school technology, UB: Honor Code Violation, UB: Communicating Threats, UB: Cyber-bullying:*

- A. A. CMS-owned property:** A student shall refrain from inappropriate use of school system computers/ technology devices or from using the CMS electronic communications and wireless connection network without proper authority. This includes unauthorized use of sign on codes and the school telephone system, communication of threats or implied threats, bullying or harassment, and unauthorized attempts to contact any CMS computer site from any computer station.
- B. Personal technology devices:** A student will refrain from any activity or distribution of information from personal technology devices that would constitute a violation of a rule under the *Code of Student Conduct* or a violation of law, as, but not limited to, bullying or harassment on social media or other sites if the conduct has or may have a direct and immediate impact on the orderly and efficient operation of the schools or the safety of individuals in the school environment. Publication of information on the Internet is considered distribution regardless of the location of the technology device from which the offending content was published.

RESPONSES:
Minimum: Tier I Response(s) (see page 9)
Maximum: Long-Term Suspension or Expulsion

Rule 22 **PORNOGRAPHIC, PROFANE AND/OR VIOLENT MATERIAL (Respect/Citizenship)** *UB: Inappropriate items on School Property, UB: Harassment-Sexual:* A student shall refrain from having any pornographic or profane material in his/her possession, including but not limited to pictures, magazines, CDs, DVDs, electronic text or images and sexually explicit or graphically violent materials (including but not limited to documents or instructions concerning the creation of and/or the use of weapons).

RESPONSES:
Minimum: Tier I Response(s) (see page 9)
Maximum: Long-Term Suspension or Expulsion

Rule 23 **COUNTERFEIT CURRENCY (Honesty)** *UB: Use of counterfeit items, UB: Inappropriate items on School Property:* A student shall not distribute, produce or use counterfeit currency on school property or at a school-sponsored or school-related activity on or off school property.

RESPONSES:
Minimum: Tier I Response(s) (see page 9)
Maximum: Long-Term Suspension or Expulsion

Rule 24 **FALSE ALARM (Responsibility)** *UB: False Fire Alarm:* In the absence of an emergency, a student shall not call 911, signal or set off an automatic signal indicating the presence of an emergency.

RESPONSES:
Minimum: Tier I Response(s) (see page 9)
Maximum: Long-Term Suspension or Expulsion

Rule 25 **BOMB THREAT (Responsibility)** **RO: Bomb Threat:* A student shall not make any report or notification, knowing or having reason to know the report is false (verbal or written), indicating the presence of a bomb or explosive device on school grounds, school bus or at any school activity.

RESPONSES:
Minimum: Tier III Response(s) (see page 10)
Maximum: Long-Term Suspension or Expulsion

Rule 26 AGGRESSIVE PHYSICAL/VERBAL ACTION (Responsibility/Caring/Justice and Fairness): A student shall not exhibit any form of aggressive physical or verbal action against another student, staff member or any other adult at school. Minor incidents of hitting, biting, spitting, shoving, kicking or throwing objects at a student or adult may be a Tier I or II infraction.

- A. Verbal Confrontation/Provocation** *UB: Aggressive Behavior, UB: Bullying, UB: Harassment-Verbal:* A student shall not approach another person in a confrontational, provocative or bullying manner. This will include attempts to intimidate or instigate another person to fight or commit other acts of physical aggression.

RESPONSES:
Minimum: Tier I Response(s) (see page 9)
Maximum: Tier III Response(s) (see page 10)

- B. Fighting** *UB: Fighting:* The exchange of mutual aggressive physical contact between students, with or without injury, is prohibited. A student who is physically attacked may act in self defense without consequence. **Self defense** is defined as the act by a nonaggressor victim using reasonable force to avoid being hit in order to enable oneself to get free from the attacker and notify school authorities. It is not self defense to participate in the fight. Students who exceed reasonable force in protecting themselves will be disciplined for violating this rule even though another person provoked the fight. Administrators will have the discretion to recognize the need for self defense on an incident-by-incident basis.

RESPONSES:
Minimum: Tier I Response(s) (see page 9) –Elementary
Tier II Response(s) (see page 9) - Secondary
Maximum: Tier III Response(s) (see page 10)

- C. Threatening/intimidating** *UB: Communicating Threats, UB: Bullying, UB: Harassment-Verbal, UB: Threat of a physical attack with a weapon, UB: Threat of physical attack without a weapon, PD: Threat of physical attack with a firearm:* A student shall not threaten to strike, attack or harm any person, or cause another person to become fearful by intimidation, through any medium, including threats made in person, through another person at the request of the perpetrator, on the telephone, in writing, through the use of gang paraphernalia, or by any digital communication (cyber-bullying) that pose a safety risk to the school environment. The tier will be determined by the level of risk presented by the threat, whether the threat could have reasonably been carried out and whether the threatened person was made fearful. A threat assessment should be completed any time a potential threat of targeted violence is reported.

RESPONSES:
Minimum: Tier I Response(s) (see page 9)
Maximum: Tier III Response(s) (see page 10)

- D. Assault on a Student,** *UB: Assault – Student, *PD: Physical attack with a firearm, *PD: Assault Resulting in Serious Injury, UB: Violent Assault Not Resulting in Serious Injury, *PD: Assault involving the use of a weapon:* A student shall not physically attack another student. See self defense as defined above. **Multiple Assaults:** A student shall not act in concert to physically attack another student.

RESPONSES:
Minimum: Tier II Response (s) (see page 9)
Maximum: Long-Term Suspension or Expulsion

- E. Assault on a Staff Member** **RO: Assault on School Personnel with no serious injury, *PD: Assault Resulting in Serious Injury:* A student shall not physically attack a staff member or adult. See self defense as defined above. **Multiple Assaults:** A student shall not act in concert to physically attack a staff member or other adult.

RESPONSES:
Minimum: Tier I Response(s) (see page 9) – Elementary
Tier III Response(s) (see page 10) - Secondary
Maximum: Long-Term Suspension or Expulsion

- F. **Inciting to Riot/Chaos, UB: Disorderly Conduct, UB: Disruptive Behavior, UB: Aggressive Behavior:** A student shall not engage in behavior of a violent or aggressive nature in a highly volatile area that could result in a riot, widespread chaos or aggressive actions (verbal and/or physical) by students witnessing or involved in the incident.

<p>RESPONSES: Minimum: Tier II Response(s) (see page 9) Maximum: Long-Term Suspension or Expulsion</p>

- G. **Refusing to Disperse UB: Insubordination, UB: Disruptive Behavior:** A student who witnesses an incident under this rule shall disperse at the request of staff members.

<p>RESPONSES: Minimum: Tier II Response(s) (see page 9) Maximum: Tier III Response(s) (see page 10)</p>
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- H. **Participation in a Civil Demonstration UB: Disorderly Conduct, UB Disruptive Behavior:** A student shall not disrupt the school day by participating in a civil demonstration, including leaving campus without permission.

<p>RESPONSES: Minimum: Tier I Response(s) (see page 9) Maximum: Tier III Response(s) (see page 10)</p>

Rule 27

SEXUAL BEHAVIOR (Respect/Caring): A student shall not engage in any sexual behavior on school property or at a school-sponsored activity.

- A. **Offensive Touching UB: Harassment-Sexual (not including sexual organ, anus, breast, groin, or buttocks), *PD: Sexual Assault (no rape/sexual offense) (includes sexual organ, anus, breast, groin, or buttocks):** A student shall not engage in unwanted touching of an offensive or sexual nature.
- B. **Sexual Harassment UB: Harassment-Sexual:** A student shall not engage in unwanted verbal or physical (e.g. gesturing) conduct of a sexual nature which may reasonably be regarded as intimidating, hostile or offensive. This includes the communication of (by digital or other means) or the intentional display of sexually explicit material.
- C. **Indecent Exposure UB: Harassment-Sexual:** A student shall not intentionally expose private body parts, including but not limited to the display of the buttocks (mooning).
- D. **Sexual Activity UB: Mutual Sexual Contact between two students, UB: Excessive Display of Affection, *PD: Sexual Offense:** A student shall not engage in sexual activity.

<p>RESPONSES: Minimum: Tier I Response (see page 9)- Elementary Tier II Response (see page 9) - Secondary Maximum: Long-Term Suspension or Expulsion</p>
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- E. **Sexual Battery *PD: Rape, *PD: Sexual Assault, *PD: Sexual Offense:** A student shall not engage in or attempt to engage in sexual activity with another person by force, threat or fear.

<p>RESPONSES: Minimum: Tier III Response(s) (see page 10) Maximum: Long Term Suspension or Expulsion</p>

Rule 28

ALCOHOL, TOBACCO AND OTHER DRUGS (Responsibility/Citizenship): A student shall not use, purchase, sell, distribute, be under the influence of or possess any kind of tobacco, alcoholic beverage, paraphernalia, controlled substance (as defined by state law) or illegal or counterfeit substance.

- A. **Alcohol *RO: Alcohol Possession, *RO: Use of Alcoholic Beverages:** A student shall not possess, use or be under the influence of alcohol on school property or at a school function. For distribution of alcohol see Rule 28E2.

*See Crime Definitions on pages 26-29 before using this code

- B. Marijuana** **RO: Possession of Controlled Substance -Marijuana, UB: Possession of chemical or drug paraphernalia:* A student shall not possess, use or be under the influence of marijuana on school property or at a school function. “Marijuana” is defined to also include synthetic cannabinoids and substances intended to mimic the effects of marijuana. . Possession of large amounts or of more than one individually wrapped package of marijuana will be deemed to be a violation of Rule 28E2.
- C. Tobacco** *UB: Possession of Tobacco, UB: Use of Tobacco:* A student shall not use, sell, distribute or possess any kind of tobacco product (including electronic cigarette containing nicotine products) on school property or at a school function.

RESPONSES:	
Minimum:	First Time Offense - Elementary: Tier I Response (see page 9) First Time Offense - Secondary: Tier II (see page 9) and a referral to Student Assistance Program (SAP) @ 980-343-3653. Failure to comply with SAP counselor recommendations may result in a Tier III response.
Maximum:	Repeat Offenders: Tier II Response(s) (see page 9) and notification of the Student Assistance Program Counselor

- D. Paraphernalia** *UB: Possession of chemical or drug paraphernalia:* A student shall not use, possess, or distribute any drug related paraphernalia including but not limited to: rolling papers, cigar wrappers, e-cigarettes, vaping/hookah devices, bong, pipes, or any item intended for the use, storage, or distribution of alcohol, tobacco, marijuana or other drugs.

RESPONSES:	
Minimum:	Tier I Response(s) (see page 9)
Maximum:	Tier III Response(s) (see page 10)

- E. Drugs/illegal substances and counterfeit drugs:**
- 1. Use, Influence or Possession of Drugs, RO: Use of Controlled Substance, RO: Use of Narcotics, RO: Use of Counterfeit items, RO: Possession of Counterfeit Items, *RO: Possession of Controlled Substance-Other, *RO: Possession of Controlled Substance-Ritalin, *RO: Possession of Controlled Substance-Cocaine, *RO: Possession of Another Person’s Prescription Drug:** For drugs other than marijuana, a student shall not use or be under the influence of illegal or controlled substances or possess illegal, counterfeit or controlled substances (including prescription drugs without a doctor’s order filed with the school) on school property or at a school function. Disciplinary responses shall include a referral to Student Assistance Program.
Example items include, but are not limited to:
 1. Acid
 2. Ecstasy
 3. Heroin
 4. Cocaine
 - 2. Sale/Distribution (Attempt or Actual) RO: Distribution of a Prescription Drug, RO: Sale of Controlled Substance in violation of law-Other, RO: Sale of controlled substance in violation of law-marijuana, RO: Sale of controlled substance in violation of law-Ritalin, RO: Sale of Controlled substance in violation of the law-Cocaine:** A student shall not distribute, sell, attempt to sell, or possess with intent to sell any illegal, counterfeit or controlled substance. Possession of a large amount of or more than one individually wrapped package of a controlled or illegal substance will be considered evidence that the student intended to sell or distribute the product.

RESPONSES:	
Minimum:	Tier III Response(s) (see page 10) and a referral to CMS Student Assistance Program at 980-343-3653
Maximum:	Long-Term Suspension or Expulsion

Rule 29 WEAPONS AND DANGEROUS OBJECTS- NOT INCLUDING FIREARMS: (Responsibility/Caring)
***RO: Possession of Weapon (not all weapons listed below qualify for this reporting code):** A student will not possess, handle, transport or use any weapon, object that can be reasonably considered a weapon, dangerous object or substance that could cause harm or irritation to another individual on school property or at any school function. All items will be confiscated and will not be returned except with the mutual agreement of school and law enforcement. This rule does not apply to school supplies (e.g., pencil, laser pointer) unless used as a weapon. Note: any object thrown from a school bus will be treated as a weapon for purposes of this rule. *See Rule 31 for rules on firearms. **Special note: See the Safe Harbor Provision on page 6.**

Prohibited items include, but are not limited to:

- A. Toy knife or look-a-like knife
- B. Weapon not capable of propelling a missile
- C. Knife
- D. Box cutter/razor blade
- E. Camouflaged weapon
- F. Object thrown from a bus
- G. Ammunition
- H. Fireworks
- I. Bomb (includes destructive devices such as an explosive, incendiary or poison gas, grenade, rocket having a propellant charge of more than 4 ounces, missile with an explosive charge of more than 1/4 ounce, mine, or similar device)
- J. Air soft gun, BB gun, pellet gun
- K. Any object or substance that could cause injury including but not limited to, slingshots, ice picks, multi-fingered rings, metal knuckles, nun chucks, Bowie knives, dirks, daggers, lead canes, switchblade knives, clubs, stun guns, starter pistols, BB guns, flare guns, air rifles, air pistols, air soft pellet guns or paint ball guns, mace, fire extinguishers and/or the use of any object or any substance that will potentially cause harm, irritation or bodily injury.

RESPONSES:	
Minimum:	Tier I Response(s) (see page 9)
Maximum:	Long Term Suspension or Expulsion

Rule 30 GANG AND GANG-RELATED ACTIVITIES (Responsibility/Caring/Justice and Fairness) UB: Gang Activity: No student shall commit any act that furthers gangs or gang-related activities. A gang is any ongoing organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of criminal acts, or the purposeful violation of any district policy, and having a common name or common identifying sign, colors or symbols. Conduct prohibited by this policy includes:

- A. Clothing:** Wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, emblems, badges, symbols, signs, visible tattoos and body markings, or other items, or being in possession of literature that shows affiliation with a gang, or is evidence of membership or affiliation in any gang or that promotes gang affiliation;
- B. Communication:** Communicating either verbally or non-verbally (gestures, handshakes, slogans, drawings, etc.) to convey membership affiliation in any gang or that promotes gang affiliation;
- C. Vandalism or Destruction of Property:** Tagging, or otherwise defacing school or personal property with gang or gang-related symbols or slogans;

RESPONSES:	
Minimum:	Tier I Response(s) (see page 9)
Maximum:	Tier III Response(s) (see page 10)

*See Crime Definitions on pages 26-29 before using this code

- D. **Intimidation/Threats:** Requiring payment for protection, money or insurance, or otherwise intimidating or threatening any person related to gang activity;
- E. **Coercion:** Inciting other students to intimidate or to act with physical violence upon any other person related to gang activity;
- F. **Solicitation:** Soliciting others for gang membership;
- G. **Conspiracy:** Conspiring to commit any violation of this policy or committing or conspiring to commit any other illegal act or other violation of school district policies that relates to gang activity.

RESPONSES:	
Minimum:	Tier II Response(s)(see page 9)
Maximum:	Long Term Suspension

Rule 31 FIREARMS (loaded or unloaded) (Responsibility/Caring) *RO: Possession of a Firearm: *PD: Robbery with a firearm or powerful explosive, PD: Threat of physical attack with a firearm, *PD: Physical attack with a firearm: A student shall not possess, handle or transport any handgun, rifle, starter gun, shotgun or any other weapon which will or is designed to or may readily be converted to expel a projectile by action of an explosion, including camouflaged guns or any firearm muffler or silencer. By law, students violating this rule are subject to a 365-day mandatory suspension.

RESPONSES:	
Minimum:	OSS 365 days
Maximum:	Expulsion

Rule 32 PERSISTENTLY DANGEROUS STUDENTS (Responsibility/Caring/Justice and Fairness): Students who are 16 years of age or older shall not frequently engage in conduct that is in violation of other code of conduct rules and is a danger to others in the school environment. Targeted conduct for this rule are multiple events over an extended period of time, including previous school years. Examples of misconduct under this rule include, but are not limited to, multiple rule violations for assault, the sale or distribution of illegal drugs, gang-related activities, the possession of weapons and inappropriate sexual behavior.

RESPONSES:	
Minimum:	Tier III Response (s) (see page 10)
Maximum:	Long Term Suspension or Expulsion

Rule 33 REFUSAL TO ALLOW SEARCH (Responsibility and Honesty) UB: Insubordination: School administration has the right to conduct a search of a student or his/her possessions that is reasonable in scope if the administration has a reasonable suspicion that the student may be in possession of a weapon, illegal substance or other items prohibited by or used in violation of law or the *Code of Student Conduct*.

- A. **Search of an individual and/or his/her Possessions:** A student must cooperate with and may not obstruct or interfere with a reasonable and authorized search of the student and/or his/her possessions based on reasonable suspicion that the student may be in possession of a weapon, illegal substance or other items prohibited by or used in violation of law or the *Code of Student Conduct*.
- B. **Search of Student Lockers and Desks:** Lockers and desks are the property of the District and are assigned to the student with the understanding that he/she is responsible for all property placed in the locker or the desk. Lockers and desks shall be used only for storage of those items that are reasonably necessary for the student's school activities such as books, gym clothes, coats, school assignments, etc. A student must cooperate with and shall not obstruct or interfere with an authorized search of his/her locker or desk.
- C. **Search of a Vehicle:** A student must cooperate with and may not obstruct or interfere with reasonable search of the student's vehicle and its contents when it is present on school property or at a school activity. These searches will be based on reasonable suspicion that the student may be in possession of a weapon, illegal substance or

other items prohibited by or used in violation of law or the *Code of Student Conduct*. A violation of this rule may result in the student losing his/her parking privilege, in addition to other applicable discipline.

RESPONSES:	
Minimum:	Tier I Response(s) (see page 9)
Maximum:	Tier II Response(s) (see pages 9) – Elementary
	Tier II Response(s) (see page 9) - OSS 1-5 days –Secondary

Section V – Procedures Relating to Disciplinary Action or Re-entry

To protect student rights, certain procedures are followed with regard to disciplinary actions. These procedures are developed as suggested or required by law or regulation. School and classroom discipline in areas not covered by these specific procedures are encouraged.

Corporal Punishment

Discipline shall be maintained without the use of corporal punishment, which is prohibited in the school district (Charlotte-Mecklenburg Board of Education Policy JK). However, staff is authorized by state law to “use reasonable force in the exercise of lawful authority to restrain or correct pupils and maintain order.” (N.C.G.S. § 115C-390.3 and 391.1).

Procedures for Short-term Suspensions (1-10 days)

A student accused of misconduct, which in the opinion of the principal (includes principal’s designee) would require a short-term suspension from school, shall be afforded the procedures below. A student must be given an opportunity to complete assignments, take textbooks home, and take major tests or exams missed during the period of suspension. Details of the processes to be followed are provided in Policy JKD.

- Step 1:** The student must be told by the principal/designee why suspension is being considered.
- Step 2:** The student must be given the opportunity to have an informal hearing with the principal and to present his/her version of the events and to identify witnesses to the incident. The informal hearing will typically occur immediately after the student is informed of the charges, but may be delayed if the student’s continued presence on campus is a safety concern.
- Step 3:** The principal/designee shall make a determination as to whether or not a student is guilty of the misconduct, and if so, what disciplinary response will be imposed. Initial notices to impose suspension may be communicated orally to the parent; written notification must follow.
- Step 4:** The principal/designee shall report each suspension in writing to the student’s parent/guardian and to the learning community superintendent or designee. This report shall be sent to the parent by email, regular mail or other reliable means by the end of the day of the suspension when reasonably possible. Otherwise, it must be sent no more than 2 days later. Reasonable efforts shall be made to contact parents or guardians prior to the start of the suspension. If parents or guardians cannot be reached prior to the start of the suspension, the principal/designee may start the suspension without contacting them. In this event, the principal must continue efforts to reach the parent/guardian.
- Step 5:** At the discretion of the principal, a written behavior contract may be required upon the return of the student to school.
- Step 6:** Students are not entitled to appeal a principal’s decision to impose a short-term suspension to the superintendent or the Board of Education.

Procedures for Long-term Suspensions (more than 10 days) or 365-day Suspensions and Disciplinary Reassignments

A student accused of a willful violation of the *Code of Student Conduct* which, in the opinion of the principal/designee, may require a long-term suspension or 365-day suspension from school, shall be afforded the procedural safeguards described below. A suspension of more than 10 days is appropriate only when the student willfully engages in conduct that threatens the safety of students, staff or school visitors, or threatens to substantially disrupt the educational environment. The procedures for a short-term suspension must be employed, as well as the following additional steps, prior to the imposition of a long-term suspension. Only the superintendent or his/her designee (the learning community superintendent) may impose a period of long-term suspension or 365-day suspension.

- 1. Notice of Long-Term Suspension:** When a principal decides to recommend that a long-term suspension be imposed, parents must be provided notice of the recommendation by the end of the workday (when reasonably possible; otherwise as soon as is practicable).

2. **Discipline Team Meeting:** Except for serious violations of the *Code of Student Conduct* for which the superintendent may recommend that the student be expelled or for which the Superintendent is seriously considering imposing a long-term suspension rather than a disciplinary reassignment, a Discipline Team Meeting (DTM), which consists of the principal/designee, the learning community administrator, the parent/guardian and the student, will be convened at the school within 10 school days of the first day of suspension. The purpose of this meeting is for the team to review the investigation completed by the school, the principal's recommended consequences, the due process procedures afforded, and any information provided by the student and the parent/guardian. There is no right for representative counsel to attend the DTM. During the DTM, the community administrator may recommend that additional consequences be imposed. At this point the community superintendent will make a preliminary decision about the disciplinary consequence. Parents will be informed in writing of the community superintendent's decision.
3. **Disciplinary reassignment:** If the decision of the learning community superintendent is to make a disciplinary reassignment of the student to an alternative school without any additional days of suspension, the student is not entitled to a due process hearing. Disciplinary reassignments are not long-term suspensions. The student may request an appeal of the school assignment to the Board by contacting the Alternative Education/Safe Schools Department (A form for this purpose is in the back of this book.) The assignment will be immediately effective pending the appeal and remains in effect until a decision is rendered in the appeal. As provided on Board Policy JFAC, a student may not be represented by an attorney at the Board hearing at which the student appeals a disciplinary reassignment.
4. **Preliminary decision to impose long-term suspension/Right to a due process hearing:** For serious rule violations for which a decision to impose a long-term suspension is likely, a DTM will not be held and the learning community superintendent will make a preliminary decision on what consequence to impose based on the principal's investigation of the fact of the case. If the parent/guardian agrees with the preliminary decision of the learning community superintendent to impose a long-term suspension, then that decision shall become final and a due process hearing will not take place. If the parent/guardian disagrees with the decision of the learning community superintendent to impose a long-term suspension, the student is entitled by law to a hearing before a hearing officer. This hearing may be requested by making a written request to the community administrator within three business days. (A form for this purpose is in the back of this book.)
5. **Due Process Hearing** If parents request a due process hearing, the hearing will be scheduled within the initial 10 days of suspension. If parents/guardians miss the deadline or request a later hearing date or their scheduling conflicts cause the hearing to take place after the initial 10-day suspension, then the learning community superintendent may impose a long-term suspension before the hearing occurs.

Notice: Written notice will be sent to parents/guardians advising them of the date, time and location of the hearing. The notice must describe the hearing process and advise parents/guardians of the student's rights under law. Details of the notice are provided in Policy JKD. The notice must be sent by email, US mail, hand delivery or other reliable means. For children in foster care, notice must also be sent to the foster parents and the Youth and Family Services (DSS) guardian. If neither the student nor parent appears at the scheduled hearing, they will have waived the right to the hearing and the superintendent will proceed with imposing the disciplinary consequences.

At the Hearing: The due process hearing will be held at the learning community offices or other designated location and the student will be able to exercise the rights identified in the notice, including the right to have an opportunity to present his/her version of the events, provide witnesses (or written witness statements) on his/her behalf, question the witnesses presented by the school administration and be represented by counsel (at the parent's own expense). Students shall also have the right to review before the hearing the evidence that may be presented by the district, as allowed by federal and NC law. The hearing officer shall make a written determination of the facts, based on substantial evidence presented at the hearing.

Decision Following the Hearing: The superintendent/designee shall make a final decision regarding the disciplinary consequences after the due process hearing has occurred (or, if no request is received, after the deadline has passed for requesting a hearing.) The superintendent/designee will not review the initial 10-day (short-term) suspension. A student shall be informed of the determination promptly.

6. **Appeal of Long-Term Suspension:** If the student disagrees with the decision of the superintendent/designee to impose a suspension of more than 10 days, he/she is entitled to appeal to the Board of Education. This appeal must be requested within 10 days of the date of the superintendent's decision letter. The disciplinary consequence

remains in effect throughout all appeals. The student may appeal to the Board even if he/she did not request a due process hearing. (A form for this purpose is located in the back of this book.)

7. **Board Hearing:** The Board hearing will be conducted and a decision rendered within 30 days of the submission of the appeal, unless the student requests that the hearing be delayed. Students are entitled to be represented by counsel at hearings appealing a long-term suspension.

Procedures for Expulsion

N.C.G.S. § 115C-390.11 gives the Board of Education authority to expel any student over 14 years of age whose behavior indicates that the student's continued presence in the school constitutes a clear threat to the safety of other students or employees or who is subject to the Jessica Lunsford Act (which applies to certain registered sex offenders). Students who are expelled are no longer students in CMS and are not permitted on school property for any purposes.

- Step 1:** After the due process hearing has occurred, the superintendent/designee may make a recommendation to the Board of Education that the student be expelled. A period of long-term suspension may also be imposed by the Superintendent pending the Board decision on the expulsion recommendation.
- Step 2:** The parent/guardian will receive written notice of the hearing before a panel of the Board of Education. The notice shall include the date, time and location of the hearing, a summary of the charge against the student, the information to support the charge and the student's rights at this proceeding.
- Step 3:** A hearing will be held at the offices of the Board of Education, where the student will be able to exercise the rights identified in the notice. The student will have the opportunity to explain why his/her presence is not a clear threat to the safety of others, provide witnesses (or written witness statements) on his/her behalf, and question the information presented by the superintendent/designee. The student has the right to be represented by counsel at this hearing, at the parent's expense.
- Step 4:** The Board of Education will determine whether the statutory requirements were met and if there are alternative programs that would meet the needs of the student and maintain the safety of the educational environment.
- Step 5:** The decision of the Board of Education will be provided to the parent/guardian in writing within seven to 10 days of the hearing.

Procedures for Re-entry of Expelled Students or Students Suspended for 365 Days

Following the Board of Education's decision to expel a student, the student shall have no right to attend Charlotte-Mecklenburg Schools until such time as the student can demonstrate that he/she no longer constitutes a threat to the safety of other students and staff. The student shall have a right to request that the Board of Education reconsider the decision to expel any time after 180 days from the date of the expulsion decision. Similarly, students subject to a 365-day suspension may petition the Board for readmission after 180 days from the start of the suspension. The Board will schedule a hearing to consider these requests. Students will be notified of the date of the hearing. If a decision to allow the student to re-enter is made, it shall be pursuant to a behavior contract and assignment to an alternative program to be identified by the superintendent/designee. Failure of the student to abide by the behavior contract or again engage in conduct which threatens the safety of students or staff may result in immediate referral to the Board of Education.

Procedures for Suspension of Students with Disabilities

Please see the *Handbook on Parents Rights* for the additional procedural safeguards to be followed for students with disabilities. Parents or students who need a copy of this handbook may contact the principal or obtain a copy through the learning community offices.

Procedures for Re-entry or Enrollment of Students (grades 6-12) from Alternative Settings

Alternative settings are considered by CMS to include but are not limited to mental health facilities, incarceration, previous/current alternative education programs, or placement in a group home.

Students transitioning into CMS from an alternative setting and/or who have not been in a traditional school setting for more than thirty (30) days will be referred to the Triage Interview process facilitated by the Student Discipline and Behavior Support department. The Triage Interview process includes a face-to-face interview with the student and his/her parent/guardian where information/documentation is collected about the student's current circumstances. The information gathered in this process will be compiled and forwarded to the appropriate learning community office. The learning community superintendent will make the decision regarding where the student will be assigned to school. Within five business days, the Learning Community will

send the decision to the parent/guardian and will notify identified school staff and the Student Discipline and Behavior Support department. Assignment decisions made through this process may be appealed to the Board.

Students charged with a violent criminal offense (identified by CMS) will be referred to the Triage Interview process regardless of whether they have been held in jail or the number of days they have been incarcerated.

Students transitioning into CMS from mental health facilities who have not been charged with a violent criminal offense (identified by CMS), will be allowed to re-enroll in their assigned school. These students will be referred to the school Intervention Team located on the assigned school's campus.

Point of Exit is Point of Entry

Withdrawing from and later re-enrolling in Charlotte-Mecklenburg Schools will not circumvent a reassignment to an alternative school for disciplinary purposes. Students who are reassigned to an alternative school or mandatory program for a specified amount of time must regularly attend and successfully complete this reassignment before returning to the regular school environment. Students who leave CMS and return at a later date will automatically be assigned to the alternative school or program upon re-enrolling in CMS.

Procedures for Expungement of Records

As required by North Carolina law, all long-term suspensions and expulsions must be included in a student's education record. These records may be expunged if all the following conditions have been met: 1) the student (age 16 or over) or parent make such a request to the learning community superintendent; and 2) the student graduates high school or is not expelled or suspended again during the 2-year period starting on the date of the student's return to school after the expulsion or suspension; and 3) the superintendent determines that the maintenance of the record is not necessary to maintain safe and orderly schools and the records are no longer needed to adequately serve the student.

Alternative Discipline Programs

*Assignment to any of the programs listed below is based upon availability.

Student Assistance Program (SAP): The Student Assistance Program focuses on prevention and drug education. Program counselors provide drug, alcohol, and tobacco education for individual students, families, small groups, schools, and school staff. Upon referral, SAP counselors conduct assessments to determine level of student risk and need associated with substance usage. The assessment, conducted with the student and parent or guardian, may result in a referral to POP or other community-based resources. The SAP counselor may also provide short-term direct support to students and families. Schools with elevated levels of drug usage may receive targeted, more intensive support from the SAP counselor.

Short-Term Alternative to Suspension Centers: The primary goal of the Short-Term Alternative to Suspension Centers is to reduce the number of students who consistently display inappropriate behavior on campus. The program will provide a stable environment for students suspended for one to 10 days for up to Tier III infractions. This is a voluntary placement offered instead of suspension; therefore, transportation will not be provided. The home school will collaborate with the family and the center to ensure consistency of academic work. Course offerings and programs are not as inclusive as those in students' home schools.

Positive Options Program (POP): POP is an eight hour class for students and parents of students who possess or use alcohol, marijuana, or other unauthorized drugs at school or at school-related activities and for whom this is a first offense. Students must attend POP with a parent or guardian. The referral to POP is made based on an assessment conducted by the Student Assistance Program counselor. Not completing POP may result in further consequences. To make a referral to POP, CMS staff will contact the assigned Student Assistance Program counselor. This information can be obtained from the Student Services office at 980-343-3653.

Turning Point Academy: Turning Point Academy is available as an alternative education option for students with long-term or 365-day suspensions and/or as a disciplinary reassignment for students who have committed serious violations of the *Code of Student Conduct*. Course offerings and programs at Turning Point Academy are not as inclusive as those in students' home schools. Staff works with students, their families and the student's home school to develop a personal behavior plan and curriculum to be implemented during the assignment to Turning Point Academy. Students are assigned to Turning Point Academy for a determined period of time or until they meet stated goals and then return to the home school. Transportation will be provided when a bus route is established after the student begins attending the program.

Violence Is Preventable (VIP) Program: VIP is a support program for students who have been involved in serious violent behaviors at school or at a school activity and for whom this is a first offense. The parent/guardian is required to attend VIP with the student. The focus of VIP is to provide awareness of violence prevention and anger management and to build positive life skills in the areas of communication, decision-making and self-esteem.

Sexual Harassment Is Preventable (SHIP) Program: SHIP is a support program for students who have been involved in serious incidents of sexual harassment or inappropriate sexual behaviors at school or at a school activity and for whom this is a first offense. The parent/guardian is required to attend SHIP with the student. The focus of SHIP is to provide awareness for participants through discussion and focus groups to modify the inappropriate behavior.

Community Service Program: Community Service is designed to allow the student an opportunity to work in the community. Each student and parent/guardian is required to attend an orientation meeting where the rules, expectations and parameters of the community-service assignment are explained. In addition to providing an alternative for students who are in violation of the *Code of Student Conduct*, performing community-service hours helps to educate the students on the value of service.

Section VI – Definitions

365-day suspension: A disciplinary exclusion from school for 365 calendar days.

Alternative School: full-time educational program that meets the academic requirements of the NC Standard Course of Study and provides the student with the opportunity to make timely progress towards graduation and grade promotion.

Board: Charlotte-Mecklenburg Board of Education.

Bullying: Bullying is defined in CMS Regulation JICK-R as a physical act or gesture or a verbal, written, or electronically communicated expression directed at one or more persons that:

1. Creates an actual and reasonable expectation that the conduct will
 - A. cause physical harm or emotional distress to a person or damage his or her property, or
 - B. place a person in reasonable fear of physical harm, emotional distress or damage to his or her property; or
2. Creates or is certain to create an intimidating, hostile educational environment for the person at whom the conduct is directed, such that it substantially interferes with or impairs the student’s educational performance.

Destructive Device: An explosive, incendiary, or poison gas, including 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 device similar to any of the previously listed devices. **Disciplinary Reassignment:** Assignment to an alternative school imposed as a consequence for violating the *Code of Student Conduct*. These assignments are not long-term suspensions.

Exclusion: The removal of a student from school for disciplinary purposes.

Expulsion: The indefinite exclusion of a student from school enrollment for disciplinary purposes; may be imposed only by the Board, and the student must be 14 years old. **Student:** Any person attending any school in Charlotte-Mecklenburg Schools.

In School Suspension (ISS): In-school suspension is an intervention for minor violations of the *Code of Student Conduct* in which students are removed from the regular classroom setting but allowed to remain at the school. ISS provides the opportunity to redirect student behavior and to restore an orderly environment that is conducive to effective teaching and learning.

Long-term suspension: The disciplinary exclusion from school of a student for more than 10 school days. For offenses occurring during the first, second and third quarters, the term may not exceed the end of the school year; for offenses occurring during the fourth quarter, the term may be through the end of the first semester of the following school year. May be imposed by the superintendent or designee.

Principal: The school principal or any school professional to whom the principal may officially delegate authority.

Parent: Natural parent, legal guardian (including foster parent) or other caregiver adult who is acting in the place of a parent and is entitled to enroll the student in school under NC law.

Restorative Justice: Restorative Justice is reactive in nature. It consists of formal and informal responses to wrongdoing. These responses are introduced in an effort to avoid the reoccurrence of the wrongdoing and to begin to rebuild relationships where there has been harm.

Restorative Practice: Restorative Practices are proactive in nature. They consist of formal and informal processes put in place to create positive school climate. These processes precede any wrongdoing, provide expectation clarity for all involved and have a strong focus on building relationships and a sense of community.

Service Learning: Service Learning involves students in community service activities and applies the experience to personal and academic development. Service Learning occurs when there is “a balance between learning goals and service outcomes” (Furco 3). Service Learning differs from internship experience or volunteer work in its “intention to equally benefit the provider and the recipient of the service as well as to ensure equal focus on both the service being provided and the learning that is occurring” (Furco 5). Service Learning course objectives are linked to real community needs that are designed in cooperation with community partners and service recipients. In Service Learning,

course materials inform student service and service informs academic dialogue and comprehension. Service Learning engages students in a three-part process: classroom preparation through explanation and analysis of theories and ideas; service activity that emerges from and informs classroom context; and structured reflection tying service experience back to specific learning goals (Jeavons 135).

Short-term suspension: A disciplinary exclusion of a student from school for 10 or fewer school days may be imposed by a principal or assistant principal.

Suspension: The temporary exclusion of a student from the regular school program.

References

Charlotte-Mecklenburg Board of Education (Policies of the Board of Education are available on the CMS Web site located at www.cms.k12.nc.us)

- Policies IJNDB, IJNDB-R, KLC, KLG, JBA, JFAC, JICA, JICG, JICH, JICH-R, JICI, JICK, JICK-R, JIIAA, JIJ, JIJ-R, JJJ, JK, JK-R, JKD, JKDA-R, JRA, KI and KLG-R.

North Carolina General Statutes

- §§ 1-538.3(b), 20-11(n1), 115C-378 & 380, 115C-288, 115C-307, 115C - 390.1 - 390.12 and 115C-391.1.

Other References

- **Handbook on Parents' Rights**
- Title IX of the 1972 Education Amendments
- Section 504 of the Rehabilitation Act
- Title II of the Americans with Disabilities Act of 1990 (ADA)
- Individuals with Disabilities Education Improvement Act of 2004 (IDEA)
- McKinney-Vento Homeless Assistance Act of 1987 (McKinney-Vento)
- Family Educational Rights and Privacy Act (FERPA)
- Charlotte-Mecklenburg Schools Parent-Student Handbook and Forms Handbook
- Defining Restorative by Ted Wachtel, IIRP President and Founder
- Defining Restorative by Ted Wachtel, IIRP President and Founder
- Definition on Service Learning, Colorado State University (http://writing.colostate.edu/guides/teaching/service_learning/definition.cfm)

Section VII – DPI Crime Definitions

Crime Definitions

**Italicized offenses are considered dangerous and may lead to a school being designated “Persistently Dangerous.” The threshold for this status is at least two dangerous acts and a ratio of at least five dangerous acts per thousand students.*

1. **Assault Resulting in Serious Personal Injury:** An intentional offer or attempt by force or violence to do injury to the person of another that causes reasonable apprehension of immediate bodily harm resulting in one of the following: (1) substantial risk of death, (2) serious permanent disfigurement, (3) a coma, (4) a permanent or protracted condition that causes extreme pain, (5) permanent or protracted loss or impairment of the function of any bodily member or organ, or (6) that results in prolonged hospitalization. If an offender used a weapon in an assault resulting in serious injury, report both Assault Resulting in Serious Injury and Assault Involving Use of a Weapon.
2. **Assault Involving Use of a Weapon:** An intentional offer or attempt by force or violence to do injury to the person of another that causes reasonable apprehension of immediate bodily harm through the use of one of the following: (1) any gun, rifle, pistol, or other firearm, (2) BB gun, (3) stun gun, (4) air rifle, (5) air pistol, (6) bowie knife, (7) dirk, (8) dagger, (9) slingshot, (10) leaded cane, (11) switchblade knife, (12) blackjack, (13) metallic knuckles, (14) razors and razor blades, (15) fireworks, or (16) any sharp-pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction, and maintenance. If a firearm or other weapon is used in the commission of any offense, the type of weapon must be identified in the Weapon Used/Possessed column of the Data Collection Form.
3. **Assault on School Officials, Employees, and Volunteers:** An intentional offer or attempt by force or violence to do injury to a school official, employee, or volunteer that causes reasonable apprehension of immediate bodily harm while the school official, employee, or volunteer is discharging or attempting to discharge his/her duties.
 - The “duties” of a school official, employee, or volunteer include the following: (1) all activities on school property, (2) all activities during a school authorized event or the accompanying of students to or from that event, and (3) all activities relating to the operation of school transportation.
 - An “employee” includes (1) one who is employed by a local board of education, (2) one who is employed by a charter school, (3) one who is employed by a nonpublic school that operates under Part 1 or Part 2 of Article 39 of Chapter 115C of the General Statutes, or (4) an independent contractor if the independent contractor or employee of the independent contractor carries out duties customarily performed by employees of the school.
 - A “volunteer” is one who volunteers his/her services or presence at any school activity and is under the supervision of an employee. This offense includes assaults on school personnel that do not involve the use of a weapon and do not result in apparent serious injury.
4. **Making Bomb Threats or Engaging in Bomb Hoaxes:** A person who, with intent to perpetrate a hoax, conceals, places, or displays in or at a public building any device, machine, instrument, or artifact, so as to cause any person reasonably to believe the same to be a bomb or other device capable of causing injury to persons or property.
 - A “public building” encompasses all educational property, as defined in G.S. 14-269.2, including: (1) any school building or bus, and (2) school campus, grounds, recreational area, athletic field, or other property owned, used, or operated, by any board of education or school board of trustees or directors for the administration of any school.
 - “Public buildings” also include: (1) hospitals, and (2) buildings that house only State, federal, or local government offices, or the offices of the State, federal, or local government located in a building that is not exclusively occupied by the State, federal, or local government.
 - This offense includes when a person communicates a bomb threat by any means.
5. **Willfully Burning a School Building:** A person who wantonly and willfully sets fire to, burns, causes to be burned, or aids, counsels, or procures the burning of any schoolhouse or building owned, leased, or used by any public school, private school, college, or educational institution.
6. **Homicide:** A murder which is perpetrated by one of the following means: (1) nuclear, biological, or chemical weapon of mass destruction, (2) poison, (3) lying in wait, (4) imprisonment, (5) starving, (6) torture, (7) any other kind of willful, deliberate, and premeditated murder, (8) during the perpetration or attempted perpetration of an arson, rape, sex offense, robbery, kidnapping, burglary, or other felony committed or attempted with the use of a deadly weapon, (9) the unlawful distribution and ingestion by someone of opium or any other synthetic or natural salt, compound, derivative, or preparation of opium, cocaine, or methamphetamine resulting in death, or (10) all other types of murder.

7. **Kidnapping:** A person who unlawfully confines, restrains, or removes from one place to another, any other person 16 years of age or over without the consent of such person, or any other person under the age of 16 years old without the consent of a parent or legal guardian of such person, shall be guilty of kidnapping if such confinement, restraint, or removal is for the purposes of one of the following: (1) holding such other person for a ransom, as a hostage, or using such other person as a shield, (2) facilitating the commission of any felony or facilitating the flight of any person following the commission of a felony, (3) doing serious bodily harm to or terrorizing the person so confined, restrained, or removed by any other person, (4) holding such other person in involuntary servitude, (5) trafficking another person with the intent that the person be held in involuntary servitude or sexual servitude, or (6) subjecting or maintaining such other person for sexual servitude.
8. **Unlawful, underage sales, purchase, provision, possession, or consumption of alcoholic beverages:** It shall be unlawful for a person younger than 21 years of age to possess, sell, give, or purchase any alcoholic beverages. It is also unlawful for any person to aid and abet a person under the age of 21 years old in his/her attempt to obtain an alcoholic beverage.
 - An “alcoholic beverage” includes the following: (1) malt beverage, (2) fortified wine, (3) unfortified wine, (4) spirituous liquor, (5) mixed beverages, or (6) beer.
9. **Possession of Controlled Substance in Violation of Law:** It is unlawful for a person to possess or have in his/her immediate control any of the following: Marijuana, Heroin, LSD, Methamphetamine, Cocaine, or any other drug listed in Schedules I - VI of the North Carolina Controlled Substances Act. (G.S. §90-89 through 90-94.)
 - The unauthorized possession of a prescription drug is included under this offense.
 - The principal should confer with law enforcement personnel if there is doubt as to whether or not a certain drug is considered a controlled substance.
10. **Possession of a Firearm:** It is unlawful for any person to possess or carry, whether openly or concealed any gun, rifle, pistol, or other firearm of any kind on educational property or to a curricular or extracurricular activity sponsored by a school.
 - This offense does not apply to a BB gun, stun gun, air rifle, or air pistol.
 - Persons authorized to carry weapons on school property are law enforcement officers, firefighters, and emergency service personnel when discharging their official duties.
11. **Possession of a Weapon:** It is unlawful for any person to possess or carry, whether openly or concealed, any of the following weapons on campus or other educational property: (1) any BB gun, (2) stun gun, (3) air rifle, (4) air pistol, (5) bowie knife, (6) dirk, (7) dagger, (8) slingshot, (9) leaded cane, (10) switchblade knife, (11) blackjack, (12) metallic knuckles, (13) razors and razor blades, (14) fireworks, or (15) any sharp-pointed or edged instrument, except instructional supplies, unaltered nail files, clips, and tools used solely for preparation of food, instruction, maintenance.
 - “Educational Property” refers to any school building or bus, school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by any board of education or school board of trustees, or directors for the administration of any school.
 - Persons authorized to carry weapons on school property are individuals carrying a concealed handgun with a permit as authorized by Chapter 14, Article 54B of the NC General Statutes as amended by Session Law 2013-369, and law enforcement officers, firefighters, and emergency service personnel when discharging their official duties.
12. **Rape:** A person is guilty of rape if that person engages in vaginal intercourse with another person by force and against the will of the other person, or if the person being assaulted is mentally disabled, mentally incapacitated, or physically helpless and the person performing the act knows or should reasonably know that the other person is mentally disabled, mentally incapacitated, or physically helpless.
 - Statutory rape is vaginal intercourse committed on a child under the age of 16 by a person who is at least 12 years old and at least 4 years older than the victim, regardless of whether the victim consented.

13. Robbery With a Dangerous Weapon: Any person or persons, who, having in possession or with the use or threatened use of any firearms or other dangerous weapon, implement or means, whereby the life of a person is endangered or threatened, unlawfully takes or attempts to take personal property from another or from any place of business, residence, or banking institution or any other place where there is a person or persons in attendance, at any time, either day or night, or who aids or abets any such person or persons in the commission of such crime.

14. Sexual Assault (not involving rape or sexual offense): A person is guilty of sexual battery if he/she, for the purpose of sexual arousal, sexual gratification, or sexual abuse, engages in sexual contact with another person by force and against the will of the other person, or if the person being assaulted is mentally disabled, mentally incapacitated, or physically helpless and the person performing the act knows or should reasonably know that the other person is mentally disabled, mentally incapacitated, or physically helpless.

- NCGS 14-27.1 defines “sexual contact” as touching the sexual organ, anus, breast, groin or buttocks of any person or a person touching another person with their own sexual organ, anus, breast, groin, or buttocks.
- The difference between a sexual assault and a sexual offense is that the sexual assault involves forcible and intentional touching without penetration, and a sexual offense involves penetration of a sex organ or anus by any object, or touching another’s mouth or anus by the male sex organ.

15. Sexual Offense:

- First-degree sexual offense: A person is guilty of a sexual offense in the first degree if the person engages in a sexual act with (1) a victim who is a child under the age of 13 years and the defendant is at least 12 years old and is at least four years older than the victim, or (2) with another person by force and against the will of the other person, and (a) employs or displays a dangerous or deadly weapon or an article which the person reasonably believes to be a dangerous or deadly weapon, (b) inflicts serious personal injury upon the victim or another person, or (c) the person commits the offense aided and abetted by one or more other persons.
- Sexual offense with a child (adult offender): A person is guilty of sexual offense with a child if the person is at least 18 years of age and engages in a sexual act with a victim who is a child and under the age of 13 years.
- Second-degree sexual offense: A person is guilty of a sexual offense in the second degree if the person engages in a sexual act with another person (1) by force and against the will of the other person, or (2) who is mentally disabled, mentally incapacitated, or physically helpless, and the person performing the act knows or should reasonably know that the other person is mentally disabled, mentally incapacitated, or physically helpless.
- Statutory rape or sexual offense of person who is 13, 14, or 15 years old: A person is guilty if he/she engages in vaginal intercourse or a sexual act with another person who is 13, 14, or 15 years old and the person committing the act is at least six years older than the person, except when the person committing the act is lawfully married to the other person.

16. Taking Indecent Liberties With A Minor: A person is guilty of taking indecent liberties with a child if, being 16 years of age or more and at least five years older than the child in question, he/she either: (1) willfully takes or attempts to take any immoral, improper, or indecent liberties with any child of either sex under the age of 16 years for the purpose of arousing or gratifying sexual desire, or (2) willfully commits or attempts to commit any lewd or lascivious act upon or with the body or any part or member of the body of any child of either sex under the age of 16 years. -A “lewd and lascivious act” is defined as an act that is obscene, lustful, or indecent, or tending to deprave the morals with respect to sexual relations

Section VIII – Forms

- Intimidation, Bullying and/or Threats - Administrative Report Form
- Appeal to the Board of Education: Disciplinary Reassignment Form
- Request for Hearing for Suspensions of more than 10 days
- Request for Appeal to the Board of Education
- Behavior Contract

Intimidation, Bullying and/or Threats Administrative Report Form

This form is to be completed to provide appropriate documentation for the school and central office administration when incidents of intimidation, bullying and/or threats occur involving students or staff. Please complete the form below and submit a copy to the individuals indicated. This form may be completed anonymously.

Student name: _____ School: _____

Name of individual communicating the threat: _____

Date of incident: _____

Brief description of the incident:

Signature _____ Date _____

Submit copies to:

- School principal (A response will be provided within three days, if this form is not submitted anonymously.)
- Community superintendent

Appeal to the Board of Education: Disciplinary Reassignment

Use this form to appeal to the Board only after the community superintendent has made a decision to make a disciplinary reassignment to an alternative program. Submit to Student Discipline and Behavior Support Department within 10 days. Students are not permitted to be represented by an attorney at the Board hearing.

TO: Student Discipline and Behavior Support Department
Charlotte-Mecklenburg Schools
4339 Stuart Andrew Boulevard
Charlotte, NC 28217
fax: 980-343-3796
BOEdisciplineappeal@cms.k12.nc.us

DATE: _____

FROM: _____ *Parent*
_____ *Student*
_____ *Mailing Address*

_____ *Telephone Number*
_____ *Email Address*
_____ *School*

I wish to appeal the decision of the community superintendent to assign my child to an alternative program for the following reason(s):

_____ Charlotte-Mecklenburg Schools procedures, as outlined in the *Code of Student Conduct*, were not followed by the school. Please explain.

_____ The disciplinary assignment is not appropriate. Please explain.

_____ Other. Please explain.

This appeal form must be submitted within 10 days of the community superintendent’s decision or the decision becomes final. Your child’s disciplinary assignment remains in effect pending the outcome of the appeal hearing.

Request for Due Process Hearing for Suspensions of More Than 10 Days

Use this form to request a hearing only after the community superintendent has made a decision to impose a long-term suspension. Submit to community superintendent within three (3) days.

TO: _____ community superintendent

DATE: _____

FROM: _____ Parent

_____ Student

_____ School/grade

_____ Student address

_____ Telephone number

I wish to request a hearing because:

_____ Charlotte-Mecklenburg Schools procedures, as outlined by the *Code of Student Conduct*, were not followed by the school. Please explain.

_____ The level of the disciplinary action was not consistent with the *Code of Student Conduct*. Please explain.

_____ The evidence does not support the claim that my child actually committed this violation. Please explain.

_____ Other. Please explain.

This request for hearing form must be submitted to the community superintendent within three (3) days for the hearing to be scheduled within the initial 10-day suspension. For notices received after the deadline, the long-term or 365-day suspension will be imposed and the hearing will be scheduled at a later time. *Please be aware that any changes in the suspension will not change the official coding of school days already served as suspended. Appeals of disciplinary reassignments to alternative schools must be submitted using the form titled, "Appeal to the Board of Education: Disciplinary Reassignment," located on page 25 of this book.*

Appeal to the Board of Education: Long-Term Suspension

Use this form to appeal a community superintendent's final decision to impose a long-term suspension. Submit to the Board of Education within 10 days.

TO: Chairperson
Charlotte-Mecklenburg Board of Education
P.O. Box 30035
Charlotte, North Carolina 28230-0035

DATE: _____

FROM: _____ *Parent*
_____ *Student*
_____ *School/grade*
_____ *Address*
_____ *Telephone number*

I wish to appeal the decision of the community superintendent for the following reasons:

_____ Charlotte-Mecklenburg Schools procedures, as outlined by the *Code of Student Conduct*, were not followed by the school. Please explain.

_____ The level of disciplinary action was not consistent with the *Code of Student Conduct*. Please explain.

_____ The evidence does not support the claim that my child actually committed this violation. Please explain.

_____ Other. Please explain.

This appeal form must be submitted to the Board of Education within 10 days of the community superintendent's decision or the decision becomes final.

Student Behavior Contract

_____ *Student*
_____ *School/grade*
_____ *Administrator*

Description of the unacceptable behavior: _____

Description of the desired replacement behavior: _____

Strategies that will be used to teach the replacement behavior: _____

Reinforcements/rewards for appropriate behavior: _____

Consequences for violation of this Behavior Contract: _____

My administrator has reviewed with me the *Code of Student Conduct* and the behavior expectations of my school. I acknowledge that my behaviors were not consistent with the expectations of my school. I agree to abide by the terms of the *Code of Student Conduct* and any additional behavior guidelines developed by my school. Most importantly, I will not engage in the inappropriate behavior listed above. When I feel that I am unable to adhere to the behavior standards discussed today, I will seek the assistance of a staff member. I understand the consequences for violating this Behavior Contract.

Date: _____

Student signature: _____

Administrator signature: _____



P.O. Box 30035
Charlotte, NC 28230
www.cms.k12.nc.us

Every Child. Every Day. For a Better Tomorrow.

In compliance with federal law, Charlotte-Mecklenburg Schools administers all educational programs, employment activities and admissions without discrimination against any person on the basis of gender, race, color, religion, national origin, age or disability.

Americans with Disabilities ACT (ADA) Accessibility: If auxiliary aids for communication are necessary for participation in a CMS program or service, participants are encouraged to notify the ADA coordinator at least one week prior to program commencement at 980-343-6661 (voice) or accessibility@cms.k12.nc.us.