

# Student Conduct and Discipline

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I.	General Policy Statement .....	2
II.	Student Code of Conduct .....	2
A.	Compliance with Policy .....	2
B.	Codes of Conduct .....	3
1.	Disruption of School.....	3
2.	Misconduct on a School Bus .....	4
3.	Trespassing .....	4
4.	Assault, Injury .....	4
5.	Threatening Acts .....	5
6.	Tobacco Products .....	5
7.	Theft, Damage to Property .....	5
8.	Dishonest Acts.....	5
9.	Weapons and Facsimiles.....	6
10.	Narcotics, Alcoholic Beverages and Stimulant Drugs .....	6
11.	Possession and Use of Communication Devices.....	7
III.	Options for Discipline and Sanctions.....	7
A.	Reasonable Force.....	7
B.	Corporal Punishment .....	7
C.	Isolation .....	8
D.	In-School Suspension .....	8
E.	Detention .....	8
F.	Community Service .....	8
G.	Suspension.....	8
1.	Mandatory Suspension .....	8
2.	Short Term Suspensions.....	10
3.	Long Term Suspensions .....	10
4.	365 Day Suspensions.....	11
H.	Expulsion .....	11
IV.	Due Process for Disciplinary Action .....	12
A.	Due Process for Long Term Suspension .....	13
B.	Alternative Education Services .....	15
C.	Due Process Procedures of 365 Day Suspension .....	15
D.	Request for Readmission of 365-day Suspension.....	16
E.	Due Process for Expulsion.....	16
1.	Requests for Readmission of Expelled Students .....	17
V.	Student Grievance Procedure .....	18
VI.	Procedures for Disciplinary Action.....	20
A.	Record Keeping.....	20
B.	Sending Home During Day .....	20
C.	Notice to Parents.....	20
D.	Investigations.....	21
1.	Personal Searches .....	21
2.	Locker Searches.....	21
3.	Automobile Searches .....	21
4.	Seizure of Illegal Materials .....	22
E.	Interrogation .....	22
F.	Criminal Violations.....	22

## I. General Policy Statement

The purpose of this code is to provide in a single document those policies relating to the conduct of

students in the Haywood County Public Schools judged to be necessary for the safe and effective operation of the schools.

*A copy of this policy shall be published and made available at the beginning of each school year to each student and his or her parent or guardian. Any revisions during the school year will be communicated to parents and students.* Students shall be informed by local school authorities of any school infractions not listed in this Code of Conduct that may result in short-term or long-term suspension or expulsion.

All students are expected to demonstrate good character such as integrity, respect, responsibility, honesty and self-control. This expectation is directly related to the board's educational objectives for students to learn to be responsible for and accept the consequences of their behavior. Integrity, honesty, responsibility and self-discipline are critical for establishing and maintaining a safe, orderly and inviting environment. All students shall comply with all rules and regulations governing behavior and conduct.

This Code of Student Conduct shall apply to:

- A. Any student in any school building or on any school premises before, during or after school hours;
- B. Any student on any bus or other vehicle in which the student is being transported as part of any school activity as well as at any bus stop;
- C. Any student during any school function, activity or event;
- D. Any student at any time when he/she is subject to the authority of school personnel including off-campus functions, field trips, class trips and any other like function.
- E. Any student whose conduct at any time or place is a violation of the Code of Conduct and has a direct and immediate effect on the efficient operation of the school or the safety of individuals in the school.

The failure to follow the school rules and policies, including leaving school grounds without permission, cutting classes, unexcused absences, or unexcused tardies can result in disciplinary action including suspension. Students shall not be suspended long-term or expelled solely for truancy or tardiness.

Violation of Board policies, rules or regulations, the Code of Student Conduct, regulations issued by the individual school, or the North Carolina General Statutes may result in disciplinary action including suspension or expulsion of the student from the Haywood County Public School System.

**Legal Reference: G.S. 115C-47, -288, -307, 390.1 - 390.12**

II. Student Code of Conduct

- A. Compliance with Policy
  - 1. Each school will have a plan for managing student behavior that incorporates effective strategies consistent with the purpose and principles established by board policies.
  - 2. Students shall comply with all directions of principals, teachers, substitute teachers, student teachers, teacher assistants, bus drivers and all other school personnel who are authorized to give such directions during any period of time when they are subject to the authority of such personnel.
  - 3. Schools will operate under existing laws and federal, state, local and Board regulations. Each principal (assistant principal or designee) shall have the authority and be charged with the responsibility to take whatever reasonable and legal action is necessary to establish and maintain appropriate student behavior in accordance with Board policy.
  - 4. Each school staff will cooperatively develop a good school climate and positively directed rules and regulations, including a continuum of disciplinary consequences, consistent with

this Code. Teachers and principals will develop procedures for communications concerning disciplinary action taken. The teacher shall have the responsibility and authority for discipline over students, except in those cases requiring the attention of the Principal. The Principal shall be responsible for investigating fully the cases of students appropriately referred to his office for misbehavior, considering mitigating and aggravating factors, and to determine such subsequent action as deemed warranted in accordance with this policy.

5. This Code is not intended to restrict in any way the authority of principals to make such rules, not inconsistent with this Code, as they are authorized by law to make for the government and operation of their respective schools, or the authority of teachers to make such rules, not inconsistent with this Code, as they are authorized by law to make for their respective classes.

**Legal Reference: G.S. 115C-47, -288, -307, 390.1-390.12**

**B. Codes of Conduct**

**1. Disruption of School**

- a. Any physical or verbal disturbance which occurs within the learning environment and which interrupts or interferes with teaching or orderly conduct of school activities is prohibited. In addition to other disciplinary measures available, a student who is disruptive may be excluded from participating in extracurricular school programs, including graduation.
- b. No student shall engage in or urge any other student to engage in passive resistance (sit-in, walk-out, demonstrations, etc.), noise, threats, fear, intimidation, coercion, force or violence, causing the disruption or obstruction of any lawful function, mission or process of the school to which he is assigned or any other school in the Haywood County Public School System.
- c. While this list is not intended to be exclusive, the following acts illustrate the kinds of offenses prohibited by this policy:
  1. Occupying any school building, school grounds or part thereof depriving others of its use.
  2. Blocking the entrance or exit of any school building or corridor or room therein depriving others of lawful access to the room, or use of the building, corridor or room.
  3. Blocking normal pedestrian or vehicular traffic on school premises.
  4. Making noise or acting in any manner so as to interfere with any teacher's ability to conduct class or to carry on any school activity.
  5. Preventing or attempting to prevent the convening or continued function of any school, class, activity, or of any lawful meeting or assembly on the school premises.
  6. Cursing or using vulgar or abusive language including remarks which demean a person's race, religion, sex, national origin, disability, or intellectual ability.
  7. Conducting oneself in an uncivil or unsafe manner at any school activity. In addition to other disciplinary sanctions provided in the Code or sanctions within the discretion of teachers and principals, the Principal may bar the student from attending any school activity and may require the student not to be on school property before, during, or after activities.
  8. Clothing – dress or appearance which (1) violates a reasonable dress code adopted and publicized by the school, or (2) is disruptive, or (3) is provocative, obscene, profane, lewd, vulgar, or (4) endangers the health or safety of the student or others.
  9. Possessing or distributing literature or illustrations which disrupts the

- 10. Engaging in behavior that is immoral, indecent, lewd, and disreputable or of an overly affectionate or sexual nature in the school setting.
  - 11. Having an offensive odor (from eating ramps, etc.) that is disruptive to the educational process.
- d. Violation of this rule shall result in suspension of the student for up to 10 days, and depending on the severity of the offense may result in long-term suspension for up to the remainder of the school year, or expulsion.

2. **Misconduct on a School Bus**

School transportation service is a privilege, not a right. Students at all times while riding a school bus or other school vehicle shall observe the directives of the school bus driver. The use of video cameras may provide supportive information concerning bus misconduct. (See Board Policy: A-28.) The following conduct is specifically prohibited and may result in temporary or permanent suspension from school transportation services and/or other sanctions:

- a. Delaying the bus schedule.
- b. Fighting, tobacco use or possession, using profanity or refusing to obey the driver's instructions.
- c. Tampering with or willfully damaging the school vehicle.
- d. Possessing, being under the influence, using or distributing unauthorized or illegal drugs or intoxicating beverages on a school vehicle as outlined in Board Policy Code 10.
- e. Getting off the bus at an unauthorized stop.
- f. Distracting the driver's attention by participating in disruptive behavior while the vehicle is in operation.
- g. Failing to observe established safety rules and regulations.
- h. Willfully trespassing upon a school bus.
- i. Violating any other rule of the Code of Student Conduct while on the school bus or other school vehicle.

3. **Trespassing**

- a. No student shall be on the campus of a school to which he is not assigned during the school day without the knowledge and consent of the officials of the school he is visiting.
- b. Students who loiter at any school before or after the close of the school day without specific need or supervision will be considered trespassers and may be prosecuted if they do not leave when instructed to do so.
- c. Any student who has been suspended from school shall be considered trespassing if he appears on the property of any school during the suspension period without the express permission of the Principal and may be prosecuted.

4. **Assault, Injury**

- a. No student shall assault, cause or attempt to cause physical injury to, or intentionally behave in such a way as could reasonably cause injury to any other person. Assault includes engaging in a fight.
- b. Violation of this rule shall result in suspension of the student for up to ten (10) days, and depending upon the severity of the offense may result in long-term suspension for up to the remainder of the school year, or expulsion.

5. **Threatening Acts**

**Refer to Board Policy SA-22**

6. **Tobacco Products**

- a. Any student who possesses or uses any form of tobacco including imitations or substitutes shall be subjected to the following disciplinary actions. The principal or his/her designee will notify a parent or guardian when the student has committed a tobacco offense.
  1. **First Offense:** The student will be assigned to detention or in-school suspension (ISS) for one (1) day. The student will participate in a tobacco cessation program during this time.
  2. **Second Offense:** The student will receive detention or in-school suspension for two (2) days and will continue to participate in the tobacco cessation program.
  3. **Third Offense:** The student will receive detention or in-school suspension for three (3) days and will continue to participate in the tobacco cessation program.
  4. **Fourth Offense:** The student will receive out-of-school suspension for two (2) days.
  5. **Fifth Offense:** The student will receive out-of-school suspension for three (3) days.
  6. **Sixth and Subsequent Offenses:** The student will receive out-of-school suspension as determined by the school principal and communicated through the Student Code of Conduct.
- b. Elementary students will be disciplined on an individual basis at the discretion of the principal.

7. **Theft, Damage to Property**

- a. No student shall steal or attempt to steal or knowingly be in possession of stolen property.
- b. No student shall damage or attempt to damage any school property or private property while under school jurisdiction.
- c. Violations of this rule shall result in suspension of the student for up to ten (10) days, and depending upon the severity of the offense, may result in long-term suspension for up to the remainder of the school year. In addition restitution may be charged.

8. **Dishonest Acts**

Any student who engages in or attempts to engage in plagiarism or falsification shall be subject to disciplinary action. The following actions are specifically prohibited:

- a. Cheating – Cheating includes the actual giving or receiving of any unauthorized assistance or the actual giving or receiving of an unfair advantage on any form of academic work.
- b. Plagiarism – Plagiarism includes the copying of the language, structure, idea and/or thought of another and representing it as one's own original work.
- c. Falsification – Falsification includes the verbal or written statement of any untruth.

9. **Weapons and Facsimiles - Refer to Board Policy SA-22**

10. **Narcotics, Alcoholic Beverages and Stimulant Drugs**

- a. No student shall possess, use, transmit or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance, or any alcoholic beverage, malt beverage or fortified wine or other intoxicating liquor. Nor shall a student possess, use, or transmit drug paraphernalia or counterfeit drugs. No student shall use any chemicals or products with the intention of bringing about a state of exhilaration or euphoria or of otherwise altering the student's mood or behavior.
- b. Use of a drug authorized by valid medical prescription from a registered physician shall not

be considered a violation of this code when the drug is taken by the person for whom the drug was prescribed.

- c. Any student using any drugs prescribed by a physician or over-the-counter medication, including aspirin and cold medicines is required to leave the medication with school office personnel or other designated personnel and to come to the office or other designated area at the required time(s) to take the required dosage. A note from the parent (guardian) and/or physician must be sent with the medication to authorize its use.
- d. Any of the aforementioned substances which may lawfully be possessed by students may be brought to school with the prior permission of school personnel and used for an approved school project under supervision of school personnel. Violation of this rule shall result in suspension of the student for up to 10 days, and depending on the severity of the offense may result in long-term suspension for up to the remainder of the school year, or expulsion.

11. **Possession and Use of Communication Devices**

- a. A Personal Communication Device (PCD) is defined as any telecommunications device that emits an audible signal, vibrates, displays a message, allows communication between individuals, or otherwise summons or delivers a communication to the processor.
- b. The use of a PCD is not allowed during regular school hours unless authorized under guidelines established by the school principal. Use of the device during extra-curricular activities is at the discretion of the adult supervisor.
- c. It will be the responsibility of the student to safeguard and store the device during school hours. The school will not be responsible for the safe keeping or security of these devices.
- d. Improper or unauthorized use of a PCD will result in loss of privilege or disciplinary action or both based upon the frequency of use and the level of disruption. Disciplinary actions will range from a verbal warning to the suspension from school based on the school's "code of conduct".

III. **Options for Discipline and Sanctions**

The Haywood County Board of Education recognizes that the most effective discipline is preventive and not punitive in nature. However, there are times when corrective actions become necessary. Such actions should be reasonable and aimed at improvement of behavior.

School administrators are encouraged to seek positive, innovative and constructive methods of effective discipline and control of student behavior in an effort to avoid suspensions. The Superintendent is encouraged to consider, develop, and propose new and alternative discipline programs to the Board.

The following options are available to those authorized to discipline or control students. This list is not intended to restrict in any way the authority of teachers and principals to discipline students in a manner consistent with Board policies. Nothing stated herein shall inhibit anyone from taking whatever action may be necessary in a case of an attack on his person or in his own self-defense.

A. **Reasonable Force.** School personnel may use reasonable force, to control behavior or to remove a person from the scene in those situations when necessary for any of the following reasons:

- 1. To correct students;
- 2. To quell a disturbance threatening injury to others;
- 3. To obtain possession of weapons or other dangerous objects on the person, or within the control of, a student;
- 4. For self-defense;
- 5. For the protection of persons or property;

6. To maintain order on school property, in the classroom or at a school-related activity on or off educational property.
- B. **Corporal Punishment.** Corporal punishment will be permitted as an option to use as a disciplinary method. Corporal punishment may not be used until alternative disciplinary methods have been tried. Corporal punishment may be used to discipline a student so long as the following conditions are met:
1. If a school chooses to have corporal punishment, students, parents or guardians shall be informed beforehand at the beginning of the year what types of misconduct could result in corporal punishment. Parents or guardians may request in writing that corporal punishment shall not be used to discipline their student. A form will be available for parents/guardians to make such an election at the beginning of the school year or when the student first enters the school during the year. If parent's request corporal punishment not be used, then an alternative form of discipline will be utilized.
  2. Only a principal, assistant principal or teacher may administer corporal punishment and may do so only in the presence of a principal, assistant principal or teacher who shall be informed beforehand and in the student's presence of the reason for the punishment. Corporal punishment shall not be administered in a classroom with other children present.
  3. The principal shall provide the child's parent or guardian with notification that corporal punishment has been administered and shall provide a written explanation of the reasons and the name of the second person who was present.
- C. **Isolation.** Isolation may be a useful discipline tool; therefore, the Board of Education leaves such use to the discretion of the school principal but when total student isolation is used it will be limited to areas in which observation is available.
- D. **In-School Suspension.** The Board recognizes and approves the implementation and use of in-school suspension programs in appropriate cases as a progressive disciplinary step and an acceptable alternative to more severe sanctions. The parent or guardian shall be notified when a child has been assigned to in-school suspension.
- E. **Detention.** Detention may be offered before school, after school or on Saturday. The student and/or parent/guardian are to be given at least 24 hours notice that the student is to report to a specific area at the end of the school day or for more serious offenses, on Saturday. The only alternative to detention is suspension. Detention may be offered at the elementary, middle and high schools.
- F. **Community Service.** In lieu of another disciplinary sanction, which the Principal is authorized to impose, the Principal and student may agree to the student performing specified community service for a certain number of hours. Such community service may include, but is not limited to, service for the school or for a charitable organization. If the community service is not completed, the principal may invoke other disciplinary sanctions appropriate for the original violation.
- G. **Suspension.** Suspension is the removal of a student from school for a period of time. The length of the suspension will be determined by the severity and/ or frequency of the offense.
1. **Mandatory Suspension**  
The following disciplinary measures are mandatory for violations of the specified provisions of the Code of Student Conduct, except in grades K-5, where principals may use discretion in determining the appropriate sanctions. Disciplinary measures other than those specified herein are up to the discretion of the principal, except suspensions for more than ten days, which require the prior approval of the superintendent.  
A child with disabilities recognized by Section 504 of the 1973 Rehabilitation Act, 29 U.S.C. 705 *et seq.*, or the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. 2400 *et seq.*, has a right to all procedures established in the law and accompanying federal and state regulations. If the student is identified as a child with disabilities either

under the IDEA or Section 504, a determination must be made whether the child's conduct in violating the policy is related to the disability. The student's record and master file will reflect the disability and document the determination as to whether the violation is associated with the disability. If the violation of the policy is due to the disability recognized by the IDEA or Section 504, procedures for changes in placement must be followed prior to initiating suspensions of greater than ten days. Section 504 students who violate the weapons or the drug and alcohol policy are exempt from this determination and are disciplined as non-identified students.

**a. Violation of assault and theft/damage policies**

Violation of Board Policies SA-1 (Code 4: Assault, Injury), or (Code 7: Theft, Damage to Property) by a student during a school year shall result in a suspension of the student from the Haywood County Public Schools for up to ten (10) days, and, depending upon the severity of the offense, may result in a long-term suspension for up to the remainder of the school year. The principal shall consider mitigating and aggravating factors to determine an appropriate length of suspension. Depending on these factors, the student may receive a long-term suspension from the school system for the remainder of the school year. If the principal recommends long-term suspension for the remainder of the school year, he/she shall document the criteria used.

**b. Violation of weapons policy, (Code 9: Weapons and Facsimiles) Refer to Board Policy SA-22**

**c. Violation of Code 10: Narcotics, Alcoholic Beverages and Stimulant**

**Drugs.** The first violation of Board Policy SA-1, Code 10: Narcotics, Alcoholic Beverages and Stimulant Drugs shall result in the suspension of the student from the Haywood County Public Schools for up to ten (10) days, and depending upon the severity of the offense, may result in a long-term suspension for to the remainder of the school year. Since school officials act *in loco parentis*, they are not bound by the amount of drugs when determining if a violation of this policy has occurred. Any amount is unacceptable.

The principal shall consider mitigating and aggravating factors (listed in section d. below) to determine the length of suspension that is appropriate. If the principal recommends long-term suspension, he/she shall document the criteria used to determine the appropriate length of suspension including one or more of the following:

1. A suspension less than the remainder of the year
2. Counseling or therapeutic services funded by the family and approved mutually by the principal and family
3. Random drug testing approved by the principal

**d. Mitigating and Aggravating Factors:** The Principal shall consider the following factors to determine whether any long-term suspension should be imposed.

- a. Culpability
  1. Age
  2. Intent
  3. Mental ability
- b. Dangerousness
  1. Prior school or criminal record related to similar acts
  2. Student's emotional state
  3. Type and amount of contraband, weapon, etc.



4. Capacity of contraband, weapon, or drug to inflict serious injury or death
5. Reportable nature of the offense
- c. Harm Caused
  1. Physically injured
  2. Property damage
  3. Awareness of drug on campus by students, parents, staff, etc.
  4. Reputation of the school

**Legal Reference: G.S. 115C-47; -288; -307; 390.1 - 390.12**

## 2. **Short Term Suspensions**

- a. A short-term suspension is a denial to a student of the right to attend school and to take part in any school function for any period of time not exceeding ten school days.
- b. Before invoking a short-term suspension, the principal shall investigate any instance of alleged misconduct. The student involved shall be informed of the nature of the allegations and is required to respond truthfully and completely. The student should be encouraged to raise any defense felt to be available. The principal will endeavor to question witnesses requested by the student. If the student reasonably claims the need for time to present evidence favorable to him, the principal should grant a reasonable postponement of the disciplinary action.
- c. If the conduct of a student poses a danger to persons or property or is an ongoing threat of disruption, the student may be suspended immediately for not more than three school days and the above procedures completed as soon as practical. If the principal determines upon completion of his investigation that further disciplinary action is warranted, the total suspension time shall not exceed ten (10) school days, unless the procedures for long-term suspension are implemented.
- d. Once a principal has decided to invoke a short-term suspension, he shall follow Board Policy SA-1, Section VI, B. and C., for sending a student home during the school day and Board Policy SA-1, Section VI, B., for notifying parents. A student suspended under this provision shall be provided an opportunity to take any grading period exam missed during the suspension period.
- e. In cases where mass suspension (ten or more pupils at the same time) becomes necessary, the Principal shall notify the Superintendent immediately in addition to complying with the terms above.
- f. If a student is suspended during the last ten (10) days of the school year, it must be with the approval of the Superintendent.
- g. The removal of a student from class by the classroom teacher, principal, or other authorized school personnel for the remainder of the subject period or school day and/or changing his location to another room or place on the school premises shall not be considered a short-term suspension and shall not come under the rules and procedures set forth above.
- h. The student is not entitled to an appeal of any short-term suspension, unless the student is alleging illegal discrimination. In such cases, the superintendent has the final decision.
- i. During the short-term suspension, the student shall have:
  1. The opportunity to take textbooks home;
  2. The opportunity to receive all missed assignments and materials in

- connection with an assignment; and
3. The opportunity to take any quarterly, semester or grading period examinations missed during the suspension period.

**Legal Reference: G.S. 115C-47, -288, -307, -390**

### 3. Long Term Suspensions

- a. A long-term suspension is a denial to a student of the right to attend school and to take part in any school function for any period in excess of ten (10) school days, up to the remainder of the school year. If the conduct occurred in the last nine-weeks of a school year, the long-term suspension may be extended through the first semester of the following school year.
- b. A child with disabilities recognized by Section 504 of the 1973 Rehabilitation Act, 29 U.S.C. 701 et seq., the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. 2400 et seq., or Special Education, Article 9, Chapter 115C of the N. C. General Statutes, has a right to all procedures established in the law and accompanying federal and state regulations. If the student is identified as a child with disabilities under any of these provisions, a determination must be made whether the child's conduct in violating the policy is related to the disability. The student's record and master file will reflect the disability and document the determination as to whether the violation is associated with the disability. If the violation of the policy is due to the disability recognized by the IDEA or section 504, procedures for changes in placement must be followed prior to initiating suspensions of greater than ten days. Section 504 students who violate the weapons or the drug and alcohol policy are exempt from this determination and are disciplined as non-identified students.
- c. Following investigation, if the Principal determines that a suspension beyond ten days is appropriate, he shall recommend such penalty to the Superintendent, stating the nature of the offense, the substance of the evidence involved, and the length of suspension recommended. A copy of the notice and this policy shall be delivered in person or sent by certified mail to the parent and student. The Principal will also contact the parent by telephone, if possible.
- d. A disciplinary reassignment of a student to an alternative program that meets the academic requirements of the standard course of study shall not be considered a long-term suspension requiring due process in Section IV.

**Legal Reference: G.S. 115C-47; -288; -307; -390**

### 4. 365 Day Suspensions - Refer to Board Policy SA-22

- H. **Expulsion.** Expulsion is the permanent removal of a student from school. The procedures for expulsion are found in Section 10 of this policy.
1. Upon recommendation of the Superintendent, the Board may expel a student who is fourteen years of age or older if the student's behavior indicates that his or her continued presence in school constitutes a clear threat to the safety of other students or employees.
  2. The determination to expel a student is made on the circumstances of each case. The superintendent shall consider all the circumstances, including the age and maturity of the student, the student's intention in committing the offense, the severity of any injury resulting from the student's conduct and the student's record of conduct.
  3. The following are types of severe conduct that may result in the expulsion of a student:
    - a. Theft or attempted theft by a student from another person by using, or threatening to use, a weapon.
    - b. The intentional and malicious burning of any structure or personal property,

including vehicles.

- c. An attack, or threatened attack, by a student against another person wherein the student uses a weapon or displays it in a manner found threatening to that person.
  - d. An attack by a student on any employee, adult volunteer, or another student which does not result in serious injury but which is intended to cause or reasonably could cause serious injury.
  - e. An attack by a student upon another person whereby the victim suffers obvious severe or aggravated bodily injury such as broken bones, loss of teeth, possible internal injuries, laceration requiring stitches, loss of consciousness, significant bruising or pain, or the victim requires hospitalization or treatment at a hospital emergency room as a result of the attack.
  - f. Any intentional, highly reckless or negligent act that results in the death of another person.
  - g. Confining, restraining, or removing another person from one place to another, without the victim's consent, or the consent of the victim's parents, for the purpose of holding the victim as a hostage for ransom or for use as a shield.
  - h. Possession of a weapon on any school property, including in vehicles.
  - i. The taking or attempting to take anything of value from the care, custody or control of another person or persons, by force, threat of force, or violence, or by putting the victim in fear.
  - j. Any unauthorized and/or unwanted intentional touching, or attempt to touch the sex organ of another. The sex organs are the breasts of the female and the genital areas of the male and female.
  - k. The possession, manufacture, sale, or delivery, or any attempted sale or delivery, of a controlled substance in violation of chapter 90 of the General Statutes.
  - l. Any conduct resulting in a felony conviction on weapons, drug, assault or other charge that implicates the safety of other persons.
  - m. Any other conduct that demonstrates a clear threat to the safety of others in the school environment.
4. During an expulsion, the student is not entitled to be present on any property of the Board of Education and is not considered a student of the Haywood County school system.

**Legal Reference: GS 115C- 390-11**

IV. Due Process for Disciplinary Action

The Board of Education of the Haywood County Public Schools assumes its responsibility to assure every student's right to an equal education opportunity. The Board further assumes its responsibility to assure an atmosphere conducive to learning and the expression of individual responsibility while protecting the individual rights of all students in accordance with standards of due process required by law and accepted standards of fairness. These procedures include a notification of discipline and an opportunity for students to explain their version of what happened. When discipline involves long-term suspension or expulsion, students may also request a formal hearing.

This procedure is not designed to deal with ordinary classroom discipline. The law requires that all teachers "maintain good order and discipline" and the Board joins with parents and students in supporting every reasonable effort of teachers to meet this obligation.

**Legal Reference: G.S. 115C-47, -288, -307, 390.1 – 390.12**

**A. Due Process for Long Term Suspension**

1. In the event the student or parent desires a hearing on the alleged misconduct or penalty, he or she shall give written notice to the Principal within 48 hours (or by the next school day, whichever is later). The notice shall provide all information required by

law. Notice may be provided by certified mail, fax, e-mail or other written method reasonably designed to provide actual notice. The procedures described herein do not affect the Principal's authority to invoke a suspension or other sanction after an investigation.

2. If the student or parent requests a postponement or delay of the hearing, the student shall not be allowed to return to school prior to the hearing. If neither the student nor parent attends for a scheduled hearing, after being provided adequate notice of the hearing, the parent and student have waived their right to a hearing and the Superintendent will respond to the Principal's recommendation.
3. If a hearing is not requested within the time prescribed above, the Principal shall promptly notify the Superintendent and request approval of the recommended long-term suspension. The Superintendent shall provide a prompt response to the request. Upon receipt of the Superintendent's approval, the Principal may impose a long-term suspension.
4. Hearing Request Procedures
  - a. When a parent requests a review of a long-term suspension the Principal shall immediately notify the person designated as a review officer that a review is requested.
  - b. The Principal shall provide the review officer with copies of written statements previously mailed or hand delivered to the parents or guardians and the student's cumulative record.
  - c. Upon notification from the Principal, the review officer will schedule a review committee hearing within 5 days (or as promptly as possible). The hearing will be held at a mutually agreed upon time by both parties.
  - d. The review officer shall notify the student and parents or guardian of the time and place for the hearing, in writing, by certified mail, and by telephone, if possible, and shall give at least 2 days notice of the hearing.
  - e. The student involved and his or her parents or guardians may be present at the hearing and may be represented by counsel. If the student is to be represented by counsel, the Superintendent or the review officer must be notified of such representation at least 2 days prior to the hearing.
  - f. Prior to any hearing, the student, parent, representative or counsel may review any audio or video recordings of the incident (consistent with state and federal records laws), the written information the principal intends to submit as evidence at the hearing, including statements made by witnesses. The principal is not required to release the names or other information that could allow the student or his parents to identify a witness when such identification could create a safety risk for the witness.
5. Hearing Conduct Rules:
  - a. The hearing shall be informal and shall be conducted in private. The hearing shall be recorded and the students shall have an opportunity to make their own recording.
  - b. The review committee shall consist of three members to be designated by the review officer. One member of the committee shall be a representative of the central office. The student's school will not be represented on the committee and no member of the review committee may be under the direct supervision of the principal recommending long-term suspension. All reviews shall be conducted at the central office or at the Education Center.
  - c. Witnesses should be present only when they are giving information. The review officer, the Principal or his administrative assistants, the student, his parents or guardian, may attend the hearing and, if desired, his representative, and such

- other persons as the review officer deems necessary.
- d. The review officer may consider the school records of the student as well as the testimony of any witnesses. Formal rules of evidence shall not apply and the review officer may rely on evidence that reasonably prudent people would consider in the conduct of serious affairs.
  - e. In presenting evidence, the Principal or other representatives of the school have the burden of proof and shall present first any witnesses and/or documentary evidence. Next, the student or his representative may present evidence, including any documents and witnesses.
  - f. Both the Principal (or school representative) and the student (or his representative) may examine the witnesses presented by the other side. The review officer has the power to limit questioning by any person, if such questioning is unproductive, unnecessarily lengthy, repetitive, or irrelevant.
  - g. After the evidence has been presented, all parties shall leave the hearing room, and the disciplinary review committee shall deliberate. The committee shall consider the following:
    1. If the student is guilty of the alleged policy violation (if contested)
    2. If the school reasonably considered mitigating and aggravating factors
    3. If the school issued discipline within the scope of school board policy and public school law
  - h. The committee shall develop a recommendation to the superintendent. The recommendation to the superintendent may not be more severe than the discipline proposed by the principal. The recommendation must be within the scope of discipline described in school board policy and public school law. The committee may also recommend that further investigation is warranted before a decision is reached.
6. The review officer must advise the Superintendent of the discipline review committee's findings, and the Superintendent must make a final decision within three (3) days of the hearing. The Superintendent may review the sanction as well as the evidence of the violation.
  7. The Superintendent shall promptly inform the Principal and parents in writing of the decision regarding the long-term suspension. Upon receipt of the Superintendent's decision the Principal may impose a long-term suspension. If the Superintendent upholds the recommendation for long-term suspension, the written decision shall contain the following:
    - a. The basis for the decision, including a reference to any policy or rule the student violated;
    - b. Notice of what will be included in the student's official record;
    - c. The student's right to appeal the decision to the Board.
  8. The long-term suspension of a student may be appealed to the Board. Any student may appeal to the Board of Education in writing within three (3) days of receiving the Superintendent's decision. The Superintendent will inform the Board chairperson of the request for an appeal and arrange in a timely manner a hearing before the Board. The suspension awarded by the Superintendent need not be postponed pending the outcome of the appeal. Such an appeal shall be on the Superintendent's decision and on the record of the hearing. Any new evidence will be admitted only to avoid a substantial threat of unfairness.
  9. The Board or panel of the Board generally will uphold the decision if there was a reasonable basis for the sanction such as: (1) the student was guilty of the alleged policy violation, (2) the school reasonably considered mitigating and aggravating factors, and (3) the school issued discipline within the scope of school board policy and

public school law.

10. A decision by the Haywood County Board of Education may be appealed to a court of law as provided by statute.

B. Alternative Education Services

1. Services are part or full-time programs that provide direct or computer-based instruction that allow a student to progress in one or more core academic courses. These services may occur in any setting including the home.
2. Students who are long-term suspended shall be offered alternative education services unless there is a significant or important reason for declining to offer such services. The following may be significant or important reasons, depending on the circumstances and the nature of the setting of the alternative education services:
  - a. The student exhibits violent behavior.
  - b. The student poses a threat to staff or other students.
  - c. The student substantially disrupts the learning process.
  - d. The student otherwise engaged in serious misconduct that makes the provision of alternative education services not feasible.
  - e. Educationally appropriate alternative education services are not available due to limited resources.
  - f. The student failed to comply with reasonable conditions for admittance into an alternative education program.
3. If the Superintendent declines to provide alternative education services, the student may seek a review of such decision by the Board of Education. If the student seeks review, the Superintendent shall provide to the student and Board, prior to the review, a written explanation for the denial of services together with any documents or other information supporting the decision.

C. Due Process Procedures of 365-Day Suspension

1. The Principal, on completion of a thorough investigation, will recommend to the Superintendent a 365 day suspension for any student who the Principal believes to have brought any firearm or powerful explosive to school. If the student is 14 years of age or older, the Principal may recommend expulsion in accordance with Sanction H. Expulsion. A student with disabilities will receive all protections required by law.
2. The notice and hearing procedures in Section IV, A., on Long Term Suspensions will be followed. A determination will be made by the Superintendent as to whether the evidence supports (1) long-term suspension, (2) a 365 day suspension and/or (3) an expulsion.
3. The Superintendent will notify the Principal if a long-term suspension is approved and the Principal may immediately impose a long-term suspension. The long-term suspension may be appealed to the board.
4. If the Superintendent also determines that a 365 day suspension and/or expulsion is appropriate, the Superintendent will determine whether to also recommend to the board any modification in the suspension, including the provision of alternative education services or reduction in the suspension. The Superintendent will notify in writing the parents or guardian and the student of the recommendation and the basis for the recommendation. The Superintendent also will notify the parents in writing on any recommendation for expulsion and the basis for the recommendation.
5. In the event the student or parent desires a board hearing on the 365 day suspension, he or she shall give written notice to the superintendent within 48 hours (or by the next school day, whichever is later).
6. A hearing on the Superintendent's recommendation for a 365-day suspension and/or

expulsion will be scheduled with the Board within five (5) days (or as promptly as possible). The hearing will be held at a mutually agreed time for both parties. Any appeal of a long-term suspension imposed for the same conduct will be addressed in the same hearing. Hearing procedures for long-term suspensions will be followed, except the board may review the record from the administrative hearing in addition to or instead of presentations of evidence by individuals other than the Superintendent or the parent, student or student's counsel. The Board will accept new evidence only as is necessary to avoid a substantial threat of unfairness.

7. If the parents/guardian and student do not want to be present at the Board hearing, the parents/guardian or student shall give notice within two (2) days of the scheduled hearing. The Superintendent may provide evidence to support the recommendation to the Board.
8. The board will make a written determination of their decision including evidence that supports a 365 days suspension and/or any modification to the suspension.
9. The Superintendent will keep all records required by state or federal law on all suspensions made pursuant to this policy.
10. Students who are suspended for 365 days shall be considered for alternative education services in the same manner as students who have been long-term suspended. See Section IV.(B).

**Legal Reference: G.S. 115C-391, Gun Free Schools Act of 1994, G.S. 115C-45, -47, -276, -390**

#### **D. Requests for Readmission from 365-day Suspensions**

1. A student may request readmission to school after serving 180 calendar days of the suspension. The student shall submit his or her request in writing to the Superintendent.
2. The Superintendent shall offer the student the opportunity for a meeting. The Superintendent may readmit the student if it appears that the student's presence in school no longer constitutes a threat to the safety of others.
3. If the Superintendent does not readmit the student, the student may appeal the decision to the Board of Education. The Superintendent shall make the student aware of the right to appeal. The appeal before the Board of Education shall be based on the records submitted by the Superintendent and student.
4. If a student is readmitted, the Superintendent or Board may place reasonable conditions on the readmission and may assign the student to any program within the district.

#### **E. Due Process for Expulsion**

1. The Board considers expulsion to be a drastic measure to be used only when other measures are not adequate to ensure the safety of students and employees. A student with disabilities will receive all protections required by law.
2. The Principal, upon having completed a thorough investigation, will recommend expulsion to the Superintendent for any student whose behavior constitutes a clear threat to the safety of other students or employees. If the behavior also is a willful violation of board policies, the Principal will recommend a long-term suspension to the Superintendent.
3. Notice and hearing procedures in board policy on long-term suspensions will be followed. The Superintendent or designee will make a determination as to whether the evidence supports a long-term suspension and/or an expulsion.
4. The Superintendent/designee will notify the Principal if a long-term suspension is approved and the Principal may immediately impose a long-term suspension. The long-term suspension may be appealed to the Board.

5. If the Superintendent/designee also determines that expulsion is appropriate, the superintendent/designee will notify the parents or guardian and student of the Superintendent's intent to recommend expulsion to the Board and the basis for the recommendation.
6. A hearing on the Superintendent's recommendation for an expulsion will be scheduled with the Board within five (5) days. Any appeal of a long-term suspension imposed for the same conduct may be addressed in the same hearing. Hearing procedures for long term suspensions will be followed, except the Board may review the record from the administrative hearing in addition to or instead of presentations of evidence by individuals other than the Superintendent/designee or the parent, student or student's counsel.
7. If the parents/guardian and student do not want to be present at the hearing, the parents/guardian or student will give notice within two (2) days of the scheduled hearing. The Superintendent may then submit written evidence to support the recommendation to the Board, provided that the Board may elect to request a hearing or request additional records and documents.
8. The Board will provide in writing a determination and the basis for the determination of whether there is clear and convincing evidence that the student's behavior indicates that the student's continued presence in school constitutes a clear threat to the safety of other students or employees. The Board also will consider and make a written determination of whether alternative education services will be provided for any expelled student. So long as required by law or the North Carolina State Plan, students with disabilities recognized by the Individuals with Disabilities Education Act must receive alternative educational services during the time of expulsion in order to continue to receive a free appropriate public education.
9. At the time of the expulsion, the student shall be provided notice of the right to petition for readmission pursuant to this policy.

**F. Requests for Readmission of Expelled Students**

1. A student may petition for readmission to school after serving 180 calendar days of the expulsion. The student shall submit his or her petition in writing to the Superintendent. With the petition, the student may provide any supporting documents, such as signed statements from individuals knowledgeable about the student or documentation of the completion of counseling or rehabilitative programs.
2. The information will be shared with the Superintendent. Within a reasonable time frame, the Superintendent or designee must provide the student and the Board with a written response in support of or opposition to the student's request. If the readmission is supported, the Superintendent or designee will make a recommendation on the school or program to which the student should be assigned and a date for readmission.
3. The Board will provide the student the opportunity for a hearing. In the hearing, the Board or panel of the Board will review the request and supporting documentation and the Superintendent's response, and will provide the Superintendent and student the opportunity to be heard. The Board may, at its option also hear from other individuals who it deems may have credible evidence.
4. The Board will notify the student in writing of its decision in regard to the request within 30 days of the petition.
5. If the student has demonstrated to the satisfaction of the Board that he or she is no longer a threat to the safety of students and employees, the Board will establish the date for readmission and designate the school or program to which the student will be assigned. If a student is readmitted, the Superintendent or Board may place reasonable conditions on the readmission and may assign the student to any program



within the district.

6. If the student is not readmitted, the student may request readmission only after six months from the date of the Board's decision.

## V. Student Grievance Procedure

### A. Initiation

A student, parent, or guardian may initiate the grievance procedure to appeal any final decision (a decision from a school employee from which no further appeal to a school administrator is available) of school personnel within the school system, as outlined in Sections A and B of this policy. Grievances that involve an alleged violation of board policy or state or federal law or regulation by a final administrative decision may be appealed to the Board of Education. All other grievances may be appealed to the superintendent/designee but may only be appealed to the board at its discretion.

An appeal shall lie to the local Board of Education from any final administrative decision in the following matters only:

1. The discipline of a student under G.S. 115C-391 (c), (d), (d1), (d2), or (d3) that results in an assignment to an alternative school or program, a suspension for more than 10 school days, or an expulsion.
2. An alleged violation of a specified federal law, State law, State Board of Education policy, state rule, or local board policy, including policies regarding grade retention of students.
3. Any other decision that by statute specifically provides for a right of appeal to the local Board of Education and for which there is no other statutory appeal procedure

Any person aggrieved by a decision not covered A.1 through A.3 of this subsection shall have the right to appeal to the superintendent or his designee and thereafter shall have the right to petition the local Board of Education for a hearing. The Hearing Panel may grant a hearing regarding any final decision of school personnel within the local school administrative unit. The local Board of Education shall notify the person making the petition of its decision on whether to grant a hearing

### B. Procedures

#### Step I

**Principal Conference** – A student, parent, or guardian wishing to invoke the grievance procedure shall make a written request for a conference with the principal to discuss the grievance and seek resolution according to the following guidelines:

1. The request shall detail the basis for the grievance, name the specific policy, rule, or law believed to have been violated, and specify the relief being sought.
2. No grievance shall be heard unless it has been filed in writing within thirty, (30) calendar days after the act or condition that gave rise to the grievance.
3. The principal shall grant the conference within five (5) school days following receipt of the request. The principal will state in writing his/her position on the question to the student or parent within five (5) school days following the conference.
4. Only the parent, guardian, or someone acting in *loco parentis* shall be permitted to join or represent the student in the conference with the principal.

#### Step II

**Appeal to the Superintendent** – If the grievance is not resolved at Step I, the student,

parent, or guardian may appeal the principal's decision in writing to the superintendent. The appeal must be made within five (5) school days following receipt of the principal's written response in Step I. The superintendent or his/her designee shall review the grievance within five (5) days following receipt of the appeal. If the superintendent or his/her designee determines that additional time is needed to develop the factual record, the grievance may be put on hold for fifteen (15) additional days (or longer if by mutual agreement) to allow time for investigation. A written response shall be made to the student, parent, guardian, and principal from the superintendent or his/her designee within ten (10) school days following the review.

### **Step III**

***Appeal to the Board of Education*** – If the grievance is not resolved at Step II, and involves an alleged violation of state or local board policy or state or federal law or state rule by a final administrative decision, it may be appealed in writing to the board of education. This written appeal must be made within ten (10) school days following the written response from the superintendent at Step II. The board's consideration of these appeals will take place in closed session and will be limited to the written record unless the board determines that additional information is necessary. The board may affirm, reverse, or modify the decision of the superintendent. The Step II decision will be reversed if the board determines that there has been a material violation of board policy or state or federal law or regulation, or that the decision is unsupported by substantial evidence in view of the entire record as submitted. The board shall offer a final written decision within thirty, (30) days.

- C. A grievant that is not entitled to appeal to the board may seek a discretionary review by submitting a written appeal to the superintendent's office within ten (10) school days following the written response from the superintendent at Step II. The Chairman and Vice-Chairman of the board shall review the request and notify the grievant within ten (10) school days (or up to 15 days by mutual agreement of the grievant and the Chairman and Vice-Chairman of the board) from receipt of the request whether the board will grant a hearing. If the Chairman and Vice-Chairman do not agree on whether to grant the request, a board hearing will be allowed. The procedures outlined in Section B. Step III will be followed in any hearing granted under this section.
- D. The superintendent/designee shall disseminate policy SA-1 to students at the beginning of each school year.
- E. If the school system fails to comply with the time periods or other procedures outlined in this policy, the grievant may advance the grievance to the next step in the grievance process. If the grievant fails to comply with the time periods or other procedures outlined in this policy, the grievant waives any further rights of appeal and the grievance will be considered resolved.
- F. The grievance may be voluntarily withdrawn at any step in the grievance process. Once a grievance is withdrawn, it cannot be re-opened. If at any time during the grievance process the school system grants the grievant the relief requested, the grievance shall be considered resolved (See attached form).

**Legal References: G.S. 115C-45; G.S. 115C-391(c), (d), (d1), (d2), (d4); G.S. 115C-47, -288; 150B-43 et seq.; Title IX of 1972, as amended, G.S. 115C-47, -288**

## VI. Procedures for Disciplinary Action

### A. Record Keeping

1. All discipline records will be current and maintained with appropriate measures of security and confidentiality. The principal is responsible for meeting all legal requirements pertaining to the maintenance, review, release and expungement of records retained at the school according to state guidelines.
2. To ensure fairness and continuity in the application of sanctions, records of the violation, the sanction for regular discipline and short-term suspensions, and basis for

the sanction will be retained in a discipline file for that school year.

3. Each student's record shall include notice of any long-term suspension or of any expulsion under G.S. 115C-391 and the conduct for which the student was disciplined until the student graduates or after 2 years of good behavior.
4. The superintendent and/or designee shall expunge from the record the notice of suspension after the student graduates or if it is determined that the maintenance of the record is no longer needed to maintain safe and orderly schools.
5. Expungement can be requested by the parent, guardian, or student (at least 16 years old or is emancipated) after 2 years of good behavior if it is determined the record is no longer needed to maintain safe and orderly schools and to adequately serve the child.

**Legal Reference: G.S. 115C-47, -288, -391, -402**

**B. Sending Home During Day**

1. When a student is suspended during the school day, the Principal shall attempt to reach the student's parents to inform them of the school's action and to request that they come to the school or make arrangements for the student to leave the school. If the Principal cannot reach the parents, the student may remain on school property until the close of the school day.
2. Notwithstanding the above requirements, the Principal may request the assistance of law enforcement personnel and/or order a student to leave the school premises immediately when it is not reasonably feasible to keep the student on school grounds and restore or maintain order, or if the removal of the student is necessary to protect school property or people on the schools grounds.

**Legal References: G.S. 115C—47, -288**

**C. Notice to Parents**

1. When a student is suspended for 10 days or less, the Principal shall:
  - a. Make an effort to notify the parent(s) at the time the decision is made to suspend.
  - b. Send with the child a "suspension form," informing the parent(s) of the reasons for suspension and length of time the suspension will be in force. An additional copy of the "suspension form" also shall be mailed to the parent.
  - c. File a copy of the "suspension form" in the office of the superintendent.
  - d. Maintain documents and relevant information received about the misconduct for possible review with the parent.
  - e. If English is the second language of the parent or guardian, the notice shall be written in the parents or guardian's first language when the appropriate foreign language resources are available. Both written versions shall be in plain language and shall be easily understandable.
2. When a student is suspended for more than 10 days or expelled, the principal shall:
  - a. Notify the student's parent or guardian of the suspension or expulsion and the student's rights under G.S. 115C-391.
  - b. Send with the child a "suspension form," informing the parent(s) of the reasons for suspension and length of time the suspension will be in force. An additional copy of the "suspension form" also shall be mailed to the parent.
  - c. If English is the second language of the parent or guardian, the notice shall be written in the parents or guardian's first language when the appropriate foreign language resources are available. Both written versions shall be in plain language and shall be easily understandable.
  - d. File a copy of the "suspension form" in the office of the superintendent.
  - e. Maintain documents and relevant information received about the misconduct for possible review with the parent.

**Legal References: G.S. 115C-47, -276, -288, -390.1-12**

**D. Investigations**

1. To maintain order and discipline in the schools and to protect the safety and welfare of students and school personnel, school authorities may search a student, student lockers or student automobiles under the circumstances outlined below and may seize any illegal, unauthorized, or contraband materials discovered in the search. School officials may allow the use of trained dogs for searches upon authorization by the superintendent.
2. As used in this policy, the term "unauthorized" means any item dangerous to the health or safety of students or school personnel, or disruptive of any lawful function, mission or process of the school, or any item described as unauthorized in school rules available beforehand to the student.
3. A student's failure to permit searches and seizures as provided in this policy will be considered grounds for disciplinary action.
  - a. Personal Searches
    1. A student's person and/or personal effects (e.g., purse, book bag, etc.) may be searched whenever a school authority has reasonable suspicion to believe that the student is in possession of illegal or unauthorized materials and it is reasonable to believe the materials could be found on the student's person or in the student's personal effects, given its size or shape. Reasonable suspicion is not required if a student freely, voluntarily, and knowingly consents to the search.
    2. When reasonable suspicion exists, the principal after consultation with the superintendent may authorize the use of an electronic detection device to search individuals on campus or at school sponsored events.
    3. If the school official has reasonable suspicion to believe that the student has on his or her person an item dangerous to the student or to others, including drugs or weapons, a frisk or "pat down" search of a student's person may be conducted if less intrusive measures are insufficient for conducting a search. The Superintendent must first approve a pat down search by a school official in any other circumstances. A pat down search will be conducted in private by a school official of the same sex and with an adult witness present, when feasible.
  - b. Locker Searches

Student lockers are school property and remain at all times under the control of the school; however, students are expected to assume full responsibility for the security of their lockers. Student lockers may not be used to store illegal, unauthorized or contraband materials. Inspections of lockers may be conducted by school authorities for any reason consistent with Board policies, the Code of Student Conduct, or school rules and regulations, at any time, without notice, without consent, and without a search warrant. A student's personal effects may only be searched pursuant to the guidelines for personal searches.
  - c. Automobile Searches

Students are permitted to park on school premises as a matter of privilege, not of right. The school retains authority to conduct routine patrols of student parking lots and inspections of the exteriors of student automobiles on school property. Such patrols and inspections may be conducted without notice, without student consent, and without a search warrant. The interiors of student vehicles may be searched whenever a school authority has reasonable suspicion to believe that illegal or unauthorized materials are contained inside.
  - d. Seizure of Illegal Materials

If a properly conducted search yields illegal materials, such findings shall be

turned over immediately to proper legal authorities for ultimate disposition.

**Legal Reference A - D: G.S. 115C-47, -288, -307**

E. Interrogation

If the interrogation of a student indicates that the completion of the interrogation should be carried out by a police officer or other legal officer, the principal shall make a reasonable attempt to notify the parents (except in cases of suspected child abuse or neglect by the parent) and give them an opportunity to be present at the time of questioning.

**Legal Reference: G.S. 7A-595; 115C-36, -47, 288**

F. Criminal Violations

1. When a school official learns or reasonably believes that any student has violated any Board or school policy, rule or regulation that may also be a criminal violation of the laws of the United States or State of North Carolina, he shall report such violation to the proper law enforcement agency. In such cases, school officials shall cooperate with the law enforcement agency; however, internal disciplinary proceedings shall proceed independently from any criminal investigation and prosecution.
2. Each principal is required to immediately notify law enforcement authorities when he believes that any that any of the following has occurred on school property: assault resulting in 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 or weapon in violation of the law, or possession of a controlled substance in violation of the law. For the purposes of this section, "school property" includes any public school building, bus, campus, grounds, recreational area, or athletic field in the charge of the principal.