

## **Regulation Code: 4300-R Haywood County Schools Student Code of Conduct (2015-2016)**

### **MISSION STATEMENT**

Haywood County Schools' mission:  
To be passionate about our work to serve students  
To be the best in the world at promoting student success  
To be productive in our work to serve students and promote their success

Passionate work  
Productive work  
Student success

### **STATEMENT OF PURPOSE**

An educated citizenry is essential to good government in this country and cannot exist without effective public schools that offer a high quality education to all students. The goal of student discipline is to maintain safe and caring schools, to teach students to behave in ways that contribute to academic achievement and school success, and to support a school environment where students and staff are responsible and respectful. As such, school disciplinary measures should be used to preserve the safety of students and staff. Haywood County Schools is committed to providing an environment where teaching and learning take place in an atmosphere free from disruption and obstacles that impede learning.

### **GENERAL PROVISIONS**

All students are expected to comply with all rules governing behavior and conduct. It is the responsibility of the principal/assistant principal to investigate fully the cases of students appropriately referred to his/her office for misbehavior, to ensure fair treatment of such students and protection of their procedural and substantive rights, and to determine what, if any, disciplinary action is warranted. The teacher shall have the responsibility and authority to discipline students, except in those cases requiring the attention of the principal/assistant principal.

- Unless otherwise specified, and/or with the exception of a Class V violation as later defined, this code shall apply to all students in the system before, during, and after school hours while at school, in any school building, and on any school premises; on any school-owned vehicle or in any other vehicle used to transport students to and from any school or school activities; bus stops; off school property at any school-sponsored or school-approved activity, event, or function, including athletics; and during any period of time when students are subject to the authority of school personnel; to include conduct which occurs off school property which has or is reasonably expected to have a direct and immediate impact on the orderly and efficient operation of the schools or the safety of individuals in the school environment.
- The principal/assistant principal of the school to which the student is officially enrolled shall be responsible for imposing any disciplinary action upon the student for rule violations occurring away from the student's home school.
- Any student who drives a vehicle onto any Haywood County Schools' property is responsible for the contents of that vehicle. Prior to coming onto Haywood County Schools' property, students should ensure the vehicle does not contain any contraband that would violate the law or any school rule.
- Possession shall be defined as the prohibited item being on the person, in the student's personal effects, vehicle, locker, desk, or in the immediate control of the student.

- The principal and superintendent may consider the student’s intent, disciplinary and academic history, the potential benefits to the student of alternatives to suspension, and other mitigating or aggravating factors when deciding whether to recommend or impose a disciplinary reassignment or long-term suspension.

#### Students with Disabilities:

In assigning appropriate disciplinary consequences under this Code of Conduct, eligible students will be given all rights as provided by the IDEA, Section 504 of the 1973 Rehabilitation Act and the 1990 Americans with Disabilities Act. Procedures on implementing requirements for students with disabilities are found in Policies Governing Services for Children with Disabilities and Section 504 Procedures and Guidelines handbook.

#### Suspension or Reassignment periods:

During the period that a student is suspended or disciplinarily reassigned to an alternative program, he/she is prohibited from entering the grounds of any school in the Haywood County School system or from attending any school-related functions, including graduation, without the express permission of the building principal. During a period in which a student is long-term suspended or disciplinarily reassigned to an alternative program, the student is prohibited from any Haywood County School system property other than the alternative school/program to which the student has been reassigned.

Violation of Board policies, this student Code of Conduct, any behavior management plan or regulations issued by the individual school, or any North Carolina General Statutes may result in disciplinary action including expulsion or suspension of the student from Haywood County Schools pursuant to the Due Process Procedures for Haywood County Schools.

Violations of the Haywood County Schools’ Student Code of Conduct may result in a Disciplinary Reassignment to an alternative education program. If the principal determines that a Disciplinary Reassignment is appropriate, the principal may recommend to the superintendent or his/her designee that the student be reassigned to an alternative educational program.

Disciplinary reassignment of a student to a full-time educational program that meets the academic requirements of the standard course of study established by the State Board of Education and provides the student with the opportunity to make timely progress towards graduation and grade promotion is not a long-term suspension requiring the due process procedures described in Policy [4353](#) – Long-Term Suspension, 365-Day Suspension, Expulsion.

In addition to the compulsory attendance law, if the student fails to enroll in and regularly attend the alternative educational setting as reassigned, or other appropriate school (e.g. private or charter school, North Carolina Virtual Public School, etc.), the disciplinary reassignment will continue until such time as reassignment to the home school is appropriate as determined by the superintendent or his/her designee. A disciplinary reassignment may continue for a period up to and including that which could be imposed for a long-term suspension. In addition, if the offense(s) leading to the disciplinary reassignment occurs during the final quarter of the school year, the reassignment may include a period up to the remainder of the school year in which the offense was committed and the first semester of the following school year. For the purposes of this regulation, Central Haywood High School, Haywood Middle Academy and Bridges will not be considered an “Alternative Placement” for disciplinary reassignment.

## **VIOLATIONS & CONSEQUENCES**

Violations of the Student Code of Conduct shall be dealt with in accordance with the guidelines established in the school's behavior management plan (see Policy [4302](#) - School Plan for Management of Student Behavior).

### **Minor Violations**

Minor violations of the Student Code of Conduct are those less severe infractions which involve a lower degree of dangerousness and harm. Examples of minor violations include the use of inappropriate or disrespectful language, noncompliance with a staff directive, dress code violations and minor physical altercations that do not involve weapons or injury. Aggravating circumstances, however, may justify treating an otherwise minor violation as a serious violation.

Minor violations of the Student Code of Conduct may result in disciplinary measures or responses up to and including short-term suspension. Further information regarding the procedures for short-term suspensions is provided in Policy [4351](#) - Short-Term Suspension. Other disciplinary measures or responses may include, but are not limited to, the following:

1. parental involvement, such as conferences;
2. time-out for short periods of time;
3. behavior improvement agreements;
4. instruction in conflict resolution and anger management;
5. peer mediation;
6. individual or small group sessions with the school counselor;
7. academic intervention;
8. in-school suspension;
9. detention before and/or after school or on Saturday;
10. community service;
11. exclusion from graduation ceremonies;
12. exclusion from extracurricular activities;
13. suspension from bus privileges;

The parent or guardian is responsible for transportation that may be required to carry out the consequence. With the exception of suspension from bus privileges, if a parent or guardian is unable to provide transportation, another consequence will be substituted.

### **Serious Violations**

Serious violations of the Student Code of Conduct may result in disciplinary reassignment or any of the other consequences which may be imposed for minor violations. In addition, serious violations that either (1) threaten the safety of students, staff or school visitors or (2) threaten to substantially disrupt the educational environment may result in long-term suspension or expulsion. Certain violations involving firearms or explosive devices may result in a 365-day suspension. Further information about the procedures for disciplinary reassignments is provided in Policy [4354](#) - Disciplinary Reassignments.

Information regarding the standards and procedures for long-term suspensions, 365-day suspensions and expulsions is provided in Policies [4351](#) - Short-Term Suspension and [4353](#) - Long-Term Suspension, 365-Day Suspension, Expulsion. (See also Policy [4333](#) - Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety, for information regarding 365-day suspensions for certain firearms violations.)

<b><u>CLASS I VIOLATIONS</u></b>		
Behaviors that do not significantly violate the rights of others, <u>and</u> do not appear chronic.		
<b>Dress Code Violation</b> <b>Falsification of Information</b> <b>Honor Code Violation</b> <b>Gambling</b> <b>Insubordination</b> <b>Inappropriate Items on School Property / Use</b> <b>Inappropriate Language/Disrespect</b> <b>Possession/Use of Tobacco</b> See Possession of Drug paraphernalia under Class II offenses below. <b>Truancy*</b> Maximum of two (2) days suspension for each offense*		
<i>Grade</i>	<i>First Offense</i>	<i>Second &amp; Subsequent Offense(s)</i>
<b>K-5</b>	This violation <b><u>will</u></b> result in disciplinary action as determined proper by the building principal to include documentation of notification to the parent/guardian.	This violation <b><u>may</u></b> result in disciplinary action as determined proper by the building principal which may include assignment to In-School Suspension or short-term suspension.
<b>6-8</b>	This violation <b><u>will</u></b> result in disciplinary action as determined proper by the building principal to include documentation of notification to the parent/guardian or In-School Suspension.	This violation <b><u>may</u></b> result in assignment to In-School Suspension or short-term suspension.

9-12	This violation <b>will</b> result in disciplinary action as determined proper by the building principal up to and including documentation of notification to the parent/guardian and In-School Suspension.	This violation <b>may</b> result in assignment to In-School Suspension or short-term suspension.
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**CLASS II VIOLATIONS**

Behaviors that significantly violate the rights of others or put others at risk of harm.

**Aggressive Behavior**

**Bullying**

**Communicating Threats to a Student**

**Cyber Bullying**

**Disorderly Conduct**

**Disruptive Behavior**

**Extortion**

**Harassment – Verbal**

**Hazing**

**Possession of Alcohol**

**Possession of Chemical/Drug Paraphernalia**

This includes possession of any type of electronic cigarette

**Possession of Counterfeit Items**

**Property Damage - Less than \$1,000**

**Theft – Value Less than \$1,000**

**Use of Counterfeit Items**

<i>Grade</i>	<i>First Offense</i>	<i>Second Offense</i>	<i>Third and Subsequent Offense(s)</i>
<b>K-5</b>	This violation <b>may</b> result in short-term suspension or	This violation <b>may</b> result in short-term suspension up to	This violation <b>may</b> result in short-term suspension and/or

	other disciplinary measures as deemed necessary by the building principal.	10 days.	disciplinary reassignment to an alternative program as deemed necessary by the building principal.
<b>6-8</b>	This violation <b>may</b> result in assignment to In-School Suspension or short-term suspension.	This violation <b>may</b> result in In-School Suspension, short-term suspension and/or disciplinary reassignment to an alternative program not to exceed 45 days. This may also include long-term suspension, depending on aggravating circumstances and severity of offense.	This violation <b>may</b> result in short-term suspension and/or disciplinary reassignment to an alternative program or long-term suspension.
<b>9-12</b>	This violation <b>may</b> result in assignment to In-School Suspension or short-term suspension.	This violation <b>may</b> result in short-term suspension and/or disciplinary reassignment to an alternative program not to exceed 45 days. This may also include long-term suspension, depending on aggravating circumstances and severity of offense.	This violation <b>may</b> result in short-term suspension and/or disciplinary reassignment to an alternative program or long-term suspension.

**CLASS III VIOLATIONS**

Behaviors that significantly violate the rights of others or put others at risk of harm, and violate Haywood County Schools policies, or North Carolina policies or laws

**Adult Taking Indecent Liberties with Minor**  
**Affray**  
**Assault Involving Use of a Weapon (except firearms)**  
**Assault Resulting in Serious Injury**  
**Assault on School Personnel**  
**Assault on Student**  
**Assault/Other**  
**Bomb Threats (dynamite, cartridge, bomb,**

**Kidnapping**  
**Off-Campus Consumption of Alcohol/ Controlled Substances**  
**Possession of a Weapon**  
**Possession of Controlled Substance/ Selling**  
**Property Damage – More than \$1,000**  
**Rape**  
**Robbery With a Dangerous Weapon**  
**Robbery Without a Dangerous Weapon**

<p>grenade, mine, or powerful explosive)  <b>Breaking/Entering a School Building/Property</b>  <b>Burning of a School Building</b>  <b>Communicating Threats to an Adult</b>  <b>False Fire Alarm</b>  <b>Fighting</b>  <b>Gang Activity</b>  <b>Harassment – Sexual</b></p>	<p><b>Sexual Assault</b>  <b>Sexual Misconduct</b>  <b>Sexual Offense</b>  <b>Theft – Value More than \$1,000</b>  <b>Unlawfully Setting a Fire</b>  <b>Use of and/or Distribution of Alcoholic Beverage</b>  <b>Use of Controlled Substance</b></p>
<i>Grade</i>	<i>First and Subsequent Offense(s)</i>
<b>K-5</b>	This violation <b>may</b> result in out-of-school suspension for up to 10 days and/or disciplinary reassignment to an alternative program depending on the severity of the offense.
<b>6-8</b>	This violation <b>may</b> result in short-term suspension for up to 10 days and/or disciplinary reassignment to an alternative program or long-term suspension depending on the severity of the offense.
<b>9-12</b>	This violation <b>may</b> result in short-term suspension and/or disciplinary reassignment to an alternative program or long-term suspension or expulsion.

**CLASS IV VIOLATION**

**Possession of Firearm or Destructive Device** (a weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, the frame or receiver of any such weapon, or any firearm muffler or firearm silencer. The term shall not include an inoperable antique firearm, a BB gun, stun gun, air rifle, or air pistol.)

	<b>Penalty</b>
<b>All Grades</b>	This violation <b>may</b> result in a 365-calendar day suspension. The superintendent may modify the consequence pursuant to Policy <a href="#">4353</a> - Long-Term Suspension, 365-Day Suspension, Expulsion.

**CLASS V VIOLATIONS**

Behavior indicates that the student’s continued presence in school constitutes a clear threat to the safety of other students or school personnel. This includes any student subject to sex offender registration pursuant to [N.C.G.S. §14-208.18](#).

<b>Grades 9-12</b>	<b>Penalty</b>
<p>In accordance with <a href="#">NC General Statute 115C-390.11</a>(a), a local board of education may, upon recommendation of the principal and superintendent, expel any student who is 14 years of age or older whose behavior indicates that the student’s continued presence in school constitutes a clear threat to the safety of other students or school personnel.</p> <p>In accordance with <a href="#">N.C.G.S. §115C-390.11</a>(a)(2), a local board of education may expel any student subject to sex offender registration pursuant to <a href="#">N.C.G.S. §14-208.18</a>.</p> <p>Death By Other Than Natural Causes</p>	<p>Expulsion in accordance with <a href="#">115C-390.11</a>(a)</p> <p>The local Board of Education shall consider whether there is an alternative program that may be offered by the local school Administrative unit to provide educational services.</p>

**BUS MISBEHAVIOR VIOLATION**

**Bus Misbehavior**

<b>Grade</b>	<b>First &amp; Repeated Offenses</b>
<b>K-5</b>	This violation <b>will</b> result in suspension from the school bus and/or disciplinary action deemed appropriate by principal.
<b>6-12</b>	This violation <b>will</b> result in suspension from the school bus and/or disciplinary action deemed appropriate by principal.

## **DEFINITIONS**

### **CLASS I VIOLATIONS**

#### **DRESS CODE VIOLATION**

The dress code violation includes wearing, decorating or adorning clothing that is inappropriate to the learning process. Clothing that reveals undergarments, chest, breasts, navel, buttocks, or any private body part will be considered inappropriate for the school setting. Any article that displays, suggests, promotes, or reveals a lewd, vulgar, unsafe, violent or sexual message through language, images and/or symbols is prohibited.

#### **FALSIFICATION OF INFORMATION**

Falsification of information is a false statement meant to deceive or give a wrong impression.

#### **GAMBLING**

Gambling means to bet money or wager anything on the outcome of a game, contest, or other event.

#### **HONOR CODE VIOLATION**

Cheating, plagiarism, dishonesty, falsification of assignments and signatures, violation of software regulations or copyright laws, and inappropriate computer access are considered honor code violations. Also, selling merchandise, magazines, newspapers, or other property on school grounds, unless the same is an approved school activity, is considered private enterprise and an honor code violation.

#### **INAPPROPRIATE ITEMS ON SCHOOL PROPERTY / USE**

Any device disruptive to the school environment to include electronic devices, including but not limited to cell phones, tablets, digital cameras, and laser devices, will not be displayed or utilized while on the school bus or on school premises during the school day unless utilized for educational purposes as approved by school administration.

#### **INAPPROPRIATE LANGUAGE/DISRESPECT**

Any communication used to degrade, disrespect, or that is abusive in nature, whether by signs, symbols, or gestures is prohibited in the school environment.

#### **INSUBORDINATION**

Refusal to comply with all appropriate or reasonable directions of principals, teachers, School Resource Officers, substitute teachers, student teachers, teacher assistants, bus drivers, volunteers and all other school personnel who are authorized to give such directions during any period of time when students are subject to the authority of such school personnel.

#### **MEDICATION**

Unauthorized possession of any prescription or non-prescription drugs in violation of medication protocol.

#### **POSSESSION/USE OF TOBACCO**

The term “*tobacco product*” means any product that contains or is made or derived from tobacco and is intended for human consumption or that resembles tobacco or tobacco products, and all lighted and smokeless tobacco products. All electronic smoking/vaping products are covered in the section covering drug paraphernalia.

## **TRUANCY**

Each student will be assigned a school schedule and must adhere to that schedule except when excused by the principal or a teacher authorized to excuse a student.

## **CLASS II VIOLATIONS**

### **AGGRESSIVE BEHAVIOR**

This attempted assault occurs when a student behaves in such a manner as could reasonably cause physical injury to any student or staff member.

### **BULLYING**

Bullying is a form of harassment. Bullying means the repeated intimidation of others by the real or threatened infliction of physical, verbal, written, electronically transmitted or emotional abuse or through destruction or theft of property of another. Bullying may include, but is not limited to, verbal taunts, name-calling and put downs, rumor spreading, extortion of money or possessions, implied or stated threats, and exclusion from peer groups.

### **COMMUNICATING THREATS TO A STUDENT**

Threatening actions include language that reasonably threatens force of violence and any sign or action that reasonably constitutes a threat of force or violence toward another student.

### **CYBER BULLYING**

Cyber bullying includes but is not limited to the following misuses of any school or non-school technology resources or networks: harassing, threatening, teasing, intimidating, humiliating, embarrassing, terrorizing another student or school employee by sending or posting such inappropriate or hurtful email messages, instant messages, text messages, text/digital pictures or images, or through social media websites and blogs.

### **DISORDERLY CONDUCT**

Disorderly conduct is any action that disrupts the peace and order of the school. Trespassing/Loitering is also included as a part of disorderly conduct. Trespassing to include loitering is the presence of any student on the campus of another school in the Haywood County School system without the knowledge and consent of the officials of the school he/she is visiting. Any student who has been suspended from school will be considered trespassing if he/she appears on school property during the suspension period without the express permission of the principal.

### **DISRUPTIVE BEHAVIOR**

- Disruptive behavior constitutes any physical or verbal action which reasonably could or does substantially disrupt, disturb, or interfere with the peace, order, and/or discipline within the learning environment or during any school-related activity.
- Disruptive behavior also constitutes any verbal, physical, or visual forms (including cell phone and/or other digital images/recordings) of a sexual nature that create a hostile or abusive educational environment for other students.

- Disruptive behavior also includes the unauthorized photographing or video recording of student images by cell phone, digital camera, video recorder, or other device on school property or at a school-related activity that is disruptive to the school environment.
- Disruptive behavior is also any action, comments, or written messages intended to cause others to fight or which might reasonably be expected to result in a fight.
- Disruptive Behavior also includes distribution of over the counter medications.
- No student shall possess or wear any clothing, jewelry, emblems, badges, symbols, signs or other items, which indicate a student's membership or desired membership or affiliation with a gang.
- Pyrotechnics and incendiary devices or materials intended to result in an explosion and/or fire are not allowed on school property, any school-sponsored event, or any activity representing Haywood County schools. Pyrotechnics and incendiary devices include, but are not limited to: lighters, explosive caps for toy pistols, fireworks, snake and glow works, smoke devices, trick noisemakers, wire sparklers, and other sparkling devices.

### **EXTORTION**

Extortion is the use of one's position or power to obtain property, funds, or patronage.

### **HARASSMENT-VERBAL**

Verbal harassment means to worry, torment, trouble, verbally attack, or irritate persistently any student, school employee, or any other person.

### **HAZING**

To annoy any student by playing abusive or ridiculous tricks upon him, to frighten, scold, or harass him or to subject him to personal indignity is hazing.

### **POSSESSION OF ALCOHOL**

Any student possessing any malt beverages, fortified or unfortified wine, or spirituous liquor, in any amount or form to include any alcoholic beverage on school property owned or leased by the local Board of Education, school bus stop or at any school-sponsored event is prohibited.

### **POSSESSION OF CHEMICAL AND DRUG PARAPHERNALIA**

Possession or delivery of drug paraphernalia or any other item used for inhaling/ingesting any controlled substance, narcotic, alcohol or chemical.

### **POSSESSION OF COUNTERFEIT ITEMS**

Possessing any false item, which, without authorization, bears a trademark, tradename, or other identifying marks, imprint, number or device to include currency, is prohibited.

### **PROPERTY DAMAGE – LESS THAN \$1,000**

Damage is intentionally damaging, or attempting to damage, any school property or private property while under school jurisdiction.

### **THEFT – VALUE LESS THAN \$1,000**

Theft is stealing, attempting to steal, or possessing stolen property having reason to know it was stolen.

### **USE OF COUNTERFEIT ITEMS**

Use of any counterfeit item, which the person thereof obtains, or attempts to obtain, money, property, services, or some thing of value is prohibited.

## **CLASS III VIOLATIONS**

### **ADULT TAKING INDECENT LIBERTIES WITH A MINOR**

Committing a sexual act with or in the presence of a child under the age of 16 years, by a person at least age 16 and at least five years older than the child, for sexual gratification, regardless of whether force was used, or whether the victim consented.

### **AFFRAY**

An affray is a fight between three or more students on school property or at a school-related activity.

### **ASSAULT INVOLVING USE OF A WEAPON (except firearms)**

Assault with a weapon or other object that could reasonably be considered a weapon. A weapon includes any incendiary device defined under Class II, or any weapon or dangerous instrument defined in Class III, or any firearms or explosive device defined in Class IV.

### **ASSAULT RESULTING IN SERIOUS INJURY**

An intentional act 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.

### **ASSAULT ON SCHOOL PERSONNEL**

Attempted or actual hitting, striking, emitting bodily fluids, utilizing any foreign substance, or other use of force upon a school official, employee or school volunteer who is not a student. This definition also includes the accidental striking of an adult while attempting to break up a fight.

### **ASSAULT ON STUDENT**

Attempted or actual hitting, striking, emitting bodily fluids, utilizing any foreign substance, or other use of force upon a student.

### **ASSAULT / OTHER**

Attempted or actual hitting, striking, emitting bodily fluids, utilizing any foreign substance, or other use of force upon a non-student or non-school employee.

### **BOMB THREATS** (dynamite, cartridge, bomb, grenade, mine, or powerful explosive)

Communicating a report, while knowing or having reason to know the report is false, that there is located on any school premises a device designed to cause damage or destruction by explosion, blasting, or burning. Placing on any school premises with the intent of perpetrating a hoax, any device that would appear to a

reasonable person to be a bomb or similar instrument capable of causing injury and/or damage. ([G.S. 14.69.1](#) et.seq. or [G.S. 14-69.2](#))

### **BREAKING / ENTERING OF A SCHOOL BUILDING / PROPERTY**

The wrongful breaking or entering of any school building, school-owned vehicle, or secured property of the Cumberland County Board of Education at any time is prohibited. This includes the HCS network, computers, systems, and programs.

### **BURNING OF A SCHOOL BUILDING**

Any person who maliciously and willfully sets fire to, burns or causes to be burned i.e. aids, directs or procures the burning of any school building owned, leased or used by the public schools.

### **COMMUNICATING THREATS TO AN ADULT**

Threatening actions include language that reasonably threatens force of violence and any sign or action that reasonably constitutes a threat of force or violence toward any school employee or any other adult.

### **FALSE FIRE ALARM**

Students will not initiate a false fire alarm on any school premises.

### **FIGHTING**

Fighting is the act of two or more persons involved in a physical conflict such as hitting or kicking another student or other person. A student who is attacked may use reasonable force in self-defense, but only to the extent to free himself/herself from the attack and notify proper school authorities. A student who exceeds this reasonable force may be disciplined even though he/she may not have provoked the fight.

### **GANG ACTIVITY**

Gang activity shall be defined as any act(s) that further promotes gangs or gang-related activities or which threatens or intimidates another person or disrupts the educational environment on school premises or during any school-sponsored activity which includes, but is not limited to: (1) communicating either verbally or non-verbally (hand signs, gestures, handshakes, slogans, drawings, etc.), to convey membership or affiliation with a gang; (2) defacing school or personal property with gang-related graffiti, symbols or slogans; (3) requiring payment of protection, insurance, or otherwise intimidating or threatening any person related to gang activity; (4) inciting other students to intimidate or to act with physical violence upon any other person related to gang activity; (5) soliciting others for gang membership; (6) committing any other illegal act or other violation of the Cumberland County Schools' policies that relate to gang activity e.g. gang-related assault on student.

### **HARASSMENT – SEXUAL**

Repeated unwelcome sexual advances and sexually-motivated physical contact are sexual harassment.

### **KIDNAPPING**

Confining, restraining or removing from one place to another a person, without his/her or the victim's or a minor victim's parents' consent, for the purpose of committing a felony; or holding a victim as hostage or for ransom, or for use as a shield. A parent taking a child in violation of a court order, although it may be a crime, is not kidnapping for this purpose.

## **OFF-CAMPUS CONSUMPTION OF ALCOHOL/CONTROLLED SUBSTANCES**

The rule is violated when a student consumes any amount of alcohol or prohibited substance off-campus and then presents him or herself on school property owned or leased by the local Board of Education, school bus stop, or at any school-sponsored event and a school official detects the physical characteristics of, e.g., odor, slurred speech, erratic behavior, bloodshot/glassy eyes, etc., the student's consumption of alcohol or prohibited substance.

## **POSSESSION OF A WEAPON**

Possessing, handling or transferring, whether openly or concealed, without educational permission or consent, any BB gun, stun gun, air rifle, air pistol, facsimile of a gun, knife, ice pick, dagger, slingshot, leaded cane, loaded cane, sword cane, machete, switchblade knife, blackjack, metallic knuckles, razors, razor blades, box cutters, pepper spray, ammunition, explosives, explosive-making material, chemicals, or any other object that can reasonably be considered a weapon or dangerous instrument.

## **POSSESSION OF CONTROLLED SUBSTANCES / SELLING**

This offense includes possession, distribution or sale by a student of a controlled substance of the N.C. Controlled Substances Act or any counterfeit controlled substance. This includes, but is not limited to, marijuana, synthetic marijuana (Spice or similar product), MDPV and mephedrone (e.g. bath salts) cocaine, methamphetamine, barbiturate, heroin, mescaline, LSD, codeine, opium, ecstasy, vicodin, Percocet, oxycontin (or generic derivatives) or any other hallucinogenic drug. Possession shall be defined as the substance being on the person, in the student's personal effects, vehicle, locker or desk or in the immediate control of the student in any amount or in any form. This offense also includes the unauthorized distribution of any prescription drug.

## **PROPERTY DAMAGE – MORE THAN \$1,000**

Damage is intentionally damaging, or attempting to damage, any school property or private property while under school jurisdiction.

## **RAPE**

Rape may be statutory or forcible. Forcible Rape is committed by force and without the consent of the victim, regardless of age. Statutory Rape is committed on a child under the age of 16 by a person who is at least 12 years old and at least four years older than the victim, regardless of whether the victim consented.

## **ROBBERY WITH A DANGEROUS WEAPON**

This includes theft or attempted theft of anything of value from the person of another, or from the area under the immediate bodily control of the other, by using a dangerous weapon or by an act threatening use of a dangerous weapon. A dangerous weapon is any article, instrument or substance that is likely to produce death or great bodily harm. Forcible theft or attempted theft from a person without the use of a dangerous weapon should be reported under Robbery Without a Dangerous Weapon.

## **ROBBERY WITHOUT A DANGEROUS WEAPON**

The taking or attempting to take anything of value from another's person, by force, or by an act threatening force or violence, which puts a victim in fear, without the use of a weapon. The stealing of someone's property without the use of force or from a source other than the victim's person is not included in this offense. If the taking from the person involves use of a dangerous weapon the incident is reported under Robbery With a Dangerous Weapon.

## **SEXUAL ASSAULT**

An unauthorized and unwanted, intentional, or forcible touching of a person of either sex. This category includes forcibly and intentionally grabbing the clothed or unclothed private areas of a person.

### **SEXUAL MISCONDUCT**

No student shall engage in behavior, which is indecent, disreputable, or of a sexual nature to include consensual sex and/or sexual acts.

### **SEXUAL OFFENSE**

Sexual Offense may be forcible or statutory. Forcible Sexual Offense is committed by force and without the consent of the victim. Statutory Sexual Offense is a sexual act committed on a child under the age of 16 by a person who is at least 12 years old and at least four years older than the victim, regardless of whether the victim consented. If the person is 13, 14 or 15 years of age the defendant has to be at least six years older than victim. Statutory Sexual Offense is also sexual acts committed on a person who is mentally handicapped or incapacitated or physically helpless, regardless of whether the victim consented.

### **THEFT – VALUE MORE THAN \$1,000**

Theft is stealing, attempting to steal, or possessing stolen property having reason to know it was stolen.

### **UNLAWFULLY SETTING A FIRE**

Intentionally starting a fire or attempting to start a fire or aiding and abetting in the starting or attempting to start a fire without educational permission or consent is prohibited.

### **USE OF AND/OR DISTRIBUTION OF ALCOHOLIC BEVERAGES**

Consumption and/or distribution of an alcoholic beverage in any amount or form on school property owned or leased by the local Board of Education, school bus stop or at any school-sponsored event is prohibited.

### **USE OF CONTROLLED SUBSTANCES**

This offense includes the use of, but not limited to, marijuana, synthetic marijuana (Spice or similar product), MDPV and mephedrone (e.g. bath salts), cocaine, methamphetamine, barbiturate, heroin, mescaline, LSD, codeine, opium, ecstasy, vicodin, 15ercocet, oxycontin (or generic derivatives) hallucinogenic drug or any other chemical or product that may bring about a state of exhilaration or euphoria or otherwise alter the student's mood or behavior while on school property owned or leased by the local Board of Education, school bus stop, or at any school-sponsored event.

## **CLASS IV VIOLATION**

### **POSSESSION OF FIREARM OR DESTRUCTIVE DEVICE**

Bringing or possessing a firearm or destructive device on educational property or to a school-sponsored event off of educational property, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, the frame or receiver of any such weapon, or any firearm muffler or firearm silencer. A destructive device is a 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, device similar to those above. The term shall not include an inoperable antique firearm, a BB gun, stun gun, air rifle, or air pistol.

## **CLASS V VIOLATIONS**

Behavior indicates that the student's continued presence in school constitutes a clear threat to the safety of other students or school personnel. This includes any student subject to sex offender registration pursuant to [N.C.G.S. §14-208.18](#).

### **DEATH BY OTHER THAN NATURAL CAUSES**

Death by other than natural causes is the killing of a living person done by another person including, but not limited to, murder, manslaughter and death by vehicle.

### **BUS MISBEHAVIOR VIOLATION**

School transportation service is a privilege, not a right. While riding a school bus, students will at all times observe the directives of the school bus driver and all other rules outlined in this code of conduct. Failure to follow directives **will** result in suspension from riding the bus as determined by the principal/assistant principal

### **PROVISIONS FOR ENFORCEMENT**

**A. Temporary Suspension** – The principal/assistant principal may impose a temporary suspension prior to a hearing if the presence of the student creates a direct and immediate threat to the safety of other students or staff, or substantially disrupts or interferes with the education of other students or the maintenance of discipline at the school. In such cases, the principal shall give notice of the charges and an opportunity for an informal hearing as soon as practicable.

**B. Short-Term Suspension** – The exclusion of a student from school attendance for disciplinary purposes for up to 10 school days from the school to which the student was assigned at the time of the disciplinary action. A short-term suspension does not include 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 one-half of a school day and/or changing the student's location to another room or place on the school premises. (4353) A student subject to short-term suspension shall be provided the following:

1. The opportunity to take textbooks home for the duration of the suspension.
2. Upon request, the right to receive all missed assignments and, to the extent practicable, the materials distributed to students in connection with the assignment.
3. The opportunity to take any quarterly, semester, or grading period examinations missed during the suspension period.

**C. Long-Term Suspension** – suspension from school, school activities, and school grounds in excess of 10 days but not exceeding the time remaining in the school year except as provided in [G.S. 115C-390.1\(b\)\(7\)](#). This long-term suspension must have the approval of the superintendent.

**D. Long-Term Suspension – 365 Days** – suspension from school, school activities, and school grounds for a period of 365 days as specified in [G.S. 115C-390.10](#) Gun Possession. This long-term suspension must have the approval of the superintendent.

**E. Expulsion** – indefinite exclusion from the Haywood County School system of a student (1) who is 14 years of age or older and (2) whose behavior indicates that the student's continued presence in school constitutes a clear threat to the safety of employees or other students. Also, in accordance with [N.C.G.S. §115C-390.11\(a\)\(2\)](#), a local Board of Education may expel any student subject to sex offender registration pursuant to [N.C.G.S. §14-208.18](#). Expulsion can only be authorized by the Board of Education, upon the recommendation of the principal and the superintendent.

**F. Disciplinary Reassignments** – Reassignment to an alternative program. Central Haywood High School is by definition an Alternative High School, but is not designed to handle students on a temporary basis for reasons of disciplinary reassignment. The Middle Academy and Bridges are also not to be considered placements for Disciplinary Reassignments, as they are treatment programs and their mission and terms of membership do not coincide with random and temporary disciplinary placements.

**G. Calculation of Days** – number of days refers to days when schools are in session for students except for reference to a 365-day suspension, which refers to calendar days.

**H. Two Class II Violations** – The principal may recommend to the superintendent a disciplinary reassignment or long-term suspension for a student who commits a third suspendable offense after having committed two Class II offenses or greater.

**I. Mandatory Offenses Reportable to Law Enforcement** – When the principal has personal knowledge, a reasonable belief, or actual notice from school personnel that an act listed below has occurred on school property, regardless of the age or grade of the perpetrator or victim, the school principal must immediately report to law enforcement officials and the Safe Schools/Support Services Director. The principal shall also notify the superintendent or his/her designee in writing or by electronic mail regarding any report made to law enforcement under this section. The superintendent or his/her designee shall provide the information to the local Board of Education. The mandatory reportable offenses are as follows:

1. Assault resulting in serious personal injury
2. Assault involving use of a weapon
3. Kidnapping
4. Possession of controlled substance in violation of the law
5. Possession of a firearm in violation of the law
6. Possession of a weapon in violation of the law
7. Rape
8. Sexual assault (not involving rape or sexual offense)
9. Sexual offense
10. Taking indecent liberties with a minor

**J. Mandatory Reporting of Other Serious Violations** – In addition to the 10 reportable offenses listed above any Class III, IV, or V violation must be immediately reported to the Principal or Superintendent/Designee. Reporting of Threats are at the discretion of the principal, according to the level of potential danger, school disruption, criminal offense and who the threat was directed to.

**K. Authority to Search** – School officials have authority to conduct reasonable searches and seizures in accordance with HCS' Board Policy [4342](#) for the purpose of maintaining a safe, orderly environment and of upholding standards of conduct established by the Board or school.

## STUDENT ADMISSIONS

In accordance with [G.S. 115C-366](#)

(a4) When a student transfers into the public schools of a local school administrative unit, that local Board of Education shall require the student's parent, guardian, or custodian to provide a statement made under oath of affirmation before a qualified official indicating whether the student is, at the time, under suspension or expulsion from attendance at a private or public school in this or any other state or has been convicted of a felony in this or any other state. This subsection does not apply to the enrollment of a student who has never been enrolled in or attended a private or public school in this or any other state.

(a5) Notwithstanding any other law, a local Board of Education may deny admission to or place reasonable conditions on the admission of a student who has been suspended from a school under [G.S. 115C-390.5](#) through [G.S. 115C-390.10](#) or who has been suspended from a school for conduct that could have led to a suspension from a school within the local school administrative unit where the student is seeking admission until the period of suspension has expired. Also, a local Board of Education may deny admission to or place reasonable conditions on the admission of a student who has been expelled from a school under [G.S. 115C-390.11](#) or who has been expelled from a school for behavior that indicated the student's continued presence in school constituted a clear threat to the safety of other students or staff as found by clear and convincing evidence, or who has been convicted of a felony in this or any other state. If the local Board of Education denies admission to a student who has been expelled or convicted of a felony, the student may request the local Board of Education to reconsider that decision in accordance with [G.S. 115C-390.12](#).

## STUDENT READMISSIONS

In accordance with [G.S. 115C-390.12](#) and Policy [4362](#) - Requests for Readmission of Students Suspended for 365 Days or Expelled, all students suspended for 365 days or expelled may, after 180 calendar days from the date of the beginning of the student's suspension or expulsion, request in writing readmission to Haywood County Schools.

## DUE PROCESS

The Board of Education mandates and the law requires that all students be treated fairly and honestly in resolving grievances, complaints, or suspensions/expulsions. Due process will be defined as fair and reasonable notices and approaches to all areas of student governance and discipline on the part of all school officials. The principal shall give full and complete consideration to the defense or excuses, if any, made by the student and dismiss the charges if not satisfied as to the guilt of the student or reduce the punishment if not satisfied as to reasonableness of the proposed disciplinary action under all the circumstances. Due process procedures will be followed in accordance with Policies [4351](#), [4353](#), [4370](#). A summary of those procedures is provided below. Students and parents should consult the relevant policy for complete information.

### **A. SHORT-TERM SUSPENSIONS (10 DAYS OR LESS) ([Policy 4351](#))**

Students and their parent/guardian will be given an opportunity for an informal hearing with the principal/assistant principal before a short-term suspension is imposed. Except in the circumstances described below, a student and their parent/guardian must be provided an opportunity for an informal hearing with the principal/assistant principal before a short-term suspension is imposed. The principal/assistant principal may hold the hearing immediately after giving the student and their parent/guardian oral or written notice of the charges against him or her. At the informal hearing, the student and their parent/guardian has the right to be present, to be informed of the charges and the basis for the accusations and to make statements in defense or mitigation of the charges. Following the hearing, the principal/assistant principal shall provide written notice to

the parent of his or her final decision.

### **1. Temporary (Immediate) Suspension**

A student may be removed from school immediately without a prior opportunity for a hearing if the student's presence in school poses a direct and immediate safety threat or is substantially disruptive. In that case, the notice and opportunity for an informal hearing will be provided as soon as practicable.

### **2. Notice to Parent or Guardian**

The school administrator will notify the student's parent or guardian that a short-term suspension has been imposed. If English is the second language of the parent, the notice must be provided in English and in the parent's primary language, when the appropriate foreign language resources are readily available. Both versions must be in plain language and easily understandable. The notice will explain why the student has been suspended and will describe the student's misconduct. The notice will be provided on the day of the suspension when reasonably possible, but no later than two days after the suspension is imposed.

### **3. Appeal of Short-Term Suspension Procedure**

If the parent believes that the principal/assistant principal failed to provide the student with sufficient notice of the charges or opportunity to respond to the charges, then the parent shall have five (5) school days from the date of the principal's/assistant principal's decision to make a written request to the superintendent or his/her designee for a review of the suspension procedure. There shall be no right to appeal a short-term suspension to the Board of Education.

## **B. DISCIPLINARY REASSIGNMENTS ([Policy 4354](#))**

Students may be reassigned to an alternative program or school as a disciplinary consequence. The alternative program or school will meet the requirements of the standard course of study and provide the student the opportunity to make timely progress toward grade promotion and graduation.

1. Before recommending a student for a disciplinary reassignment, the student will be provided the due process procedures applicable to short-term suspensions, described above.
2. The principal/assistant principal will provide the student with the due process procedures applicable for short-term suspensions, including written notice of charges and a hearing. In addition, the school administrative hearing shall be held not less than two (2) school days from the date the Notice of Charges and Hearing was mailed or hand delivered to the parent or legal custodian.
3. If the principal recommends a disciplinary reassignment, he/she shall submit such recommendation to the Superintendent for approval/disapproval.
4. The parent shall be provided an opportunity to present any further information to the Superintendent, regarding the proposed disciplinary reassignment by making a request to the Superintendent within 2 days of the administrative hearing.
5. A student attending school under a disciplinary reassignment is not eligible for athletic participation and is not permitted on his/her home school campus without prior permission from the principal.
6. A student is not entitled to appeal a decision to impose a disciplinary reassignment to the local Board of Education.
7. Central Haywood High School, Haywood Middle Academy, and Bridges are not options for disciplinary

reassignment.

**C. LONG-TERM SUSPENSION, 365-DAY SUSPENSION, EXPULSION ([Policy 4353](#))**

1. Long-term suspension, 365-Day suspension, and expulsion procedures will be followed in accordance with [Policy 4353](#). These procedures include the right to written notice of the proposed discipline and the right to request a full hearing before the disciplinary penalty is imposed.
2. The school administrative hearing shall be held not less than two (2) school days from the date the Notice of Charges and Hearing was mailed or hand delivered to the parent or legal custodian.
3. A principal may recommend to the superintendent the long-term suspension of any student who willfully engages in conduct that violates a provision of the Student Code of Conduct that authorizes long-term suspension. Only the superintendent or his/her designee has the authority to long-term suspend a student.
4. If a principal's decision to long term suspend is appealed to the superintendent, the superintendent will convene a discipline hearing to hear the case and present him/her with a recommendation to uphold a school recommended long term suspension or to modify the suspension. This process will follow board policies 4353-Long Term Suspension and 4370-Student Discipline Hearing Procedures.

**NON-DISCRIMINATION STATEMENT**

Haywood County Schools does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The following person has been designated to handle inquiries regarding the non-discrimination policies:

Jason Heinz - Human Resources Director  
1230 N. Main St. Waynesville, NC 28786  
Telephone No: (828) 456-2400

**PROHIBITION AGAINST BULLYING AND HARASSMENT**

Haywood County Schools is committed to ensuring that our students are free from bullying or harassing behavior while at school. Students and parents are encouraged to report any incidents to school administration as set forth in our anti-bullying and harassment policies and procedures that can be viewed on the HCS' website at: [www.haywood.k12.nc.us](http://www.haywood.k12.nc.us)

**SAFE AND CARING SCHOOLS**

It is the position of the Haywood County Board of Education to promote the safety and well being of all students, staff, and visitors in our schools. To further that position, school personnel may employ appropriate seclusion and restraint techniques with students consistent with [N.C.G.S 115C-391.1](#), state and local policies and procedures. The superintendent or his/her designee will provide copies of [N.C.G.S. 115C-391.1](#) to parents/guardians and school personnel at the beginning of each year through the Haywood County Schools' website or other appropriate method.