

**MITCHELL COUNTY SCHOOLS  
ADMINSTRATIVE STAFF / 2010-2011**

**CENTRAL OFFICE:**

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Mrs. Sherry Bell, *Director of Exceptional Children*  
Mr. Danny Young, *Finance Officer*

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Mr. Rodney Slagle, <i>Bowman Middle School (5-8)</i> .....	828-688-2752 / 1164
Mr. Ricky McCurry, <i>Buladean Elementary School (K-8)</i> .....	828-688-2324 / 3606
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**Our Vision:**

“To prepare life-long learners and responsible citizens for success in a global society.”

## INTRODUCTION

The Mitchell County Board of Education is committed to discipline practices that encourage the development of self-control, personal responsibility and respect for the dignity of all individuals. The Board is committed to maintaining effective discipline in order to establish positive learning environments within which students have the opportunity to receive an appropriate public education. In order for effective discipline to be maintained in each school, the Board acknowledges that cooperative relationships must be established among students, parents and school personnel.

Each is expected to work positively toward this goal and to respect the individuality and the rights of all people. Parent/Guardian, student and school personnel are also expected to deal effectively with behavioral concerns. To carry out this commitment, the Board established the following responsibilities and student behavior guidelines for all students system wide in grades 6-12. This policy is to also serve as a guide for discipline in grades K-5.

Efforts will be made to ensure early identification of students at risk for potential disciplinary problems. When it is recognized that a student is behaving in a manner, which indicates potential disciplinary problems, school personnel shall make reasonable efforts to initiate preventive measures. Preventive interventions should attempt to identify and address the sources and cause of the potential discipline problems. Possible preventive intervention procedures may include, but are not limited to:

- Conferences with parents/guardians, school personnel
- Conferences with student
- Change of schedule or teacher
- Change of instructional methods
- Change of educational setting
- Use of daily or weekly progress reports to parents
- Visit by parents in the classroom
- Referral to building assistance teams (if available)
- Referral to appropriate support personnel (counselor, school psychologist, attendance counselor, school resource officer, social worker, juvenile justice)
- Referral to school-based assessment committee
- Referral to and/or consultation with community agencies
- Referral to the Mitchell County Alternative School
- Use of Peer Mediation (if available)

## STUDENT CODE OF CONDUCT

It is the belief of the Mitchell County Schools that every child has the right to learn in a safe and orderly environment. The school board, the superintendent, school administrators, teachers, parents and students share the responsibility of providing that environment. The following student code of conduct has been developed to provide a comprehensive list of expectations for student behavior and consequences for violating those expectations. The regulations have been written in accordance with N.C. General Statutes 115C-390 and 391.

### RESPONSIBILITIES

#### **Board of Education Responsibilities**

1. To adopt a fair and consistent student code of conduct which establish clear standards of student behavior.
2. To ensure, through the superintendent of schools, that there is fair and consistent application of the student code of conduct by school employees.

#### **Parent/Guardian Responsibilities**

Parents have the responsibility to provide a home atmosphere, which enhances the total development of the child. Parents should know the school's rules and regulations and support the school's discipline efforts. Parents should see that their child attends school regularly, and parents should regularly schedule and attend parent-teacher conferences. Parents should contact school officials whenever the need arises (Policy Code #1310/4002 – *Parental Involvement*).

1. To assume legal responsibility for the behavior of the child as determined by law and community practice and to ensure that the child is familiar with the discipline policy and regulations.
2. To teach the child self-discipline, respect for authority and for the rights of others.
3. To make sure that the child attends school regularly and that the school receives notification of the reason for absences when the child cannot attend.
4. To work to the best of his/her ability to provide the materials and a positive home learning environment for the child to succeed in school.
5. To maintain communication with the school and provide the school with a current address and a current telephone number through which he/she may be reached during the school day.
6. To respond quickly and come to school to get the child when called upon.
7. To be available for conferences when requested.
8. To cooperate with the school staff to develop strategies to benefit the child.

#### **Student Responsibilities**

Each student has the right to attend the public schools of Mitchell County and must accept the consequences for his actions. Each student is responsible for knowing all regulations and policies, which may affect him, and for following those regulations. Students share with school officials the responsibility of maintaining order at school through their compliance with all lawful directions of principals, teachers, substitute teachers, teacher assistants, and other school personnel authorized to give directions (Policy Code #4310 – *Standards of Expected Student Behavior*). In addition to any standards established by the school, the following behaviors are specifically prohibited as a violation of the standards of integrity and civility;

- Cheating, including 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.
  - Plagiarizing, including the copying of the language, structure, idea and/or thought of another and representing it as one's own original work.
  - Cursing, or using vulgar, abusive or demeaning language towards another person; and
  - Playing abusive or dangerous tricks or otherwise subjecting a student or personnel to personal indignity or harm.
1. To be aware of and abide by system-wide policies, regulations and school guidelines regarding acceptable behavior.
  2. To be responsible for one's own behavior.
  3. To conduct oneself in a manner, which is conducive to learning and does not interfere with the teacher's right to teach or the student's right to learn.
  4. To refrain from disruptive behaviors which violate the personal, civil and property rights of all members of our school community; including the use of physical force, verbal abuse, sexual harassment, blackmail, the use, sale or exchange of alcohol or drugs, stealing, vandalism, and other illegal activities.
  5. To seek clarifications from school personnel concerning the appropriateness of any action.
  6. To attend school and classes regularly, on-time and prepared with the necessary learning materials.
  7. To know and follow the policies and regulations for every event considered part of the school program regardless of the time or place.
  8. To immediately comply with any staff members' reasonable request to carry out school rules.

### **STUDENT EXPECTATIONS**

All students are expected to demonstrate integrity, civility, responsibility, and self-control. This expectation is related directly to the Board's educational objectives for students to learn to be responsible for and accept the consequences of their behavior and for students to respect cultural diversity and ideological differences. Integrity, civility, responsibility and self-control also are critical for establishing and maintaining safe, orderly and inviting environment (Policy Code #4310 – *Standards of Expected Student Behavior*).

### **Teacher Responsibilities**

The teacher has the authority and responsibility to manage student behavior in the classroom and while students are under his supervision. It shall be the duty of all teachers, including student teachers and teacher assistants, when given authority over some part of the school program by the principal or supervising teacher, to maintain good order and discipline in their respective schools. The teacher may develop other standards or rules consistent with the direction provided by the Board and school. Every teacher, student teacher, substitute teacher, voluntary teacher, or teacher assistant is required to report to the principal all acts of violence occurring in school, on school grounds, or at any school-related activity. The teacher has the authority to manage or remove disruptive or dangerous students.

School personnel may use reasonable force to control behavior or to restrain or remove a person from the scene in those situations when necessary (Policy Code #7300 – *Staff Responsibilities*): To quell a disturbance threatening injury to others; to obtain possession of a weapon or other dangerous object on the person, or within the control, of a student; for the protection of persons or property, self-defense.

1. To provide opportunities for all students to develop self-discipline and respect for the rights of others.
2. To accept and share responsibility for control and discipline of students throughout the school building and property.
3. To consider the physical, social intellectual, and emotional development of the students.
4. To establish and inform students of individual classroom behavior expectations, and maintain discipline within the classroom.
5. To provide appropriate learning opportunities for all students.
6. To be aware of and abide by system-wide policies, regulations and school guidelines for discipline.
7. To confer with support personnel for possible solutions to inappropriate student behavior.
8. To use positive reinforcement, whenever possible, and not ridicule or use negative comparison when correcting a student.
9. To report to the parent/guardian at regular reporting periods and at other times, when appropriate, regarding the acceptability of a student's behavior.
10. To protect the rights of all students, including the responsibility to initiate action to remove dangerous or disruptive students. To refer in writing a disruptive student to the principal or his/her designee when teacher-initiated strategies have been unsuccessful or the severity of the offense makes it necessary.
11. To attend conferences upon request.

### **Principal Responsibilities**

The principal has the authority and responsibility to investigate and take appropriate action regarding any antisocial or criminal student behavior and any other behavior appropriately referred to him. The principal is responsible for informing students and parents of any standards or rules that, if violated, could result in short-term or long-term suspension, 365-day suspension, or expulsion. The principal shall have authority to exercise discipline over the pupils of the school. The principal may suspend a student for ten (10) days or less, recommend long-term suspension, or recommend a 365-day suspension, or expulsion of a student. The principal shall use reasonable force to discipline students and shall assign duties to teachers with regard to the general well-being and the medical care of students, pursuant to the provisions of G.S. § 115C-390 and G.S. § 115C-307 (Policy Code #7300 – *Staff Responsibilities*).

1. To assume the over-all responsibility for the implementation of those procedures and rules that are necessary to establish standards of acceptable student behavior in the school.
2. To be readily available to handle disruptive behavior, discipline and emergency situations.
3. To appoint a designee in the principal's absence to assume authority and carry out the principal's responsibilities.

4. To develop with the staff individual school procedures and rules in accordance with these regulations and the General Statutes of North Carolina.
5. To inform and disseminate to parents, students and faculty policies and school rules relating to standards of student behavior.
6. To assure that all system-wide regulations and school rules regarding standards of behavior are applied consistently.
7. To take prompt action for referred violations of discipline regulations.
8. To inform expeditiously the parent/guardian and the involved staff member in writing or verbally of administrative actions taken for referred violations.
9. To make a reasonable effort to inform parents verbally of an out-of-school suspension prior to the suspension.
10. To provide advice and support to staff members of appropriate discipline strategies.
11. To maintain a file of all discipline referrals for each student.
12. To report suspected illegal activities to the appropriate authorities and to cooperate fully with these authorities and law enforcement agencies.
13. To make appropriate referrals to intervention teams and other support groups that can assist a student with a problem disciplinary behavior.

### **Superintendent's Responsibilities**

1. To give counsel, advice and appropriate support to school principals and staffs.
2. To ensure the consistent application of procedures and rules that are established as standards of acceptable student behavior.
3. To provide due process right of appeal for disciplinary actions.
4. To appropriately investigate and respond to parent concerns regarding disciplinary action.

### **FOCUS ON STUDENTS**

The board recognizes that students must be the primary focus of each school, the school district and the board. To support students in their formal education, each school should strive for a learning environment in which: school grounds, buildings and classrooms are safe, orderly, clean and inviting -students learn and practice responsible behavior -students are treated fairly; and -students have input in decisions affecting them when feasible (Policy Code #4000 – *Focus on Students* – Legal Reference G.S. 115c-36).

## **PURPOSE**

The basic purpose of the Student Code of Conduct for elementary and secondary schools' is to help establish and maintain a safe and orderly environment which must prevail if learning is to take place. The term schools' as it applies to these guidelines refers to all school buildings, parking areas and properties. These rules are in effect at any school function or school sponsored activity and while students are waiting for, riding or leaving the bus.

## **ADMISSION TO THE MITCHELL COUNTY SCHOOLS**

Persons under the age of twenty-one (21) years who are domiciled in the Mitchell County School System Administrative Unit (Policy Code #4120 – *Domicile or Residence Requirements*), who have not been removed from any school for cause, or who have not obtained a high school diploma, are eligible for enrollment in the Mitchell County School System.

No student currently under suspension or expulsion from either a public or private school for any action that would have resulted in a suspension or expulsion from the Mitchell County Schools will be admitted into the Mitchell County School System until he is eligible for readmission at his previous school (Policy Code #4115 – *Behavior Standards for Transfer Students*).

The Mitchell County School System reserves the right to place any transferring student into the Mitchell County Grad Center, Mitchell County Distance Learning Center, or the Mitchell County Alternative Learning Center whenever it matches the student's most recent school placement; gives the student the best possibility of earning credit; or is in the best interest of school operations.

## **STUDENT BEHAVIOR GUIDELINES**

Ensuring the safe, secure, and orderly operation of Mitchell County School System, while maintaining an atmosphere conducive to teaching, learning, and quiet study, is a major responsibility of school administrators, teachers, parents, and students.

Each school campus will operate by a mutual "Code of Respect." This "Code of Respect" states: All students will have respect for self and respect for others and their rights. All students will respect the diversity of others. All students will not cheat or engage in any other inappropriate activity. All students will utilize appropriate language. All students will dress appropriately. (*The principal at each school will determine appropriate dress, but students are not permitted to wear/display symbols or other items that are or would be perceived to be disruptive.*) All students will contribute to a safe and positive climate.

Each school administrator has the authority to remove any student from any elected/appointed school leadership position or from any school team or club (athletic or otherwise) if the student's actions, on or off the campus, are of such nature that in the eyes of the principal, the student would not be a good representative of the school to the public.

## **ROLE OF TEACHERS AND ADMINISTRATORS IN SCHOOL SAFETY AND STUDENT DISCIPLINE**

State law requires a principal or designee to immediately report to law enforcement agencies (sheriff or police) certain acts that occur on school property. When the principal has personal knowledge or actual notice that one of the acts listed below has occurred on school property, the principal shall immediately report the act to the appropriate local law enforcement agency. For purposes of this subsection, "*school property*" shall include any public school building, bus, public school campus, grounds, recreational area, or athletic field in the charge of the principal. (G.S. § 115C-307(a). Teachers and other school employees have a legal obligation to report these same acts to the principal. (G.S. § 115C-288(g). Required reportable acts are as follows:

- Assault resulting in serious injury
- Assault involving use of a weapon

- Possession of a weapon
- Assault on school personnel
- Robbery
- Bomb threat
- Robbery without a dangerous weapon
- Burning of a school building
- Sexual assault (not involving rape)
- Death by other than natural causes
- Sexual Offense
- Kidnapping
- Rape
- Possession of alcoholic beverage
- Taking indecent liberties with a minor
- Possession of a controlled substance
- Possession of a firearm or powerful explosive

### **DISCLAIMER**

School-based administrators reserve the right to handle any incident that is not covered or mentioned in this handbook in a timely and appropriate manner. Serious or repeated violation of one or more rules would suggest a need for strong parent-student-administrator communication, coordination, and consideration of outside assistance, and may result in suspension and possible recommendation for long-term suspension or expulsion. The severity of the offense will be taken into consideration when determining consequences.

### **SYSTEM WIDE UNIFORM CONSEQUENCES FOR MISCONDUCT**

The principal or his designee shall investigate and deal with incidents of alleged misconduct of students whenever:

- a student discipline problem is referred, or
- the alleged misconduct violates the Student Code of Conduct, or
- the principal determines that a situation exists which could pose a danger to persons or property or which seriously disrupts the learning environment.

The use of the following disciplinary consequences is based on the assumption that teachers and/or other student support personnel have utilized reasonable and available disciplines alternatives and preventive measures prior to referring the student to the principal or that the student's behavior presents harm or a significant risk of harm or a threat to the orderly operation of the school.

The principal or his/her designee shall have the authority to suspend for ten days or less any student who violates the Student Code of Conduct by applying the System wide Uniform Consequences for Misconduct. The principal or his/her designee may suspend a student for more than ten days with prior approval of the superintendent following an infraction of the Student Code of Conduct. School personnel may use reasonable force to control behavior or to remove a person from the scene in those situations when necessary:

- to quell a disturbance threatening injury to others;
- to obtain possession of weapons or other dangerous objects on the person, or within the control of, a student;
- for self-defense; or
- for the protection of persons or property.

## CLASSIFICATIONS OF VIOLATIONS

Violations of the Student Code of Conduct are grouped into three levels with level one being least severe and level three being extremely serious. It is important to note that repeated violations or special circumstances may warrant a recommendation from the principal for more severe disciplinary action, up to and including expulsion. Class of offense relates to the degree to which the behavior disrupts the orderly educational process in the school in terms of their effect on the behavior of others and the degree to which the behavior presents a potential for harm to others. For each rule a range of consequences is provided as appropriate responses depending upon the judgment of the school principal as to:

- the degree to which the behavior disrupts the orderly educational process in the school;
- the degree to which the behavior presents a potential for harm to others or property;
- the degree to which the behavior harms others or property;
- the student's unresponsiveness to reasonable available discipline alternatives and preventive measures prior to the referral to the principal or his/her designee.

## GENERAL STATEMENTS

- a. Parents will be held personally and financially responsible for any cost associated with the injury and/or damage that result from inappropriate behavior of their minor children.
- b. The Mitchell County Board of Education will not permit a student to pose as threat or constantly disrupt the learning environment in a school.
- c. Repeated violations or very serious occurrences of infractions listed below may result in harsher remedies than those prescribed below.

## ATHLETIC PARTICIPATION

Students assigned in Out-of-School Suspension (OSS), or are enrolled in the Mitchell County Alternative School may not participate in or be in attendance at any extracurricular activities, including athletic practices and club activities, whether home or away, during the period of suspension.

Any student who is subject to the NCHSAA eight semester rule who (1) is convicted of a crime classified as a felony under North Carolina or federal law, or (2) is adjudicated delinquent for an offense that would be a felony if committed by an adult, is not eligible to participate in the North Carolina High School Athletic Association sports program.

A student transferred from one high school to another forfeits, for one year, varsity athletic eligibility in any sport in which the student was on a varsity eligibility roster at their former high school during the immediately preceding year to the transfer approval. This does not apply to students who make a legitimate change of domicile to another school attendance zone. Complete athletic guidelines are addressed later in this handbook (Policy Code #4375 – *Athletic Discipline*).

## **RULES - LEVEL ONE (1) VIOLATIONS**

The following conduct is prohibited as outlined below

### **COURSES OF ACTION FOR LEVEL 1 OFFENSE / Middle and High School (6<sup>th</sup> through 12<sup>th</sup> Grades)**

#### **THE TEACHER OR ADMINISTRATOR MAY PROCEED, AS APPROPRIATE, WITH ONE OR A COMBINATION OF THE FOLLOWING ACTIONS:**

- Discuss the matter with the student and unless the seriousness of the offense merits immediate action, warn the student that continued misbehavior will result in the loss of certain privileges.
- Contact parents by telephone/letter concerning misbehavior.
- Have student write a letter to the parent concerning the misbehavior.
- In-School Suspension if available in the school.
- Detain student after school provided adequate prior arrangements have been made with parent/guardian.
- Withhold privileges (No student may be denied the right to participate in any part of the instructional program or to have lunch).
- Isolate within the classroom.
- Apply any other acceptable action adopted by the school staff.
- Consult with school administration concerning chronic behavior.
- Use of any of the above actions does not limit the principal or his/her designee from otherwise disciplining the student as set forth below.

## **RULES – LEVEL ONE (1) VIOLATIONS**

### **1. ATTENDANCE / TRUANCY**

Regular school attendance is of crucial importance for educational achievement. The learning experiences that occur in the classroom are essential components of the learning process and time lost from class tends to be irretrievable in terms of opportunity for instructional interaction. Students should attend school every day, and the responsibility for regular attendance resides with the parents/guardians and the individual student. If a parent fails to assure the child's attendance at school, the parent may be prosecuted for violating the compulsory attendance law (Policy Code #4400 - *Attendance*).

### **CUTTING CLASS, LEAVING SCHOOL GROUND WITHOUT PERMISSION**

Every adult, having legal charge or control of a child, who enrolls that child in a public school shall also cause the child to attend school continuously until age 16. No person shall encourage, entice, or counsel any such child to be unlawfully absent from school. In accordance with local school policy, the parent, legal guardian, or legal custodian of a child shall notify the school of the reason for each known absence of the child. After the initial arrival on campus, no student shall leave the school grounds until the normal dismissal time without prior permission from the school authorities (Policy Code #4400 – *Attendance*).

Students shall be on campus and in their assigned classes unless they have been authorized to be elsewhere by authorized personnel.

FIRST OFFENSE - Up to three (3) days in-school suspension (detention, Saturday School, lunch detention).

SECOND / SUBSEQUENT - Up to five (5) days in-school suspension.

**STATEMENT** – It is imperative that students realize and recognize the importance of arriving at school on time and being punctual to class on a daily basis. Habits formed in school often determine habits after school. Punctuality is a habit that should be cultivated, practiced and endorsed.

**TARDY TO SCHOOL OR CLASS (Grades K-12)** - It is recommended that each school be allowed to develop procedures that address students who are tardy to school for unexcused reasons. The policy/procedures developed at the school level may include but is not limited to lunch detention, before or after school detention, Saturday detention, loss of driving privileges, and possible revocation of student transfer if applicable, suspension of extra-curricular opportunities, or in-school suspension as a last resort. Schools may not use out-of-school suspensions as punishment for being tardy to school. Other methods of dealing with students who are tardy to school should be explored by each school.

## **ATTENDANCE REQUIREMENTS FOR CREDIT AND PROMOTION**

- A high school student on the block schedule must be in attendance for a minimum of 85 days to obtain credit in each course.
- A high school student on the traditional schedule must be in attendance for a minimum of 170 days to obtain credit in each course.
- A middle school student must be in attendance for a minimum of 166 days to be considered for promotion to the next grade.
- An elementary school student must be in attendance for a minimum of 164 days to be considered for promotion to the next grade.
- Excessive absences can result in high school course failure or non-promotion in grades K-8.
- Educational opportunities will be available for students who need to make up days because of excessive absences. You should contact your school for information on the makeup sessions.

## **REASSIGNMENT INFORMATION**

Individuals who wish to transfer to another school within the county must follow the reassignment process outlined below. While it is our desire to accommodate as many requests as possible, we must be cautious not to exceed the space available at each grade level (Policy Code #4400 Attendance).

- Applications – All Mitchell County Schools will have applications available. The application will also be available on the website, [www.mcsnc.org](http://www.mcsnc.org), and at the Central Office.
- Submission of application – Mail or hand deliver the completed application, attention principal, to the school requested.
- Timeline – The timeline for requesting a reassignment is June 1<sup>st</sup> through June 30<sup>th</sup>.
- Eligibility – Eligibility means that a student must be in good standing with their previous school, with records of good attendance and good behavior
- Athletic eligibility – A student transferred from one high school to another forfeits, for one year, varsity athletic eligibility in any sport in which the student was on the varsity eligibility roster at their former high school during the immediately preceding year to the transfer approval.
- Transportation – The parent/legal guardian custodian shall be responsible for transportation of the student for any approved reassignment request.

## **2. CLASSROOM AND EXTRACURRICULAR DISRUPTION AND DISTRACTION**

No student shall, by use of passive resistance, noise, threat, fear, intimidation, coercion, force, violence or any other form of conduct cause the disruption of any lawful function, mission, or process of the school, nor shall any student urge any other student to engage in such content.

FIRST OFFICE REFERRAL - Verbal warning or up to two (2) days in-school suspension.

SECOND OFFICE REFERRAL - Up to five (5) days in-school suspension. Special circumstances may warrant up to 2 days out-of-school suspension.

THIRD OFFICE REFERRAL - Up to three (3) days out-of-school suspension. Special circumstances may warrant recommendation for long term suspension.

### **3. BEING IN UNAUTHORIZED AREAS**

Students shall not be in unauthorized areas during the school day. All students are to be at their assigned area during that assigned time.

FIRST OFFENSE - Up to one (1) day in-school suspension.

SECOND OFFENSE - Up to three (3) days in-school suspension or up to two (2) days out-of-school suspension.

THIRD OFFENSE - Up to five (5) days in-school suspension or up to five (5) days of out-of-school suspension.

SUBSEQUENT OFFENSE - Up to ten (10) days of out-of-school suspension or may warrant recommendation for long term suspension.

### **4. NON-COMPLIANCE WITH DIRECTIONS OF TEACHERS AND OTHER SCHOOL PERSONNEL OR PROVIDING FALSE INFORMATION**

Students shall comply with all lawful directions of teachers, and substitute teacher, teacher assistants, student teachers and any other authorized school personnel during any period in which they are subject to school authority. At no time shall a student provide false information to a teacher or staff member.

FIRST OFFENSE - Up to two (2) days out of out-of-school suspension.

SECOND OFFENSE - Up to five (5) days out-of-school suspension based on the severity of the offense. Additional community service duties, such as picking up trash from the grounds, etc.

THIRD OFFENSE - Up to ten (10) days out-of-school suspension.

### **5. SCHOOL BUS SAFETY AND CONDUCT**

School bus transportation is a privilege, not a right, and the transportation of any student is subject to compliance with the lawful rules and regulations adopted by the School Board. Safety is of paramount concern in providing student transportation services. A safe and orderly environment is critical whenever transporting students. Providing safe transportation requires the cooperation of students, parents, and staff. Teachers and bus drivers will discuss the bus rules during the first two weeks of school. Any behavior that results in physical injury to another child will result in an automatic suspension. Parents are financially responsible for any damage their child causes. All students are expected to follow the bus rules at all times;

#### **RULES FOR THE BUS**

1. Follow the directions of the bus driver the first time they are given.
2. Stay in your assigned seat, facing the front of the bus with your feet in front of you.
3. No pushing, shoving, tripping, or fighting.
4. Keep hands, feet, and objects to yourself.
5. No cursing, swearing, or loud talking.
6. Be on time. No food or drinks on the bus.
7. Do not litter, write on, or damage the bus in any way.

FIRST OFFENSE -	1 to 3 days bus suspension (depending on the severity).
SECOND OFFENSE -	3 to 10 days bus suspension (depending on the severity).
THIRD OFFENSE -	5 to 10 bus suspension or more (depending on the severity).

**Misconduct on the school bus may result in any of the above actions, as designated by the administrator and/or suspension from the bus. Continued misconduct on the school bus can result in the loss of bus riding privilege for the remainder of the school year.**

**Parents who have concerns about bus issues shall discuss those concerns with an administrator. Parents should not at any time confront a bus driver while they are on duty. Parents should not use profanity toward school employees and should conduct themselves in a respectable manner toward the employees.**

### **USE OF VIDEOTAPE RECORDERS ON SCHOOL BUSES**

It is the practice of the Mitchell County School System to utilize videotape recorders on school buses. Utilization of such videotape recorders shall be for the purposes of identifying safety concerns and to substantiate bus conduct violations. Such videotape recordings may be periodically and regularly reviewed by school officials, are considered confidential, but may be disclosed as part of school disciplinary proceedings or safety programs. Disciplinary action in this area shall be handled by the local school administration, in accordance with their school rules.

## **6. DRESS CODE VIOLATIONS**

Students are expected to dress in a manner that is neat, clean, and proper for a learning environment. Clothing styles are constantly changing; therefore, it is impossible to list all dress and grooming trends that are inappropriate for school wear. Students shall not wear clothing or hairstyles that distract other students, interfere with the classroom participation of other students, or present a health or safety hazard. If a student's dress or appearance is distracting, disruptive to the school climate, or detrimental to his health and safety, the principal may require the student and the student's parent(s), legal custodian(s), or legal guardian(s) to take appropriate action to remedy this situation. Following are examples of dress that are considered not appropriate for school. This list is not intended to be inclusive. Schools may formulate expectations. The interpretation of inappropriate clothing rests with the local school administration. Failure to comply with dress code standards shall be handled by the local school administration, in accordance with their school rules. The principal may require a student to change his dress or appearance for failure to comply with the dress code.

- Shoes or sandals are to be worn at all times during the school day.
- Clothing with vulgar language, obscenities, or clothing advertising drugs or alcoholic beverages is not permissible.
- Clothing worn to reveal underwear or cleavage, pants worn below waist level, or clothing that is excessively baggy or tight is not permissible.
- Distractive clothing, scanty clothing, and transparent or see-through mesh garments clothing is not permissible.
- Belts, if worn, must be kept on and tied or buckled at all times.
- Gang related jewelry, dress, bandanas, insignias, or any other gang related attire is prohibited.
- Coats must fit and be appropriate for the season.
- Sunglasses are not to be worn inside school buildings.

**For the first offense the student will receive a warning and will be asked to correct the violation.**

FIRST OFFENSE -	Up to two (2) days In-School Suspension.
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SECOND OFFENSE - Up to five (5) days In-School Suspension.

THIRD OFFENSE - Up to three (3) days Out-of-School Suspension.

## **7. CHEATING**

No student shall use unfair or dishonest methods to gain advantages in any test, class work, or project. This includes plagiarism, which is the act of stealing and passing off as one's own, the ideas or words of another. Reduction in grade could be imposed for cheating, plagiarism, or similar offenses. Disciplinary action in this area shall be handled by the local school administration, in accordance with school rules.

FIRST OFFENSE - Teacher conference with administration, student and parent(s) and a grade zero (0).

SECOND OFFENSE - Up to three (3) days in-school suspension and a grade of zero (0) for assignment.

THIRD OFFENSE - Up to three (3) days out-of-school suspension. A grade of zero (0) for assignment will be given.

## **8. INAPPROPRIATE INTERPERSONAL BEHAVIOR**

Inappropriate public displays of affection or indecent exposure, as determined by school personnel, are not allowed. Examples are but not limited to kissing, inappropriate touching, mooning, etc.

FIRST OFFENSE - Conference with students and parent(s). Up to two (2) days in-school suspension. Extremely inappropriate acts may result in out-of-school suspension up to the remainder of the school year.

SECOND OFFENSE - Up to four (4) days in-school suspension or up to two (2) days out-of-school suspension. Extremely inappropriate acts may result in out-of-school suspension up to the remainder of the school year.

THIRD OFFENSE - Up to five (5) days out-of-school suspension. Extremely inappropriate acts may result in out-of-school suspension up to the remainder of the school year.

## **9. USE OF TOBACCO PRODUCTS**

A student shall not be permitted to smoke, possess, or use tobacco or tobacco products on the school grounds or in any facility. Mitchell County Public Schools and grounds are "tobacco free" (Policy Code #4320 – *Tobacco Products – Students*).

FIRST OFFENSE - Up to three (3) days in-school suspension and enrollment and successful completion in a tobacco awareness program. Confiscate products.

SECOND OFFENSE - Up to three (3) days out-of-school suspension. Confiscate products. Loss of driving privileges for one semester.

THIRD OFFENSE - Up to five (5) days out-of-school suspension. Confiscate products. Loss of driving privileges for one year.

FOURTH OFFENSE -

Fourth violation of this rule may result in out-of-school suspension up to the remainder of the school year. Confiscate products.

#### **10. Board Policy 4318: Wireless Communication and Electronic Devices**

It is unlawful to intentionally point a laser device at the head or face of another person. Students may not possess and/or use in school or on school property any laser pointer or similar device. Cellular telephones, pagers, beepers, fire radios, and other personal electronic devices are prohibited at the elementary level. Cellular telephones, pagers, beepers, fire radios, and other personal electronic devices are prohibited at the middle and high school levels during the instructional day. The use or possession of cellular telephones and other PCDs are admissible before and after the school day. Devices could be confiscated if found out or in use, including text messaging or taking pictures, during the instructional day. Disciplinary action in this area shall be handled by the local school administration, in accordance with their school rules (Policy Code #3320 – *Technology in the Education Program*). Any violation of this Policy shall be a violation of the Student Conduct/Discipline Code and/or Student Conduct on School Buses Code.

#### **CELL PHONES AND WIRELESS COMMUNICATION (G.S. 115C-391 and G.S. 115C-36)**

The Board of Education regards the possession of a wireless communication and/or electronic device as a privilege. The use of these devices can also be a disruption to the instructional process and create a safety hazard.

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

No elementary student (Pre-K through 5<sup>th</sup> grade) shall have in their possession on school property any wireless communication and/or electronic device, including but not limited to cell phones, laser pointers, paging devices, two-way radios, iPods, any device possessing photographic capabilities, CD/MP3 players, electronic games, PDA, Bluetooth device, or other communication and/or electronic devices not specified capable of the same or similar functions.

Except as provided below, no high school (9<sup>th</sup> through 12<sup>th</sup> grade) or middle school student (6<sup>th</sup> through 8<sup>th</sup> grade) shall use or have in view during the instructional day any wireless communication and/or electronic device, including but not limited to cell phones, laser pointers, paging devices, two-way radios, iPods, any device possessing photographic capabilities, CD/MP3 players, electronic games, PDA, Bluetooth device, or other communication and/or electronic devices not specified capable of the same or similar functions. Devices in lockers must be in the “off” position. All devices shall be stored in such a manner as to make them inaccessible during the instructional day.

Each principal will adopt rules on the possession and use of wireless communication and/or electronic devices on regular school bus routes. The use of such devices on activity buses is at the discretion of the sponsor/coach in charge of the activity bus.

With prior approval from the principal, elementary, middle, and high school teachers may use and/or lead students in the use of electronic and wireless devices as an instructional tool during the instructional day. Any electronic communications between staff and students should be school related.

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

An “offense” shall occur each time this Policy is violated regardless of the specific device or devices involved. However, the possession of multiple devices at one time shall be regarded as one offense.

**POSSESSION OF A WIRELESS COMMUNICATION AND/OR ELECTRONIC DEVICE DURING A TEST OR QUIZ**

In addition to the above consequences, a grade of zero will be assigned for the test or quiz. Any student who has a visible cell phone or one that rings during a test will be considered cheating on that test. In addition, any student who has a visible cell phone or one that rings during a test will go to the second offense outlined in this section, even if the student has no prior history of being caught with a cell phone.

Any student not following the directives of a school employee during the confiscation of any device is subject to a minimum three-day out-of-school suspension.

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

## **RULES - LEVEL TWO (2) VIOLATIONS**

The following conduct is prohibited as outlined below

### **COURSES OF ACTION FOR LEVEL TWO (2) OFFENSE**

Middle and High School (6<sup>th</sup> through 12<sup>th</sup> Grades)

#### **11. INSULTING, DISRESPECTFUL, ABUSIVE, PROFANE, OBSCENE WORDS, SIGNS, GESTURES, AND OTHER ACTS**

Students shall not direct insulting, abusive, profane, obscene words, signs, gestures, and other acts toward other students, visitors, school employees, and other persons.

FIRST OFFENSE -	Up to five (5) days out-of-school suspension.
SECOND OFFENSE -	Up to ten (10) days out-of-school suspension.
THIRD OFFENSE -	Long-term suspension up to the remainder of the year.

#### **12. SEXUAL HARASSMENT**

Students shall not direct unwelcomed sexual advances, requests for sexual favors, or other inappropriate oral, written, or physical conduct of a sexual nature to another student. All students must be allowed to learn and work in an environment free from such harassment. Law enforcement official may be notified (Policy Code #1735/4026/7236 – *Sexual Harassment Defined*). **Possession or distribution of any sexually inappropriate materials is included as a Level Two (2) violation.**

FIRST OFFENSE -	Up to five (5) days out-of-school suspension.
SECOND OFFENSE -	Up to ten (10) days out-of-school suspension.
THIRD OFFENSE -	Long-term suspension up to the remainder of the year.

#### **13. GAMBLING**

Students shall not participate in any form of gambling or games of chance/skill for money and/or other items of value.

FIRST OFFENSE -	Up to five (5) days in-school suspension.
SECOND OFFENSE -	Up to three (3) days out-of-school suspension.
THIRD OFFENSE -	Up to ten (10) days out-of-school suspension.

## **RULES - LEVEL THREE (3) VIOLATIONS**

The following conduct is prohibited as outlined below

### **COURSES OF ACTION FOR LEVEL THREE (3) OFFENSE**

Middle and High School (6<sup>th</sup> through 12<sup>th</sup> Grades)

Class three (3) rules refer to student behaviors, which are disruptive to the educational process and may have the potential for physical injury to others. In cases in which these behaviors are violations of North Carolina General Statutes, involvement of law enforcement officers will be required.

**General Statute 115C-288, requires certain acts to be reported by the principal to law enforcement. Those acts are: 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 in violation of the law, possession of a weapon in violation of the law, or possession of a controlled substance in violation of the law. In addition to those that are specifically spelled out in North Carolina General Statutes all larcenies, extortion as well as extortion attempts, robbery (armed or common law), hate crimes, stalking, possession of any explosive or incendiary device or arson/attempted arson should be immediately reported to law enforcement officials. The superintendent's office shall be notified.**

**General Statute 20-11 requires a student's driver's permit or license to be suspended one year if a student is given an expulsion/suspension for more than ten (10) consecutive days or an assignment to an alternative educational setting for more than ten (10) days for one of the following reasons:**

- 1. The possession or sale of an alcoholic beverage or an illegal controlled substance on school property.**
- 2. The possession or use on school property of a weapon or firearm that resulted in disciplinary action under G.S. 115C-391(d1) or that could have resulted in that disciplinary action if the conduct had occurred in a public school.**
- 3. The physical assault on a teacher or other school personnel on school property.**

#### **14. TRESPASSING**

No student shall be on campus of any school except the one to which the student is assigned during the school day without the prior knowledge and consent of the officials of that school. Students who loiter at any school after the close of the school day without special need or the proper supervision are trespassers and may be prosecuted if they do not leave when instructed to do so. A student under suspension from school is trespassing if he/she appears on the property of any school during the suspension period without the express permission of the principal (Policy Code #4330 – *Theft, Trespass and Damage to Property*).

Students shall not willfully enter or remain in any school structure, conveyance or property without having been authorized or invited, nor refuse to depart after being directed to leave by authorized personnel. Law enforcement may be notified based on the severity of the act.

FIRST OFFENSE -

Up to ten (10) days out-of-school suspension depending on the severity of the act. Special circumstances may warrant out-of-school suspension up to the remainder of the school year.

SECOND OFFENSE -

Long term suspension up to the remainder of the school year. Law enforcement officials and parents shall be notified.

**15. MAKING AN/OR POSSESSING EXPLOSIVE OR INCENDIARY DEVICES**

Students shall not make or possess firecrackers or pyrotechnic, explosive, incendiary, or smoke-creating devices. Law enforcement and parents shall be notified.

FIRST OFFENSE - Confiscate device. Up to ten (10) days out-of-school suspension. Special circumstances may warrant suspension up to the remainder of the year.

SECOND OFFENSE - Confiscate device. Out-of-school suspension up to the remainder of the school year.

**16. EXPLODING FIRECRACKERS OR IGNITING SIMILAR DEVICES**

Students shall not explode firecrackers or ignite pyrotechnic, explosive, incendiary, or other smoke-creating devices. Law enforcement and parents shall be notified.

FIRST OFFENSE - Confiscate device. Up to ten (10) days out-of-school suspension. Special circumstances may warrant suspension up to the remainder of the year.

SECOND OFFENSE - Confiscate device. Out-of-school suspension up to the remainder of the school year.

**17. POSSESSION OR USE OF MARIJUANA, NARCOTICS, STIMULANTS, DEPRESSANTS, ALCOHOLIC BEVERAGES, AND ANY OTHER UNAUTHORIZED OR ILLEGAL SUBSTANCE OR DRUG PARAPHERNALIA, AND COUNTERFEIT FORM OF SAID SUBSTANCE**

Students shall not possess or use marijuana, narcotics, stimulants, depressants, counterfeit form of an illegal substance, alcoholic beverages or any other unauthorized or illegal substance or drug paraphernalia. Law enforcement and parents shall be notified (Policy Code #4325 – *Narcotics, Alcoholic Beverages and Stimulant Drugs*).

FIRST OFFENSE - Confiscate substance. Up to ten (10) days out-of-school suspension with a minimum of five (5) days required if the student is allowed to return during the current school year. Maximum suspension for the remainder of the year. Active involvement in a substance abuse/chemical dependency program if student is allowed to return to school.

SECOND OFFENSE - Confiscate substance. Out-of-school suspension up to the remainder of the school year.

**18. SALE, DELIVERY OR DISTRIBUTION OF MARIJUANA, NARCOTICS, STIMULANTS, DEPRESSANTS, ALCOHOLIC BEVERAGES, AND ANY OTHER UNAUTHORIZED OR ILLEGAL SUBSTANCE, DRUG PARAPHERNALIA OR COUNTERFEIT FORM OF SAID SUBSTANCES**

Students shall not sell, deliver, or distribute marijuana, narcotics, stimulants, depressants, counterfeit form of an illegal substance, alcoholic beverages or any other unauthorized or illegal substance or drug paraphernalia. Law enforcement and parents shall be notified (Policy Code #4325 – *Narcotics, Alcoholic Beverages and Stimulant Drugs*).

FIRST OFFENSE -

Confiscate substance. A student who sells, delivers, or distributes marijuana, narcotics, stimulants, or any other unlawful or un-authorized substance, drug paraphernalia or counterfeit form of such substance will be suspended out-of-school up to the remainder of the school year. Law enforcement and parents will be notified.

**APPROVED MEDICATION**

Students who are on an approved medication must turn in medication to an appropriate school official upon arrival at school. Possession and/or distribution of either prescribed or over-the-counter drugs are considered a violation of the *Student Code of Conduct* and will be handled as set forth in section 17 or 18.

**MEDICATION POLICY SUMMARY** (Policy Code #6125 – *Administering Medicine to Students*)

This is a brief summary and explanation of Mitchell County Schools’ policy with regard to medication. All medication that can be given outside school hours without adversely affecting the health of the student should not be given at school. When it becomes necessary to give medication at school, the following requirements apply:

- Medication must be in the original container or pharmacy bottle and clearly labeled with the student’s name, the name of the medicine and how the medicine is to be given.
- Medication can be given only after the parent has signed a permission form.
- All medication that is to be given long-term (more than 14 days) must have authorization from the student’s health care provider. This includes over-the -counter and self-administered medication.
- Self-administered medication requires a form signed by the student, parent, principal and school nurse.
- Parents should deliver medication to school rather than have the child carry it to school. Parents should also pick up any remaining medication. All medication will be discarded within seven (7) days after last administration and at the end of the school year. Alternative arrangements can be made on an individual basis if the principal deems undue hardship for the parent (guardian).

Your help by following these requirements is greatly appreciated as we strive to meet your child’s health needs while also meeting his/her educational needs.

**19. MAJOR DISRUPTION OF THE SCHOOL ENVIRONMENT (INCITING OR PARTICIPATING IN A STUDENT DISORDER i.e. riots, walk outs, sit-ins, assaults, etc.)**

Students shall not lead, participate in, or encourage others to participate in major group disruptions, which adversely affect the educational process. Law enforcement and parents shall be notified.

FIRST OFFENSE -

Minimum five (5) days out-of-school suspension, up to out-of-school for remainder of the school year.

SECOND OFFENSE -

Out-of-school suspension for remainder of the school year.

**20. PARTICIPATION IN A GANG OR GANG ACTIVITY THAT DISRUPTS THE NORMAL SCHOOL ENVIRONMENT**

Students shall not lead, participate in, or encourage others to participate in a gang or gang activity. (A “gang” is defined as a group who organizes for unlawful activities or to harass or intimidate others). Law enforcement and parents shall be notified.

FIRST OFFENSE - Up to ten (10) days of out-of-school suspension. Special circumstances may warrant out-of-school suspension for remainder of the school year.

SECOND OFFENSE - Out-of-school suspension for remainder of the school year.

### **BOMB THREAT**

**(THE BOARD OF EDUCATION SHALL SUSPEND FOR 365 CALENDAR DAYS ANY STUDENT WHO, BY ANY MEANS OF COMMUNICATION TO ANY PERSON OR GROUP OF PERSONS, MAKES A REPORT, KNOWING OR HAVING REASON TO KNOW THE REPORT IS FALSE, THAT THERE IS LOCATED ON EDUCATIONAL PROPERTY OR AT A SCHOOL SPONSORED ACTIVITY OFF EDUCATIONAL PROPERTY ANY DEVICE DESIGNED TO DESTROY OR DAMAGE PROPERTY BY EXPLOSION, BLASTING, OR BURNING, OR WHO, WITH INTENT TO PERPETRATE A HOAX, CONCEALS, PLACES, OR DISPLAYS ANY DEVICE, MACHINE, INSTRUMENT, OR ARTIFACT ON EDUCATIONAL PROPERTY OR AT A SCHOOL-RELATED ACTIVITY ON OR OFF EDUCATIONAL PROPERTY, SO AS TO CAUSE ANY PERSON REASONABLY TO BELIEVE THE SAME TO BE A BOMB OR OTHER DEVICE CAPABLE OF CAUSING INJURY TO PERSONS OR PROPERTY (G.S. 115C-391). ALSO, THE COURTS MUST REVOKE THE PERMIT OR LICENSE OF A PERSON UNDER THE AGE OF 18 PER G.S. 20-13.2. PARENTS CAN ALSO BE HELD RESPONSIBLE FOR ACTUAL COMPENSATORY AND CONSEQUENTIAL DAMAGES RESULTING FROM THE DISRUPTION OR DISMISSAL OF SCHOOL OR THE SCHOOL-SPONSORED ACTIVITY.)**

### **21. FIGHTING AMONG STUDENTS**

Students shall not fight or attempt to cause bodily harm to another student. If a student is a victim of a student, unprovoked attack or fight, he/she may defend himself/herself long enough to disengage from fighting to report it to an appropriate school official. **Students who instigate fights will be subject to the same consequences as those who are actually involved in fighting.** Parents shall be notified.

FIRST OFFENSE - Up to ten (10) days of out-of-school suspension. Special circumstances may warrant out-of-school suspension up to the remainder of the school year.

SECOND OFFENSE - Out-of-school suspension up to the remainder of the school year. Law enforcement officials shall be notified.

### **22. EXTORTION**

Students shall not obtain through verbal or physical threats, coercion, or intimidation anything of value (personal property, money or information) from any other student or school employee. Law enforcement and parents shall be notified).

FIRST OFFENSE - Up to five (5) days of out-of-school suspension. Special circumstances may warrant out-of-school suspension up to the remainder of the school year.

SECOND OFFENSE - Out-of-school suspension up to the remainder of the school year.

**NOTE: FULL RESTITUTION WILL BE SOUGHT**

**23. THEFT, ROBBERY, BURGLARY OR DAMAGE TO SCHOOL OR PERSONAL PRIVATE PROPERTY OR POSSESSION OF STOLEN PROPERTY**

Students shall respect school property and the personal property of other students, school employees, and other persons. Students shall not steal, rob, attempt to burn or convert school property and property of any other person or entity, nor cause damage to such property. Law enforcement and parents shall be notified.

FIRST OFFENSE - Up to five (5) days of out-of-school suspension. Special circumstances may warrant out-of-school suspension up to the remainder of the school year.

SECOND OFFENSE - Out-of-school suspension up to the remainder of the school year.

**NOTE: FULL RESTITUTION WILL BE SOUGHT**

**24. VERBAL OR PHYSICAL ASSAULT (INCLUDING THREATS) OR PHYSICAL INJURY TO SCHOOL PERSONNEL (THIS INCLUDES INJURY TO REAL OR PERSONAL PROPERTY)**

Students shall not cause, attempt to cause or verbally (written or oral) threaten to cause damage to property, physical or bodily injury to principals, assistant principals, teachers, substitute teachers, teacher aides, student teachers and other school personnel or visitors. Law enforcement should be notified if there is a serious injury or at the discretion of the principal. Parents should be notified. (G.S. 115C-391 states: A local board of education shall remove to an alternative educational setting any student who is at least 13 who physically assaults and seriously injures a teacher or other school personnel. If no appropriate alternative educational setting is available, then the board shall suspend for no less than 300 days but no more than 365 days any student who is at least 13 and who physically assaults and seriously injures a teacher or other school personnel.

**GRADES K – 12**

FIRST OFFENSE - Up to out-of-school suspension for the remainder of the school year.

**SCHOOL PERSONNEL MAY USE REASONABLE FORCE (G.S. & 115C-390)**

Except as restricted or prohibited by rules adopted by the local board of education, principals, teachers, substitute teachers, voluntary teachers, teacher assistants, and student teachers in the public schools of this state may use reasonable force in the exercise of lawful authority to restrain or correct pupils and maintain order.

**PERSISTENTLY DANGEROUS SCHOOLS**

Any student in the Mitchell County Schools who is a victim of a violent criminal offense committed on the grounds of any of our schools shall be allowed to transfer to another school in the Mitchell County Public Schools if there is room at the requested school. Any student requesting a transfer under these conditions must request it in writing to the Superintendent or his designee of the Mitchell County Schools and formally state the reason for the transfer and shall supply documented evidence of the offense that occurred. The Superintendent shall, within five days, make a decision on the transfer. The Mitchell County Schools will report any such student transfer to the State Board of Education in the annual report on school violence.

## 25. VERBAL OR PHYSICAL ASSAULT OR PHYSICAL INJURY TO STUDENTS

Students shall not cause, attempt to cause or verbally (written or oral) threaten to cause damage to property, physical or bodily injury to another student. Law enforcement shall be notified if there is a serious injury or at the discretion of the principal. Parents should be notified.

### GRADES K – 12

FIRST OFFENSE - Up to ten (10) days out-of-school suspension. (Special circumstances may warrant out-of-school suspension up to the remainder of the school year).

SECOND OFFENSE - Up to out-of-school suspension for the remainder of the school year.

## 26. HAZING

Students shall not commit any acts of hazing. Hazing is defined as follows: “To subject another student to physical injury as part of an initiation, or a prerequisite to membership, into any organized school group, including any society, athletic team, fraternity or sorority, or similar group.” Any student who aids or abets hazing shall be disciplined as a principle actor. Law enforcement and parents shall be notified. Conviction in criminal courts results in automatic expulsion (Policy Code #1735/4026/7236 – *Sexual Harassment Defined*).

FIRST OFFENSE - Up to ten (10) days out-of-school suspension. (Special circumstances may warrant out-of-school suspension up to the remainder of the school year).

SECOND OFFENSE - Up to out-of-school suspension for the remainder of the school year.

### HAZING, HARASSMENT OR BULLYING

The Mitchell County Board of Education believes that all students and employees should be free of unlawful discrimination, harassment, hazing, and bullying as a part of a safe, orderly, caring, and inviting working and learning environment. The Board commits itself to nondiscrimination in all its educational and employment activities. The Board expressly prohibits unlawful discrimination, harassment, hazing, or bullying, including on the basis of race, color, national origin, sex, pregnancy, religion, age, or disability. The Board also prohibits retaliation against a student or an employee who has exercised any rights made available through state or federal law, including prohibiting retaliation for reporting violations of (Policy Code #1745/4027 - *Sexual Harassment Complaint Procedure for Students*). Any violation of Policy #4021 is considered serious and appropriate action will be taken in response. North Carolina law makes hazing illegal for any student. Incidents of hazing, harassment, or bullying could lead to short-term suspension, long-term suspension, or even expulsion, depending on the seriousness of the act. (Policy Code #1710/4021/7230 – *Prohibition Against Discrimination and Harassment*).

### MITCHELL COUNTY SCHOOLS - A BULLY FREE SCHOOL SYSTEM

All associated with the Mitchell County Schools believes student safety must be everyone’s top priority. As parents, teachers and school leaders we all play a key role in providing a positive model for our young people. All of us working together can provide an environment in our schools where each child has the right to come to school excited, enthused, and ready to learn and enjoy their day. The Bully Free Program emphasizes improving relationships and teaches students how to co-exist peacefully, appreciate differences,

solve problems, control anger and look out for one another. The program also encourages attendance, academic effort and getting along with one another.

**27. WEAPONS AND/OR OTHER DANGEROUS INSTRUMENTS**

Students shall not possess or conceal any weapon as defined by NC General Statute 14.269.2, or any other instrument that could cause bodily harm or be used to threaten bodily harm. Law enforcement and parents shall be notified.

FIRST OFFENSE - Confiscate weapon or device. Up to ten (10) days out-of-school suspension. (Special circumstances involving an assault with the weapon may warrant out-of-school suspension up to the remainder of the school year).

SECOND OFFENSE - Confiscate weapon or device. Out-of-school suspension up to the remainder of the school year.

**28. POSSESSION OF A FIREARM(S)**

Students shall not bring to school or possess or conceal any firearm or weapon – “any gun, rifle, pistol, or other firearm of any kind, or any dynamite cartridge bomb, grenade, mine or explosive” on any property owned by the Mitchell County Schools (NC General Statute 14-269.2). Law enforcement and parents shall be notified.

- A. If a student brings a weapon to school, confiscate firearm or weapon. Out-of-school suspension for a minimum of 365 days (a calendar year) pursuant to GS 115C-391(d)(1), when authorized by the local board of upon recommendation by the superintendent.
- B. If a student possesses a weapon at school; confiscate firearm or weapon. Out-of-school suspension for the remainder of the school year or expulsion for the student who possesses a firearm on any property owned by the Mitchell County Schools.

**NORTH CAROLINA STORAGE LAW**  
Applies to homes in which children reside. If a person who resides in the same premises as a minor leaves a firearm in a manner in which the person knew or should have known that a minor would be able to gain access, it is a class “1” misdemeanor if a minor gains access and does one of the following: •*Possesses it on school property* •*Exhibits it in public in a careless or angry manner* •*Uses it to cause personal injury or death, not in self defense, or* •*Uses it in the commission of a crime.*

**29. SEXUAL ASSAULT, SEXUAL OFFENSE, ETC.**

Students shall not commit any sexual offense as defined by the North Carolina General Statutes. (NC General Statutes 14-27.4 and 14-27.5) Law enforcement and parents shall be notified.

FIRST OFFENSE - Up to ten (10) days out-of-school suspension. (Special circumstances may warrant out-of-school suspension up to the remainder of the school year or expulsion).

SECOND OFFENSE - Out-of-school suspension up to the remainder of the school year. (Special circumstances may warrant expulsion).

**30. INAPPROPRIATE USE OF COMPUTER/INTERNET/EMAIL/NETWORK**

Students shall not violate the Mitchell County Schools Acceptable Use Policy (Policy Code #3225/7320 – *Internet Use Agreement*).

**GRADES K – 12**

FIRST OFFENSE - Up to five (5) days in-school suspension and possible loss of technology privileges.

SECOND OFFENSE - Up to three (3) days of out-of-school suspension and possible loss of technology privileges.

**31. OTHER NORTH CAROLINA CRIMINAL STATUTES AND LOCAL ORDINANCES NOT PREVIOUSLY COVERED**

Students shall not violate any North Carolina Criminal Statutes or local ordinances not previously covered. A student convicted of a felony or serious misdemeanor may be recommended for expulsion from the Mitchell County Schools (Any plea of nolo contendere or the entry of a “prayer for judgment” shall be deemed as a conviction for the purposes of this policy). Law enforcement officials shall be notified.

FIRST OFFENSE - Up to ten (10) days out-of-school suspension. (Special circumstances may warrant out-of-school suspension up to the remainder of the school year or expulsion).

SECOND OFFENSE - Out-of-school suspension up to the remainder of the school year. (Special circumstances may warrant expulsion).

**CONCERNS OR COMPLAINTS**

While it is our goal that each classroom and school campus runs smoothly, it is inevitable that conflicts will arise in the classroom or on the campus. Complaints and grievances are best handled and resolved as close to their origin as possible. We strongly encourage you to speak with your child’s teacher or the school principal when an issue arises. The principal is responsible for the operation and supervision of their school. With appropriate cooperation, they will do their best to resolve the issue (Policy Code #4010 - *Grievance Procedure*).

**COURSES OF ACTION FOR LEVEL ONE (1) THROUGH THREE (3) OFFENSES**  
Elementary Schools and Pre-K

**A. Appropriate personnel will decide if the seriousness of the offense can be handled by the teacher/staff member or if the offense warrants referral to the school administration.**

- An office referral to an administrator may proceed, as appropriate, with anyone or any combination of the following corrective actions:
- Student may be sent home for the remainder of the day.
- Student may be sent home until a parent comes for a conference with a school administrator.
- Students may be assigned to after-school detention with parents assuming responsibility for transporting the child.
- Students may be assigned to in-school suspension or a time-out room.
- Parent may be required to attend classes (shadow the child which may include field trips or other activities) for a specified period of time.

**B. Continuous misbehavior in Level 1 may result in any one or any combination of the following corrective actions:**

- Student may have special privileges revoked (field trips, extra-curricular activities).
- Student may be given out of school short-term suspension. The number of days will be dependent on the seriousness of the offense and the student's prior record of behavioral offenses.
- The administrator may administer corporal punishment.
- The administrator may notify the school resource officer and/or begin proceedings for a juvenile court petition.
- The student and parent may be required to attend a conference with the school resource officer and a school administrator.
- Continuous Level 1 offenses may result in assignment of a student by the principal to a class designated for students who keep others from learning because of their behavior.

## APPENDICES

### A. Definition of Terms

#### 1. In-School Suspension (ISS): Usually short-term (1-10 days), but can be longer for special circumstances.

During an in-school suspension, the student will work on his regular school assignments, will be counted in attendance, and will receive his earned grades.

- The decision of the principal is final in terms of ISS suspension.
- Board policy and North Carolina Law do not allow for any appeal of in-school suspensions.
- Time spent in ISS applies only to days school is in session for students. Teacher workdays, weekends, holidays, and school days missed due to inclement weather do not count toward the completion of an ISS.

#### 2. Short-Term Out-of-School Suspension (OSS): Lasts from 1-10 days

The principal shall send a written notification to the parents or guardians informing them of their child's suspension. Short-term out-of-school suspensions for students in grades 6-12 could be served in the Mitchell County Alternative School that is located at the Mitchell County Board of Education. While in attendance at Mitchell County Alternative School the student will be counted in attendance, work assignments will be provided, and the student will receive his earned grades.

Following any short-term out-of-school suspension, students shall have the opportunity to take any quarterly, semester, or grading period examinations missed during the suspension. Students shall also have the opportunity to: 1) take their textbooks home for the duration of the suspension; and 2) have access to homework assignments.

- The decision of the principal is final in terms of short-term OSS suspension.
- Board policy and North Carolina Law do not allow for appeal of any short-term (1-10 day) out-of-school suspensions.
- Opportunities may be provided for partial academic credit at the Mitchell County Schools Graduation Center.
- Time spent in OSS or the Alternative School applies only to days school is in session for students. Teacher workdays, weekends, holidays, and school days missed due to inclement weather do not count toward the completion of an OSS or Alternative School assignment.
- Students assigned to OSS or Alternative School are not permitted to participate in or be in attendance at any extracurricular activities during the assigned time. The suspension does not end until midnight of the last day assigned.

#### 3. Long-Term Out-of-School Suspension: Lasts from 11 to remainder of the school year

Following any long-term out-of-school suspension, students shall have the opportunity to take any quarterly, semester, or grading period examinations missed during the suspension. However, announced tests, "pop" tests, and daily grades missed during the suspension are not subject to the required "makeup" opportunities, and zero grades will be earned.

- The decision for the implementation of a principal recommended long-term suspension rests with the Superintendent.
- Any student receiving a long-term out-of-school suspension shall not return to campus and shall not be on any other property of Mitchell County School System, nor shall he attend any athletic contests or any extracurricular student activities during the suspension

period.

- Time spent in OSS applies only to days when school is in session for students.
- Teacher workdays, weekends, holidays, and school days missed due to inclement weather do not count toward the completion of an OSS assignment.

#### **4. Expulsion: The Permanent and Indefinite Exclusion of a Student from School**

The decision for the implementation of a principal recommended expulsion rests with the Superintendent and the Board.

An expulsion is the permanent removal of a student from school. The expelled student shall be permanently prohibited from returning to the school system unless the School Board reverses its decision. A student may not apply for readmission until six (6) months have passed. The student may then apply on the following July 1.

A student may be expelled only if:

- the student is at least 14 years of age; and
- the continued presence of the student in school constitutes a clear threat to the safety and health of other students or school employees; or
- the student is found guilty of a Felony in North Carolina or any other state.

#### **5. Alternative to Suspension**

Students who misbehave may be given the opportunity to take responsibility for the behavior, and to restore damaged relationships and material losses through a variety of agreed upon strategies.

### **B. Due Process Procedures for Long-Term Suspension and/or Expulsion**

The school administrator shall conduct an investigation of the reported incident. The student shall be informed of the charges and of the administrator's decision to issue a ten (10) day Out-of-School Suspension.

Parent(s), legal guardian(s), or legal custodian(s) shall be notified immediately in writing, of the suspension and the additional recommendation of a long-term suspension (remainder of semester/year) to the Superintendent. Information specifying the appeal process shall be included in this correspondence.

The school administrator shall: 1) notify the Superintendent in writing of the recommendation of long term suspension; 2) include a copy of correspondence mailed to the student's parent(s), legal guardian(s), or legal custodian(s); and 3) shall schedule a hearing, at which the administrator's decision may be appealed. The appeal process is required.

A five member Appeal Hearing Committee shall be appointed. The school administrator shall appoint three (3) staff members, one whom will be the committee chair. The student shall choose two (2) additional committee members. If the student refuses to choose any committee members, the school administrator shall choose all five.

The school administrator shall notify the student's parent(s), legal guardian(s), or legal custodian(s) in writing, by letter, of the scheduled time, date, and location of the hearing. The scheduled time shall not exceed ten (10) school days from the date of the first day of the suspension, unless mutually agreed upon by both parties. In addition, notice will advise the student of his rights during the hearing:

- a. right to legal advisor at his own expense;
  - b. right to have and to question witnesses;
  - c. right to make a statement in his own behalf;
  - d. right to review any documents being used as part of the hearing;
- and,

- e. right to present evidence in his behalf.

The Appeal Committee Chairperson shall convene and conduct the hearing, which shall be recorded by audiotape. The hearing shall be closed to the public. At the conclusion of the hearing, the Committee shall consider all evidence presented and formulate a recommendation, which shall be submitted in writing within 24 hours to the Superintendent. The recommendation may be to uphold or deny the administrator's recommendation.

The Superintendent shall review the committee's report and findings and render a decision communicated in writing, by letter, to the student's parent(s), legal guardian(s), or legal custodian(s) within three (3) school days of receiving the Committee's recommendation.

For long-term suspension, the parents or guardians must request an appeal to the Board of Education, in writing, within three (3) days of receipt of the Superintendent's decision. For expulsion, the parents or guardians must request a hearing before the Board of Education, in writing, within five (5) days of receipt of the Superintendent's recommendation. If the parents, legal guardians, or legal custodians wish to appeal the Superintendent's decision, they may do so in writing to the Chairperson of the Mitchell County Board of Education. The completed record will be certified to the Mitchell County Board of Education by the Hearing Committee Chairperson. The Board shall consider the matter in closed session at a special called meeting, or at its regularly scheduled meeting, at the discretion of the Board Chair.

The Board shall review the Superintendent's recommendations and the record of the hearing. The student and the parent(s), legal guardian(s), or legal custodian(s) may present a written statement and may be allowed ten (10) minutes to make oral comments to the Board. The Mitchell County Board of Education shall render a written decision by mail within a reasonable period of time. The decision of the Board is final.

### **C. Disciplinary Suspension of Students with Disabilities**

In most circumstances, when a student with disabilities violates a code of student conduct that warrants suspension from school for ten (10) school days or less in a given school year, the school may follow its normal disciplinary procedures. School personnel may consider any unique circumstances on a case-by-case basis when determining whether suspension is appropriate. Circumstances considered should include area of disability, functioning level of the student, intent of the behavior, and other relevant factors.

After a student with a disability has been removed from his or her current placement for ten (10) school days in the same school year, during any subsequent days of removal, the school must provide services to the extent required by N.C. Policies.

In-School-Suspension (ISS) and assignment to Mitchell County Alternative School do not count in the ten (10) days total as long as the student receives his or her special education and related services, as set forth in the child's IEP.

Suspension from bus transportation is counted as any other suspension if the bus suspension results in the student not being able to get to school by other means. Any determination suspending a student from transportation that receives transportation as a related service under the student's IEP can only be made by the student's IEP team.

#### **Suspensions Greater Than Ten (10) Cumulative School Days**

If the current removal is for not more than ten (10) consecutive school days, and is not determined to be a pattern of removals that constitutes a change in placement, school personnel, in consultation with at least one of the student's teachers, may determine the extent to which services are needed to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals of the IEP.

## **Suspensions Greater Than Ten (10) Consecutive School Days**

Within ten (10) school days of any decision to change the placement of a student with a disability because of a violation of a code of conduct, the IEP team must review all relevant information in the student's file, including the student's IEP to determine (1) if the conduct in question was caused by, or had a direct and substantial relationship to the student's disability (a manifestation of the disability) or (2) the conduct in question was the direct result of a failure to implement the IEP.

If the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the student's disability, school personnel may apply the relevant disciplinary procedures in the same manner and for the same duration as the procedures would be applied to students without disabilities. The student must continue to receive educational services and receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation to prevent recurrence.

If the behavior in question was determined to be a manifestation of the student's disability, the IEP Team must conduct or review a functional behavior assessment and implement or continue a behavioral intervention plan. The student must return to the placement from which the student was removed, unless the parent and the LEA, through the IEP process, agree to a change of placement.

## **Special Circumstances**

School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the violation of the school code involved possession of a weapon; possession, including use or sales, of an illegal drug; or serious bodily injury. Upon the end of the removal, the student shall be returned to the placement from which he or she was removed, unless the parent and the LEA, through the IEP process, agree to a change of placement.

## **D. Corporal Punishment**

Mitchell County School System Policy and the Public School Laws of North Carolina state that principals, assistant principals, and teachers in the public schools of Mitchell County may use reasonable force (corporal punishment) in the exercise of lawful authority to restrain or correct pupils and maintain order.

Students have a right to know the nature of the offense with which they are charged and to receive fair and reasonable physical discipline appropriate to their age and gender.

## **Mitchell County Schools Corporal Punishment Procedures**

Corporal punishment shall not be administered in a classroom with other children present;

Misconduct leading to corporal punishment is clearly defined by school administration during the beginning of year orientation sessions, school handbook, discipline code of conduct, etc.

Only a teacher, principal, or assistant principal may administer corporal punishment and may do so only in the presence of a principal or assistant principal, who shall be informed beforehand and in the student's presence of the reason for the punishment; and,

An appropriate school official shall provide the child's parent or guardian with notification prior to corporal punishment being administered, and upon request, the official who administered the corporal punishment shall provide the child's parent or guardian a written explanation of the reasons and the name of the second school official who was present.

Corporal punishment to girls in grades 6-12 may only be administered by female principals, assistant principals, or teachers.

Corporal punishment to boys in grades 6-12 may *only* be administered by male principals, assistant principals, or teachers.

Documentation of the incident – School officials shall document and keep the reason for the punishment (after lesser punishment was tried first), the name of the second employee present, the date of the offense, name of the designee if the principal is absent, and other pertinent data. The appropriate school official shall, within 24 hours, provide the student’s parent(s), legal guardian(s), or legal custodian(s) with written notification that corporal punishment was used, the name of the official who used the corporal punishment, a written explanation of the reasons for the use of the corporal punishment, and the name of the second official who was present. A copy of this parent(s), legal guardian(s), or legal custodian(s) notification shall be sent to the Superintendent or his designee (NC State Law – General Statute 115C-391 – *Corporal Punishment*).

### **Searches of Students, Students’ Possessions and Lockers**

Students do not give up their constitutional rights when they come to school or attend school events. The Supreme Court of the United States has established a standard whereby students may be searched. The Mitchell County School System will comply with that standard in all student searches. Students may be searched when a “reasonable suspicion” has been established that the student may have illegal items secreted on their person, in their personal car, or in other personal possessions. Other searches may occur, which include but are not limited to, metal detectors and drug detecting canines. Student lockers are the property of the Mitchell County School System and are subject to routine inspection without student permission. Students do not have an expectation of privacy in a locker issued to them by the school. Searches may be conducted by school administrators in accordance with Board of Education Policy (Policy Code #4340 and #4342 – *School Level Investigations*).

### **Lose Control, Lose Your License Legislation**

Effective July 1, 2000, students given an expulsion/suspension for more than 10 consecutive days for one of the three reasons listed below are subject to having their permit/license suspended for up to one calendar year. 1) The possession or sale of an alcoholic beverage or an illegal controlled substance on school property. 2) The possession or use on school property of a weapon or firearm that resulted in disciplinary action under G.S. § 115C-391(d1) or that could have resulted in that disciplinary action if the conduct had occurred in a public school. 3) The physical assault on a teacher or other personnel on school property. Students who are at least 14 years old or who are rising 8th graders are subject to this law. This law applies to all students, even to those exempted under Dropout Prevention/Driver’s License Legislation. Unlike the Dropout Prevention/Driver’s License Legislation law that ends when a student turns 18 years old, the “Lose Control” law does not stop at age 18 nor does it stop when the student graduates. Students who may lose their permit/license under this legislation may be eligible to regain the permit/license after a six-month period by displaying exemplary behavior in an alternative educational setting or having successfully completed a school district approved drug or alcohol treatment counseling program.

### **Non-Discrimination Statement**

It is the policy of the Mitchell County Public School System not to discriminate on the basis of race, ethnic origin, sex, or disability in its educational programs, activities, or employment policies as required by Title IX of the 1972 Education Amendments, Section 504 of the Rehabilitation Act of 1973, and Title II of the 1990 Americans with Disabilities Act (ADA).

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