

CUMBERLAND COUNTY SCHOOLS STUDENT CODE OF CONDUCT

MISSION STATEMENT

All schools will be safe and caring and student achievement will increase each year for all students.

STATEMENT OF PURPOSE

An educated citizenry is essential to good government in this country and cannot exist without effective public schools. A democracy is only as strong as the character of its individual citizens. The Board expects the cooperation of every student, every parent, and the community at large in its effort to develop positive character and to maintain order and safety in the Cumberland County Public Schools. Students are expected to treat others with respect, behave in a responsible manner, and demonstrate high standards of integrity. The Cumberland County Board of Education supports our principals with the policy that no student will continuously fail to comply with the rules of the school system or continuously engage in behavior that impedes the ability of others to learn.

GENERAL PROVISIONS

All students will comply with all rules governing behavior and conduct. It is the responsibility of the 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.

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, 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; 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 a direct and immediate effect on the safety or general welfare of the school, school employees or students. This policy applies to all students except as otherwise provided for in 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 Procedures and Guidelines for Exceptional Children's Programs and Section 504 Procedures and Guidelines handbook.

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

Violation of Board policies, 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 the Cumberland County Public Schools pursuant to the Due Process Procedures for Administrative Disciplinary Action of the Cumberland County Public Schools.

Violations of the Cumberland County Schools’ Student Code of Conduct may result in a Disciplinary Assignment to an alternative education program. If, after providing full due process as defined for long-term suspensions (more than 10 days) in the Student Code of Conduct, a principal determines that a Disciplinary Assignment is appropriate, the principal may recommend to the Associate Superintendent for Administrative Services that the student be assigned to an alternative educational program.

If the student fails to enroll and regularly attend the alternative educational setting as assigned, or other appropriate school, the disciplinary assignment will continue until such time as reassignment to the home school is appropriate as determined by the Superintendent or designee.

If the decision of the Associate Superintendent is not acceptable to the parent, the parent may appeal the decision, in writing, to the Superintendent’s Administrative Hearing Officer within seven (7) school days from the date of the school administrative hearing.

VIOLATIONS & CONSEQUENCES

CLASS I VIOLATIONS		
Dress Code Violation		Inappropriate Items on School Property
Falsification of Information		Inappropriate Language/Disrespect
Gambling		Medication
Honor Code Violation		Possession of Tobacco
		Truancy
Grade	First Offense	Second & Repeated Offenses
K-5	This violation <u>will</u> result in disciplinary action as determined proper by the building principal to include documentation of notification to the parent/guardian.	This violation <u>may</u> result in short-term suspension or other disciplinary measures as deemed necessary by the building principal.
6-12	This violation <u>will</u> result in disciplinary action as determined proper by the building principal to include documentation of notification to the parent/guardian and/or In-School Suspension.	This violation <u>may</u> result in assignment to In-School Suspension and/or short-term suspension and/or disciplinary assignment to an alternative program.

CLASS II VIOLATIONS

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|---|--|
| Affray | Fighting |
| Aggressive Behavior | Harassment – Verbal |
| Bullying | Hazing |
| Communicating Threats to a Student | Insubordination |
| Disorderly Conduct | Possession of Counterfeit Items |
| Disruptive Behavior | Property Damage |
| Extortion | Theft |
| | Use of Counterfeit Items |

Grade	First Offense	Second Offense	Third Offense
K-5	This violation may result in short-term suspension or other disciplinary measures as deemed necessary by the building principal.	This violation may result in short-term suspension up to 10 days.	This violation may result in continuation of short-term suspension or consideration for disciplinary assignment to an alternative program as deemed necessary by the building principal.
6-12	This violation may result in assignment to In-School Suspension and/or short-term suspension and/or disciplinary assignment to an alternative program.	This violation may result in short-term suspension and/or disciplinary assignment to an alternative program.	This violation will result in disciplinary assignment to an alternative program or long-term suspension.

CLASS III VIOLATIONS

Adult Taking Indecent Liberties with Minor

Alcohol Possession

Possession of Chemical and Drug Paraphernalia

Assault Involving Use of a Weapon

Possession of Controlled Substance/Selling

Assault on School Personnel

Rape

Assault on Student

Robbery With a Dangerous Weapon

Assault/Other

Robbery Without a Dangerous Weapon

Breaking/Entering a School Building/Property

Burning of a School Building

Communicating Threats to an Adult

Sexual Assault

False Fire Alarm

Sexual Offense

Gang Activity

Under the Influence of Alcohol/Controlled Substance

Harassment – Sexual

Unlawfully Setting a Fire

Kidnapping

Use of Alcoholic Beverage

Possession of a Weapon

Use of Controlled Substance

Grade	First Offense	Second Offense
K-5	This violation <u>may</u> result in out-of-school suspension for up to 10 days or disciplinary assignment to an alternative program depending on the severity of the offense.	Fifth-grade students may be placed in the alternative school for a severe offense.
6-12	This violation <u>will</u> result in disciplinary assignment to an alternative program or long-term suspension.	

CLASS IV VIOLATIONS

Assault Resulting in Serious Injury (to teacher, other school personnel, another student)

Bomb Threats (dynamite, cartridge, bomb, grenade, mine, or powerful explosive)

Death By Other Than Natural Causes

Possession of Firearm (gun, rifle, pistol, or other firearm)

Grade	First Offense and Subsequent
<p>K-5 and middle school students under the age of 13</p>	<p>Bomb Threats and Firearms: These violations may result in a 365-day suspension.</p> <p>Assault on school personnel resulting in serious injury, assaults another student if witnessed by school personnel, assaults and seriously injures another student: This violation will result in a disciplinary assignment or long-term suspension for 11 days or more up to the remainder of the school year.</p> <p>Death by Other than Natural Causes will result in long-term suspension or expulsion.</p>
<p>6-12 (If student is at least 13; if under 13, penalties for K-5 above apply)</p>	<p>Bomb Threats and Firearms: These violations will result in a long-term suspension for up to 365 days and may result in expulsion.</p> <p>Assault on school personnel resulting in serious injury: This violation will result in a long-term suspension for no less than 365 days or may result in expulsion.</p> <p>Assaults another student if witnessed by school personnel or assaults and <u>seriously injures</u> another student: This violation will result in a long-term suspension for up to 365 days or may result in expulsion.</p> <p>Death by Other than Natural Causes will result in long-term suspension or expulsion.</p>

CLASS V VIOLATIONS	
<p>Behavior indicates that the student’s continued presence in school constitutes a clear threat to the safety of other students or employees. This includes any student subject to sex offender registration pursuant to N.C.G.S. §14-208.18.</p>	
Grades 9-12	Penalty
<p>In accordance with NC General Statute 115C-391(d)(1), 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 employees.</p> <p>In accordance with N.C.G.S. §115C-391(d)(2), a local board of education may expel any student subject to sex offender registration pursuant to N.C.G.S. §14-208.18.</p>	<p>Expulsion in accordance with 115C-391(d)(1) or (2)</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	
	First & Repeated Offenses
K-5	<p>This violation <u>will</u> result in suspension from the school bus and/or disciplinary action deemed appropriate as outlined in the code of conduct.</p>
6-12	<p>This violation <u>will</u> result in suspension from the school bus and/or disciplinary action deemed appropriate as outlined in the code of conduct.</p>

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, breast, 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, copyright laws, and inappropriate computer access are considered honor code violations. Also, selling merchandise, magazines, newspapers, or other property on school grounds, unless same is an approved school activity, is considered private enterprise and an honor code violation.

INAPPROPRIATE ITEMS ON SCHOOL PROPERTY

Any device disruptive to the school environment to include electronic devices, including but not limited to, pagers and mobile telephones and laser devices, will not be displayed or utilized while on the school bus or on school premises during the school day.

INAPPROPRIATE LANGUAGE/DISRESPECT

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

MEDICATION

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

POSSESSION OF TOBACCO

Use of any tobacco product or possession of tobacco or tobacco paper is prohibited. This includes possession at any time in any school building or school vehicle on the school premises (including extra-curricular activities).

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

AFFRAY

An affray is a fight between three or more persons in a public place so as to cause terror to the people.

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. This includes the accidental striking of an adult while attempting to break up a fight or affray.

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.

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 Cumberland County Public School System during the school day 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) of a sexual nature that create a hostile or abusive educational environment for other students. No student shall engage in behavior, which is indecent, disreputable, or of a sexual nature to include consensual sex and/or sexual acts.
- 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.
- 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 Cumberland County Schools. Pyrotechnics and incendiary devices include but are not limited to: fireworks, explosives, explosive-making material, chemicals, lighters, explosive caps for toy pistols, snake and glow works, smoke devices, trick noisemakers, wire sparklers, and other sparkling devices.

EXTORTION

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

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.

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 subject him to personal indignity is hazing.

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 they are subject to the authority of such school personnel.

POSSESSION OF COUNTERFEIT ITEMS

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

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

THEFT

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.

ALCOHOL POSSESSION

Any student possessing or having in his/her immediate custody or control, personal effects, locker, desk or vehicle 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.

ASSAULT INVOLVING USE OF A WEAPON

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 ON SCHOOL PERSONNEL

Attempted or actual hitting, striking, emitting bodily fluids or other use of force upon a school official, employee or school volunteer who is not a student.

ASSAULT ON STUDENT

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

ASSAULT / OTHER

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

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 CCS 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.

GANG ACTIVITY

Gang activity shall be defined as any act(s) that furthers 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 relates to gang activity (i.e. 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.

POSSESSION OF A WEAPON

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, ammunition, knife, ice pick, dagger, slingshot, leaded cane, loaded cane, sword cane, machete, switchblade knife, blackjack, metallic knuckles, razors, razor blades, box cutters, and pepper spray or any other object that can reasonably be considered a weapon or dangerous instrument.

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 CONTROLLED SUBSTANCES / SELLING

This offense includes possession 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, cocaine, methamphetamine, barbiturate, heroin, mescaline, LSD, codeine, opium, ecstasy, 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.

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 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.

UNDER THE INFLUENCE OF ALCOHOL / CONTROLLED SUBSTANCES

This rule is violated when any student is under the influence of, but not limited to, alcohol, marijuana, cocaine, methamphetamine, barbiturate, heroin, mescaline, LSD, codeine, opium, ecstasy, 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.

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 ALCOHOLIC BEVERAGES

Consumption 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, cocaine, methamphetamine, barbiturate, heroin, mescaline, LSD, codeine, opium, ecstasy, 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 VIOLATIONS

ASSAULT RESULTING IN SERIOUS INJURY (to teacher, other school personnel, another student)

This assault is one that causes serious physical injury.

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)

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.

POSSESSION OF FIREARM (gun, rifle, pistol, or other firearm)

The handling or transmitting, whether openly or concealed, of any gun, rifle, pistol or any other firearm of any kind or explosive device on school property or at school-sponsored activities.

CLASS V VIOLATIONS

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

BUS MISBEHAVIOR VIOLATION

BUS MISBEHAVIOR

School transportation service is a privilege, not a right. Students at all times while riding a school bus will observe the directives of the school bus driver and all other rules outlined in this code of conduct.

PROVISIONS FOR ENFORCEMENT

- A. **Temporary Suspension** – the immediate removal of a student from school pending an administrative hearing.
- B. **Short-Term Suspension** – suspension from school, school activities, and school grounds for a period up to and including 10 days. 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 school day and/or changing the student’s location to another room or place on the school premises.
- 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. 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-391. This long-term suspension must have the approval of the Superintendent.
- E. **Expulsion** – permanent exclusion from the Cumberland County Public Schools 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-391(d)(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 Superintendent.
- F. **Disciplinary Assignments** – Assignment to an alternative program
- 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. **Notice of Two Class II Violations** - A parent of a student who has committed two Class II offenses or greater shall be given written notice that, on the finding by the principal that the student has committed a third suspendable offense, the principal **may** recommend to the Superintendent that the student be disciplinarily assigned to an alternative program or long-term suspended.

I. **Mandatory Offenses Reportable to Law Enforcement** - The school principal must report immediately to law enforcement officials and the Superintendent or his designee (Safety/Security Coordinator) and provide a written report to law enforcement and the Superintendent or his designee within 24 hours of the offense of the following acts when they occur on school grounds, regardless of the age or grade of the perpetrator or victim:

1. Assault resulting in serious injury
2. Assault involving use of a weapon
3. Assault on school personnel (not resulting in serious injury)
4. Bomb threat
5. Burning of a school building
6. Death by other than natural causes
7. Kidnapping
8. Possession of alcoholic beverage
9. Possession of controlled substance in violation of law
10. Possession of a firearm or powerful explosive
11. Possession of a weapon (excluding firearms and powerful explosives)
12. Rape
13. Robbery with a dangerous weapon
14. Robbery without a dangerous weapon
15. Sexual assault (not involving rape or sexual offense)
16. Sexual offense
17. Taking indecent liberties with a minor

J. **Alternative Schools** - Any student assigned to an alternative program may be long-term suspended for any Class II, III, IV, or V Violation.

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 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 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-391 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 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-391 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 employees or who has been convicted of a felony in this or any other state. If the local board denies admission to a student who has been expelled or convicted of a felony, the student may request the local board to reconsider that decision in accordance with G.S. 115C-391(d).

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. The following due process procedure will be followed:

A. SHORT-TERM SUSPENSIONS (10 DAYS OR LESS)

- Written notice of charges and hearing
- Hearing (Hearing can be delayed up to 24 hours upon parent's request)
- Written Notification of Decision

B. LONG-TERM SUSPENSIONS, DISCIPLINARY ASSIGNMENTS & EXPULSIONS (MORE THAN 10 DAYS)

- Written notice of charges and hearing
- Written notice of temporary suspension (if applicable)
- Hearing (Hearing must be conducted in two to five school days)
- Written Notification of Decision and Appeals Procedure

C. REVIEWS and APPEALS (TIME RESTRICTIONS)

Appeals of Short-Term Suspensions (10 days or less): If the parent or legal guardian alleges that the principal failed to provide the student with sufficient notice of the charges or an opportunity to explain or otherwise answer the charges, then the parent or legal guardian shall have the right to have the suspension procedure reviewed by the Superintendent's Administrative Hearing Officer. The Administrative Officer's determination shall be limited to the written record and no evidentiary hearing will be held. The parent or legal guardian shall have five (5) school days from the date of the final decision of the principal to file the required request form in the office of the principal.

Appeals of Long-Term Suspensions (more than 10 days) and Disciplinary Assignment For An Alternative Education Program: If the final decision of the principal is unacceptable to the student and his/her parents or legal custodian, they may appeal to the Superintendent's Administrative Hearing Officer, in writing, within seven (7) school days from the date of the school administrative hearing.

NON-DISCRIMINATION STATEMENT

It is the policy of the Cumberland 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).

SAFE AND CARING SCHOOLS

It is the position of the Cumberland 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 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 Cumberland County Schools' Web site or other appropriate method.

SAFE AND DRUG-FREE SCHOOLS

In an effort to create in each of our schools an environment highly conducive to learning and in compliance with Safe and Drug-Free Schools Act of 1994 – Title IV, Cumberland County Schools provide comprehensive, age-appropriate, developmentally-based drug abuse and violence prevention education for all students from preschool level through grade 12. School-based Student Services teams provide case management, intervention, and referral services and will ensure re-entry into school after treatment for those students who are otherwise entitled to services provided by the Cumberland County Board of Education.

Adopted by the Cumberland County Board of Education on July 12, 1994. Revised on June 13, 1995. Editorially revised on July 26, 1995. Revised August 8, 1995. Revised July 9, 1996. Revised August 12, 1997. Revised December 9, 1997. Revised May 12, 1998. Revised June 8, 1999. Revised November 9, 1999. Revised March 14, 2000. Revised April 10, 2001. Rescinded as Board Policy and approved as administrative procedure by the Superintendent on June 18, 2002. Editorial Revision July 31, 02. Revised June 9, 2003. Revised November 11, 2003. Revised April 22, 2004. Revised June 7, 2005. Revised June 30, 2006. Revised March 29, 2007. Revised April 14, 2008. Revised May 26, 2009.