

Policy Code: 4210 CODE OF STUDENT CONDUCT

Since an educated citizenry is essential to good government and can be attained only in an atmosphere conducive to teaching and learning, the Edenton-Chowan Board of Education requires the maintenance of good order in the schools.

All students shall comply with the Code of Student Conduct, state and federal laws, school Board policies, and local school rules governing student behavior and conduct. This policy applies to any student who is on educational property, including school bus stops, who is in attendance at any school or any school-sponsored activity, or whose conduct at any time or place, on or off campus, has or is reasonably expected to have a direct and immediate impact on the orderly and efficient operations of the schools or the safety of individuals in the school environment. This policy also applies to regular school buses, school activity buses, other school vehicles, or any private vehicle located on property owned or managed by the Edenton-Chowan Board of Education.

The definitions of terms set forth in Policy [4220](#), Due Process, apply to this policy as well.

It should be understood that this policy is not intended to restrict in any way the authority of principals to make such rules, not inconsistent with this code, as they are authorized by law to make for the government and operation of their respective schools or with the authority of teachers to make such rules, not inconsistent with this code, as they are authorized by law to make for their respective classes. Principals, with the prior approval of the Superintendent, may, under extraordinary circumstances, including the age of the child, make exceptions to the level of punishment except when the punishment is required by law.

Students shall comply with the directions of principals, teachers, substitute teachers, student teachers, teacher assistants, bus drivers, and all other school personnel who are authorized to give such directions, during any period of time when they are subject to the authority of such school personnel.

Violations of the Code of Student Conduct, other Board policies, regulations issued by the individual school, or the North Carolina General Statutes may result in disciplinary action including suspensions for ten (10) school days or less ("short-term"); suspensions for more than ten days ("long-term"); suspensions for 365 calendar days; and/or expulsion. A long-term suspension is any suspension of more than ten school days and up to the remainder of the school year, except that if the conduct leading to

the long-term suspension occurs during the final quarter of the school year, the suspension may extend up to the first semester of the following school year. Students also may be assigned to an alternative program approved by the Board of Education for disciplinary reasons, consistent with Board Policy and guidelines developed by the Superintendent.

Principals and other school officials are authorized to involve law enforcement in serious violations in any category and are **required** to involve law enforcement in cases of certain alleged criminal acts as set forth in [G.S. 115C-288\(g\)](#). In such cases, school officials shall cooperate fully with the law enforcement agency. Internal disciplinary proceedings shall take place independently from the criminal investigation and prosecution.

In addition to the rules contained in this Code, students shall be informed of local school rules that, if violated, may result in suspension or expulsion. Parents and students shall receive a copy of the Code of Student Conduct when a child is first enrolled in the Edenton-Chowan Schools and at the beginning of each school year.

Policies listed in the Code of Student Conduct may be categorized by severity as a Level 1, 2, 3 or 4 offense. The Code contains presumptive ranges of disciplinary consequences based on the severity of each offense. However, in imposing or recommending disciplinary consequences principals may consider the presence of aggravating and mitigating factors which may justify a disciplinary consequence outside of the recommended range. Examples of aggravating or mitigating circumstances that may be considered include but are not limited to:

- The student's age;
- The student's intent;
- The student's disciplinary history, including number of infractions and prior discipline for the same violation;
- The student's academic history;
- Whether the conduct caused a threat to safety;
- Whether school property or personal property was damaged;
- Whether the conduct caused a substantial disruption of the educational environment;

- Whether a weapon was involved and whether any injury resulted.

Suspensions of greater than ten days are reserved for serious misconduct which either threatens the safety of others within the school or threatens to substantially disrupt the educational environment.

RULES OF CONDUCT

Level One Violations - The following conduct is prohibited as outlined below:

1. Gambling - Participation in any unauthorized event, action, or statement which relies on chances for the monetary advantage of one participant at the expense of others.

2. Verbal Abuse or Disrespect - Participation in serious or persistent verbal action that prevents an orderly and peaceful learning environment. Cursing; using vulgar, obscene, or abusive language, including slurs or insults intended to mock a person's race, religion, sex, national origin, disability or intellectual ability; or using sexually offensive or degrading language are specifically prohibited.

3. Peer Relations - Engaging in behavior which is immoral, indecent, overly affectionate, or of a sexual nature while in the school setting.

4. Integrity - Engaging in or attempting to engage in cheating, plagiarism, falsification, violation of software copyright laws, or violation of computer access. Students are subject to disciplinary action as outlined in this policy and/or academic penalty.

5. Disruption - Using passive resistance, noise, threat, fear, intimidation, coercion, force, violence, or any other form of conduct that causes the disruption of any lawful function, mission, or process of the school, or urging any other student to engage in such conduct.

6. Threat / False Threat - Making any threat through written or verbal language, sign, electronic means, or act which conveys a serious expression of intent to cause harm or violence. Furthermore, no student shall make a false threat of harm or violence, even in jest, which causes or is reasonably likely to cause fear or a disruption to school activities. See Level II for violations involving threats of serious bodily harm.

7. Hazing - Subjecting a fellow student to physical injury as part of an initiation, or as a prerequisite to membership, into any organized school group, including any society, athletic team, or other similar group.

8. Intimidation - Extorting or attempting to extort money, personal property, or personal services.

9. Protests - Engaging in any protest, march, picket, sit-in, or similar activity, either on or off any school campus, which has as its purpose the disruption of any lawful function, mission, or process of the school or which in fact creates such a disturbance.

10. Boycotts - Participating in any boycott or walk-out of any lawful school function at which attendance is required.

11. Disruptive or Obscene Literature and Illustrations - Possessing or distributing literature or illustrations in any form that are obscene or that significantly disrupt the educational process.

12. Aggressive Behavior - Hitting, shoving, scratching, biting, blocking the passage of, or throwing objects at another person. Taking any action or making comments or writing messages which might reasonably be expected to result in a fight. See Level II for violations involving physical injury to another student.

13. Theft - Stealing, attempting to steal, or knowingly being in possession of stolen property.

14. Damage to Property - Intentionally damaging or attempting to damage or deface school or private property while under school jurisdiction. This level applies to damage or vandalism not exceeding \$1,000, including cost of replacement, repair or restoration of property.

15. Tobacco Products - Using or possessing any tobacco product at any time on any school-owned or managed property or at any school-sponsored activity. Tobacco product is defined to include cigarettes, cigars, pipes, chewing tobacco, snuff, electronic-cigarettes, and other items containing or reasonably resembling tobacco or tobacco products. Tobacco use includes smoking, chewing, dipping, or any other use of tobacco products. The term, electronic cigarettes (e-cigarettes), means any oral device that provides a vapor of liquid nicotine, lobelia, and/or other substance, and the use or inhalation of that simulates smoking. The term, electronic cigarette includes any such device that is manufactured, distributed,

marketed or sold as e-cigarettes, e-cigars, e-pipes, or under any other name or descriptor. The terms set forth in Policy 2510, Tobacco-Free Policy, are also applicable to this policy.

16. Trespassing - Being on the campus of any school except the one to which the student is assigned during the school day without the 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 proper supervision are trespassers and may be prosecuted if they fail to leave when instructed to do so. A student who has been suspended or expelled from school is trespassing if he or she appears on the property of any Edenton-Chowan Public School or at any school-sponsored activity during the suspension or expulsion period without the express permission of the principal.

17. Conduct on the School Bus - Failing to follow the directives of the school bus driver and the rules and regulations of school bus safety as well as the rules of this policy while at a school bus stop, or in the school bus parking lot, or while riding on a school bus or other school vehicle. Violation of these rules may result in temporary or permanent suspension from the privilege of school transportation services as well as from school.

18. Skipping School - Leaving school grounds or being in an unauthorized area of the school during the instructional day without prior approval from a site administrator.

19. Failure to Comply with Lawful Directive - Failing to follow a directive after being personally notified by any school employee.

Penalty - Except as otherwise noted, violation of any of the Level One offenses may result in in-school disciplinary action or short-term suspension from the Edenton-Chowan Public Schools. Any short-term suspension for truancy or tardiness shall not exceed two school days.

Level Two Violations - The following conduct is prohibited as outlined below:

1. **Fireworks or Ammunition** - Possessing, distributing, igniting or using any fireworks or ammunition on school premises, or in any vehicles on school premises.

2. Fighting/Assault on Another Student - Assaulting or attacking, or causing or attempting to cause physical injury to another student or intentionally behaving in such a manner that could reasonably cause physical injury to any student.

3. Fire Alarms - Setting off, attempting to set off, or aiding and abetting anyone in giving a false fire alarm. It shall also be prohibited to interfere with or damage any part of a fire alarm, fire detection, smoke detection, or fire extinguishing system.

4. Threats of Serious Bodily Harm - Threats of death or serious bodily injury communicated toward any student, school employee, or school volunteer by verbal, electronic, written or other means.

5. Damage to Property and Vandalism - Intentionally damaging or vandalizing or attempting to damage or vandalize, or deface school property or private property, while located on any properties owned by the Edenton-Chowan Board of Education. This level applies to damages or vandalism exceeding \$1,000, including costs of replacement, repair, or restoration of property.

6. Sexual Acts - Engaging in any consensual sexual act while on school property or at a school-sponsored activity or event.

7. Sexual Harassment or Harassment (Non-physical) - Engaging, verbally or through other non-physical means, in sexual harassment or other harassment as defined in the Sexual Harassment and Harassment policies.

8. Harassment or Bullying - engaging in conduct prohibited by Board Policy ~~4400, Prohibition Against Discrimination, Harassment and Bullying.~~ **4405/5120, Discrimination and Harassment Prohibited by Federal Law and 4408/5124, Bullying and Harassing Behavior Prohibited.**

Penalty - Level II violations are more serious in nature and result in a presumed short-term suspension. Principals may recommend a long-term suspension based on the presence of aggravating factors.

Level Three Violations - The following conduct is prohibited as outlined below:

1. Assault on a School Employee. No student may cause or attempt to cause physical injury to any school personnel.

2. Possession or Use of Weapons other than Firearms - Possessing, handling, transferring, or bringing on to school property any items including, but not limited

to, knife, razor, BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, sling shot, leaded cane, switchblade knife (a knife containing a blade that opens automatically by the release of a spring or a similar contrivance), blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving), any sharp-pointed or edged instrument, mace, pepper spray, and other personal defense sprays, or other item that could be considered a weapon or dangerous instrument. Using in a threatening or dangerous manner any weapon or other object that can reasonably be considered a weapon or a facsimile of a weapon. This policy does not apply to instructional supplies, unaltered nail files and clips, or tools used solely for preparation of food, instruction, or maintenance, unless such items are used as a weapon.

3. Arson - Burning or attempting to burn any school building or property. Possessing incendiary material, (i.e., gasoline, kerosene, or other flammable liquid), for the purpose of burning or the attempted burning of school property.

4. Sexual Harassment or Harassment (Physical) or Sexual Assault - Engaging in physical sexual harassment or harassment as defined in the Sexual Harassment and Harassment Policies (4406/5122) or offensively touching another person's private parts, including buttocks or breasts, or forcing or attempting to force another to engage in a sexual act against their will.

5. Drugs or Alcohol - Knowingly possessing, using, distributing, selling, possessing with intent to distribute or sell, or conspiring or attempting to distribute or sell, or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid, other controlled substance, any alcoholic beverage, malt beverage, fortified wine, other intoxicating liquor, drug paraphernalia, counterfeit drugs, or possessing or using any other chemicals or products with the intention of bringing about a state of exhilaration, euphoria, or of otherwise altering the student's mood or behavior.

6. Bomb Threat or Hoax -

(a) Communicating by any means to any person or group of persons, a report, knowing or having reason to know the report is false, that there is located on educational property or at a school-sponsored curricular or extracurricular activity off educational property any device designed to destroy or damage property by explosion, blasting, or burning; or

(b) With intent to perpetrate a hoax, concealing, placing, or displaying a device, machine, instrument, or artifact on educational property or at a school-sponsored curricular or extracurricular activity 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.

7. Terrorist Threat or Hoax -

(a) Communicating by any means to any person or group of persons, a report, knowing or having reason to know the report is false, that there is located on educational property or at a school-sponsored curricular or extracurricular activity off educational property any device, substance or material designed to cause harmful or life-threatening illness or injury to another person;

(b) With intent to perpetrate a hoax, concealing, placing, or displaying a device, machine, instrument, artifact, letter, package, material or substance on educational property or at a school-sponsored curricular or extracurricular activity off educational property, so as to cause any person reasonably to believe the same to be a substance or material capable of causing harmful or life-threatening illness or injury to another person.

(c) Threatening to commit on educational property or at a school-sponsored curricular or extracurricular activity off educational property an act of terror that is likely to cause serious injury or death, when that threat is intended to cause a significant disruption to the instructional day or a school-sponsored activity, or causes such a disruption.

(d) Making a report, knowing or having reason to know the report is false, that there is about to occur or is occurring on educational property or at a school-sponsored curricular or extracurricular activity off educational property, an act of terror that is likely to cause serious injury or death, when that report is intended to cause a significant disruption to the instructional day or a school-sponsored activity, or causes such a disruption.

(e) Conspiring to make a terrorist threat or hoax within the meaning of this policy.

Penalty - Level III rule violations are more severe in nature and support long-term suspension. The principal may impose a short-term suspension based on mitigating factors.

When a first violation of item (5) does not involve the distribution, sale, possession with intent to distribute or sell, or conspiracy or attempt to distribute or sell a substance prohibited by this policy, an alternative to long-term suspension shall be offered. This alternative shall be offered only one time to students during their school career unless an exception is made by the Superintendent. The alternative shall consist of a 10 school day suspension and shall also require participation in an approved corrective education and/or counseling program. The program shall be determined by the Superintendent and agreed to in writing by the parent and/or guardian, student, and school principal. Parents/guardians and students shall be provided information by school authorities concerning approved alternative programs. Failure to meet any requirements of the alternative program reactivates the long-term suspension.

Level Four Violations - The following conduct is prohibited by the Board and by state law as outlined below:

Firearms or Destructive Devices -

No student shall bring onto school property or possess a firearm or destructive device. A firearm is any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, the frame or receiver of any such weapon, or any firearm muffler or firearm silencer. The definition of firearm under this rule does not include an inoperable antique firearm, a BB gun, stun gun, air rifle, or air pistol.

A destructive device is an explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge or more than one-quarter ounce, mine, or similar device.

A student shall not be found in violation of this policy if it is determined that the student took or received the firearm or destructive device from another person at school or found the firearm or destructive device at school, provided that the student delivered or reported the firearm or destructive device as soon as practicable to a law enforcement officer or a school employee and had no intent to use such firearm or destructive device in a harmful or threatening way.

Penalty - A Level Four violation shall result in a recommendation for suspension for 365 calendar days from the Edenton-Chowan Public Schools in accordance with [G.S. 115C-390.10](#).

The Superintendent may modify this suspension requirement on a case-by-case basis. Law enforcement will also be contacted for any Level IV violation.

LEGAL REF: [G.S. 115C-390.1 - 390.12](#); [14-35](#), State Board of Education Policy [EXCP-000](#)

Cross References: Discrimination and Harassment Prohibited by Federal Law (policy 4405/5120); Bullying and Harassing Behavior Prohibited (policy 4408/5124); Title IX Sexual Harassment – Prohibited Conduct and Reporting Process (policy 4406/5122).

ADOPTED: August 2, 2004

AMENDED: August 1, 2011; July 7, 2015; June 7, 2016; August 1, 2017

Edenton-Chowan Schools