

## **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.

### **A. Philosophy and Goals**

All decisions related to student behavior are guided by the board's educational objectives to teach responsibility and respect for cultural and ideological differences and by the board's commitment to creating a safe, orderly, and inviting school environment. To that end, this Code of Student Conduct is intended to (1) create clear standards and expectations for student behavior; (2) promote integrity and self-discipline among students; (3) encourage the use of behavioral supports and interventions as alternatives to exclusionary discipline; and (4) provide clear guidance to teachers and administrators as to how, when, and to what extent students may be disciplined for violating conduct rules.

Consistent with these goals, the Board endorses and adopts the following general principles relating to three key domains of student behavior and conduct.

#### **Principle 1: Climate and Prevention**

Schools that foster positive school climates can help to engage all students in learning by preventing problem behaviors and intervening effectively to support struggling and at-risk students.

#### **Principle 2: Expectations and Consequences**

Schools that have discipline policies or codes of conduct with clear, appropriate, and consistently applied expectations and consequences will help students improve behavior, increase engagement, and boost achievement.

#### **Principle 3: Equity and Continuous Improvement**

Schools that build staff capacity and continuously evaluate the school's discipline policies and practices are more likely to ensure fairness and equity and promote achievement for all students.

### **B. Role of Students, Parents, and Staff in Promoting Positive School Climates**

Positive school climates require ongoing support and collaboration among staff, students, parents, and the community at large. In particular:

- Students have the right to attend school in a safe and orderly environment and to have conduct rules applied fairly to them without regard to race, gender, religion,

disability, or other defining characteristics. They also bear the responsibility to understand conduct rules, behave appropriately, and be individually accountable for their own actions and decisions.

- Parents or legal custodians have the right, in a reasonably prompt manner, to be informed of disciplinary actions taken with their children. They have a responsibility to provide the school with current, accessible telephone numbers or other contact information through which he/she may be reached during the school day. They are encouraged to partner with school staff to develop strategies to benefit the child and support their child in engaging in positive behaviors at school.
- Teachers and administrators have statutory duties to maintain safety and order at school and are expected to reinforce and implement clear and consistent behavioral expectations consistent with this Code and other applicable Board policies. They are also expected to teach and encourage good citizenship and to communicate with parents regarding any serious or persistent behavioral issues. As an integral part of its educational mission, each school should identify school-wide behavioral expectations, make them known to students, and link behavioral and social-emotional practices to core instruction.

These rights and obligations are interrelated, but they are also independent. To create and maintain the safe, orderly, and positive climate that the entire school community deserves, all stakeholders must work together while remaining individually accountable for their own actions and should strive for continuous improvement over matters within their respective control.

### **C. Applicability of Code**

All students shall comply with this Code as well as all state and federal laws, school board policies, and local school rules governing student behavior and conduct. This Code applies to any student who is on school property (including school transportation and bus stops), who is in attendance at school or at any school-sponsored activity, or whose conduct at any time, place, or cyberspace, on or off campus, has or is reasonably expected to have a direct and immediate impact on the orderly and efficient operation of the schools or the safety of individuals in the school environment. 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.

### **D. Interventions, Supports, and Responses to Behavioral Concerns**

#### Notification to Parents

When a significant behavioral intervention is imposed (beyond mere redirection or warning), the school will attempt to notify the parent or legal custodian in a reasonably

prompt manner. The school will also attempt to notify the parent or legal custodian of any in-school disciplinary consequence that results in removal from normal classroom or school activities. This includes lunch or after-school detention, in-school suspension, or suspension from school-sponsored extracurricular activities. For out of school suspensions, the administration will provide formal written notice to parents or legal custodians as required by Board Policies 4200 and 4220.

After-school detention may preclude a student from using bus transportation or create other transportation difficulties. If a school principal or their designee deems it appropriate to require a student to stay after school for detention for a disciplinary reason, the principal may authorize such detention only if the parent or guardian has received at least one day's notice and has agreed to assume responsibility for transportation home.

### Range of Interventions and Consequences

When student behaviors interfere with a safe, orderly, and respectful school environment where instruction and learning can flourish, schools should consider (consistent with MTSS protocols) a range of potential interventions and consequences to address the problematic behavior and to reinforce positive behaviors. When feasible, taking into account the specific facts and circumstances of each individual case, schools are encouraged to implement non-disciplinary behavioral interventions. Non-disciplinary interventions are responses to problematic behaviors that attempt to support students in learning to make more positive choices, minimize exclusion from instruction and other normal school activities, and do not result in a loss of privileges. Examples of non-disciplinary interventions include, but are not limited to: (1) student-parent-teacher or student-parent-administrator conferences; (2) behavior contracts; (3) reward systems; (4) oral or written warnings; (5) referrals to school counselors; (6) referrals to programs or agencies that support at-risk students; (7) peer mediation; and (8) restorative justice practices.

When, in the judgement of the school's administration, a student's behavior cannot be appropriately and sufficiently addressed through non-disciplinary interventions, the school administration is authorized to impose disciplinary consequences (i.e., non-exclusionary or exclusionary). Disciplinary consequences include non-exclusionary such as loss of privileges, lunch detention, after-school detention, restitution, or community service, or other consequences that do not include exclusion from instructional time. Exclusionary discipline consequences include class detention, in-school-suspension, out- of-school suspension, and expulsion.

Recognizing that exclusionary discipline can exacerbate behavioral problems, diminish academic achievement, and hasten school drop outs, the Board urges schools to use non-exclusionary measures when feasible and to reserve exclusionary discipline for more serious misconduct, such as behavior that threatens the safety of students, staff, or visitors or threatens to substantially disrupt the educational environment.

## **E. Special Requirements for Out-of-School Suspension and Expulsion**

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.

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.

Out-of-school suspension and expulsion are allowed only if specifically authorized by this Code and the Board's Policies 4200 and 4220. Except to the extent that North Carolina law requires school administrators to recommend a 365-day suspension for any student who violates Rule IV-1 Firearm/ Destructive Device K-12, this Code authorizes, but does not require, the use of out-of-school suspensions.

In addition to the notice and due process requirements set out in Board policies 4200 and 4220, administrators must adhere to the following requirements before imposing or recommending any out-of-school suspension or expulsion:

- When deciding whether to recommend a long-term suspension (suspension of more than ten [10] days) or determining the specific length of any short-term suspension or long-term suspension recommendation, principals or their designee may consider any relevant "aggravating" or "mitigating" factors of which they are aware. "Aggravating" factors are factors that tend to increase the seriousness of a disciplinary infraction. "Mitigating" factors are factors that tend to decrease the seriousness of disciplinary infraction. Aggravating and mitigating factors are "relevant" when, in the judgment of responsible school officials, they have a bearing on the student's level of responsibility for the behaviors in question. When both aggravating and mitigating factors are present, principals should exercise their discretion in weighing and balancing them.

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 more than ten (10) days may be imposed only if they have been approved by the Superintendent or designee and the student has been offered the opportunity for a hearing under the Board's policy 4220. Expulsion from school based on a recommendation of both the principal and the Superintendent must be approved by the Board.
- In determining the length of a suspension, the principal or their designee should consider that the duration of a suspension has a disproportionate impact on students attending a school on block schedules.
- Nothing in this policy shall be interpreted to conflict with state and federal laws governing students with disabilities.

~~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.~~

~~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 or their designee 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 or their designee, 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.

Principals **or their designee** 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.

## **RULES OF CONDUCT**

Policies listed in the Code of Student Conduct may be categorized by severity as a Level 1, 2, 3 4, or 5 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.~~

**Level I:** Level I rule violations can generally be addressed with non-disciplinary interventions or non-exclusionary discipline consequences. Violation of any of the Level I offenses may result in in-school disciplinary action or short-term suspension from the Edenton-Chowan Public Schools.

**Level II:** Level II rule violations involve more serious misconduct that may warrant short-term suspension of up to five (5) school days when, in the judgment of the principal or designee, non-disciplinary interventions and non-exclusionary discipline consequences are insufficient to address the behavior and prevent its recurrence. Principals may impose a short-term suspension of six (6) to ten (10) days or recommend a long-term suspension of eleven (11) days or more based on one or more aggravating factor(s) regarding the severity of the violations and/or safety concerns, provided that such aggravating factor(s) are listed in the written suspension notice.

**Level III:** Level III rule violations are more severe in nature and may support long-term suspension. The principal may impose a short-term suspension of ten (10) days or less or decline to impose any suspension based on mitigating factors.

**Level IV:** 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 only rule in Level IV is one that reflects a statutory prohibition on the possession of a "firearm" or "destructive device" (as defined in the rule) on school property or at a school- sponsored event. State law requires principals to recommend a 365-day suspension for all violations of this rule. Only the Superintendent or Board of

Education may modify this outcome on a case-by-case basis. A level IV violation is always extremely serious and is treated as such.

**Level V:** Level V allows for permanent expulsion of a student from Edenton-Chowan Public Schools for violation of one or more Level II, III, or IV rules in this Code if the following criteria are met: (1) the student is fourteen (14) years old or older; (2) both the principal and the superintendent/designee recommend expulsion; (3) the superintendent and Board determine, consistent with the Board's "Due Process" policy, that there is a significant or important reason not to offer the student alternative educational services; and (4) the Board determines, by clear and convincing evidence, that the student's continued presence in school constitutes a clear threat to the safety of other students or school staff. Additionally, any student who is registered as a sex offender under Article 27A of Chapter 14 of the North Carolina General Statutes may be expelled in accordance with these procedures. If such a student is offered alternative education services on school property, the student must be under the supervision of school personnel at all times.

**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. 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.

**16. 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.

**17. 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.

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

**19. Absenteeism** - Any short-term suspension for truancy or tardiness shall not exceed two school days.

**20. Electronic Devices** Students shall not engage in any unauthorized use of any communication device, including, but not necessarily limited to, mobile phones, smartwatches, tablets, laptops, paging devices, two-way radios, cameras, music players, or similar devices. Use of an electronic device is defined to include, but is not limited to, ringing, talking on device, taking pictures, recording audio, browsing, gaming and text messaging.

**Penalty** – Except as otherwise noted,

**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 4405/5120, Discrimination and Harassment Prohibited by Federal Law and 4408/5124, Bullying and Harassing Behavior Prohibited.

9. **Tobacco, Nicotine Products, E-Cigarettes and Vaporizers** - A student shall not use or possess any tobacco product at any time on any school-owned or managed property or at any school-sponsored activity. A student shall also not possess or use tobacco paraphernalia, including, but not limited to, water pipes, hookahs, lighters, pipes, and/or any look-alike of the above-mentioned items.

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. A student shall not use or possess an e-cigarette, vaporizer (including but not limited to vape pens), and/or look-alike vaporizer of any kind. 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.

**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. *NOTE: If a teacher is assaulted or injured by a student and as a result the student is reassigned to alternative education services, long-term suspended, or expelled, the student shall not be returned to that teacher's classroom unless the teacher consents*

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 and Illegal/Unauthorized Substances** - Knowingly possessing, using, distributing, selling, possessing with intent to distribute or sell, or conspiring or attempting to distribute or sell, **transferring**, or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid, **CBD Oil that has not been prescribed by a medical professional and approved through policy 4300**, other controlled substance, **or counterfeit controlled substance, which is any substance that is made to look like a controlled substance, or that is represented to be a controlled substance, or is believed to be a 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**

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

**Level Five Violations** - Level V allows for permanent expulsion of a student from Edenton-Chowan Public Schools for violation of one or more Level II, III, or IV rules in this Code if the following criteria are met: (1) the student is fourteen (14) years old or older; (2) both the principal and the superintendent/designee recommend expulsion; (3) the superintendent and Board determine, consistent with the Board's "Due Process" policy, that there is a significant or important reason not to offer the student alternative educational services; and (4) the Board determines, by clear and convincing evidence, that the student's continued presence in school constitutes a clear threat to the safety of other students or school staff. Additionally, any student who is registered as a sex offender under Article 27A of Chapter 14 of the North Carolina General Statutes may be expelled in accordance with these procedures. If such a student is offered alternative

education services on school property, the student must be under the supervision of school personnel at all times.

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).

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**Edenton-Chowan Schools**