

**CODE OF
STUDENT
CONDUCT
2011-12**



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Thomasville City Schools

Code of Student Conduct

I have received a copy of the Code of Student Conduct from Thomasville City Schools.

Signature of Parent or Guardian

Student Name

Teacher Name

Date

PURPOSE AND SCOPE

This code sets forth rules of student conduct which the Thomasville City Schools Board of Education deems proper and necessary for the effective education and safety of all students. The Board of Education is committed to providing a safe and positive climate for all students, teachers, administrators and any employee of the Thomasville City Schools. The Board emphasizes that North Carolina law delegates to teachers and administrators the duty and authority to maintain discipline in their classrooms and schools. The Board joins with parents and students in supporting every reasonable effort of teachers and principals to meet this obligation and to clearly state that any behavior which detracts from the learning environment and to the detriment of the educational process and the safety of its participants will not be tolerated.

For purposes of this code, "student" or reference to "student" means any person attending any of the Thomasville City Schools; "parent" means parent(s) or legal guardians(s) of the student; "principal" is used to include any professional to whom the principal may delegate authority.

Each student is responsible for knowing all regulations and policies which may affect him and for following those regulations. **This code applies to any student who is on school property, who is in attendance at school or at any school-sponsored activity of whose conduct at any time or place has a direct and immediate effect on maintaining order and discipline in the schools.**

Identified special needs students whose behavior (e.g., gang activity, getting to/from school safely) is a direct result of their handicap will be treated according to the "Procedures Governing Programs and Services for Children with Special Needs." These procedures are explained in the "Handbook on Parents' Rights."

COMPLIANCE WITH DIRECTIONS OF PRINCIPALS, TEACHERS AND OTHER SCHOOL PERSONNEL

Students shall comply with all lawful directions of principals, teachers, student teachers, teacher assistants 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.

DISCIPLINARY MEASURES GOVERNING MISCONDUCT

Depending on the particular case, a student's misconduct may result in short-term suspension which is removal from school for a period up to and including ten school days, or long-term suspension which is the removal from school for a period of more than ten days up to the remainder of the school year. **For any student under the age of 13** who physically assaults or seriously injures a teacher or another individual on school property or during a school sponsored or school related activity, the following course or action will result:

- parents of student committing the offense will be notified immediately;
- the principal will upon an investigation give any reportable offense to law enforcement or to the SRO;
- the student will be suspended for up to ten days out of school and may be recommended for long-term suspension for the rest of the school year.

In addition, the student may receive one or more of the following consequences:

- the student may be restricted from field trips, extracurricular events, or other school events for the remainder of the school year;
- the student may be removed from the assigned classroom or a change made in his/her assigned schedule;
- the student may be placed on a modified or early release schedule;
- the student may be placed in an alternative school setting.

Any student 14 years of age or older who has been convicted of a felony or whose continued presence in school constitutes a clear threat to the safety of the other students or employees may be permanently expelled from the Thomasville City Schools per G.S. 115C-391(d)(1).

Unless this code specifically establishes certain disciplinary measures for misconduct, principals and teachers may use their discretion in deciding which disciplinary action to take. In matters involving elementary grade students (PreK-5), the principal or his/her designee may use their discretion in matters of disciplinary action. Only principals or their administrative designees have authority to suspend students. Violations of this code, as well as the violation of any local, state or federal law, which has a direct effect on maintaining order and discipline in the schools, will result in disciplinary action.

Disruptions:

The following misconduct **will** result in suspension from the Thomasville City Schools:

- Using passive resistance, noise, threat, fear, intimidation, coercion, force, violence or any other form of conduct intentionally causing the disruption of any lawful function, mission or process of the school to which the student is assigned or any other school in the Thomasville City Schools.

The following misconduct **may** result in suspension from the Thomasville City Schools:

- Engaging in any conduct for the purpose of causing the disruption of any lawful function, mission or process of the school to which the student is assigned or any other school in the Thomasville City Schools if disruption is reasonably certain to result there from.
- Urging any other student to engage in any conduct for the purpose of causing any disruption or obstruction to any lawful function, mission or process if disruption or obstruction is reasonably certain to result from such urging.

Participating in any way in the following acts or any other acts, when done for the purpose of causing a disruption of any lawful function of a school will result in suspension from the Thomasville City Schools:

- Occupying any school building, school grounds or part thereof with the intent to deprive others of its use.
- Blocking the entrance or exit of any school building or corridor or room therein with intent to deprive others of lawful access to or from or use of the building, corridor or room.
- Except under the direct instruction of the principal, blocking normal pedestrian or vehicular traffic on school premises.
- Prevention of or attempting to prevent by physical act the convening or continued functioning of any school, class or activity or any lawful meeting or assembly on the school premises.
- Intentionally making noise or acting in any manner so as to interfere with any teacher's ability to conduct his or her class or to carry on any school activity.
- Participating in any boycott of any lawful school function, mission or process or participating in any sit-in or any walk-out at any school to which the student is assigned or any other school in the Thomasville City Schools.
- Engaging in any protest, march, picketing or other similar activities which cause or result in the disruption of any lawful function, mission or process of the school to which the student is assigned or any other school in Thomasville City Schools.
- Causing or attempting to cause physical injury or intentionally behaving in such a way as could reasonably cause physical injury to any school employee, to any person not employed by the school, to any sports official, or to any student:
 - in any school building or on any school premises before, during or after school hours, or

- in any school building or on any school premises at any other time when the school building or the school premises are being used by a school group, or
 - on any bus or other vehicle on which the student is being transported as a part of any school activity, or
 - off the school grounds at any school activity, function or event, or
 - during any extracurricular sports activity or immediately after.
- Intentionally doing physical injury to any student, school employee or any person not employed by the school. No student shall intentionally hit, shove, scratch, bite, block the passage of, or throw objects at a student or other person. No student shall take any action or make any comments or written messages intended to cause others to fight. A student who is attacked may use reasonable force in self-defense but only to the extent to free himself from the attack and notify proper school authorities. A student who exceeds this reasonable force may be disciplined even though he may not have provoked the fight. A violation may result in a suspension for three (3) to ten (10) days.

However, if the violation involves two or more students assaulting or attacking or causing or attempting to cause physical injury to another student or behaving in such a way as could reasonably cause physical injury to another student, the first violation shall result in a recommendation to the superintendent for long-term suspension for the remainder of the school year. Any assault on a school employee will also result in a recommendation to the superintendent for suspension for the remainder of the school year and prosecution.

Assault on another student—no student shall cause or attempt to cause serious physical injury to another student or intentionally behave in such a manner as could reasonably cause serious physical injury to any student.

Consequences for K-5 students assaulting or injuring another student may result in suspension at the principal's discretion. The first violation during the school year by a student in grades 6-12 shall result in a suspension of the student from the school system for three (3) to ten (10) days. The second violation during a school year of this policy by a student in grades 6-12 may result in the recommendation to the superintendent of long-term suspension from the school system for the remainder of the school year.

The above policy is in effect:

- in any school building or on any school premises before, during or after school hours or
 - in any school building or on any school premises at any other time when the school building or the school premises are being used by a school group or
 - on any school bus or other vehicle on which students are being transported as part of any school activity or
 - off the school grounds at any school activity, function or event.
- Directing toward any principal, teacher or other school employee, toward any other student, or toward any other person, in any school building, on any school premises, at any school event or on any school bus or vehicle used for school purposes, any language which threatens force or violence, or which is abusive or insulting, or any sign or act which constitutes a threat of force or violence or which is abusive or insulting.
 - Setting fire or attempting to set fire to or substantially damaging any school building or property.
 - Stealing or attempting to steal, or intentionally damaging or attempting to damage any school property.

- Stealing or attempting to steal, or damaging or attempting to damage any private property either on any school premises or during any school activity, function or event off school property.
- Being present in an unauthorized place or refusing to leave when ordered to do so by any person of authority.
- Displaying any apparel, jewelry, accessory, notebook or manner of grooming or behavior which by virtue of its color, arrangement, trademark or any other attributes denotes membership in such a group that advocates drug use or exhibits behaviors that interfere with the normal and orderly operation of a school.

The following misconduct will result in the specific disciplinary measures designated for each provision set forth below:

Displaying, possessing or threatening use of a gun, rifle, pistol or other firearm of any kind; knife, slingshot, leaded cane, blackjack, ice pick, metallic knuckles, bomb, dynamite, cartridge, grenade, mine, ammunition or other explosive; or bowie knife, dirk, dagger, razor or razor blades or any sharp pointed or edged instrument; knowingly possessing, handling or transmitting any object that can reasonably be considered a weapon, even if the object is dysfunctional as a weapon:

- in any school building or on any school premises before, during or after school hours or
- in any school building or on any school premises at any other time when the school is being used by a school group or
- on any bus or other vehicle on which the student is being transported as part of any school activity or
- off the school premises at any school activity, function or event.

Following an investigation and upon finding as fact that the student has willfully violated this provision possessing a firearm, explosive devise or other dangerous weapon, or by using, intending to use or threatening to use any weapon to injure another person, the principal shall adhere to the following:

❖ **General Consequences**

Violation of this section may result in long-term suspension or expulsion. The procedures for suspension or expulsion are provided in board policy 4353, Long-term Suspension, Expulsion. A determination of the appropriate consequences for firearms/explosives violations will be made in accordance with the provisions of that policy. Placement in an alternative educational setting may be made instead of suspension in accordance with policy 3470/4305.

❖ **Consequences for Firearms/Explosive Violations**

As required by law, G.S. 115C-391(d1), a student who brings or possesses a firearm or powerful explosive on school property or at a school-sponsored curricular or extracurricular activity must be suspended for 365 days, unless the superintendent recommends and the board approves a modification. A firearm includes any gun, rifle, pistol or other weapon used for firing a projectile by means of an explosive charge. A firearm does not include a BB gun, stun gun, air rifle or air pistol. A powerful explosive includes a dynamite cartridge, blasting cap, trinitrotoluene (TNT), nitroglycerin, grenade or mine. A student who brings a firearm or powerful explosive to school also shall be referred to the criminal justice or juvenile justice system.

Principals may use appropriate discretion in the application of this requirement with elementary students, when in the judgment of the principal the child did not understand the implications or seriousness of the misbehavior. A student may request a hearing or may appeal pursuant to the provisions of the Student Disciplinary Procedural Code. Referral to law enforcement agencies will be made where appropriate.

An exception to this policy, instructors and students in the Junior ROTC program at Thomasville High School are authorized to possess, store and use air and pellet guns in conjunction with the approved course of study. Additionally, demilitarized M1903 Springfield and M1 Garrand rifles, as well as ceremonial sabers, for drill and ceremony use are authorized.

STUDENT SUBSTANCE ABUSE POLICY

A. Philosophy

The Board of Education understands that significant numbers of parents, educators, students and other community members are seriously concerned about the adverse effects of drug abuse on the individual and society. Further, the Board believes that effective drug education requires both the acquisition of knowledge and the development of positive personal values and that both the school and other community agencies must share in the development and implementation of programs to alleviate the problems of drug abuse.

Therefore, the Board of Education mandates a drug education curriculum which will be as follows:

- integrated into all curriculum areas K-12;
- organized sequentially, age appropriately, comprehensive in scope and directed towards the acquisition of factual information and comprehensive social and life skills;
- directed towards causes of drug abuse, as well as symptoms, as part of an effective program of prevention;
- adapted to the specialized needs of the school community.

B. Possession, use or sale of alcohol and/or other drugs

A student shall not possess, sell, use, transmit or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, "fake drugs", or any other controlled substance or beverage containing alcohol or intoxicant of any kind, **including legal substance used improperly as inhalants**. Possession of paraphernalia normally associated with the use of controlled substances such as "roach clips", roll paper, pipes, etc., is also expressly forbidden. Any substance which is found on or under the control of a student and is suspected to be one that is prohibited under this policy shall be taken and delivered to law enforcement authorities.

This rule applies to student, staff and visitors on the school grounds at any time and off of the school grounds at any school activity, function or event.

The use of prescription medication is to be construed as an exception to this policy when used by the individual and for whom they are prescribed, when used in the manner and amount prescribed and when used in accordance with other school policies governing student medications.

Because of the potential dangers to the student presented by his/her acute intoxication with alcohol or other drugs, emergency personnel will be immediately called when students exhibit evidence of acute intoxication, incapacitation or a drug overdose in school or at school sponsored events. This will be followed by notification of parents and law enforcement officials. Following his/her return to school, referral to the student assistance team (e.g., STAT/RtI, REACH, SAT) will occur and appropriate disciplinary action will be taken.

School authorities have the right to search individuals when there is reasonable suspicion that the individual may be in possession of a controlled substance. A student found to be in violation of this policy may receive punishment as severe as expulsion from school. The student shall be guaranteed

the right to due process when the alleged violation is being investigated that could result in suspension or expulsion.

C. Use or possession of a prohibited substance (Grades K-5)

First Offense: The substance is confiscated and if an illegal one, law enforcement shall be called. A conference with the teacher, parent(s)/guardian(s), counselor and building administrator shall occur. Upon the conclusion of that conference **some** of the following recommendations will be made:

- referral to the student assistance team (e.g., STAT/Rtl, REACH, SAT);
- group and/or individual counseling shall occur at school;
- referrals to outside agencies such as private mental health agencies, Youth and Family Services and the Department of Social Services may occur;
- report to appropriate law enforcement agency and/or SRO.

Second Offense:

- all of the recommendations for a first offense shall occur
- a minimum three (3) day suspension shall occur
- referral to the Department of Social Services and a program of family counseling shall be required for school continuation
- report to appropriate law enforcement agency and/or SRO

D. Possession or Use of a Prohibited Substance (Grades 6-12)

First Offense:

- A five (5) day out-of-school suspension and a recommendation to the superintendent that the student be suspended for six weeks shall occur.
- If the student and parent(s)/guardian(s) agree to attend an approved substance abuse program, at the parents' expense and is approved by the superintendent, the six week suspension will be waived. Verification of an ongoing treatment, if deemed necessary by a certified substance abuse counselor, will be a condition of reentry into school.
- Upon reentry to school, attendance in a remediation/make up program will be required.
- Referral to the student assistance team shall occur for follow up services after the suspension and counseling.
- The student also may be prosecuted under the juvenile and criminal laws of the state.
- The student will be suspended from extracurricular activities long-term.
- Report to appropriate law enforcement agency and/or SRO.

Second Offense:

- An automatic ten (10) day suspension and a recommendation for a long-term suspension from the regular school program for the remainder of the school year shall occur.
- The student shall be referred to the appropriate alcohol or drug agency for assessment which may include inpatient or outpatient treatment. Verification of ongoing treatment may be condition for reentry into the school program the next school year. If reentry is allowed, attendance in the comprehensive afterschool program shall be required.
- The student also may be prosecuted under the juvenile or criminal laws of this state.
- Report to appropriate law enforcement agency and/or SRO.

E. First and Subsequent Offenses for Possession of Paraphernalia (K-5)

Confiscation of the paraphernalia and a conference with the building administrator and parent(s)/guardian(s) shall occur. Referral to the student assistance team will occur. Depending upon the offense, the building administrator may determine a short term suspension is necessary.

F. Possession, Use, Distribution of Paraphernalia (Grades 6-12)

Confiscation of the material and referral to the student assistance team shall occur. Referral to the Alternative Education Program may occur.

G. Selling or Transmitting (Grades K-5)

An automatic ten (10) day out-of-school suspension with a recommendation for long-term suspension from school shall occur. The juvenile court system shall be involved. The incident will be reported to the appropriate law enforcement agency and/or SRO.

H. Sale or Distribution of a Prohibited Substance (Grades K-12)

A ten (10) day suspension will be required. A recommendation may be made to the superintendent that the student be suspended long-term. Police will be summoned. It is also recommended that the student be prosecuted under the juvenile and/or criminal laws of the state.

I. Policy for Drug and/or Alcohol Testing

When a principal or assistant principal has reasonable basis to believe that a student is using or in under the influence of alcohol or a controlled substance at school or a school activity in violation of this policy, the school administrator (may offer the student and the student's parent(s) the opportunity for an alcohol and/or drug test), at school expense, to determine whether the administrator's belief is justified. If the test results are negative for the presence of alcohol or an illegal drug, the student shall be found innocent of the allegation of misconduct. If test results are positive for the presence of illegal drugs or alcohol, the results shall be considered relevant corroborative evidence of a violation of this policy. Students testing positive for illegal drugs and/or alcohol will be subject to random testing upon their return to school.

Consequences for Refusal by the Student and the Student's Parents to Allow a Drug and/or Alcohol Test:

- Referral to an approved substance abuse program for amount of time designated necessary by the substance abuse program coordinator.
- If the student refuses to attend an approved substance abuse program for the designated time period, then the student will serve an out-of-school suspension for a total of five (5) days.

Consequences for a positive drug and/or alcohol test:

First Offense:

- A five (5) day out-of-school suspension and a recommendation to the superintendent that the student be suspended for six weeks shall occur.
If the student and parent(s)/guardian(s) agree to attend an approved substance abuse program, at the parents' expenses and is approved by the superintendent, the six week

- suspension will be waived. Verification of an ongoing treatment, if deemed necessary by a certified substance abuse counselor, will be a condition of reentry into school.
- Upon reentry to school, attendance in a remediation/make up program will be required.
- Referral to the student assistance team shall occur for follow up services after the suspension and counseling.
- The student also may be prosecuted under the juvenile and criminal laws of the state.
- The student will be suspended from extracurricular activities long-term.
- Report to appropriate law enforcement agency and/or SRO.

Second Offense:

- An automatic ten (10) day suspension and a recommendation for a long-term suspension from the regular school program for the remainder of the school year shall occur.
- The student shall be referred to the appropriate alcohol or drug agency for assessment which may include inpatient or outpatient treatment. Verification of ongoing treatment may be a condition for reentry into the school program the next school year. If reentry is allowed, attendance in the comprehensive afterschool program shall be required.
- The student also may be prosecuted under the juvenile or criminal laws of this state.
- Report to appropriate law enforcement and/or SRO.

J. Policy for Use of Tobacco

All Thomasville City Schools are smoke free facilities. Students shall not possess, smoke or use tobacco products at school, on a school bus or any school related activity on school grounds during regular school hours.

Possible Disciplinary Alternatives (Grades 6-12)

- First Offense—Assignment to ISS for one (1) day
- Second Offense—Assignment to ISS for (3) days and the student may be referred to counseling at the school level
- Third Offense—Three (3) days out-of-school suspension
- Fourth Offense—Five (5) days out-of-school suspension
- Fifth Offense—Ten (10) days out-of-school suspension and a hearing to determine possible expulsion for the persistent violation of school rules

AGREEMENT TO ATTEND AN APPROVED SUBSTANCE ABUSE PROGRAM

1. Parent(s)/guardian(s) notified
2. Agreement to be signed
3. A five (5) day out of school suspension
4. Referral to the student assistance team.

PRINCIPAL—The principal after determining eligibility shall allow the student to remain in school while receiving an educational program from Daymark Recovery Service or other superintendent approved family counseling program.

PARENT(S)/GUARDIAN(S)—Parents/guardians agree to attend initial interview at school with student one hour each counseling session at an approved program and one exit session with the principal or designee.

STUDENTS—Students agree to attend one initial interview with the counselor and student assistance team; attend the family counseling program; have an exit interview with the principal or designee, parents and student assistance team; have a five day out-of-school suspense; no use contract.

Parents and students shall not miss any session and any unexcused absence will violate this agreement and activate the thirty (30) days suspension.

Principal: _____ Parent: _____

Student: _____ Date: _____

NO USE CONTRACT

I recognize that it would be beneficial for all involved for me not to use any mood altering chemicals, therefore:

I promise not to use any non prescribed chemical (drug or alcohol) during my participation in the Family Counseling Program.

My parent(s)/guardian(s) realize that the consequences for breaking this contract could include:

- a. a chemical assessment;
- b. another conference among my parent(s)/guardian(s) and school officials;
- c. extended time in ISS;
- d. giving up my privileges at school;
- e. suspension from extracurricular activities long-term;
- f. referral to the court system.

Student Signature: _____ Parent/Guardian Signature: _____

Witness Signature: _____ Date: _____

A member of the student assistance team will be available to help you in any way during the time you are attending the Family Counseling and/or support groups.

Student Assistance Team Chairman: _____

Date: _____

STUDENT LOCKER SEARCHES

Student lockers are school property and are under the control of the school. However, students have full responsibility for the security of their lockers. Periodic general inspections of lockers may be conducted by school authorities for any reason at any time without notice, without student consent and without a search warrant. Students should not use personal locks to secure lockers. Personal locks may be cut from lockers without notice.

Discovery of illegal, unauthorized or contraband materials during a locker inspection is considered grounds for disciplinary action. Such illegal, unauthorized or contraband materials shall be turned over to the proper legal authorities for ultimate disposition.

SUSPENSION FROM EXTRACURRICULAR ACTIVITIES

Suspension from the Thomasville City Schools will include suspension from participation in any or all extracurricular activities, including interscholastic sports programs and graduation exercises, for violation of this code of conduct or for violation of any local, state or federal law which has a direct effect on maintaining order and discipline in the schools.

SCHOOL BUS SAFETY

Riding a school bus is a very distinct privilege that is provided for students throughout the state of North Carolina. Participation in this privilege carries certain responsibilities that both parent and student should understand. As children begin to ride the Thomasville City Schools school buses, they will be taught safety rules and procedures, the importance of good conduct and the resulting consequences.

In an attempt to provide the safest possible means of transportation to and from school, the following rules and consequences for bus behavior, will be adhered to:

- A. Rules (Grades K-12)
 - 1. follow directions the first time they are given
 - 2. no cursing, teasing, loud talking or rude gestures
 - 3. keep hands, arms, legs and feet to yourself
 - 4. stay seated at all times
 - 5. keep all body parts inside the bus

- B. Consequences (Grades K-5)
 - 1. first time rule is broken—warning
 - 2. second time rule is broken—change seat, conference with the driver
 - 3. third time rule is broken—parents are called
 - 4. fourth time rule is broken—principal/driver conference
 - 5. fifth time rule is broken—three (3) days suspension
 - 6. severe clause (fighting, smoking, defiance of driver, etc.) will result in suspension of bus privileges at the discretion of the principal or his/her designee

Principals may use appropriate discretion in the application of the policy with elementary students.

- C. Consequences (Grades 6-12)
 - 1. first offense—warning
 - 2. second offense—call to parent(s)/conference
 - 3. third offense—suspension from the bus, the length of suspension will be at the discretion of the principal or his/her designee.

Severe clause (fighting, smoking, defiance of driver, etc.)

- 1. first offense—minimum of one week suspension from the bus
- 2. second offense—minimum of two weeks suspension from the bus
- 3. third offense—permanent suspension from bus

(All severe offenses may also result in other disciplinary action from the school system.)

In addition to the above policy, all rules and regulations of the Code of Student Conduct apply to bus behavior.

STUDENT DISCIPLINARY PROCEDURAL CODE
STATEMENT OF PURPOSE

In meeting its responsibility to safeguard every student's right to an educational opportunity and protect every student's due process rights, the Board of Education has adopted the following procedure in those cases where serious misconduct may result in suspension or expulsion. Ordinary classroom discipline does not come under the rules and procedures of this code. The Board believes the procedure adopted meets the standards of due process required by law and accepted standards of fairness.

DUE PROCESS

- A. Any student facing possible short-term (10 days or less) suspension from a Thomasville City Schools is guaranteed procedural due process. The following are basic elements of this procedural due process:
 - The students must have prior knowledge of the conduct which is required of or prohibited to him/her (Code of Conduct).
 - The student must be informed of the specific matters giving rise to any of the proposed penalties or disciplines (Notice).
 - The student must have some opportunity to express or convey to the decision making authority his views or rebuttals regarding the incident (Hearing and Appeal).
 - The decision-making authority must base its decision on the incidents or matters about which the student has been apprised as indicated above.
- B. A student shall be given an opportunity to seek clarification of information which may lead to disciplinary action, or contest the appropriateness of the sanction imposed by a disciplinary authority, or to allege prejudice or unfairness on the part of the school system's official responsible for the disciplinary action or acts of felt unfairness.
- C. Any student, parent or guardian who is aggrieved by simple disciplinary action shall have the right to an informal conference with the principal or his/her designee for such matters.

SHORT-TERM SUSPENSIONS

- A. The principal has the authority (G.S. 115C-391) to suspend for a period of ten (10) school days or less, any student who willfully violates the rules of conduct established by or in accordance with the policies of the Board of Education. A student who is suspended shall be given an opportunity to take any quarterly, semester or grading period examinations missed during a short term suspension and to make up his or her work under guidelines established by the principal.
- B. A short-term suspension is a denial to a student of the right to attend school and to take part in any school function for any period of time up to ten (10) day. The principal may invoke a short-term suspension only after investigating the misconduct, confronting the student with the charges and allowing the student to respond in his defense and make reasonable efforts to contact a parent.
- C. Once a principal has decided to invoke a short-term suspension, he shall attempt to reach the student's parents to inform them of the school's action and to request that they come to the school for their child. If the parents are unable to come for their child, the school may provide transportation to his home, assuming that a parent is there to receive him. If the principal cannot reach the parents, then, unless circumstances make it unacceptable to the principal, the student may remain on school property until the close of the school day.

The principal may order a student to leave the school premises immediately when he is faced with mass violations of school rules and it is not reasonable to keep the student on school grounds.

Any suspension denying a student the right to attend school the last ten (10) days of the school year must be approved by the superintendent in accordance with G.S. 114-147.

IN-SCHOOL SUSPENSION

- A. The removal of a student from his class by a teacher, principal or other authorized school personnel for the remainder of the subject period or school day and his location in another room or place on the school premises shall not be considered a short-term suspension and shall not come under the rules and procedures set forth above.
- B. In-School Suspension (ISS) is a consequence for behavior problems that are not serious enough to warrant out-of-school suspension. The student is removed from the classroom for a part of a class period, a whole class period, a whole day or several days. The student is counted present at school and is allowed to complete his class work in all his courses.

The ISS teacher will attempt to notify the parent(s) when a student is assigned to In-School Suspension for one day or less. A school administrator will notify the parent if the student's behavior results in an assignment to ISS of more than one day.

Failure to fully cooperate in ISS will result in the student being given out-of-school suspension.

NOTIFYING PARENTS

School personnel are expected to notify parents when students are involved in misbehavior. When a student is suspended from school the principal shall:

- A. make reasonable efforts to contact a parent by phone;
- B. send a timely written notice to parents that include the charge against the student, facts sufficiently particular to describe the nature of the offense and appropriate appeal procedures;
- C. make a reasonable effort to hold a conference with the parents before or at the time the student returns to school;
- D. secure written statements and keep on file all documents and relevant information received about the misconduct.

SUMMARY SUSPENSION

If the principal witnesses any serious student misconduct or becomes aware of such misconduct through another school official or other reliable source and he/she thinks that immediate removal of the student is necessary to restore order or to protect school property or persons on the school grounds, he/she may suspend the student immediately for not more than five (5) days and then the principal or his/her designee shall make an investigation as soon as reasonably possible.

LONG-TERM SUSPENSION AND EXPULSION

- A. The principal may recommend to the superintendent the suspension, for a period in excess of ten (10) school days but not exceeding the time remaining in the school year, of any student who willfully violates the rules of conduct established by or in accordance with the policies of the Board of Education.
- B. The student shall have been informed previously, either verbally or in writing that the act of misconduct could result in suspension.

- C. Before submitting a recommendation to the superintendent, the principal shall complete the procedures for a short-term suspension.
- D. If the principal or designee finds that the accusation(s) is(are) true and that a suspension is warranted under the facts and circumstances, the student, parents and/or guardians shall be notified, in writing, either by personal delivery or by certified mail:
 1. that the principal is recommending a long-term suspension;
 2. that the student and his or her parent(s) or guardian(s) may request a hearing within ten(10) school days of the principal's recommendation before the superintendent;
 3. the procedures for requesting a hearing.
- E. Prior to the hearing, the student and his or her parent(s) or guardian(s) shall have the right to examine any exhibits or other evidence against the student.
- F. The hearing shall be conducted in the following manner:
 1. It shall be private and informal.
 2. The legal rules of evidence will not apply.
 3. The student may be represented by an attorney or a person of his or her choice.
 4. The school officials and the student shall have the right to present evidence and cross examine any witness presented.
 5. A record shall be made of the hearing.
- G. Within twenty-four (24) hours of the hearing, the superintendent or superintendent's designee shall render a decision on all factual issues based solely on the evidence presented at the hearing.
- H. The superintendent or superintendent's designee shall notify the student and his or her parent(s) or guardian(s) within a reasonable amount of time of the decision concerning the factual issues and the superintendent's decision concerning the suspension.
- I. The student and his or her parent(s) or guardian(s) may appeal the decision of the superintendent to the Board of Education and have a new hearing.

EXPULSIONS

The Board of Education may, upon recommendation of the principal and superintendent, expel any student 14 years of age or older who has been convicted of a felony or whose continued presence in school constitutes a clear threat to the safety and health of other students and employees. (G.S. 115C-378).

GANG POLICY

Thomasville City Schools does not support or condone gang membership or gang activity. The superintendent/designee shall regularly consult with law enforcement officials to identify gang related items, symbols and behaviors and provide each principal with this information.

No student shall commit any act that furthers gangs or gang related activities. A gang is any ongoing organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of criminal acts and having a common name or common identifying sign, colors or symbols. Violation of any of these policies may result in suspension, long-term suspension or expulsion. Conduct prohibited by this policy is as follows:

- ❖ wearing, possessing, using, distributing or selling any clothing, jewelry, emblems, badges, signs, symbols, visible tattoos and body markings, or other items, or being in possession of literature that shows affiliation with a gang, or evidence of membership or affiliation in any gang or that promotes gang affiliation;
- ❖ communication either verbally or nonverbally (gestures, handshakes, slogans, drawings, etc.), to convey membership affiliation in any gang or that promotes gang affiliation;
- ❖ tagging or otherwise defacing school or personal property with gang or gang related symbols or slogans;

- ❖ requiring payments of protection money or insurance or otherwise intimidating or threatening any person related to gang activity;
- ❖ inciting other students to intimidate or to act with physical violence upon any other person related to gang activity;
- ❖ soliciting others for gang membership;
- ❖ conspiring to commit any violation of this policy or committing or conspiring to commit any other illegal act or other violation of school district policies that relates to gang activity.

Before being suspended for a first offense or wearing gang related attire (when not involved in any other kind of gang related activity or behavior), a student may receive a warning and be allowed to immediately change or remove the attire if the school administration determines that the student did not intend the attire to show gang affiliation.

ALTERNATIVE SCHOOL PROGRAM

The Board is committed to the goal of providing a safe, orderly and inviting learning environment at each school. The educational program, as well as numerous other strategies identified in board policies, is intended to create such an environment and help each student be a contributing and successful member of the school.

The alternative school program is provided as an option when a student's behavior or academic performance needs cannot be met in a regular education setting. The purposes of the alternative school program are to (1) intervene and address problems that prevent a student from successfully achieving in the regular educational setting; (2) reduce the risk of the student dropping out of school by directing resources to help the student resolve issues affecting performance at school; (3) return the student to the regular educational setting as soon as practical with the skills necessary to succeed in that environment, as determined by the principal of the alternative school program and the principal of the school where the student normally attends; and (4) preserve a safe, orderly and inviting learning environment at the regular educational setting.

Prior to transfer, the principal of the referring school will document efforts to assist the student in the regular educational setting. The principal must also document the student's behavior and academic performance. The principal of the alternative school program will meet with the parents to try to reach consensus on resolution of the performance or behavior issues. As a condition the students and parents will be expected to sign a contract prior to admission to the alternative school program. Failure to sign this contract will result in a long-term suspension.

DISCIPLINE SUSPENSION OF EXCEPTIONAL CHILDREN

Thomasville City Schools will follow the guidelines outlined in the North Carolina Policies Governing Services for Children with Disabilities when disciplining children with disabilities.

CORPORAL PUNISHMENT

- A. The court has upheld the constitutionality of G.S. 115C-390 which empowers school officials to use reasonable force in the exercise of lawful authority to restrain or correct pupils and to maintain order.
- B. In some cases it may be necessary to administer corporal punishment after other disciplinary measures have been attempted. It is recommended that parents be involved in the decision to use this type of punishment.
- C. Some actions which may constitute corporal punishment are those acts of physical contact between teacher or principal and student in a corrective manner to misbehavior (i.e., use of hand, ruler or paddle to strike a student). When administered, corporal punishment must meet the following minimal due process provisions:

- ❖ No student shall be corporally punished in front of other students.
- ❖ The student must be informed on a prior occasion that specific misbehavior could result in the use of corporal punishment.
- ❖ Only the principal or an assistant principal may administer corporal punishment. It must be administered in the presence of a second school official, specifically a principal, assistant principal, teacher, substitute teacher, teacher assistant or student teacher and in the presence of a parent or guardian.
- ❖ The student must be informed in the presence of the second official the reason corporal punishment will be administered.
- ❖ An official who has administered corporal punishment must provide the child's parent or guardian with notification of the punishment and upon request, a written explanation of his/her reasons and the name of the second official who was present.
- ❖ Corporal punishment can only be administered after receiving written permission from the parent(s).

The Thomasville City Schools requires that corporal punishment be administered in a location specified by the principal, in private and in the presence of the principal.

Each school will be required to keep a log which must include the name of each person to whom corporal punishment has been administered, the date, the name and position of the person administering the punishment, the name and the position of the witness, an explanation of the reasons for using this approach and a record of whether or not the student's parent/guardian was notified in writing about the reason.

These policies must be published and made available to students and parents at the beginning of the school year.

USE OF REASONABLE FORCE BY SCHOOL PERSONNEL

House Bill 1032 went into effect July 1, 2006. It specifies that school personnel may use reasonable force under the following circumstances:

- ❖ as reasonably needed to obtain possession of weapons or other dangerous objects on the person or within the control of the student;
- ❖ as reasonably needed to maintain order or to prevent or break up a fight;
- ❖ as reasonably needed for self defense;
- ❖ as reasonably needed to ensure the safety of any student, employee, volunteer or other person present;
- ❖ as reasonably needed to teach a skill, to calm or comfort a student or prevent self injurious behavior;
- ❖ as reasonably needed to safely escort a student to safety from one area to another;
- ❖ as reasonably needed to prevent imminent destruction to school or another person's property;
- ❖ as provided for in IEP, section 504, or behavior intervention plan.

Schools shall not use seclusion (in a fixed area where a student cannot leave) or physical restraint as a means of discipline except as provided by law. Parents will be notified in writing when seclusion or physical restraint is utilized.

PARENTAL RIGHTS REGARDING SECTION 504 OF THE REHABILITATION ACT OF 1973

Thomasville City Schools is committed to complying with federal law and Section 504 of the Rehabilitation Act of 1973, which ensures a free and appropriate education to each child identified with a special need. Under the

Act, anyone who has a physical or mental impairment that substantially limits a major life activity may be considered disabled/special needs.

The school district has responsibilities to identify, evaluate and provide appropriate education services for all students identified with a disability/special need under Section 504.

The parent is entitled to be fully informed of decisions regarding their child's education and to be advised of their rights to challenge any of the decisions.

Parents have a right to:

- receive notification that their child is being evaluated and identified as a child with a special need;
- receive notification that an educational plan is being developed;
- have evaluation and educational decisions made from a variety of informational sources and by persons who know their child, the evaluation data and placement options;
- examine all relevant records;
- have their child receive a free and appropriate public education which includes being educated with children who are not special needs to the maximum extent appropriate and receiving accommodation in school and school related activities;
- have periodic reevaluations and an evaluation prior to any significant change in an educational program;
- have an informal conference with the school principal and the multi-disciplinary team and if their concerns are not addressed, they may request an impartial hearing;
- request an impartial formal hearing if there is disagreement related to actions regarding their child's identification, evaluation, educational program or placement.

Please contact the school principal for questions or concerns regarding your child's education. For additional information regarding Section 504 of the Rehabilitation Act of 1973, contact the 504 Coordinator at the administration office at 474-4200.

EQUAL EDUCATIONAL OPPORTUNITY

It is the policy of the Board of Education that no student shall on the basis of sex, be excluded from participating in, be denied the benefits of, or be subjected to discrimination under any educational program or activity.

GOALS AND OBJECTIVES—NONDISCRIMINATION

The Board is committed to a policy of nondiscrimination in relation to race, color, gender, religion, age, disabled/special needs or national origin. This policy will prevail in all matters concerning staff, students, educational programs and services and persons with whom the Board does business.

Discrimination is any behavior that prevents individuals from achieving their full human potential. Discrimination involves treating persons as members of groups, rather than on the basis of individual capacities or merits.

In keeping with the Board's commitment and the requirements of law, the Board and staff will strive to remove any vestige of discrimination in employment, assignment and promotion of personnel; in education services and opportunities offered to students; in location and use of facilities; and in educational materials. The staff

will establish and maintain an atmosphere, in which students can develop attitudes for effective, cooperative living, including, respect for the individual, respect for socio-cultural differences, respect for the economic and political rights of others and understanding of basic human bonds.

The Board and staff will, as appropriate, work with other institutions and agencies to improve human relations within schools and in the community.

LEGAL REFERENCES:

Title VI, Civil Rights Act of 1964

Title VII, Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972

Executive Order 11246, as amended by E.O. 11375

Equal Pay Act, as amended by the Education Amendments of 1972

Title IX, Education Amendments of 1972

Rehabilitation Act of 1973

Education for All Handicapped Children Act of 1975

COMPLAINTS AND GRIEVANCES

It is the policy of the Board of Education that all students shall have the right to present for solution any problem arising within their status as students and shall be encouraged to exercise the right without fear of recrimination. It is for this purpose that a grievance procedure is established. To ensure that any problem is corrected as soon as possible, time limits have been established to assure prompt attention to each problem. If the student does not process his/her grievance within the set time limit, it shall be considered settled and not open to appeal.

STUDENT GRIEVANCE PROCEDURE

The grievance procedure may be used to address any situation occurring within the operation or normal procedures of the school which causes a student and/or parent to believe he/she has been wronged, except in the case of long-term suspension. Students and their parents are encouraged to discuss their concerns informally with the person(s) involved before invoking formal grievance procedures.

- A. Initiation**—a student may initiate a grievance proceeding when either the student or his/her parent or guardian believes that a violation, misapplication or misinterpretation of Board policy or state or federal law or regulation has occurred.
- B. Procedure**—the procedure for initiation and conduct of a grievance shall be:

Step 1—Principal Conference

A student, parent or guardian wishing to invoke the grievance procedure shall make a written request for a conference with the principal to discuss the grievance and seek resolution. The following guidelines shall be observed in Step 1:

- ❖ A grievance shall be filed as soon as possible but in no event longer than thirty (30) days after disclosure of the facts giving rise to the grievance.
- ❖ The principal shall grant the conference within five (5) school days following receipt of the request.
- ❖ The request shall include a statement describing the grievance and naming the specific policy, rule or law believed to be violated.

The principal shall state his/her position concerning the question in writing to the student within five (5) school days following the conference.

- ❖ Only the parent or guardian or someone acting **in loco parentis** shall be permitted to join or represent the student in the conference with the principal.

Step 2—Appeal to the Superintendent

If the grievance is not resolved in Step 1, the student may appeal the principal's decision in writing to the Superintendent. The appeal must be made within five (5) school days following receipt of the principal's position statement in Step 1.

The superintendent or designee shall review the grievance within five (5) school days following receipt of the appeal. A written response shall be made to the student, the parent or the guardian and the principal from the superintendent or designee within ten (10) school days following the superintendent's review.

Step 3—Appeal to the Board of Education

If the grievance is not resolved in Step 2, the student may appeal the superintendent's decision to the Board in writing within ten (10) days following the response from the superintendent in Step 2. The Board shall offer a final written decision within thirty (30) days.

HARASSMENT POLICY

PHILOSOPHY

The Board of Education believes that all employees and students are entitled to work and study in school related environments that are free of harassment, including sexual harassment, free from an intimidating, hostile or offensive workplace that unreasonably interferes with an individual's work performance and otherwise adversely affects an individual's employment opportunities. Sexual harassment is a form of employee or student misconduct which undermines the integrity of student-teacher, student-student and employee relationships. Any form of harassment is unlawful and will not be tolerated by the Thomasville City Schools Board of Education.

PROHIBITIONS

- ❖ No teacher or other school employee shall harass any student by conduct or communication of a sexual nature as defined below and on the following page.
- ❖ No student shall harass another student or school employee by such conduct or communication.
- ❖ No employee shall harass another employee by such conduct or communication.
- ❖ No employee shall enter into a romantic or sexual relationship with any student enrolled in Thomasville City Schools regardless of the student's age.

DEFINITIONS

1. Unwelcome sexual advances, requests for sexual favors and other inappropriate oral, written or physical conduct of a sexual nature when made by a **school employee to a student** or when made by a **student to another student** constitutes sexual harassment and is unlawful when:
 - a. submission to such conduct is made either explicitly or implicitly a term or condition of a student's education, scholastic experience or participation in school related activities;

- b. submission to or rejection of such conduct by a student is used as the basis for educational, scholastic or school related activity decisions affecting that student; or
 - c. such conduct has the purpose or effect of unreasonably interfering with a student's education, scholastic experience or school related activity participation or of creating an intimidating, hostile or offensive school environment.
- 2. Unwelcome sexual advances, requests for sexual favors and other inappropriate, oral, written or physical conduct of a sexual nature when made by a **student to a school employee** constitutes sexual harassment when:
 - a. such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or of creating an intimidating, hostile or offensive working environment.
- 3. Sexual harassment, as defined above may include but is not limited to the following:
 - a. continued remarks having a sexual connotation;
 - b. pressure for sexual activity;
 - c. deliberate unwelcome touching;
 - d. suggestions or demands for sexual involvement accompanied by implied or overt promises or preferential treatment or threats.
- 4. Other forms of harassment include but are not limited to: epithets, slurs, negative stereotyping, written or graphic materials that shows hostility or aversion toward an individual or group because of race, color, religion, gender, disability, national origin, etc.

PROCEDURES FOR STUDENT TO STUDENT HARASSMENT AND STUDENT TO EMPLOYEE HARASSMENT

- 1. All complaints of sexual or other types of harassment shall promptly and thoroughly be investigated. Violations shall be deemed to be serious disciplinary infractions.
- 2. All complaints of sexual or other harassment shall be confidential. Only those individuals necessary for the investigation and disposition of the complaint are to be given information.
- 3. A student who believes that he/she has suffered sexual or other harassment, or an employee who believes that he/she has suffered sexual or other harassment from a student may report the matter to the school principal, who is the designated complaint officer at the school level. However, any teacher or other school employee who receives from a student a report of alleged harassment shall report the same to the school principal. Failure by the employee to do so shall subject the employee to disciplinary action. If the student's school principal is the alleged offender, such report by the student or by other school employees shall be made to the superintendent.
- 4. It shall be the responsibility of the complaint officer to investigate promptly claims of harassment and determine their validity using an informal process. If the principal is the alleged offender, the complaint office shall be designated by the Superintendent. Such investigation and determination shall be made pursuant to the following procedures:
 - a. Upon receiving a complaint, the complaint officer shall confer with the person making the complaint to obtain an understanding of the allegations. Based upon such understanding, the complaint officer shall make an initial determination as to whether the alleged conduct, if true, constitutes harassment.
 - b. Upon an initial determination that complainant has *alleged* conduct that would constitute sexual or other harassment, the complaint officer shall obtain a written statement of the alleged facts from the complainant. Once the complaint officer has obtained a written statement of the alleged facts from the complainant, he/she shall meet with the person charged with harassment to obtain a response to the complaint. The complaint officer may meet jointly with the parties involved as he/she determines to be necessary or appropriate.
 - c. Upon completion of the investigation of alleged sexual harassment, the complaint officer shall make a determination as to the validity of the complaint. Upon a determination by the

complaint officer that complainant's allegations have validity, the complaint officer shall take such disciplinary action as he/she deems appropriate for the offense, as set out in rules and discipline outlined in Student Code of Conduct. In all such cases the complaint officer shall make a record of his/her investigation and determination, which record shall include the complainant's written statement and shall include a statement of the reasons for his/her determination.

- d. If the complaint officer finds no validity to the claim by the complainant, the complainant may appeal the decision to the Superintendent.

REPRISAL OR RETALIATION

Reprisals or retaliation against an individual who reports sexual or other harassment will not be tolerated. This includes, but is not limited to any form of intimidation, reprisal or harassment. Anyone who retaliates against an individual who testifies assists or participates in an investigation, proceeding or hearing relating to a complaint of harassment will be subject to disciplinary action up to and including dismissal.

INFORMATION

It shall be the responsibility of the Superintendent and his/her designees to inform school employees and students regarding sexual harassment, as set forth herein.

STUDENTS INVOLVED IN SEXUAL ACTIVITY ON SCHOOL PROPERTY

A. Purpose

All decisions related to student behavior are guided by the Board's educational objectives to teach responsibility and respect and by the Board's commitment to create safe, orderly and inviting schools. Student behavior policies are provided in order to establish expected standards of student behavior; address physical and mental health risks for students included but not limited to risk of pregnancy, STD/HIV transmission, sexual coercion and mental health concerns.

B. Principles

The reasons for managing student behavior are: to create an orderly environment where students can learn; to teach expected standards of behaviors; to help students learn to accept the consequences of their behavior; and to provide students with the opportunity to develop self control. Students are expected to conduct their personal and social relationships according to acceptable community standards.

C. Applicability

Students may not engage in sexual activity while on school property which includes all of the following circumstance:

- ❖ while in any school building or on any school premises before, during or after school hours;
- ❖ while on any bus or other vehicle as part of any school activity;
- ❖ while waiting at any bus stop;
- ❖ during any school function, extracurricular activity or other activity or event;
- ❖ in route to or from school;
- ❖ when subject to the authority of school personnel; and
- ❖ any time or place when the student's behavior has a direct and immediate effect on maintaining order and discipline in the schools.

Non-consensual sexual activity (i.e., sexual assault) will be reported to the police.

D. Consequences

The following consequences are required for all students involved in sexual activity on school property:

- ❖ Parent Contact—parental contact will be made detailing the school policy regarding students involved in sexual activity on school property and consequences for such behavior.
- ❖ Discipline—first offense, mandatory suspension for five (5) to ten (10) days. Further disciplinary action may be taken as deemed appropriate at the discretion of the administration. Second and further offenses, up to expulsion at the discretion of the administration.
- ❖ Physical Health—mandatory meeting with the school nurse to discuss pregnancy and STD/HIV transmission. This meeting will be confidential.
- ❖ Mental Health—mandatory meeting with a counselor (either school personnel or outside professional) to discuss sexual coercion, self worth and other mental health issues.

STUDENT COMPUTER USE

Thomasville City Schools requires students to sign the Acceptable Use Policy for Computer Use before assessing any computer in the school district. The Acceptable Use Policy is given to all students at the beginning of each school year. Students who violate this policy may have their computer access privileges revoked, in addition to other legal or disciplinary actions. The Acceptable Use Policy is available for viewing on the Thomasville City Schools website (www.tcs.k12.nc.us) under school board policies. You may contact your child's principal for a copy of The Acceptable Use Policy as well.