



# McDowell County Schools

Code of Student Conduct

2023-24

# McDOWELL COUNTY SCHOOLS

## VISION

INSPIRING SUCCESS: Future-Focused, Student-Centered, Mission-Driven

## Mission Statement

The mission of McDowell County Schools is to deliver excellence in education where students are engaged in collaboration, communication, and innovation so that they graduate ready to achieve success and positively shape the future.

The McDowell County School System embraces the following as its core values and beliefs. Through all district operations and activities, it will . . .

- Stress the importance of students by making data-driven decisions that
- establish high expectations for all;
- create conditions enabling them to learn; and
- serve their academic, social, emotional, physical, and cultural needs.
- Cultivate meaningful relationships.
- Ensure schools are safe, nurturing places where everyone engages in learning with curiosity and excitement.
- Emphasize the importance of daily attendance by all.
- Create a culture of achievement for students and adults to –
- develop both individual and collective talents,
- maximize and fulfill their potential, and
- prepare for future success.
- Establish a collaborative culture resulting from –
- great customer service,
- respect and compassion for individual and cultural differences,
- access and equity for all, and
- a strong work ethic.

# Superintendent's Message

Parents and Guardians,

McDowell County Schools is committed to partnering with parents and guardians to ensure we can offer your child the best educational opportunities. We pride ourselves in a tradition of dedication to our students here in McDowell County, and we recognize that is only possible through this partnership. The McDowell County Student Code of Conduct is essential for meeting our goals of graduating ALL our students ready for enrollment in higher education, enlistment in the military, or entering the workforce. We believe that students can only learn when they feel safe and nurtured, and understanding and following these policies and procedures will help us reach our goals.

Please take the time to review and discuss these expectations with your students. McDowell County Schools is an excellent option for our students because of the tradition of school, home, and community coming together to focus on our students, their safety, and their success. This document includes guidance to help us do just that. We are committed to security for your children. In addition to comprehensive safety plans, McDowell County Schools is unique because all our schools have access to School Resource Officers. We have a fantastic partnership with the McDowell County Sheriff's Office, Marion Police Department, and the Old Fort Police Department, and resource officers from each of these offices are represented in our schools. We are grateful for our community partners and partners at home helping keep our students safe daily.

The success of our schools depends on good communication between teachers, students, parents, and school administration. Working together, we can effectively utilize our Student Code of Conduct as a tool or guide in helping us to keep our schools safe for learning. If you should have any questions about school safety or any other school-related matters, we are only a phone call away. Please help us keep the lines of communication open by contacting our teachers and administration should questions arise. Thank you for your partnership and support to make the 2023-2024 school year a success!

Sincerely,

*Tracy Grit*

Tracy Grit, Ed.D

Superintendent

McDowell County Schools

# Directory of Schools

East McDowell Middle School	676 State Street Marion, NC 28752	828-652-7711
Eastfield Global Magnet School	170 Eastfield School Rd Marion, NC 28752	828-652-3730
Foothills Community School	176 Lukin St Marion, NC 28752	828-652-1040
Glenwood Elementary School	1545 Old Highway 221 S Marion, NC 28752	828-738-4220
Marion Elementary School	209 Robert St Marion, NC 28752	828-652-2141
McDowell Academy for Innovation (MTCC Campus)	54 College Drive Marion, NC 28752	828-659-0411
McDowell Early College (MTCC Campus)	54 College Drive Marion, NC 28752	828-659-0411
McDowell High School	600 McDowell High Drive Marion, NC 28752	828-652-7920
McDowell Virtual Academy	346 West McDowell Jr High School Road Marion, NC 28752	828-652-3390
Nebo Elementary School	254 Nebo School Road Nebo, NC 28761	828-652-4737
North Cove Elementary School	401 American Thread Road Marion, NC 28752	828-756-4342
Old Fort Elementary School	128 Mauney Avenue Old Fort, NC 28762	828-668-7646
Pleasant Gardens Elementary School	100 John Roach Drive Marion, NC 28752	828-724-4422
West Marion Elementary School	820 Marler Road Marion, NC 28752	828-738-3353
West McDowell Middle School	346 West McDowell Jr High School Road Marion, NC 28752	828-652-3390

# McDowell County Schools Policy 4300

All decisions related to student behavior are guided by the board's educational objective to teach responsibility and respect for cultural and ideological differences and by the board's commitment to creating safe, orderly and inviting schools. Student behavior policies are provided in order to establish (1) expected standards of student behavior; (2) principles to be followed in managing student behavior; (3) consequences for prohibited behavior; and (4) required procedures for addressing misbehavior.

## A. PRINCIPLES

The reasons for managing student behavior are to (1) create an orderly environment in which students can learn; (2) teach expected standards of behavior; (3) help students learn to accept the consequences of their behavior; and (4) provide students with the opportunity to develop self-control. The following principles apply in managing student behavior:

1. Student behavior management strategies will complement other efforts to create a safe, orderly and inviting environment.
2. Positive behavioral interventions will be employed as appropriate to improve student behavior.
3. Responsibility, integrity, civility and other standards of behavior will be integrated into the curriculum.
4. Disruptive behavior in the classroom will not be tolerated.
5. Consequences for unacceptable behavior will be designed to help a student learn to comply with rules, to be respectful, to accept responsibility for his or her behavior and to develop self-control.
6. Strategies and consequences will be age and developmentally appropriate.

## B. COMMUNICATION OF POLICIES

Board policies related to student behavior are codified mainly in the 4300 series. The superintendent shall incorporate information from such policies into a Code of Student Conduct that notifies students of the behavior expected of them, conduct that may subject them to discipline and the range of disciplinary measures that may be used by school officials. At the discretion of the superintendent, the Code of Student Conduct may include additional rules needed to implement the board's student behavior policies. To elaborate further on processes for addressing student misbehavior and the use of intervention strategies and consequences, each school will create a student behavior management plan that is consistent with the law, board policies, and the Code of Student Conduct (see policy 4302, School Plan for Management of Student Behavior). The Code of Student Conduct must incorporate by reference any additional student behavior standards, prohibited conduct, or disciplinary measures identified in student behavior management plans developed in individual schools. The Code of Student Conduct must not impose mandatory long-term suspension or expulsion for specific violations unless otherwise provided in state or federal law.

At the beginning of each school year, principals shall make available to each student and parent all of the following: (1) the Code of Student Conduct; (2) any board policies related to behavior that are not part of the Code of Conduct; (3) any related administrative procedures; (4) any additional discipline-related information from the school's student behavior management plan, including behavior standards, prohibited conduct or disciplinary measures; and (5) any other school rules. This information must be available at other times upon request and must be made available to students enrolling during the school year and their parents.

For the purpose of board policies related to student behavior, all references to "parent" include a parent, a legal guardian, a legal custodian or another caregiver adult authorized to enroll a student under policy 4120, Domicile or Residence Requirements.

## C. APPLICABILITY

Students must comply with the Code of Student Conduct in the following circumstances:

1. while in any school building or on any school premises before, during or after school hours;
2. while on any bus or other vehicle as part of any school activity;
3. while waiting at any school bus stop;
4. during any school-sponsored activity or extracurricular activity;
5. when subject to the authority of school employees; and
6. at any other place or time when the student's behavior 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.

Notwithstanding the foregoing, students will not be disciplined for constitutionally protected behavior. School officials are encouraged to consult with senior administrators before regulating student expression that may be protected by the First Amendment to the U.S. Constitution.

#### **D. CONSEQUENCES FOR VIOLATIONS**

Violations of the Code of Student Conduct must be dealt with in accordance with the guidelines established in the school's behavior management plan (see policy 4302, School Plan for Management of Student Behavior).

##### **1. Minor Violations**

Minor violations of the Code of Student Conduct are those less severe infractions involving a lower degree of dangerousness and harm. Examples of minor violations include the use of inappropriate or disrespectful language, noncompliance with a staff directive, dress code violations and minor physical altercations that do not involve a weapon or an injury. Aggravating circumstances, however, may justify treating an otherwise minor violation as a serious violation.

Minor violations of the Code of Student Conduct may result in disciplinary measures or responses up to and including short-term suspension. Further information regarding the procedures for short-term suspensions is provided in policy 4351, Short-Term Suspension. Other disciplinary measures or responses may include, but are not limited to, the following:

- a. parental involvement, such as conferences;
- b. isolation or time-out for short periods of time;
- c. behavior improvement agreements;
- d. instruction in conflict resolution and anger management;
- e. peer mediation;
- f. individual or small group sessions with the school counselor;
- g. academic intervention;
- h. in-school suspension;
- i. detention before and/or after school or on Saturday;
- j. community service;
- k. exclusion from graduation ceremonies;
- l. exclusion from extracurricular activities;
- m. suspension from bus privileges; and
- n. placement in an alternative school

The student's parent is responsible for transportation that may be required to carry out a consequence. With the exception of suspension from bus privileges, if a parent is unable to provide transportation, another consequence will be substituted.

## 2. Serious Violations

Serious violations of the Code of Student Conduct may result in any of the consequences that may be imposed for minor violations. In addition, serious violations that threaten to substantially disrupt the educational environment may result in long-term suspension, and serious violations that threaten the safety of students, school employees or school visitors may result in long-term suspension or expulsion. Certain violations involving firearms or explosive devices may result in a 365-day suspension. Further information regarding the standards and procedures for long-term suspensions, 365-day suspensions and expulsions is provided in policies 4351, Short-Term Suspension, and 4353, Long-Term Suspension, 365-Day Suspension, Expulsion. (See also policy 4333, Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety, for information regarding 365-day suspensions for certain violations involving firearms or explosive devices.)

## E. ENFORCEMENT

The superintendent is responsible for supervising the enforcement of the Code of Student Conduct to ensure that school disciplinary policies are uniformly and fairly applied throughout the school system and consistent with students' constitutional rights.

Legal References: U.S. Const. amend. I; Mahanoy Area School Dist. v. B.L., 594 U.S. \_\_\_, 141 S. Ct. 2038 (2021); G.S. 115C-47, -276(r), -288, -307, -390.1, -390.2

Cross References: Goals and Objectives of the Educational Program (policy 3000), Counseling Program (policy 3610), Domicile or Residence Requirements (policy 4120), Student Behavior policies (4300 series)

Adopted: February 16, 2009

Revised: August 15, 2011; December 6, 2021

- *All students shall comply with the Code of Student Conduct of the McDowell County Schools, state and federal laws, Board of Education policies, and local school rules governing student behavior and conduct. This Code and other board and school behavior policies apply to any student while in any school building or on any school premises before, during or after 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 event; while subject to the authority of school personnel; and at any time, place, in cyberspace, on or off campus, when the student's behavior 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 list of infractions is not all inclusive. The school administration reserves the right to assign the consequences for misconduct not listed that a student would or should have known would be disruptive to the academic process or would endanger self or others, or that is in violation of state or federal law or regulations*
- *The minimum and maximum levels of disciplinary action specified in this list are guidelines to be followed in most cases. The school administration reserves the right to assign consequences that are more or less severe than the guidelines, when called for by the circumstances of any particular case, up to the limits allowed by law.*  
*Level 2 interventions may include but are not limited to those identified in Policy [4300](#), Student Behavior Policies.*
- *Any student who has violated one or more sections of the Code of Conduct may be subject to more severe disciplinary action than is recommended in the Code for violations of a single Code section.*
- *The Code applies to behavior that has or is reasonably expected to have a direct and immediate impact on the schools or other students and is conducted through the use of electronic communications or social media, on or off school grounds. Such use is particularly relevant, but is not limited to, Rules 8 (Disrespect), 9 (Insubordination), 10 (Profanity/Obscenity), 11 (Disruption), 12 (Threatening), 20 (Sexual Offenses), 25 (False Alarm), 30 Serious Threat, Assault and/or Intimidation), 36 (Use of the Internet), 37 (Possession or Distribution of Pornographic and/or Profane Material), 38 (Bomb Threat), and 39 (Terrorist Acts and Threats).*
- *A Principal has the authority to suspend student privileges. As students do not have a right to participate in activities that are privileges, a student's ability to participate in privileged activities may be restricted or curtailed for good cause as determined by the principal, apart from any violation of the Code of Student Conduct.*



*Levels of Disciplinary Action				
ATTENDANCE VIOLATIONS		Min	Grade	Max
Rule 1:	Attendance: A student is to attend school (including all classes) each day of the school year. In addition, a student is to report to school and all classes on time. A student of compulsory school age who does not attend school is in violation of the law and the student and his/her parent(s)/guardians are subject to its penalties. Efforts will be made to communicate with parents of absent and truant students. See McDowell County Board of Education attendance policy <a href="#">4400</a>			
	» Tardiness: Failure to be in a place of instruction at the assigned time without a valid excuse. 064-Excessive Tardiness	1 1 1	(k-5) (6-8) (9-13)	2 2 2
	» Leaving Class Without Permission: Failure to obtain authorization to leave class. 066-Leaving Class Without Permission	1 1 1	(k-5) (6-8) (9-13)	2 3* 3*
	» Leaving School Without Permission: Failure to provide required parent authorization prior to leaving school before the end of the scheduled day. 067-Leaving School Without Permission	1 1 1	(k-5) (6-8) (9-13)	2 3* 3*
	» Class Cutting: Failure to report to class without proper permission, knowledge, or excuse by the school or teacher. 074-Cutting Class	1 1 1	(k-5) (6-8) (9-13)	2 3* 3*
	» School Cutting: Failure to report to school without prior permission, knowledge, or excuse by the school or the parent. 075-Skipping School	1 1 1	(k-5) (6-8) (9-13)	2 3* 3*
	» Excessive Absences (Truancy): Excused or unexcused absences which are felt to adversely affect the student's education. 030-Truancy	1 1 1	(k-5) (6-8) (9-13)	2 2 2
	*Suspensions under this rule shall not exceed two days, as dictated by <a href="#">N.C.G.S. 115 C-390.2</a>			
<p>*School Initiated Consequences: Level 1 Conference Level 2 Intervention Level 3 Out of School Suspension (1-5 days) Level 4 Out of School Suspension (6-10 days) Level 5 Out of School Suspension (10 days)</p> <p>Superintendent Initiated Consequences: Level 6 Long-term Suspension, assigned community service, or school reassignment. Level 7 365-day suspension Level 8 Exclusion/Expulsion</p> <p>Interventions include but are not limited to parent conference, time-out, lunch detention, after-school detention, in-school suspension, etc...</p>				

DISCIPLINE VIOLATIONS		*Levels of Disciplinary Action		
		Min	Grade	Max
Rule 2.	Food/Beverages: A student will not eat/drink in unauthorized areas of the school.  058-Other School Defined Offense	1 1 1	(k-5) (6-8) (9-13)	2 3 3
Rule 3 A	Medication: Each school has established rules on administering non-prescription and prescription drugs. Students are to adhere to the rules of the school, as confirmed in policy code <a href="#">#6125</a> .  086-Possession of Student's Own Prescription Drug	1 1 1	(k-5) (6-8) (9-13)	2 3 3
Rule 3B	Medication: A student may not give, sell, or distribute non-prescription, over the counter, or prescription drugs to any other students.  087-Possession of Another Person's Prescription Drug (RO) 088-Distribution of a Prescription Drug (RO)	1 3 3	(k-5) (6-8) (9-13)	3 5 5
Rule 4	Student Dress: Any type of dress which is disruptive, lewd or sexually suggestive, glorifies or depicts alcohol, tobacco or illegal drugs, or endangers the safety, education, and/or health of another person will not be permitted. For specific information, refer to student handbook.  031-Dress Code Violation	1 1 1	(k-5) (6-8) (9-13)	2 2 2
Rule 5	Personal Property: A student will not bring or possess any object that has no educational purpose that may distract from teaching and learning or would cause disruption within the school environment. (Items may include: toys, hoverboards, laser pointers, cigarette lighters, matches, electronic gaming devices, and vaping paraphernalia etc.). Cell phones shall not be used at any time during the instructional day unless directed by a teacher as part of an approved instructional activity. Otherwise, all cell phones must be kept in bookbags or stored as directed by school personnel. Any student in possession of a cell phone in violation of this policy will have the phone confiscated and placed in the school office until the end of the day. If school officials have reasonable cause to suspect the phone has been used inappropriately, e.g. for taking unauthorized photos or the like, such offenses may result in SRO involvement. Repeat offenders of cell phone rules may lose cell phone privileges.  040-Inappropriate Items on School Property	1 1 1 1	(k-2) (3-5) (6-8) (9-13)	2 3 5 5
Rule 6	Selling Items on Campus*: Students are not to sell any objects on campus that are not authorized through the school as an organized, approved school activity.  058-Other School Defined Offense  * The first violation will result in confiscation with the item returned at the discretion of the principal. The second and succeeding violation(s) will result in confiscation and the item will not be returned to the student until the end of the year. Parents may pick up item prior to the end of the year.	1 1 1 1	(k-2) (3-5) (6-8) (9-13)	3 3 3 3

**\*School Initiated Consequences:** Level 1 Conference Level 2 Intervention Level 3 Out of School Suspension (1-5 days) Level 4 Out of School Suspension (6-10 days) Level 5 Out of School Suspension (10 days)

**Superintendent Initiated Consequences:** Level 6 Long-term Suspension, assigned community service, or school reassignment. Level 7 365-day suspension Level 8 Exclusion/Expulsion

Interventions include but are not limited to parent conference, time-out, lunch detention, after-school detention, in-school suspension, etc...

<b>Rule 7</b>	<b>Misrepresentation: A student will not lie or cheat.</b>	1	(k-2)	2
		1	(3-5)	3
	<b>035-Falsification of Information</b>	1	(6-8)	3
		1	(9-13)	3
	<b>Including but not limited to:</b>			
	» <b>Altering Report Cards or Notes:</b> Tampering with report cards, official passes, notes or other school documents in any manner, including changing grades or forging names to excuses.	1	(k-2)	3
		1	(3-5)	3
		1	(6-8)	3
		1	(9-13)	3
	» <b>False Information:</b> Making false statements, written or oral, to anyone in authority.	1	(k-2)	3
		1	(3-5)	3
		1	(6-8)	3
		1	(9-13)	3
	» <b>Cheating:</b> Violating rules of honesty, such as plagiarism, copying another student's test, assignment, etc... Students enrolled in MTCC courses are subject to the MTCC guidelines regarding <a href="#">Academic Dishonesty (p. 27)</a>	1	(k-2)	2
		1	(3-5)	3
		1	(6-8)	3
		1	(9-13)	3
	<b>028-Honor Code Violation</b>			

<b>DISCIPLINE VIOLATIONS</b>		<b>*Levels of Disciplinary Action</b>		
		<b>Min</b>	<b>Grade</b>	<b>Max</b>
<b>Rule 8</b>	<b>Disrespect: A student will behave in a respectful manner. Examples of disrespectful behavior are: Walking away, talking back, etc.</b>	1	(k-2)	3
		1	(3-5)	3
		1	(6-8)	4
		1	(9-13)	4
	<b>061-Disrespect of Faculty and Staff</b>			
<b>Rule 9</b>	<b>Insubordination: A student will obey the lawful direction of any authorized staff member during the time the student is in school, participating in a school activity, or on school property.</b>	1	(k-2)	3
		1	(3-5)	3
		1	(6-8)	4
		1	(9-13)	4
	<b>033-Insubordination</b>			
<b>Rule 10</b>	<b>Profanity/Obscenity: A student will not use profane or obscene language or make obscene gestures.</b>			
	<b>032-Inappropriate Language/Disrespect</b>			
	<b>114-Inappropriate Behavior</b>			
	<b>Including but not limited to:</b>			
	» <b>Offensive Language:</b> Cursing, or saying anything that conveys a lewd, vulgar, obscene or sexually suggestive message.	1	(k-2)	3
		1	(3-5)	3
		1	(6-8)	3
		1	(9-13)	3
	» <b>Obscene/Offensive Gestures:</b> Making any sign or gesture that conveys a lewd, vulgar, obscene or sexually suggestive message.	1	(k-2)	3
		1	(3-5)	3
		1	(6-8)	3
		1	(9-13)	3

**\*School Initiated Consequences:** **Level 1** Conference **Level 2** Intervention **Level 3** Out of School Suspension (1-5 days) **Level 4** Out of School Suspension (6-10 days) **Level 5** Out of School Suspension (10 days)

**Superintendent Initiated Consequences:** **Level 6** Long-term Suspension, assigned community service, or school reassignment. **Level 7** 365-day suspension **Level 8** Exclusion/Expulsion

Interventions include but are not limited to parent conference, time-out, lunch detention, after-school detention, in-school suspension, etc...

	» <b>Derogatory Written Materials:</b> Having any written material or pictures that convey a lewd, vulgar, obscene or sexually suggestive message.	1 1 1 1	(k-2) (3-5) (6-8) (9-13)	5 5 5 5
	» <b>Directed at Staff Member:</b> Writing, saying, or making gestures that convey a lewd, vulgar, obscene, or sexually suggestive message to or about a staff member.	1 1 1 1	(k-2) (3-5) (6-8) (9-13)	5 5 6 6
<b>Rule 11</b>	<b>Disruption: No student may disrupt the class, school, or bus activity.</b>  <b>042-Disruptive Behavior</b>	1 1 1 1	(k-2) (3-5) (6-8) (9-13)	4 5 5 5
	<b>Including but not limited to:</b>			
	» <b>Verbal Harassment:</b> Name-calling, teasing or bullying.  <b>025-Harrassment-Verbal</b>	1 1 1 1	(k-2) (3-5) (6-8) (9-13)	3 4 5 5
	» <b>Throwing Objects at Someone:</b> Willfully throwing anything that could serve to harass or harm another, including from school buses.	1 1 1 1	(k-2) (3-5) (6-8) (9-13)	4 4 4 4
	» <b>Hitting, Biting, Spitting, Which Causes Harassment on Another Student or Adult:</b> Hitting, biting, spitting at a student or adult for the purpose of harassment or which could cause harm.	1 1 1 1	(k-2) (3-5) (6-8) (9-13)	6 6 6 6
	» <b>Horseplay:</b> Excessive pushing, shoving, aggressive behavior, etc.  <b>027-Aggressive Behavior</b>	1 1 1 1	(k-2) (3-5) (6-8) (9-13)	3 4 4 4
	» <b>Other:</b> Any other action that disrupts or interferes with educational activities or the school environment.	1 1 1 1	(k-2) (3-5) (6-8) (9-13)	3 4 4 4

<b>LAW VIOLATIONS Parents and Law Enforcement Notified</b>		<b>*Levels of Disciplinary Action</b>		
		<b>Min</b>	<b>Grade</b>	<b>Max</b>
<b>Rule 12</b>	<b>Threatening: A student will not threaten another student or staff member or the school community. Any threatening statement or conduct that leads a member of the school community to reasonably have concern that the threat might be carried out is prohibited, regardless of the intent of the person communicating the threat. Students who threaten another student or adult, whether orally, in writing, or by any other means, may be charged with a criminal violation. In a case</b>	1 2 2 2	(k-2) (3-5) (6-8) (9-13)	4 6 6 6

**\*School Initiated Consequences:** **Level 1** Conference **Level 2** Intervention **Level 3** Out of School Suspension (1-5 days) **Level 4** Out of School Suspension (6-10 days) **Level 5** Out of School Suspension (10 days)

**Superintendent Initiated Consequences:** **Level 6** Long-term Suspension, assigned community service, or school reassignment. **Level 7** 365-day suspension **Level 8** Exclusion/Expulsion

Interventions include but are not limited to parent conference, time-out, lunch detention, after-school detention, in-school suspension, etc...

	where charges are not filed with the police for communicating threats and the threat of violence is minimal, the appropriate Code of Student Conduct violation would be Rule 12.  019-Communicating Threats			
Rule 13	<b>Fighting: The exchange of mutual physical contact between students by pushing, shoving, or hitting with or without injury is prohibited.</b>  021-Affray—The exchange of mutual physical contact between students by pushing, shoving or hitting which causes fear for their safety or others present at the scene 024 Fighting	1 1 2 3	(k-2) (3-5) (6-8) (9-13)	4 6 6 6
Rule 14	<b>Blatant Disregard for School Rules: Continuous violation of the McDowell County Schools Code of Student Conduct.</b>  058-Other School Defined Offense	2 3 3 3	(k-2) (3-5) (6-8) (9-13)	5 6 6 6
Rule 15	<b>Trespassing: A student will not enter any school property or school facility without proper authority (includes entering any McDowell County School during a period of suspension or exclusion).</b>  059-Being in an Unauthorized Area	1 1 1 1	(k-2) (3-5) (6-8) (9-13)	4 4 4 4
Rule 16	<b>Reckless Vehicle Use: A student will not operate any motorized or self-propelled vehicle on school grounds in a manner that is a threat or health, safety, or a disruption to the educational process. <i>The use of a motor vehicle in driving to school is considered a privilege which may be limited or revoked at any time by the principal of the school.</i></b>  058-Other School Defined Offense	4	(9-13)	8
Rule 17	<b>Vandalism: A student will not willfully or maliciously damage or destroy property belonging to another, or participate in a plan with others to damage or destroy property, i.e. school property, at a school sponsored or school-related activity on or off school property, or property belonging to a school employee. A student or parent/guardian will be held financially responsible, as allowed by North Carolina Law, for willful or malicious destruction of property. *Time frame for financial restitution to be set by the principal or the court.</b>  039-Property Damage	1 2 2 2	(k-2) (3-5) (6-8) (9-13)	4 6 6 6
Rule 18	<b>Gambling: A student will not play games of skill or chance for money or property.</b>  034-Gambling	1 2 2 2	(k-2) (3-5) (6-8) (9-13)	4 6 6 6
Rule 19	<b>Theft: A student will not steal or possess stolen property, or participate in a plan with others to do so.</b>  036-Theft	2 2 2 2	(k-2) (3-5) (6-8) (9-13)	4 6 6 6

**\*School Initiated Consequences:** Level 1 Conference Level 2 Intervention Level 3 Out of School Suspension (1-5 days) Level 4 Out of School Suspension (6-10 days) Level 5 Out of School Suspension (10 days)

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Interventions include but are not limited to parent conference, time-out, lunch detention, after-school detention, in-school suspension, etc...

LAW VIOLATIONS Parents and Law Enforcement Notified		*Levels of Disciplinary Action		
		Min	Grade	Max
Rule 20	<b>Sexual Behaviors/Assault: (not involving rape or sexual offense): A student will not engage in sexual misconduct or sexual harassment.</b>	2	(k-2)	4
		2	(3-5)	6
		2	(6-8)	6
		2	(9-13)	6
	<b>Including but not limited to:</b>			
	» Deliberate, unwelcome touching Suggestions or demands for sexual involvement accompanied by implied or overt » promises or preferential treatment or threats. Pressure for sexual activity » Continued or repeated offensive sexual flirtations, advances or propositions. Sexually degrading words used toward an individual or to describe an individual. » The display in the work place of sexually suggestive objects or pictures. Sexual harassment does not include personal compliments welcomed by the » recipient, or social interactions or relations freely entered into. Students engaging in this type of behavior are subject to disciplinary procedures that will be determined » by the nature and severity of the offense. Any student who feels he or she has been sexually harassed by fellow student or adult school personnel is encouraged to » report the act in confidence to a school counselor or administrator. All complaints of sexual harassment will be promptly and thoroughly investigated in accordance with board policy # <a href="#">1725/4035/7236</a> . <b>014-Sexual Assault not Involving Rape or Sexual Offense</b> <b>015-Taking Indecent Liberties with a Minor</b> <b>038-Harrassment – Sexual</b> <b>122-Sexual Activity/Pretext Medical Treatment</b>			
Rule 21	<b>Sexual Offense/Rape or Attempted Rape: Committing or attempting to commit a sexual assault or unlawful sexual intercourse.</b>	3	(k-2)	6
		6	(3-5)	8
		6	(6-8)	8
		6	(9-13)	8
Rule 22	<b>Breaking and Entering: A student will not break into school board property.</b>	2	(k-2)	4
		3	(3-5)	8
		4	(6-8)	8
		4	(9-13)	8
Rule 23	<b>Robbery: A student will not take another person's property by force or violence.</b>	2	(k-2)	4
		3	(3-5)	8
		4	(6-8)	8
		4	(9-13)	8
Rule 24	<b>Extortion: A student will not take or threaten to take the property of others through intimidation.</b>	2	(k-2)	4
		3	(3-5)	8
		3	(6-8)	8
		3	(9-13)	8
	<b>023-Extortion</b>			

**\*School Initiated Consequences:** Level 1 Conference Level 2 Intervention Level 3 Out of School Suspension (1-5 days) Level 4 Out of School Suspension (6-10 days) Level 5 Out of School Suspension (10 days)

**Superintendent Initiated Consequences:** Level 6 Long-term Suspension, assigned community service, or school reassignment. Level 7 365-day suspension Level 8 Exclusion/Expulsion

Interventions include but are not limited to parent conference, time-out, lunch detention, after-school detention, in-school suspension, etc...

Rule 25	<b>False Alarm: Calling 911, signaling or setting off an automatic signal falsely indicating the presence of a fire or an emergency is prohibited. This includes making statements/phone calls that such an emergency exists in the school.</b>  <b>029-False Fire Alarm</b>	2	(k-2)	4
		3	(3-5)	6
		3	(6-8)	6
		3	(9-13)	6
Rule 26	<b>Arson: A student will neither set fire nor attempt to set fire to anything on school property, or participate in a plan with others to damage or destroy school property through the use of fire.</b>  <b>018-Unlawfully Setting a Fire</b> <b>053-Burning of a School Building (RO)</b>	3	(k-2)	5
		6	(3-5)	8
		6	(6-8)	8
		6	(9-13)	8
Rule 27	<b>Tobacco: A student may not have or use tobacco products, to include e-cigarettes, vapes, or e-cigarette products, on school premises, on school bus, at any school function or event.</b>  <b>041-Possession of Tobacco</b> <b>070-Use of Tobacco</b>	1	(k-2)	3
		2	(3-5)	3
		2	(6-8)	3
		2	(9-13)	3
	» <b>Sale/Distribution (Attempt or Actual) of Tobacco: Distributing or selling any tobacco product, to include e-cigarettes, vapes, or e-cigarette products, attempting to sell or distribute any tobacco product, to include e-cigarettes or e-cigarettes, or any action that contributes to the sale or distribution of any tobacco product, to include e-cigarettes or e-cigarette products, or the giving or offering to give any tobacco product, to include e-cigarettes or e-cigarette products, to another individual.</b>	2	(k-2)	5
		2	(3-5)	6
		2	(6-8)	6
		3	(9-13)	6

<b>LAW VIOLATIONS Parents and Law Enforcement Notified</b>		<b>*Levels of Disciplinary Action</b>		
		<b>Min</b>	<b>Grade</b>	<b>Max</b>
Rule 28	<b>Substance Abuse Policy and Procedure: Students are prohibited from possessing, using, transmitting, selling or being under the influence of any of the following substances: narcotic drugs, hallucinogenic drugs, amphetamines, barbiturates, marijuana or any other controlled substance, any alcoholic beverage, malt beverage or fortified wine or intoxicating liquor, or any chemicals or products with the intention of bringing about a state of exhilaration or euphoria or of otherwise altering the student's mood or behavior.</b>  <b>116- Possession of Vaping (Non-Tobacco) Device</b> <b>117- Use of Vaping (Non-Tobacco) Device</b>	3	(k-2)	4
		3	(3-5)	8
		4	(6-8)	8
		4	(9-13)	8
	<b>Students are also prohibited from possessing, using, transmitting, or selling drug paraphernalia or counterfeit (fake) drugs. In all circumstances in which students must comply with board policies, students may not in any way participate in the selling or transmitting or prohibited substances, regardless of whether the sale or transmission ultimately occurs on school property.</b>			

**\*School Initiated Consequences:** Level 1 Conference Level 2 Intervention Level 3 Out of School Suspension (1-5 days) Level 4 Out of School Suspension (6-10 days) Level 5 Out of School Suspension (10 days)

**Superintendent Initiated Consequences:** Level 6 Long-term Suspension, assigned community service, or school reassignment. Level 7 365-day suspension Level 8 Exclusion/Expulsion

Interventions include but are not limited to parent conference, time-out, lunch detention, after-school detention, in-school suspension, etc...

		<b>For offenses related to a student's personal and proper use of prescription or over the counter drugs, see Rule 3A.</b>			
		<b>Including but not limited to:</b>			
		<b>005</b> -Possession of Controlled Substance in Violation of Law- <b>Cocaine</b> (RO) <b>006</b> -Possession of Controlled Substance in Violation of Law- <b>Marijuana</b> (RO) <b>007</b> -Possession of Controlled Substance in Violation of Law- <b>Ritalin</b> (RO) <b>017</b> -Possession Controlled Substance in Violation of Law- <b>Other</b> (RO) <b>020</b> -Alcohol Possession (RO) <b>048</b> -Use of Alcohol (RO) <b>049</b> -Use of Controlled Substance (RO) <b>050</b> -Use of Narcotics (RO) <b>051</b> -Possession of Chemical or Drug Paraphernalia <b>095</b> -Under the Influence of Alcohol <b>096</b> -Under the Influence of Controlled Substances <b>118</b> -Possession of Controlled Substance Violation of Law- <b>Opioid</b> (RO)			
	»	<b>Possession/Attempt:</b> Possessing or attempting to possess any alcoholic beverage or any illegal or controlled substance, or any action that contributes to the possession of any alcoholic beverage or any illegal or controlled substance. Under <a href="#">N.C.G.S. §20-11</a> (n1) this violation can result in the loss of a driver's license. Possession of quantities large enough to indicate use by more than one individual may be considered a violation of "Sale/Distribution" listed below.	3 3 4 4	(k-2) (3-5) (6-8) (9-13)	4 8 8 8
	»	<b>Possession in Vehicle:</b> Students who drive a vehicle onto McDowell County Schools property shall be responsible for the contents of the vehicle. The presence of a prohibited substance or drug paraphernalia in a vehicle owned or operated by a student shall be considered possession by the student, unless the student establishes that he or she was not aware of the presence of the prohibited substance or paraphernalia and had taken reasonable steps to ensure that the vehicle contains no prohibited substances or drug paraphernalia.	4	(9-13)	8
	»	<b>Paraphernalia:</b> Possessing, distributing or using any drug related paraphernalia.	2 3 4 4	(k-2) (3-5) (6-8) (9-13)	4 8 8 8
	»	<b>Inhalants:</b> Possessing, distributing or inhaling any substance/product (off-the-shelf, controlled, or illegal) that is intended to bring about a temporary change in the student's mind, mood or behavior.	3 3 4 4	(k-2) (3-5) (6-8) (9-13)	4 8 8 8
	»	<b>Sale/Distribution (Attempt or Actual):</b> Distributing or selling any illegal or controlled substance attempting to sell or distribute any illegal or controlled substance or any action that contributes to the sale or distribution of any illegal or controlled substance or the giving or offering to give any illegal or controlled substance to another individual. Under <a href="#">N.C.G.S. 20-11</a> (n1) this violation can result in the loss of a driver's license. <b>054</b> -Sale of Controlled Substance in Violation of Law- <b>Cocaine</b> (RO) <b>055</b> -Sale of Controlled Substance in Violation of Law- <b>Marijuana</b> (RO) <b>056</b> -Sale of Controlled Substance in Violation of Law- <b>Ritalin</b> (RO) <b>057</b> -Sale of Controlled Substance in Violation of Law- <b>Other</b> (RO) <b>119</b> -Sale of Controlled Substance in Violation of Law- <b>Opioid</b> (RO)	3 4 6 6	(k-2) (3-5) (6-8) (9-13)	5 8 8 8

**\*School Initiated Consequences:** **Level 1** Conference **Level 2** Intervention **Level 3** Out of School Suspension (1-5 days) **Level 4** Out of School Suspension (6-10 days) **Level 5** Out of School Suspension (10 days)

**Superintendent Initiated Consequences:** **Level 6** Long-term Suspension, assigned community service, or school reassignment. **Level 7** 365-day suspension **Level 8** Exclusion/Expulsion

Interventions include but are not limited to parent conference, time-out, lunch detention, after-school detention, in-school suspension, etc...



	»	<b>Use/Under the Influence:</b> Using any alcoholic beverage, narcotic, illegal or controlled drug, anabolic steroid or any illegal substance, on school grounds, to and from school, on school bus, field trips, or at any school function, or coming to school or school activities after consumption.	3	(k-2)	4
			3	(3-5)	8
			4	(6-8)	8
			4	(9-13)	8

<b>LAW VIOLATIONS Parents and Law Enforcement Notified</b>			<b>*Levels of Disciplinary Action</b>		
			<b>Min</b>	<b>Grade</b>	<b>Max</b>
<b>Rule 29</b>		<b>Disorderly Conduct: A student will not disrupt, disturb or interfere with any school activity or engage in conduct which disturbs the peace, order, or discipline at any school or grounds adjacent thereto.</b>  <b>022-Disorderly Conduct</b>	2	(k-2)	5
			6	(3-5)	8
			6	(6-8)	8
			6	(9-13)	8
<b>Rule 30</b>		<b>Serious Threat, Assault and/or Intimidation:</b> <b>A student will not assault, seriously threaten or intimidate another individual.</b>			
		<b>Including but not limited to:</b>			
»		<b>Against Student:</b> Unlawful threatening or any physical force or violence, to include tearing clothes, striking, or threatening to seize or strike another student, either alone or in combination with another student(s), or making one fearful by intimidation.	3	(k-2)	4
			4	(3-5)	8
			4	(6-8)	8
			5	(9-13)	8
»		<b>Against staff or other adult who is not a student:</b> Unlawful threatening or any physical force or violence, to include tearing clothes, striking, or threatening to seize or strike any adult, either alone or in combination with another student(s), or making one fearful by intimidation. Under <a href="#">N.C.G.S. § 20-11</a> (n1) this violation can result in the loss of a driver's license.  <b>001 - Assault Resulting in Serious Injury</b> <b>002 - Assault Involving the Use of a Weapon</b> <b>003 - Assault on School Personnel Not Resulting in a Serious Injury (RO)</b> <b>044 - Assault on Student</b> <b>045 - Assault -Other</b> <b>071 - Assault on Non-Student w/o Weapon &amp; Not Resulting in Serious Injury</b> <b>072 - Assault on Student w/o Weapon &amp; Not Resulting in Serious Injury</b> <b>090 - Violent Assault Not Resulting in Serious Injury</b> <b>104 - Physical Attack with a Firearm or Explosive Device</b> <b>105 - Threat of Physical Attack with a Firearm</b> <b>106 - Threat of Physical Attack with a Weapon</b> <b>107 - Threat of Physical Attack Without a Weapon</b>	3	(k-2)	6
			4	(3-5)	8
			4	(6-8)	8
			5	(9-13)	8

**Students should be cautioned that all verbal or written statements threatening racial violence, the health and/or safety of students, school personnel, and/or school facilities will be considered serious. Such statements will not be tolerated or dismissed as idle comments or jokes. Any threatening statement or conduct that leads a member of the school community to reasonably have concern that the threat might be carried out is prohibited, regardless of the intent of the person communicating the threat. This standard will be applied to all threats that are prohibited by the Code of Student Conduct.**

**\*School Initiated Consequences:** **Level 1** Conference **Level 2** Intervention **Level 3** Out of School Suspension (1-5 days) **Level 4** Out of School Suspension (6-10 days) **Level 5** Out of School Suspension (10 days)

**Superintendent Initiated Consequences:** **Level 6** Long-term Suspension, assigned community service, or school reassignment. **Level 7** 365-day suspension **Level 8** Exclusion/Expulsion

Interventions include but are not limited to parent conference, time-out, lunch detention, after-school detention, in-school suspension, etc...

LAW VIOLATIONS - Parents and Law Enforcement Notified		*Levels of Disciplinary Action		
		Min	Grade	Max
Rule 31	<p><b>Weapons and Dangerous Instruments/Objects:</b> A student will not possess, handle, transport, or use any weapon, dangerous object, object that can be reasonably considered a weapon, or substance that could cause harm or irritation to another individual. Under <a href="#">N.C.G.S. §20-11</a>(n1) this violation can result in the loss of a driver's license.</p> <p><b>*All items will be confiscated and turned over to law enforcement.</b></p>			
	<b>Including but not limited to:</b>			
	» <b>Firearms and destructive devices, as described Rule 32.</b>	3 6 6 6	(k-2) (3-5) (6-8) (9-13)	7 8 8 8
	» <b>Knife*: Simple Possession - Blade 2 ½ inches or smaller:</b> A knife brought accidentally, without intent, will result in the knife being confiscated and a suspension may be imposed. Any subsequent incident will result in confiscation and progressive suspension.	3 3 3 3	(k-2) (3-5) (6-8) (9-13)	4 6 6 6
	» <b>Knife*: Simple Possession - Blade greater than 2 ½ inches:</b> Possession of any knife longer than 2 ½ inches, regardless of intent.	3 3 4 4	(k-2) (3-5) (6-8) (9-13)	4 8 8 8
	» <b>Camouflaged Weapon *: i.e.,</b> knife blades, or other sharp devices, camouflaged as tubes of lipstick, ink pens, hair combs, etc.	3 3 4 4	(k-2) (3-5) (6-8) (9-13)	4 8 8 8
	» <b>Anti-personnel Spray*:</b> Possession of chemical such as Mace, or pepper sprays, tear gas, etc.	3 3 3 4	(k-2) (3-5) (6-8) (9-13)	4 8 8 8
	» <b>Possession of an instrument or device that resembles or looks like a knife, pistol, revolver or any type of weapon or explosive not capable or propelling a missile*:</b> May include, but not be limited to, a cap pistol, water pistol, inoperable antique firearm, or any look-alike gun.	3 3 4 4	(k-2) (3-5) (6-8) (9-13)	4 8 8 8
	» <b>Other:</b> Possession of any object or substance that could cause injury including, but not limited to, slungshots, slingshots, ice picks, multi-fingered rings, metal knuckles, nunchucks, bowie knife, dirk, dagger, leaded cane, switchblade knife, razors and razor blades, any sharp-pointed or sharp-edged instrument, clubs, stun guns, and/or the use of any object or any substance that will potentially cause harm, irritation, or bodily injury to students or any other persons.	3 3 4 4	(k-2) (3-5) (6-8) (9-13)	4 8 8 8
	» <b>Possession in Vehicle:</b> Students who drive a vehicle onto McDowell County Schools campus shall be responsible for the contents of the vehicle. The presence of a weapon or dangerous object in a vehicle owned or operated by a student shall be considered possession by the student, unless the student established that he or she was not aware of the presence of the prohibited weapon or dangerous object and	5	(9-13)	8

**\*School Initiated Consequences:** Level 1 Conference Level 2 Intervention Level 3 Out of School Suspension (1-5 days) Level 4 Out of School Suspension (6-10 days) Level 5 Out of School Suspension (10 days)

**Superintendent Initiated Consequences:** Level 6 Long-term Suspension, assigned community service, or school reassignment. Level 7 365-day suspension Level 8 Exclusion/Expulsion

Interventions include but are not limited to parent conference, time-out, lunch detention, after-school detention, in-school suspension, etc...

	had taken reasonable steps to ensure that the vehicle contains no weapon or dangerous object.			
	<b>008-Possession of Weapon (Excluding Firearms and Powerful Explosives) (RO)</b>			
<p><b>Special Note: Any student who inadvertently possesses or finds a weapon or substance that may subject a student to a suspension or expulsion may or may not be recommended for this sanction if the student voluntarily surrenders the property to a school staff person. This should be done as soon as the student realizes that he/she is in possession of the weapon or substance.</b></p> <p><b>Under <a href="#">N.C.G.S. § 20-11</a> (n1) possession of a weapon on school property or at a school-related activity can result in the loss of a student's driver's license/permit.</b></p>				

LAW VIOLATIONS Parents and Law Enforcement Notified		*Levels of Disciplinary Action		
		Min	Grade	Max
<b>Rule 32</b>	<p><b>Firearms and destructive devices: A student will not possess, handle, or transport any firearm.</b></p> <p>A firearm includes any of the following:</p> <ol style="list-style-type: none"> <li>1. A 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.</li> <li>2. The frame or receiver of any such weapon.</li> <li>3. Any firearm muffler or firearm silencer.</li> <li>4. Any destructive device, meaning any explosive, incendiary, or poison gas. This includes any bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, similar device, or other device meeting the federal definition under <a href="#">18 U.S.C. §921</a>.</li> </ol> <p>A firearm shall not include an inoperable antique firearm, a BB gun, stun gun, air rifle, or air pistol.</p> <p><b>Under N.C.G.S. § 20-11(n1) this violation can result in the loss of a driver's license.</b></p>			
	<b>Including but not limited to:</b>			
	» <b>Possession of a firearm*</b> . NOTE: <a href="#">N.C.G.S. 115C-390.10</a> requires a principal to recommend to the superintendent the 365-day suspension of any student believed to have possessed, handled, or transmitted a firearm or destructive device on educational property or at a school-sponsored event off educational property. The superintendent may impose the suspension or make modification. However, the superintendent shall not impose a 365-day suspension if the superintendent determines that the student: <ol style="list-style-type: none"> <li>1. took or received the destructive device from another person on educational property or at a school-sponsored event off educational property or found the destructive device on educational property or at a school-sponsored event off educational property;</li> <li>2. delivered or reported the destructive device as soon as practicable to a law enforcement officer or a school employee; and</li> <li>3. had no intent to use the destructive device in a harmful or threatening way.</li> </ol>	6 6 6 6	(k-2) (3-5) (6-8) (9-13)	7 8 8 8

**\*School Initiated Consequences:** **Level 1** Conference **Level 2** Intervention **Level 3** Out of School Suspension (1-5 days) **Level 4** Out of School Suspension (6-10 days) **Level 5** Out of School Suspension (10 days)

**Superintendent Initiated Consequences:** **Level 6** Long-term Suspension, assigned community service, or school reassignment. **Level 7** 365-day suspension **Level 8** Exclusion/Expulsion

Interventions include but are not limited to parent conference, time-out, lunch detention, after-school detention, in-school suspension, etc...

	» <b>Destructive devices</b> , including 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 of more than one-quarter ounce, mine, or similar device. <a href="#">N.C.G.S. 115C-390.10</a> requires a principal to recommend to the superintendent the 365-day suspension of any student believed to have possessed, handled, or transmitted a firearm or destructive device on educational property or at a school-sponsored event off educational property. The superintendent may impose the suspension or make modification. However, the superintendent shall not impose a 365-day suspension if the superintendent determines that the student:	6	(k-2)	7
		6	(3-5)	8
		6	(6-8)	8
		6	(9-13)	8
	1. took or received the destructive device from another person on educational property or at a school- sponsored event off educational property or found the destructive device on educational property or at a school-sponsored event off educational property; 2. delivered or reported the destructive device as soon as practicable to a law enforcement officer or a school employee; and 3. had no intent to use the destructive device in a harmful or threatening way.			
	» <b>Possession of any other weapon or device other than a firearm*</b> . Examples may include but are not limited to BB gun, air rifle, air pistol or stun gun.	4	(k-2)	6
		4	(3-5)	8
		4	(6-8)	8
		4	(9-13)	8
	<b>009-Possession of a Firearm or Powerful Explosive (RO)</b>			

LAW VIOLATIONS Parents and Law Enforcement Notified		*Levels of Disciplinary Action		
		Min	Grade	Max
<b>Rule 33</b>	<b>Gang Activity: Participation in any gang related activity. A gang is any ongoing organization, association or group of three or more persons having as a primary activity the commission of criminal acts and having a common name or common identifying sign, color or symbol.</b>	2	(k-2)	4
		2	(3-5)	8
		4	(6-8)	8
		4	(9-13)	8
	<b>Prohibited gang related activity includes wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry emblems, badges, symbols, signs, or other items with the intent to convey membership or affiliation in a gang: communicating either verbally or non-verbally (gestures, handshakes, slogans, drawings, etc.) with the intent to convey membership or affiliation in a gang; tagging, or otherwise defacing school or personal property with symbols or slogans intended to convey membership or affiliation in a gang; requiring payment of protection, insurance or otherwise intimidating or threatening any person related to gang activity; inciting others to intimidate or to act with physical violence upon any other person related to gang activity; soliciting others for gang membership; and committing any other illegal act or other violation of school system policies in connection with gang-related activity.</b>			
	<b>079-Gang Activity</b>			

\*School Initiated Consequences: **Level 1** Conference **Level 2** Intervention **Level 3** Out of School Suspension (1-5 days) **Level 4** Out of School Suspension (6-10 days) **Level 5** Out of School Suspension (10 days)

**Superintendent Initiated Consequences: Level 6** Long-term Suspension, assigned community service, or school reassignment. **Level 7** 365-day suspension **Level 8** Exclusion/Expulsion

Interventions include but are not limited to parent conference, time-out, lunch detention, after-school detention, in-school suspension, etc...

Rule 34	<b>Refusal to Comply with A Reasonable Individual Search:</b> In an effort to address the Safe Schools Mandate, the school administration has the right to conduct a search reasonable in scope of a student or his/her possessions if the administration has a reasonable suspicion that that student may be in possession of a weapon, illegal substance, or other items prohibited by law or the Code of Student Conduct.	2	(k-2)	4
		2	(3-5)	6
		2	(6-8)	6
		2	(9-13)	6
	<b>Including but not limited to:</b>			
»	<b>Search of an Individual or his/her Possessions:</b> A student must cooperate with and may not obstruct or interfere with a reasonable search of the student, his/her bookbag, purse or other possessions which are present on school property or at a school activity.	2	(k-2)	4
		2	(3-5)	6
		2	(6-8)	8
		2	(9-13)	8
»	<b>Search of a Vehicle:</b> A student must cooperate with and may not obstruct or interfere with a reasonable search of the student's vehicle and its contents when it is present on school property or at a school activity. Violation of this rule may result in the student losing his/her parking privilege in addition to other applicable disciplinary action.	2	(9-13)	8
»	<b>Metal Detector Scans:</b> With prior approval of the superintendent, a metal detector can be used to search a student's person and/or personal effects whenever a school official has reasonable suspicion to believe that a student is in possession of a weapon. Board Policy # <a href="#">4342</a>  <b>058-Other School Defined Offense</b>	2	(k-2)	4
		2	(3-5)	6
		2	(6-8)	6
		2	(9-13)	6
Rule 35	<b>Refusal to Comply with Other Reasonable Searches:</b>			
	<b>Including but not limited to:</b>			
	<b>Student Lockers and Desks:</b> Student lockers and desks are the property of the school and are assigned to the student with the understanding that he/she is responsible for all property placed in the locker or desk. Lockers and desks shall be used only for storage of those items which are reasonably necessary for the student's school activities such as books, gym clothes, coats, school assignments, etc. A student must cooperate with and may not obstruct or interfere with any inspection or search of his/her desk or locker and the items therein.	2	(k-2)	4
		2	(3-5)	6
		2	(6-8)	8
		2	(9-13)	8
	<b>Canine Searches:</b> With prior approval of the superintendent, school officials may use trained dogs in inspections for illegal, unauthorized or contraband materials in school facilities, grounds, and school parking lots. Board Policy # <a href="#">4342</a>  <b>058-Other School Defined Offense</b>	2	(k-2)	4
		2	(3-5)	6
		2	(6-8)	8
		2	(9-13)	8

Under [N.C.G.S. § 20-11](#) (n1) possession of a weapon on school property or at a school-related activity can result in the loss of a student's driver's license/permit.

LAW VIOLATIONS Parents and Law Enforcement Notified		*Levels of Disciplinary Action		
		Min	Grade	Max
Rule 36	<b>Inappropriate Use of The Internet:</b> Students must refrain from accessing the Internet without proper authority. This would include unauthorized use of logins, communication of threats or implied threats and/or unauthorized communication to or from any computer station, including, but not limited to, hacking or	2	(k-2)	4
		2	(3-5)	6
		2	(6-8)	6
		3	(9-13)	8

\*School Initiated Consequences: **Level 1** Conference **Level 2** Intervention **Level 3** Out of School Suspension (1-5 days) **Level 4** Out of School Suspension (6-10 days) **Level 5** Out of School Suspension (10 days)

**Superintendent Initiated Consequences:** **Level 6** Long-term Suspension, assigned community service, or school reassignment. **Level 7** 365-day suspension **Level 8** Exclusion/Expulsion

Interventions include but are not limited to parent conference, time-out, lunch detention, after-school detention, in-school suspension, etc...

	intentional creation or transmission of viruses. This encompasses any inappropriate behavior, regarding use of Internet as set forth in Board Policy <a href="#">#3225/4312/7320</a> and their accompanying regulations.			
	091-Misuse of School Technology			
Rule 37	Possession or Distribution of Pornographic And/or Profane Material: A student must refrain from having any pornographic or profane material in his/her possession. This includes pictures, magazines, CDs, etc.	2 2 2 3	(k-2) (3-5) (6-8) (9-13)	4 6 6 8
	040-Inappropriate Items on School Property			
Rule 38	Bomb Threat: Any false notification (verbal or written), indicating the presence of a bomb or explosive on school grounds, school bus or at any school activity.	3 6 6 6	(k-2) (3-5) (6-8) (9-13)	6 8 8 8
	043-Bomb Threat (RO)			
Rule 39	Terrorists Acts and Threats: Includes (1) making a false report that there is any device, substance or material on school property or at a school sponsored activity that is designed to cause harmful or life-threatening illness or injury to another person; (2) placing or displaying such a device, substance or material on school property or at a school-sponsored activity, with intent to perpetrate a hoax; (3) threatening to commit on school property or at a school- sponsored activity an act of terror that is likely to cause serious injury or death, when that threat is intended to cause or does cause significant disruption to the instructional day or school-sponsored activity; (4) making a false report that such an act of terror is occurring or about to occur on school property or at a school-sponsored activity; (5) or conspiring to commit any of these acts.	3 6 6 6	(k-2) (3-5) (6-8) (9-13)	6 8 8 8
	105- Threat of Physical Attack with a Firearm 106- Threat of Physical Attack with a Weapon 107- Threat of Physical Attack Without a Weapon			

Students should be cautioned that all verbal or written statements threatening racial violence, the health and/or safety of students, school personnel, and/or school facilities will be considered serious. Such statements will not be tolerated or dismissed as idle comments or jokes. Any threatening statement or conduct that leads a member of the school community to reasonably have concern that the threat might be carried out is prohibited, regardless of the intent of the person communicating the threat. This standard will be applied to all threats that are prohibited by the Code of Student Conduct.

Any law violation or criminal activity committed on school property or at a school sponsored activity which is not otherwise specifically set forth in this Code of Student Conduct shall be considered a violation of the Code and will be handled accordingly.

**\*School Initiated Consequences:** Level 1 Conference Level 2 Intervention Level 3 Out of School Suspension (1-5 days) Level 4 Out of School Suspension (6-10 days) Level 5 Out of School Suspension (10 days)  
**Superintendent Initiated Consequences:** Level 6 Long-term Suspension, assigned community service, or school reassignment. Level 7 365-day suspension Level 8 Exclusion/Expulsion  
Interventions include but are not limited to parent conference, time-out, lunch detention, after-school detention, in-school suspension, etc...



LAW VIOLATIONS Parents and Law Enforcement Notified		Min	Grade	Max
Rule 40	Harassment and Bullying	2	(k-2)	6
		2	(3-5)	6
	Definition of Harassment and Bullying: As used in this policy, harassing or bullying behavior refers to any pattern of gestures or written, electronic or verbal communications, or any physical act or threatening communications, that:	2	(6-8)	8
		2	(9-13)	8
	<p>1. Places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his/her property; or</p> <p>2. Creates or is certain to create a hostile learning environment. A “hostile environment” means that the victim subjectively views the conduct as bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that is bullying or harassing behavior.</p> <p>Harassing or bullying behavior includes verbal or physical conduct that is intended to intimidate, injure, degrade, or disgrace another student or person, or that has such an effect. It may include a pattern of abuse over time and may involve a student’s being “picked on.” It can include a variety of behaviors, such as but not limited to the following:</p> <ul style="list-style-type: none"> <li>• Physical intimidation or assault</li> <li>• Derogatory verbal comments (e.g., name-calling, hostile teasing, cruel rumors, taunts, put-downs, epithets, false accusations, harassment or discriminatory acts, slurs and mean-spirited jokes)</li> <li>• Threatening gestures or actions; oral, cyber, or written threats</li> <li>• Extortion or stealing money and possessions</li> <li>• Shunning and exclusion from peer group</li> <li>• Hazing</li> </ul> <p>Harassing or bullying behavior includes, but is not limited to, behavior described above that is reasonably perceived as being motivated by an actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, development, or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics.</p> <p>Board Policy #<a href="#">4329/7311</a> – Harassment and Bullying</p> <p><b>026-Hazing</b></p> <p><b>080-Discrimination</b></p> <p><b>101-Harassment – Racial</b></p> <p><b>102-Harassment – Disability</b></p> <p><b>109-Harassment – Sexual Orientation</b></p> <p><b>110-Harassment – Religious Affiliation</b></p>			

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Interventions include but are not limited to parent conference, time-out, lunch detention, after-school detention, in-school suspension, etc...