



2009-2010

Student Rights, Responsibilities and Character Development HANDBOOK

Code of Student Conduct

P.O. Box 30035 ▪ Charlotte, NC 28230
Phone: 980-343-5958 / Fax: 980-343-0959
www.cms.k12.nc.us ▪ CMS TV



Reach Further.
Global competitiveness starts here.

Charlotte-Mecklenburg Board of Education

Molly Griffin

Chairperson, District 5

(704) 376-5524

mollygriffin@carolina.rr.com

Kaye Bernard McGarry, M.Ed.

Vice-Chairperson, At-Large

(704) 366-8971

KayeMcGarry@cms.k12.nc.us

Kimberly Mitchell-Walker

District 2

(704) 398-2324

kimberlym.walker@cms.k12.nc.us

“Coach” Joe I. White, Jr.

At-Large

(704) 542-2192

coachjoew@cms.k12.nc.us

James L. Ross II

District 3

(704) 597-5529

jamesl.ross@cms.k12.nc.us

Trent Merchant

At-Large

(704) 517-9747

trent.merchant@cms.k12.nc.us

Tom Tate

District 4

(704) 502-3093 / (704) 335-8465

tom4tate@bellsouth.net

Larry Gauvreau

District 1

(704) 948-1940

gauvreau@bellsouth.net

Ken Gjertsen

District 6

(980) 387-6187 / (704) 293-3728

ken.gjertsen@cms.k12.nc.us

Table of Contents

Student and Parent Acknowledgement and Pledge	1	Rule 11 - Unsafe Action	13
Letter from Dr. Peter C. Gorman, Superintendent	3	Rule 12 - Vehicle Use	13
Character Traits	4	Rule 13 - Gambling	13
Section I. Student Rights and Responsibilities	5	Rule 14 - Vandalism	13
Safe and Orderly Educational Environment	5	Rule 15 - Use of Fire	13
Attendance	5	Rule 16 - Theft	13
Guidance and Student Services	5	Rule 17 - Breaking and Entering	13
Free Speech/Expression	5-6	Rule 18 - Burglary	13
Privacy and Property Rights	6	Rule 19 - Robbery	13
Safe Harbor Provision	6	Rule 20 - Extortion	13
Participation in Extracurricular/ Co-curricular Activities	6	Rule 21 - Unauthorized Use of the Computer	13
Student Dress	6	Rule 22 - Pornographic, Profane and/or Violent Material	14
Behavior on the School Bus or at the Bus Stop	7	Rule 23 - Counterfeit Currency	14
Conduct while on School Property	8	Rule 24 - False Alarm	14
Transfer when Criminal Charges are Pending	8	Rule 25 - Bomb Threat	14
School Property	8	Rule 26 - Aggressive Physical/Verbal Action	14
Section II. Disciplinary Response Code Overview	8	Rule 27 - Sexual Behavior	15
Treatment of Administrators, Teachers and Staff	8	Rule 28 - Alcohol, Tobacco and other Drugs	15
Truancy	9	Rule 29 - Weapons and Dangerous Objects	15-16
Possession of Illegal Substances	9	Rule 30 - Gang and Gang-Related Activities	16
Possession of Weapons	9	Rule 31 - Firearms	16
Cell Phone Policy for Students	9	Rule 32 - Persistently Dangerous Students	16
Reports to Law Enforcement Agencies	9	Rule 33 - Refusal to Search	16
Reports to Department of Social Services	9	Section V. Procedures Relating to	
Reports to Department of Motor Vehicles	9	Disciplinary Action or Re-entry	17
Section III. Disciplinary Responses	9	Corporal Punishment	17
Tier I	9-10	Procedures for Short-term Suspensions (1 - 10 days)	17
Tier II	10	Procedures for Long-term Suspensions (more than 10 days), Reassignments or Exclusions	17-18
Tier III	10	Procedures for Expulsion	18-19
Tier IV	11	Procedures for Re-entry of Expelled Students	19
Tier V	11	Procedures for Suspension of Students with Disabilities ..	19
Section IV. - Infractions	11	Procedures for Re-entry of Students from Alternative Settings	19
Rule 1 - Attendance	11	Point of Exit is Point of Entry	19
Rule 2 - Food/Beverages	11	Alternative Discipline Programs	19-21
Rule 3 - Medication	11	Definitions	21
Rule 4 - Student Dress	11	References	21
Rule 5 - Personal Property (i.e. cellular telephones and electronics)	11-12	Forms	22
Rule 6 - Misrepresentation (i.e. cheating)	12	Intimidation, Bullying and/or Threats	23
Rule 7 - Insubordination	12	Request for Conference and Appeal of Suspension	25
Rule 8 - Bullying/Profanity/Obscenity and/or Derogatory Language	12	Request for Hearing for Suspensions of more than 10 Days	27
Rule 9 - Generally Disruptive Behavior	12	Request for Appeal to the Board of Education	29
Rule 10 - Trespassing	12	Student Behavior Contract	31
Yellow Pages	13-16		

Charlotte-Mecklenburg Schools
2009–2010
Student Rights, Responsibilities and Character Development Handbook
CODE OF STUDENT CONDUCT

Student and Parent Acknowledgement and Pledge

The *Code of Student Conduct* has been developed to help your child receive quality instruction in an orderly educational environment. The school needs your cooperation in this effort. Therefore, please (1) review and discuss the attached *Code of Student Conduct* with your child and (2) sign and return this sheet to your child's school. Should you have any questions when reviewing the *Code of Student Conduct*, please contact your child's school principal.

NOTE: FAILURE TO RETURN THIS ACKNOWLEDGEMENT AND PLEDGE WILL NOT RELIEVE A STUDENT OR THE PARENT/GUARDIAN FROM BEING RESPONSIBLE FOR KNOWING OR COMPLYING WITH THE RULES CONTAINED WITHIN THE *CODE OF STUDENT CONDUCT*.

I have received and reviewed the *Code of Student Conduct*, and we understand the rights and responsibilities contained therein.

Parent: _____

To help keep my school safe, I pledge to show good character, work to the best of my ability and adhere to the guidelines established within the *Code of Student Conduct*.

Student: _____

Date: _____

Dear CMS Students and Parents:

Welcome to the 2009-2010 school year in Charlotte-Mecklenburg Schools, where we are committed to educating every child well.

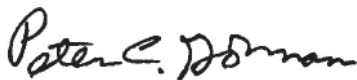
Safe and orderly schools are an essential element in educating all students. Every student needs to behave thoughtfully, responsibly and ethically so that all students can learn.

The attached student handbook, *Student Rights, Responsibilities and Character Development – Code of Student Conduct*, describes in specific language what we expect from each student. As you will see when you read it, we also ask that parents and students sign a form indicating they have read and understand the handbook.

Parents and the community, as well as students, are key partners in keeping CMS schools safe and orderly. Please join us in educating children and in impressing upon them the value of good citizenship in school. As parents, you are your child's first and best teachers – and in that role, you can help us create an environment of respect, civility and order in every school. If you have any questions about the *Code of Student Conduct*, please call or e-mail your child's school principal.

At CMS, increasing student achievement is our top goal. This code of conduct helps us create an atmosphere where learning can take place, and I hope you will support us in this effort. Thank you.

Sincerely,



Peter C. Gorman
Superintendent

In compliance with federal law, Charlotte-Mecklenburg Schools administers all education programs, employment activities and admissions without discrimination against any person on the basis of gender, race, color, religion, national origin, age or disability.

Character Traits

Character education is the deliberate effort to help people understand, care about and act upon core ethical values. An intentional and comprehensive character education initiative provides a lens through which every aspect of school becomes an opportunity for character development.

Benefits:

- It promotes character development through the exploration of ethical issues across the curriculum.
- It develops a positive and moral climate by engaging the participation of students, teachers and staff, parents, and communities.
- It teaches students how to solve conflicts fairly, creating safer schools that are freer of intimidation, fear and violence, and are more conducive to learning.*

The following character traits are essential for students to compete locally, nationally and internationally! These traits should be modeled and maintained by adults and students.

Respect, Responsibility and Caring

These are the cornerstones of good character!

Respect

Showing high regard for self, others and property.

Responsibility

Being accountable for individual behavior.

Honesty

Being truthful in word and action.

Caring

Showing concern for the well-being of others.

Justice and Fairness

Demonstrating impartial, unbiased and equitable treatment for all.

Citizenship

Being an informed, responsible and caring participant in the community.

Courage

Doing the right thing in the face of difficulty and following the conscience instead of the crowd.

Perseverance

Staying the course and not giving up. Demonstrating commitment, pride and a positive attitude in completing tasks.

Hope

Believing in success.

“Intelligence plus character - that is the goal of true education.”

Rev. Martin Luther King, Jr.

*Character Education Informational Handbook and Guide, DPI

Section I – Student Rights and Responsibilities

Safe and Orderly Educational Environment

Student Rights	Student Responsibilities
To attend school in a positive educational environment	To only engage in behaviors which support a positive educational environment
To have school staff that is willing to hear the needs and concerns of students	To express needs and concerns appropriately
To feel safe from crime, violence, intimidation, bullying, harassment, racism and other discrimination at school	To understand and follow school behavior expectations and to report instances of bullying and dangerous/unsafe situations to school administrators

Attendance

Student Rights	Student Responsibilities
To be informed of school board policies and school rules about absences, recovery and tardiness	To attend school and class daily and to be on time
To appeal a decision about recovery	To provide documentation of the reason for an absence
To arrange to make up classwork/tests for credit within five days of returning from an absence	To request make-up work for an absence and arrange to complete it within five days of returning to school

Guidance and Student Services

Student Rights	Student Responsibilities
To be informed about school guidance services	To utilize guidance services for educational improvement
To have access to school counselors	To schedule an appointment with guidance personnel, except in emergency situations
To request counseling when needed	To work cooperatively with school staff

Free Speech/Expression

Student Rights	Student Responsibilities
To express views (in written or verbal form) without being obscene, disruptive, discriminatory or provocative	To respect the rights of others when they express their views
To choose to participate in patriotic observances	To behave respectfully during patriotic observances
To have religious beliefs respected	To respect the religious beliefs of others and to refrain from activities that hold religious beliefs up to ridicule
To help develop and distribute publications as part of the educational process	To follow the rules of responsible journalism under the guidance of an advisor and administrator, including refraining from publishing material that is inappropriate for the school environment
To be protected from harassment	To refrain from harassing conduct

Free Speech/Expression, continued

Student Rights

To be protected from bullying, intimidation and threats

Student Responsibilities

To refrain from bullying, intimidating and threatening conduct

Privacy and Property Rights

Student Rights

To have personal possessions remain private unless school staff have reason to believe that a student is in possession of items prohibited by the *Code of Student Conduct*, other school policy or the law

Student Responsibilities

To keep prohibited items away from school and school functions

To have personal property respected

To respect the personal property of others

Safe Harbor Provision

A student who inadvertently possesses or finds a prohibited object shall immediately notify school staff and surrender the object. Thus, a student may approach a school official and voluntarily surrender an object prohibited by the *Code of Student Conduct* without being subjected to discipline so long as the object (excluding a firearm) is one that the student could lawfully possess off school grounds.

If a student discovers an illegal item (i.e., drugs or weapons) or other contraband on school property or at a school function, the student may approach a school official and report the discovery. A student shall not be in violation of the *Code of Student Conduct* solely for making such a report. School officials shall make a determination after an investigation of the report.

The Safe Harbor Provision may not apply if a search is ongoing in any location at the school, if the object is surrendered during a search, or if the object is not turned in prior to discovery by school staff. With respect to objects that have been turned over to school staff, the parent/guardian must make arrangements to pick up the object from the school, unless it is an object that must be turned over to law enforcement.

Participation in Extracurricular/Co-curricular Activities

In order to participate in extracurricular/co-curricular activities or athletic programs, students must adhere to Board of Education policies, school-level criteria, North Carolina High School Athletic Association rules (where applicable) and law. The district's behavioral expectations extend beyond the classroom and school campus. Therefore, regardless of when and where the charge arises, any student who commits a felony or is charged with or adjudicated/found guilty of a felony may be excluded from participation in extracurricular/co-curricular activities.

Student Dress

The dress and grooming of students shall contribute to the health and safety of the individual and promote an orderly educational environment. These standards apply to all students, unless a specific exception is made by the school administrator. Please see the dress code at your school.

Behavior on the School Bus or at the Bus Stop

For the purpose of providing safe transportation for all students, the following guidelines must be observed:

- Refrain from conduct or behavior that interferes with the orderly, safe and expeditious transportation of bus riders
 - Obey the bus driver at all times.
 - Act appropriately while waiting for the bus.
 - Give your proper name when requested by the bus driver or monitor.
- Be at the bus stop at least ten (10) minutes prior to a scheduled stop time.
- Ride only on assigned bus.
- Board and depart only at the assigned bus stop.
- Remain seated at all times when the bus is moving.
- Refrain from eating or drinking while aboard the bus.
- Refrain from using cellular telephones and other electronic devices while on the bus.

The above behaviors are considered Tier I or Tier II infractions

- Refrain from acts of vandalism.
- Refrain from using profane language or inappropriate gestures.
- Refrain from the possession or use of alcohol, tobacco and other drugs.
- Refrain from exiting a school bus by way of the emergency exit absent an emergency.

The above behaviors are considered Tier II or Tier III infractions

- Refrain from aggressive physical/verbal action(s)
 - Fighting.
 - Threatening/intimidating behavior.
 - Assaulting student or adult.
 - Inciting to riot/chaos.

The above behaviors are considered Tier II, Tier III or Tier IV infractions

- Possession of a weapon or other dangerous object is prohibited.
- Distribution of alcohol, tobacco and other drugs is prohibited.

The above behaviors are considered Tier III, Tier IV or Tier V infractions

- Possession of a firearm is prohibited.

The above behavior is considered a Tier IV or Tier V infraction

Please see “Section III: Disciplinary Responses” for a description of disciplinary consequences by tier. Note that consequences for Tiers I and II apply only to the bus and do not include an automatic school suspension. Consequences for Tiers III, IV and V, however, require a bus and a school suspension. Repeated Tier I violations will result in Tier II referrals, and then a referral to Tier III if the behavior continues.

Video cameras have been installed on some buses. Students may be filmed while on the bus.

Violations of these standards, the *Code of Student Conduct*, or any behavior which substantially distracts the bus driver and causes, or has the potential to cause, a safety hazard on a moving bus, may be the basis for suspension from the bus and/or school or revocation of bus-riding privileges.

Conduct While on School Property

Parents are encouraged to be active participants in their child's education. A partnership between parents and the school requires meaningful and appropriate communication. As such, we must be civil in our discourse. This requires that:

1. No one disrupts or attempts to interfere with the operation of a classroom or any other area of a school.
2. School rules for access and visitation are strictly obeyed.
3. Legitimate obligations and time constraints are respected.
4. Information that might help reach our common goal is shared. This includes information about safety issues, academic progress, changes that might impact a student's work or events in the community that might impact the school.

In the event of a violation of the above guidelines, the following steps are available:

1. Students who believe they have been treated in an inappropriate manner should report the behavior to the school administrator.
2. Parents/guardians or community members who believe that have been treated in an inappropriate manner should report the behavior to the staff member's immediate supervisor.
3. Employees who believe they have been treated in an inappropriate manner shall, if personal harm is threatened, report such to the school administrator.
4. Anyone on school district property may be directed to leave the premises by an administrator or other authorized staff. Anyone who threatens to, attempts to, or actually disrupts school or school district operations may be directed to leave the premises by an administrator or other authorized staff and may have limitations placed on their campus access. Disruptive behavior includes, but is not limited to, the physical harm of someone, the intentional cause of damage, the use of loud or offensive language, the use of tobacco, the appearance of being under the influence of alcohol or other intoxicating substances, the use of inappropriate gestures, profanity, and displays of anger.

Transfer When Criminal Charges are Pending

The district will continue the Criminal Watch program to monitor students charged or convicted of criminal offenses. In addition, upon review of the underlying allegations and based upon the preponderance of evidence, the superintendent may transfer a student who has been charged with a criminal offense (juvenile or adult) that is or would be considered a felony. The parent may request a hearing to contest this transfer. If appropriate, the superintendent will recommend expulsion of the student.

School Property

School property is defined as "the physical premises of all school campuses and properties, bus stops, all vehicles under the control of the district, and the premises of all school-sponsored curricular or extra-curricular activities, whether occurring on or away from a school campus." CMS Board of Education Policy JK.

Section II – Disciplinary Response Code Overview

Student disciplinary infractions and associated responses are divided into five progressively severe tiers. Both infractions and responses are outlined later in this document.

Treatment of Administrators, Teachers and Staff

A student who commits an infraction against or involving an administrator, teacher, or other district staff member will be subject to a heightened response under the five tiers. However, the heightened response will not exceed the listed penalty for the appropriate tier.

Truancy

A student is required by law to attend school between ages 7 and 16. While the school will not impose an out-of-school suspension for attendance violations, the student will be required to make up the work missed, may be subjected to the district's recovery procedures and the student and/or parent may be referred for prosecution in truancy situations.

Possession of Illegal Substances

The unlawful possession, use or distribution of illicit drugs and/or alcohol by students on school property or at any school function is prohibited. In addition to school consequences, such actions will be reported to local law enforcement and may be required to be reported to the Department of Motor Vehicles.

Possession of Weapons

The possession of weapons by students on school property or at any school function is prohibited. In addition to school consequences, such actions will be reported to local law enforcement and may be required to be reported to the Department of Motor Vehicles.

Cell Phone Policy for Students (also see Rule 5)

A student may possess a cell phone on school property, at after-school activities and at school-related functions, provided that during school hours and on a school bus, the cell phone remains off and put away. Possession of a cell phone by a student is a privilege which will be revoked for violations of this policy. Violations may result in the confiscation of the cell phone (to be returned only to a parent) and/or other disciplinary actions. The district is not responsible for theft, loss or damage to cell phones or other electronic devices brought onto its property.

Reports to Law Enforcement Agencies

Pursuant to state law, principals are required to report the following acts to law enforcement: "assault involving serious personal injury, sexual assault, sexual offense, rape, kidnapping, indecent liberties with a minor, assault involving the use of a weapon, possession of a firearm in violation of the law, possession of a weapon in violation of the law or possession of a controlled substance in violation of the law." N.C.G.S. § 115C-288 (g). Refer to school district procedures to follow at school when a law enforcement officer wishes to interview a student who is an alleged perpetrator of a criminal act or a witness to a criminal act.

Reports to Department of Social Services

Pursuant to state law, school personnel are required to report any suspected cases of child abuse or neglect to the Department of Social Services. Refer to school district procedures to follow at school when a representative of the Department of Social Services wishes to interview a student who is an alleged victim of child abuse or neglect.

Reports to Department of Motor Vehicles

Pursuant to state law, principals are required to report the following acts to the Department of Motor Vehicles: possession or sale of alcoholic beverages or illegal controlled substances; bringing, possessing or using a weapon or firearm on school property; and physical assault on school staff when the conduct results in a suspension in excess of 10 days or the student is assigned to an alternative educational setting.

Section III – Disciplinary Responses

Tier I - Designed to provide programs and/or school options for students who are at risk for behavioral issues and may be disenfranchised from school or commit minor infractions on an infrequent basis. Program options will be implemented in the student's current school and include services such as support related to anger management or conflict

resolution. School assignment options will include a student's enrollment in one of the district's current alternative schools such as the Performance Learning Center or Hawthorne High School. Principals, area administrators, area superintendents and parents will collaborate on the decision to enroll a student in one of the alternative programs.

Potential Administrative Responses *(This list contains options that may be used by the administration in addressing student conduct. This is not intended to be an exhaustive list.)*

- Parent contact
- Conference (any combination of parent/student/school officials/counselors and teacher)
- Counseling
- Verbal warning
- Peer mediation
- Social restriction
- Return of property or restitution for damages
- After-school detention or Saturday school
- Behavior contract
- Referral to intervention/alternative program
- In-school suspension
- Warning of referral to Tier II (referral to Tier II will be made for repeated violations)
- Confiscation of unauthorized items

Tier II - Designed to provide interventions for students who may commit infractions of the *Code of Student Conduct* such as being chronically disruptive or participating in a first fight that does not result in injury or significant disruption to the educational environment (the number of fights is cumulative across elementary, middle and high school).

Potential Administrative Responses *(This list contains options that may be used by the administration in addressing student conduct. This is not intended to be an exhaustive list.)*

- Appropriate response from Tier I
- Suspension from bus (for bus-related offenses)
- Alternative classroom assignment
- Temporary or permanent removal from participation in extracurricular/co-curricular programs or activities
- Out-of-school suspension for one to 10 days (parent contact must be attempted and written notice is required)
- Warning of referral to Tier III (referral to Tier III will be made for repeated violations)

Tier III - Designed to provide interventions for students who commit more serious infractions of the *Code of Student Conduct* and/or have repeat offenses.

Potential Administrative Responses *(This list contains options that may be used by the administration in addressing student conduct. This is not intended to be an exhaustive list.)*

- Appropriate response from Tier I and/or Tier II
- Out-of-school suspension or option to attend an Alternative to Suspension Center for one to 30 days. A student may be recommended for an assignment to a Long-term Alternative to Suspension Center or the Right Choices Program, in lieu of long-term suspension.
- Expulsion from bus (for bus-related offenses)
- Warning of referral to Tier IV (referral to Tier IV will be made for repeated offenses)

Tier IV - An intervention for students who commit serious offenses and who cannot attend school with the general student population. An option at Tier IV would include long-term suspension or assignment to Turning Point Academy for the remainder of the academic year (in certain situations the assignment may be permanent). Additionally, by law, students may be **excluded** from school for up to 365 days for any of the following: physically assaulting and seriously injuring a teacher or other school personnel; physically assaulting and seriously injuring another student; bringing a firearm or explosive device onto school property; communicating a bomb threat, and/or perpetrating or reporting a false bomb threat or hoax.

Out-of-school suspension for each tier:

Tier I	0 days (unless repeated violations)
Tier II	1 to 10 days
Tier III	11 to 30 days
Tier IV	up to 365 days
Tier V	expulsion

Tier V - Also a possible consequence for student behavior described in Tier IV. It is a permanent **expulsion** from school and all school properties by the Board of Education for a student (age 14 or older) whose continued presence constitutes a clear threat to other persons. The student is eligible to petition the Board for re-enrollment and, if granted, the student may be placed at Turning Point Academy with a re-entry plan developed by CMS personnel.

**Within each tier, the administrator has the discretion to impose the consequences deemed most appropriate to address the infraction. In the instances where an infraction falls within multiple tiers, it is within the discretion of the administrator to determine tier assignment for the infraction.*

Section IV – Infractions (Related Character Trait)

Violations of CMS rules may also support violations of state and federal laws for which students can be charged.

- Rule 1 ATTENDANCE (Citizenship/Responsibility):** Unless a lawful excuse is presented, a student must attend every class every day. In addition to any administrative response, the student may be required to comply with the district's recovery procedures. Violations of this rule include tardiness, cutting school or class and excessive absences. (Violations of this rule may also be subject to Rule 7 where the student engages in insubordinate behavior towards an authorized staff member attempting to obtain compliance under this rule.)
- Rule 2 FOOD/BEVERAGES (Responsibility/Honesty):** A student will eat and drink only in authorized areas of the school.
- Rule 3 MEDICATION (Responsibility/Honesty):** All medication will be provided to the school nurse and properly stored. Without proper medical authorization, students shall not transport prescription or non-prescription medication to or from school or have medication in their possession at any time without meeting conditions prescribed by the Board of Education.
- Rule 4 STUDENT DRESS (Respect/Responsibility):** A student will maintain personal attire and grooming standards that promote safety, health, and acceptable standards of social conduct, and are not disruptive to the educational environment. This will include student clothing that materially and substantially disrupts classes or other school activities, including but not limited to gang articles of clothing. Please see the dress code at your school.
- Rule 5 PERSONAL PROPERTY (Responsibility):** A student will only bring or possess objects that have an educational purpose and will not distract from teaching or learning. Students will sell items on campus only as part of an approved school activity. (All other items will be confiscated and returned to the parent at a mutually agreeable time, not to exceed one calendar week.) The following are among the list of prohibited items:
A. Cellular Telephones: Possession of cellular telephones is permitted; however, they must be turned off and concealed while riding the bus and throughout the instructional day. Violations of any other rule in the *Code of Student Conduct* with a cellular telephone, including insubordination or multiple violations of this rule, will be addressed by losing the privilege to possess the cellular telephone on school property and the consequences outlined under the specific rule violated.

B. Toys, games, pagers and electronic equipment: Possession of these or any similar devices, without permission of the administration, is prohibited. Such items include but are not limited to IPODs and other MP3 Players, PDAs and other electronic devices capable of peer-to-peer communication and recording audio and/or video/still images, except when being used as a part of instruction. This rule does not include a toy gun that is a reasonable facsimile of an actual weapon; for such an item see Rule 29.

**Rules 1, 2, 3, 4 and 5 are Tier I infractions
(except where violations of Rule 1 may result in a Rule 7 violation).**

- Rule 6 MISREPRESENTATION (Honesty):** A student will be honest and submit his/her own work.
- A. Altering Report Cards or Notes:** Tampering with report cards, official passes, notes or other school documents in any manner, including changing grades or forging names to excuses, is prohibited.
 - B. False Information:** Making false statements, written or oral, to anyone in authority is prohibited.
 - C. Cheating:** Violating rules of honesty and Honor Codes, including but not limited to plagiarism or copying another student's test or assignment, is prohibited.
- Rule 7 INSUBORDINATION (Responsibility/Respect):** A student will obey the lawful direction of any authorized staff member while in school, participating in a school activity or on school property. All students are expected to behave in a respectful manner. This includes, but is not limited to, complying with the direction or instruction of a staff member, not walking away from a staff member while being spoken to, speaking to staff in an appropriate manner and completing all assigned work.
- Rule 8 BULLYING/PROFANITY, OBSCENITY AND/OR DEROGATORY LANGUAGE (Respect/Caring):** A student will use appropriate language and conduct at school and school functions and possess only appropriate materials. This rule applies to cursing, possessing written materials or electronic text and/or images that convey an offensive, racial, derogatory, bullying or obscene message to another person (including but not limited to references to race, color, ancestry, national origin, gender, gender identity or expression, sexual orientation, religion, and/or physical or sensory disability, physical appearance or making offensive statements or gestures). Bullying and/or harassing are strictly prohibited. Students who feel bullied, harassed or intimidated at school by an adult or another student should see the Intimidation, Bullying and/or Threats form found in the Forms Section at the back of this book. Once completed, the form should be provided to school administration. No retaliation shall be permitted for making a report.
- Rule 9 GENERALLY DISRUPTIVE BEHAVIOR (Responsibility/Respect/Citizenship):** A student will maintain appropriate behavior so as to refrain from disrupting the class, school or bus activity and be prepared for instruction at all times. A student shall not talk out in class or move from their assigned seat/area without permission, throw objects (except as directed by staff for an instructional purpose), horseplay, harass, tease or make rude noises.
- Repeated Violations:** Repeated incidents of generally disruptive behavior will result in an Intensive Behavior Assessment Process. The recommendation for this review must come from the school-level Intervention Team, following appropriate documented interventions. This may be a Tier III infraction.
- Rule 10 TRESPASSING (Citizenship):** A student will not enter school property or a school facility without proper authority. This rule includes entering any school during a period of suspension or exclusion.

**Rules 5, 6, 7, 8, 9 and 10 are Tier I or Tier II infractions
(except where repeated violations of Rule 9 may result in a Tier III infraction).**

YELLOW PAGES

Unless otherwise specified, all of the violations found in the yellow pages are Tier III, IV or Tier V infractions

Rule 11 UNSAFE ACTION (Citizenship/Caring):

A. Harm's Way: A student shall not commit any action that has the potential to cause danger or physical harm to himself or to others, to include but not limited to: exiting a moving school bus, exiting a school bus by way of the emergency exit absent an emergency, attempting to elude school officials by running through a parking lot or any traffic area, climbing on the roof of buildings, being in construction areas, boiler rooms, attics or elevator shafts, or any action that has the potential for physical harm to self or others. This rule will apply only when the unsafe behavior does not meet the standards of any other violation.

B. Self-Medication: A student should not have in his/her possession any over-the-counter medication or prescription medication without meeting conditions prescribed by the Board. Simple possession of such items that are not in accordance with Board standards may result in consequences outlined in Rule 3. Distribution and/or consumption of such medication may result in an immediate Tier III consequence. In some instances, violations of Rule 11 may be a Tier II infraction.

Rule 12 VEHICLE USE (Responsibility/Citizenship):

A. Reckless Vehicle Use: A student will not operate any motorized or self-propelled vehicle on school grounds in a manner that is a threat to health and/or safety, or a disruption to the educational process. Driving to school is a privilege, which may be limited or revoked at any time by the school principal.

B. Vehicle Parking on Campus: A student will not leave an automobile on school premises without appropriate authorization and a visible parking permit. Unauthorized vehicles may be towed. In addition to the vehicle being towed, this may be a Tier I or II infraction.

Rule 13 GAMBLING (Responsibility):

A student will not play games of skill or chance for money or property. In some instances, violations of Rule 13 may be a Tier II infraction.

Rule 14 VANDALISM (Responsibility/Respect/Citizenship):

A student will not willfully, with or without malice, participate with others to damage or destroy property of another, including property belonging to the school or district, staff, students or other adults on campus or at a school sponsored or school-related activity on or off school property. A student or parent/guardian will be held financially responsible, as allowed by law, for willful or malicious destruction of property. In some instances, violations of Rule 14 may be a Tier II infraction.

Rule 15 USE OF FIRE (Responsibility/Respect/Citizenship):

A student will neither set fire nor attempt to set fire to anything on school property, or participate with others to damage or destroy school property through the use of fire. This includes striking matches, flicking cigarette lighters or using any instrument capable of producing fire on school property or at a school sponsored or school-related activity that is on or off school property. (This violation does not include any smoking violations. For smoking violations refer to Rule 28A.) In some instances, such as the use of a lighter during a smoking violation, a Rule 15 violation may result in a Tier II infraction.

Rule 16 THEFT (Responsibility/Respect/Citizenship):

A student will not steal or possess stolen property, or participate with others to do so. Stolen property includes any object that is possessed without the permission of the owner. In some instances, violations of Rule 16 may be a Tier II infraction.

Rule 17 BREAKING AND ENTERING (Responsibility/Respect/Citizenship):

A student will not break into any district property. This will include any unauthorized entry into school property with or without destruction to the property.

Rule 18 BURGLARY (Responsibility/Respect/Citizenship):

A student will not unlawfully enter any district property with the intent of committing a felony, to steal and/or take and carry away the property of another, or to attempt to commit the taking of property.

Rule 19 ROBBERY (Responsibility/Respect/Citizenship):

A student will not take or attempt to take another person's property by force or violence.

Rule 20 EXTORTION (Responsibility/Respect/Citizenship):

A student will not take, threaten or attempt to take the property (including but not limited to money) of others through intimidation.

Rule 21 UNAUTHORIZED USE OF THE COMPUTER (Honesty):

A student shall refrain from inappropriate use of school system computers or from utilizing the CMS Internet site without proper authority. This includes unauthorized use of sign-on codes, the school telephone system, communication of threats or implied threats, and unauthor-

ized attempts to contact any CMS computer site from any computer station. This rule also encompasses any activity or distribution of information from home or school computers that would constitute a violation of a rule under the *Code of Student Conduct* or a violation of law, such as, but not limited to bullying or harassment. Publication on the internet is considered distribution regardless of the location of the computer where the offending content was published. (Minor violations of unauthorized use of the computer, including accessing home e-mail accounts from a school computer may be a Tier I or II infraction.)

Rule 22 PORNOGRAPHIC, PROFANE AND/OR VIOLENT MATERIAL (Respect/Citizenship): A student shall refrain from having any pornographic or profane material in his/her possession, including but not limited to pictures, magazines, CDs, DVDs, electronic text or images and sexually explicit or graphically violent materials (including but not limited to documents or instructions concerning the creation of and/or the use of weapons).

Rule 23 COUNTERFEIT CURRENCY (Honesty): A student shall not distribute, produce or use counterfeit currency on school property or at a school-sponsored or school-related activity on or off school property.

Rule 24 FALSE ALARM (Responsibility): In the absence of an emergency, a student shall not call 911, signal, or set off an automatic signal indicating the presence of an emergency.

Rule 25 BOMB THREAT (Responsibility): A student shall not make any report or notification, knowing or having reason to know the report is false (verbal or written), indicating the presence of a bomb or explosive device on school grounds, school bus or at any school activity.

Rule 26 AGGRESSIVE PHYSICAL/VERBAL ACTION (Responsibility/Caring/Justice and Fairness): A student shall not exhibit any form of aggressive physical or verbal action against another student, staff member or any other adult at school. Minor incidents of hitting, biting, spitting, shoving, kicking or throwing objects at a student or adult may be a Tier I or II infraction.

A. Verbal Confrontation/Provocation: A student shall not approach another person in a confrontational, provocative or bullying manner.¹ This will include attempts to intimidate or instigate another person to fight or commit other acts of physical aggression. (This may be a Tier I or II infraction.)

B. Fighting: The exchange of mutual aggressive physical contact between students, with or without injury, is prohibited. (The first violation of this rule shall be a Tier II infraction and will result in no more than an out-of-school suspension of five days, so long as it does not result in injury or disruption to the educational environment. Subsequent violations (cumulative 6-12 grades), or those that cause injury or a disruption, shall be a Tier III infraction.) A student who is physically attacked may act in self defense without consequence. **Self defense** is defined as the act of shielding oneself from being hit and enabling oneself to get free from the attacker in order to prevent a fight and to notify school authorities. It is not self defense to hit the attacker back and participate in the fight. This action is retaliation that will be considered fighting. Administrators will have the discretion to recognize the need for self defense on an incident-by-incident basis.

C. Threatening/Intimidating: A student shall not threaten to strike, attack or harm any person or cause another person to become fearful by intimidation, through any medium, including threats made in person, on the telephone and/or in writing, that pose a safety risk to the school environment. The tier will be determined by the level of risk presented by the threat, whether the threat could reasonably be carried out and whether the threatened person is made fearful. This rule violation could be considered a Tier I, II or III infraction and may include but is not limited to intimidation through the use of gang paraphernalia.

D. Assault on a Student: A student shall not physically attack another student. See self defense as defined above.

Multiple Assaults: A student shall not act in concert to physically attack another student.

E. Assault on a Staff Member: A student shall not physically attack a staff member or adult. See self defense as defined above. **Multiple Assaults:** A student shall not act in concert to physically attack a staff member or other adult.

F. Inciting to Riot/Chaos: A student shall not engage in behavior of a violent or aggressive nature in a highly volatile area that could result in a riot, widespread chaos or aggressive actions (verbal and/or physical) by students witnessing or involved in the incident. (This may be a Tier II or III infraction.)

G. Refusing to Disperse: A student who witnesses an incident under this rule shall disperse at the request of staff members. (This may be a Tier II or III infraction.)

H. Participation in a Civil Demonstration: A student shall not disrupt the school day by participating in a civil demonstration, including leaving campus without permission. (This may be a Tier I, II or III infraction.)

¹ For example, a "confrontational, provocative, or bullying manner" includes instances where a student aggressively and argumentatively attempts to question an individual or remove an individual's article of clothing or jewelry (e.g., hat or necklace) without permission.

Rule 27 SEXUAL BEHAVIOR (Respect/Caring): A student shall not engage in any sexual behavior on school property or at a school-sponsored activity.

A. Offensive Touching: A student shall not engage in unwanted touching of an offensive or sexual nature. (This may be a Tier I, II or III infraction.)

B. Sexual Harassment: A student shall not engage in unwanted verbal or physical (e.g. gesturing) conduct of a sexual nature which may reasonably be regarded as intimidating, hostile or offensive. (This may be a Tier II or III infraction.)

C. Indecent Exposure: A student shall not intentionally expose private body parts, including but not limited to "mooning." (This may be a Tier I, II or III infraction.)

D. Consensual Sexual Activity: A student shall not engage in consensual sexual activity. (This may be a Tier I, II or III infraction.)

E. Sexual Battery: A student shall not engage in sexual activity or attempt against another person by force, threat or fear.

Rule 28 ALCOHOL, TOBACCO AND OTHER DRUGS (Responsibility/Citizenship): A student shall not use, purchase, sell, distribute, be under the influence of or possess any kind of alcoholic beverage, tobacco, controlled substance (as defined by state law) or illegal or counterfeit substance.

A. TOBACCO: All district properties are tobacco-free. A student shall not possess, use or distribute tobacco, tobacco-like products or paraphernalia on school property or at a school function. For possession of rolling papers, see subpart C (1). (This may be a Tier I, II or III infraction.)

B. ALCOHOL: A student shall not possess, use, distribute or be under the influence of alcohol on school property or at a school function. The first violation of this rule will be a Tier I or II infraction with an immediate referral to the Positive Options Program ("POP"). All subsequent violations (cumulative 6-12 grades) will be a Tier III infraction.

C. DRUGS/ILLEGAL SUBSTANCES, COUNTERFEIT DRUGS AND PARAPHERNALIA:

1. Use, Influence or Possession of Drugs/Paraphernalia: A student shall not use or be under the influence of illegal or controlled substances or possess illegal, counterfeit or controlled substances or drug paraphernalia on school property or at a school function. The first violation of this rule will be a Tier I or II infraction with an immediate referral to the Positive Options Program ("POP"). All subsequent violations (cumulative 6-12 grades) will be a Tier III infraction.

2. Sale/Distribution (Attempt or Actual): A student shall not distribute, sell, solicit, or attempt to sell, or intend to sell any illegal, counterfeit or controlled substance. Possession of individually wrapped packages of a controlled or illegal substance will be considered attempting or intending to sell or distribute.

Rule 29 WEAPONS AND DANGEROUS OBJECTS (Responsibility/Caring): A student will not possess, handle, transport or use any weapon, object that can be reasonably considered a weapon, dangerous object or substance that could cause harm or irritation to another individual on school property or at any school function. All items will be confiscated and will not be returned except with the mutual agreement of school and law enforcement. This rule does not apply to normal school supplies unless used as a weapon. Note: any object thrown from a school bus will be treated as a weapon.

Special Note: See the Safe Harbor Provision on page 6.

Prohibited items include, but are not limited to:

- A. Toy knife or look-a-like knife
- B. Weapon not capable of propelling a missile
- C. Laser pointer
- D. Knife
- E. Box cutter/razor blade
- F. Camouflaged weapon
- G. Object thrown from a bus
- H. Ammunition
- I. Fireworks
- J. Bomb
- K. Air soft gun, BB gun, pellet gun

- L. Any object or substance that could cause injury including but not limited to, slingshots, ice picks, multi-fingered rings, metal knuckles, nun chucks, Bowie knives, dirks, daggers, lead canes, switchblade knives, clubs, stun guns, starter pistols, BB guns, flare guns, air rifles, air pistols, air soft pellet guns, stun guns or paint ball guns, mace, fire extinguishers and/or the use of any object or any substance that will potentially cause harm, irritation or bodily injury.

Rule 30 GANG AND GANG-RELATED ACTIVITIES (Responsibility/Caring/Justice and Fairness): 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, or the purposeful violation of any district policy, and having a common name or common identifying sign, colors or symbols. Conduct prohibited by this policy includes:

- A. **Clothing:** Wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, emblems, badges, symbols, signs, visible tattoos and body markings, or other items, or being in possession of literature that shows affiliation with a gang, or is evidence of membership or affiliation in any gang or that promotes gang affiliation;
- B. **Communication:** Communicating either verbally or non-verbally (gestures, handshakes, slogans, drawings, etc.), to convey membership affiliation in any gang or that promotes gang affiliation;
- C. **Vandalism or Destruction of Property:** Tagging, or otherwise defacing school or personal property with gang or gang-related symbols or slogans;
- D. **Intimidation/Threats:** Requiring payment for protection, money or insurance, or otherwise intimidating or threatening any person related to gang activity;
- E. **Coercion:** Inciting other students to intimidate or to act with physical violence upon any other person related to gang activity;
- F. **Solicitation:** Soliciting others for gang membership;
- G. **Conspiracy:** 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.

Rule 31 FIREARMS (loaded or unloaded) (Responsibility/Caring): A student shall not possess, handle or transport any handgun, rifle, shotgun or any other weapon which will or is designed to or may readily be converted to expel a projectile by action of an explosion, including camouflaged guns. Violations of this rule are Tier IV infractions.

Rule 32 PERSISTENTLY DANGEROUS STUDENTS (Responsibility/Caring/Justice and Fairness): Students who are 16 years of age or older shall not frequently engage in conduct that is in violation of other code of conduct rules and is a danger to others in the school environment. Targeted conduct for this rule shall involve multiple events over an extended period of time. Examples of misconduct under this rule shall be limited to multiple rule violations for assault, the sale or distribution of illegal drugs, gang-related activities, the possession of weapons, and inappropriate sexual behavior.

Rule 33 REFUSAL TO SEARCH (Responsibility and Honesty): School administration has the right to conduct a search that is reasonable in scope of a student or his/her possessions if the administration has a reasonable suspicion that the student may be in possession of a weapon, illegal substance, or other items prohibited by or used in violation of law or the *Code of Student Conduct*.

- A. **Search of an Individual and/or his/her Possessions:** A student must cooperate with and may not obstruct or interfere with a reasonable and authorized search of the student and/or his/her possessions based on reasonable suspicion that the student may be in possession of a weapon, illegal substance, or other items prohibited by or used in violation of law or the *Code of Student Conduct*.
- B. **Search of Student Lockers and Desks:** 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 the desk. Lockers and desks shall be used only for storage of those items that 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 an authorized search of his/her locker or desk.
- C. **Search of a Vehicle:** A student must cooperate with and may not obstruct or interfere with reasonable search of the student's vehicle and its contents when it is present on school property or at a school activity. These searches will be based on reasonable suspicion that the student may be in possession of a weapon, illegal substance, or other items prohibited by or used in violation of law or the *Code of Student Conduct*. A violation of this rule may result in the student losing his/her parking privilege, in addition to other applicable discipline.

Section V – Procedures Relating to Disciplinary Action or Re-entry

To protect student rights, certain procedures are followed with regard to disciplinary actions. These procedures are developed as suggested or required by law or regulation. School and classroom discipline in areas not covered by these specific procedures are encouraged.

Corporal Punishment

Discipline shall be maintained without the use of corporal punishment, which is prohibited in the school district (Charlotte-Mecklenburg Board of Education Policy JK and implementing Regulation JK-R). However, staff is authorized by state law to “use reasonable force in the exercise of lawful authority to restrain or correct pupils and maintain order.” N.C.G.S. § 115C-390.

Procedures for Short-term Suspensions (1-10 days)

A student accused of serious misconduct, which in the opinion of the principal or designee would require suspension from school, shall be afforded the procedures below. In emergency situations, these procedures may be modified so long as reasonable efforts are made to provide substantially similar opportunities for the procedural safeguards. A student must be given an opportunity to complete assignments and take exams missed during the period of suspension.

- Step 1:** The student must be told by the principal/designee of the reason(s) for the consideration of suspension.
- Step 2:** The student must be given the opportunity to present their version either verbally or in writing and to identify witnesses to the incident.
- Step 3:** The principal/designee shall make a determination as to whether or not a student is guilty of the misconduct, and if so, what disciplinary response will be imposed. Notices to impose suspension shall be in writing.
- Step 4:** The principal/designee shall report each suspension in writing to the student’s parent/guardian and to the area superintendent or designee. This report shall be mailed (or delivery initiated) within 24 hours of the start of the suspension or on the next regular workday. Reasonable efforts shall be made to contact parents or guardians prior to the start of the suspension. If parents or guardians cannot be reached prior to the start of the suspension, the principal/designee may determine to start the suspension without contacting parents/guardians, but continued reasonable efforts shall be made.
- Step 5:** A student and parents/guardians have the right to appeal to the principal the disciplinary consequences assigned when the decision to suspend has been made by the assistant principal, or other principal designee. Appeals will not be granted for disagreement with the disciplinary consequence without one of the aforementioned grounds. All such requests must be made within three (3) school days of the first notification of suspension received by the parent. The principal shall have the discretion to uphold or modify the suspension if it is determined that it would be in the best interest of the student and school. If the suspension is not appealed within three (3) days of the date first notified (verbally or in writing), it becomes final. The disciplinary consequence remains in effect throughout all appeals. Please see the Forms Section for an appeal form.
- Step 6:** At the discretion of the principal, a written behavior contract may be required upon the return of the student.

Procedures for Long-term Suspensions (more than 10 days), Reassignments or Exclusions

A student accused of a violation of the *Code of Student Conduct* which, in the opinion of the principal/designee may require a long-term suspension, reassignment or exclusion from school, shall be afforded the procedural safeguards described below. The procedures for a short-term suspension must be employed, as well as the following additional steps, prior to the imposition of a long-term suspension or exclusion.

- Step 1:** A Discipline Team Meeting (DTM), which consists of the principal/designee, the area administrator, the parent/guardian, and the student, will be convened at the school within 10 school days of the first day of suspension. The purpose of this meeting is for the team to review the investigation completed by the school, the due process procedures afforded, and any information provided by the student and the parent/guardian. Note that because the DTM is intended to be a collaborative process between team members, there is no right for representative counsel to attend. During the DTM, the area administrator will review the recommended consequences, decide if any additional consequences shall be imposed and outline those additional consequences. *If the parent/guardian agrees with the decision of the area administrator, then the decision shall stand and no further due process procedures (e.g., a hearing) associated with the incident will take place.* If the parent/guardian disagrees with the decision of the area administrator, then a hearing may be requested by making a written request to the area administrator. Please see the Forms Section for a request form.
- Step 2:** The hearing will also be scheduled within the initial 10-day suspension, or as close to it as feasible. If parents/guardians request a later hearing date or scheduling conflicts do not allow the hearing to take place within the initial 10-day suspension, then the area superintendent/designee will determine if the offense warrants an extension of the suspension prior to agreeing to a later hearing date. The superintendent/designee will determine whether to approve the long-term suspension, reassignment or exclusion pending the appeal.
- Step 3:** Written notice will be sent to parents/guardians advising them of the date, time and location of the hearing. The notice will also describe the hearing process and advise parents/guardians of the student's rights under law.
- Step 4:** A hearing will be held at the learning community offices and the student will be able to exercise the rights identified in the notice, including the right to have an opportunity to present their version of the events, provide witnesses (or written witness statements) on their behalf, question the witnesses presented by the school administration and be represented by counsel (at their own expense).
- Step 5:** The superintendent/designee shall make a written determination as to whether sufficient information was provided at the hearing to determine whether the student is guilty of the misconduct and, if so, the appropriate disciplinary response. The superintendent/designee does not review the initial 10-day suspension. A student shall be informed of the determination within seven to 10 days of the hearing.
- Step 6:** If the parent/guardian disagrees with the decision of the superintendent/designee, an appeal before a panel of the Board of Education may be requested. This appeal must be requested within 10 days of the date of the superintendent's decision letter. The disciplinary consequence remains in effect throughout all appeals. Please see the Forms Section for an appeal form.

Procedures for Expulsion

Pursuant to N.C.G.S. § 115C-391(d), the Board of Education may expel any student, over 14 years of age, "whose behavior indicates that the student's continued presence in the school constitutes a clear threat to the safety of other students or employees."

- Step 1:** After the hearing explained above, the superintendent/designee may make a recommendation to the Board of Education that the student be expelled.
- Step 2:** The parent/guardian will receive notice of the hearing before a panel of the Board of Education. The notice shall include the date, time and location of the hearing, a summary of the charge being levied against the student, the information to support the charge and the student's rights at this proceeding.
- Step 3:** A hearing will be held at the offices of the Board of Education, where the student will be able to exercise the rights identified in the notice. The student will have the opportunity to explain why his/her presence

is not a threat to the safety of others, provide witnesses (or written witness statements) on his/her behalf, question the information presented by the superintendent/designee and be represented by counsel, at their expense.

Step 4: The Board of Education will determine the following: were the statutory requirements met and are there any alternative programs which would meet the needs of the student and maintain the safety of the educational environment.

Step 5: The decision of the Board of Education will be provided to the parent/guardian in writing within seven to 10 days of the hearing.

Procedures for Re-entry of Expelled Students

Following the Board of Education decision to expel a student, the student shall have no right to attend Charlotte-Mecklenburg Schools until such time as the student can demonstrate that he/she no longer constitutes a threat to the safety of other students and staff. The student shall have a right to request that the Board of Education reconsider the decision to expel any time after the first July 1st that is at least six months after the decision to expel. If a decision to allow the student to re-enter is made, it shall be pursuant to a behavior contract and assignment to an alternative program to be identified by the superintendent/designee. Failure of the student to abide by the behavior contract or again engage in conduct which threatens the safety of students or staff may result in immediate referral to the Board of Education.

Procedures for Suspension of Students with Disabilities

Please see the *Handbook on Parents Rights* for the additional procedural safeguards to be followed for students with disabilities. If you need a copy of this handbook, please contact the principal at your school or obtain a copy through the learning community offices.

Procedures for Re-entry of Students from Alternative Settings

The school placement for students transitioning from alternative settings or treatment facilities such as Jail North, mental health centers, etc. will be determined by a Multi-disciplinary Transition Team (MDTT). The team will consist of representatives from various CMS departments, the relevant alternative or treatment facility, and the judicial system, where applicable. An individual designated by the superintendent will facilitate the appeal process for school placement decisions made by the Multi-disciplinary Transition Team.

Point of Exit is Point of Entry

Students cannot leave Charlotte-Mecklenburg Schools to circumvent a reassignment to an alternative school for disciplinary purposes. Students who are reassigned to an alternative school or mandatory program for a specified amount of time must regularly attend and successfully complete this reassignment before returning to the regular school environment. Students who leave CMS and return at a later date will automatically be assigned to the alternative school or program upon returning to the system.

Alternative Discipline Programs

*Assignment to any of the programs listed below is based upon availability.

Short-Term Alternative to Suspension Centers:

The primary goal of the **Short-Term Alternative to Suspension Centers** is to reduce the number of students who consistently display inappropriate behavior on campus. The program will provide a stable environment for students suspended for one to 10 days for up to Tier III infractions. This is a voluntary placement offered instead of suspension; therefore, transportation will not be provided. The home school will collaborate with the family and the center to ensure consistency of academic work. Course offerings and programs are not as inclusive as those in students' home schools.

Long-Term Alternative to Suspension Center:

Students who are assigned to the **Long-Term Alternative to Suspension Center** are assigned for 11 - 30 school days. Transportation will be provided when a bus route is established after the student begins attending the program. Course offerings at the Long-Term Alternative to Suspension Center are not as inclusive as those in students' home schools.

Positive Options Program (POP):

POP is an option for students who possess or use alcohol, marijuana or other unauthorized drugs at school or at school-related activities and for whom this is a first offense.

Turning Point Academy:

The **Turning Point Academy** is designed for students who have committed serious infractions of the *Code of Student Conduct*. Course offerings and programs at Turning Point Academy are not as inclusive as those in students' home schools. Staff works with students, their families and the student's home school to develop a personal behavior plan and curriculum to be implemented during the assignment to Turning Point Academy. Students are assigned to Turning Point Academy for a determined period of time or until they meet stated goals and then return to the home school. Transportation will be provided when a bus route is established after the student begins attending the program.

Turning Point Graduation Program

The **Turning Point Graduation Program** is designed for students in grades nine through 12 who are age inappropriate at their current grade placement. Course offerings and programs at Turning Point are not as inclusive as those in students' home schools. This program provides opportunities for students to complete required courses for promotion/graduation at a faster pace than available in the traditional setting.

Right Choices Program:

The goal of the **Right Choices Program** is to provide a constructive intervention and early support program for first-time offenders who violate the substance abuse or violent acts rules of the *Code of Student Conduct*. Transportation will be provided when a bus route is established after the student begins attending the program. Course offerings at the Right Choices Program are not as inclusive as those in students' home schools.

AWARE Program:

The **AWARE** program is a 15-day alternative learning program, housed at the Right Choices Program for first-time fighters who have qualified and received due process following the incident. Transportation will be provided when a bus route is established after the student begins attending the program. Course offerings at the AWARE program are not as inclusive as those in the students' home schools.

Violence Is Preventable (VIP) Program:

VIP is a support program for students who have been involved in serious violent behaviors at school or at a school activity and for whom this is a first offense. The parent/guardian is required to attend VIP with the student. The focus of VIP is to provide awareness of violence prevention and anger management and to build positive life skills in the areas of communication, decision-making and self-esteem. Each cycle of VIP consists of four one-hour sessions.

Sexual Harassment Is Preventable (SHIP) Program:

SHIP is a support program for students who have been involved in serious incidents of sexual harassment at school or at a school activity and for whom this is a first offense. The parent/guardian is required to attend SHIP with the student. The focus of SHIP is to provide awareness for participants through discussion and focus groups to modify the inappropriate behavior.

Community Service Program:

Community Service is designed to allow the student an opportunity to remain in his/her home school while working in various community organizations, in lieu of an assignment to an alternative discipline school. Each student and parent/guardian is required to attend an orientation meeting where the rules, expectations and parameters of the community service assignment are explained. In addition to providing an alternative for students who are in violation of the *Code of Student Conduct*, performing community service hours helps to educate the students on the value of volunteerism.

Definitions

Student: Any person attending any school in Charlotte-Mecklenburg Schools

Board: Charlotte-Mecklenburg Board of Education

Principal: The school principal or any school professional to whom the principal may officially delegate authority

Parent: Natural parent, legal guardian or person serving in loco parentis

Suspension: The temporary removal of a student from the regular school program

Short-term suspension: An out-of-school suspension that does not exceed 10 school days and may be imposed by a principal or assistant principal

Long-term suspension: An out-of-school suspension that exceeds 10 school days but that does not exceed 180 school days

365-day suspension: An out-of-school suspension for 365 calendar days from the date of the incident

Exclusion: An out-of-school suspension that lasts beyond the term of the school year

Expulsion: A permanent denial of the right of a student age 14 or older to attend school or school-sponsored activities that may be imposed only by the Board

References

Charlotte-Mecklenburg Board of Education (Policies of the Board of Education are available on the CMS Web site located at www.cms.k12.nc.us)

- Policies KLC, KLG, JBA, JICA, JICG, JICH, JICH-R, JICI, JIAA, JIJ, JIJ-R, JJJ, JK, JK-R, JKD, JKD-R, and JKDA-R.

North Carolina General Statutes

- §§ 20-11(n1), 1-538.3(b), 115C-288, 115C-307, 115C-390, 115C-391 and 115C-391.1.

Other References

- *Handbook on Parents Rights*
- Title IX of the 1972 Education Amendments
- Section 504 of the Rehabilitation Act
- Title II of the Americans with Disabilities Act of 1990 (ADA)
- Individuals with Disabilities Education Improvement Act of 2004 (IDEA)
- McKinney-Vento Homeless Assistance Act of 1987 (McKinney-Vento)
- Family Educational Rights and Privacy Act (FERPA)
- Charlotte-Mecklenburg Schools Parent-Student Handbook (available on the district Web site) and the Forms and Notices Handbook (provided to all students)

FORMS

- Intimidation, Bullying and/or Threats - Administrative Report Form
- Request for Conference and Appeal of Suspension
- Request for Hearing for Suspensions of more than 10 days
- Request for Appeal to the Board of Education
- Behavior Contract

Request for Conference and Appeal of Suspension

Submit to school principal within three (3) days

TO: _____ *Principal*

DATE: _____

FROM: _____ *Parent*

_____ *Student*

_____ *Grade*

_____ *Address*

_____ *Telephone number*

I have reviewed the *Charlotte-Mecklenburg Schools Student Rights, Responsibilities and Character Development Handbook: Code of Student Conduct* and do not believe that proper procedures were followed because:

_____ Charlotte-Mecklenburg Schools procedures, as outlined by the *Code of Student Conduct*, were not followed by the school. Please explain.

_____ The level of the disciplinary action was not consistent with the *Code of Student Conduct*. Please explain.

_____ The evidence does not support the claim that my child actually committed this violation. Please explain.

I am requesting a conference and a review of the decision to suspend my child.

This appeal form must be submitted to the principal within three (3) days or the decision becomes final. Within three (3) days of the receipt of this appeal, the principal will report the decision of the appeal in writing. *Please be aware that any changes in the suspension will not change the official coding of school days already served as suspended.*

Request for Hearing for Suspensions of More Than 10 Days

Submit to area superintendent within three (3) days

TO: _____ *Principal*

DATE: _____

FROM: _____ *Parent*

_____ *Student*

_____ *School/Grade*

_____ *Address*

_____ *Telephone number*

I wish to request a hearing because:

_____ Charlotte-Mecklenburg Schools procedures, as outlined by the *Code of Student Conduct*, were not followed by the school. Please explain.

_____ The level of the disciplinary action was not consistent with the *Code of Student Conduct*. Please explain.

_____ The evidence does not support the claim that my child actually committed this violation. Please explain.

_____ Other. Please explain.

This request for hearing form must be submitted to the area superintendent within three (3) days or the decision becomes final. *Please be aware that any changes in the suspension will not change the official coding of school days already served as suspended.*

Request for Appeal to the Board of Education

Submit to the Board of Education within 10 days

TO: Chairperson
Charlotte-Mecklenburg Board of Education
P.O. Box 30035
Charlotte, North Carolina 28230-0035

DATE: _____

FROM: _____ *Parent*

_____ *Telephone number*

I wish to appeal the decision of the area superintendent for the following reasons:

_____ Charlotte-Mecklenburg Schools procedures, as outlined by the *Code of Student Conduct*, were not followed by the school. Please explain.

_____ The level of disciplinary action was not consistent with the *Code of Student Conduct*. Please explain.

_____ The evidence does not support the claim that my child actually committed this violation. Please explain.

_____ Other. Please explain.

This appeal form must be submitted to the Board of Education within 10 days or the decision of the area superintendent becomes final. In addition, this form is not for use for suspensions of 10 days or less.

Student Behavior Contract

_____ *Student*
 _____ *School/Grade*
 _____ *Administrator*

Description of the unacceptable behavior: _____

Description of the desired replacement behavior: _____

Strategies that will be used to teach the replacement behavior: _____

Reinforcements/rewards for appropriate behavior: _____

Consequences for violation of this Behavior Contract: _____

My administrator has reviewed with me the *Code of Student Conduct* and the behavior expectations of my school. I acknowledge that my behaviors were not consistent with the expectations of my school. I agree to abide by the terms of the *Code of Student Conduct* and any additional behavior guidelines developed by my school. Most importantly, I will not engage in the inappropriate behavior listed above. When I feel that I am unable to adhere to the behavior standards discussed today, I will seek the assistance of a staff member. I understand the consequences for violating this Behavior Contract.

Date: _____

Student signature: _____

Administrator signature: _____

REACH FURTHER.



P.O. Box 30035
Charlotte, NC 28230
Phone: 980-343-5958
Fax: 980-343-0959
www.cms.k12.nc.us
CMS TV

Global competitiveness starts here.

In compliance with federal law, Charlotte-Mecklenburg Schools administers all educational programs, employment activities and admissions without discrimination against any person on the basis of gender, race, color, religion, national origin, age or disability.

Americans with Disabilities ACT (ADA) Accessibility: If auxiliary aids for communication are necessary for participation in a CMS program or service, participants are encouraged to notify the ADA coordinator at least one week prior to program commencement at 980-343-6661 (voice) or accessibility@cms.k12.nc.us.