



2013-2014

CODE OF STUDENT CONDUCT

Student Rights, Responsibilities and
Character Development Handbook



Every Child. Every Day. For a Better Tomorrow.

P.O. Box 30035 • Charlotte, NC 28230 • www.cms.k12.nc.us

Charlotte-Mecklenburg Board of Education

Mary McCray

Chairperson, At-Large

(704) 281-6074

maryt.mccray@cms.k12.nc.us

Timothy S. Morgan

Vice-chairperson, At-Large

(704) 577-3102

tim.morgan@cms.k12.nc.us

Dr. Joyce Davis Waddell

District 3

(704) 549-4777

joyce.waddell@cms.k12.nc.us

Ericka Ellis-Stewart

At-Large

(704) 763-5400

ericka.ellis-stewart@cms.k12.nc.us

Tom Tate

District 4

(704) 502-3093

tom.tate@cms.k12.nc.us

Rhonda Lennon

District 1

(704) 564-3382

rhonda.lennon@cms.k12.nc.us

Eric C. Davis

District 5

(704) 651-0217

ericc.davis@cms.k12.nc.us

Richard A. McElrath, Sr.

District 2

(704) 488-5360

richard.mcelrath@cms.k12.nc.us

Amelia Stinson-Wesley

District 6

(704) 889-1803

a.stinson-wesley@cms.k12.nc.us

VISION

CMS provides all students the best education available anywhere, preparing every child to lead a rich and productive life.

MISSION

The mission of Charlotte-Mecklenburg Schools is to maximize academic achievement by every student in every school.

Table of Contents

Student and Parent Acknowledgement and Pledge	1	Rule 12 - Vehicle Use	13
Letter from Heath E. Morrison, superintendent	3	Rule 13 - Gambling	13
Character Traits	4	Rule 14 - Vandalism	13
Section I. Student Rights and Responsibilities	5	Rule 15 - Use of Fire	13
Safe and Orderly Educational Environment	5	Rule 16 - Theft	13
Attendance	5	Rule 17 - Breaking and Entering	13
Student Counseling Services	5	Rule 18 - Burglary	13
Free Speech/Expression	5-6	Rule 19 - Robbery	13
Privacy and Property Rights	6	Rule 20 - Extortion	13
Safe Harbor Provision	6	Rule 21 - Unauthorized Use of the Computer	13
Participation in Extracurricular/ Co-curricular Activities	6	Rule 22 - Pornographic, Profane and/or Violent Material	14
Student Dress	6	Rule 23 - Counterfeit Currency	14
Behavior on the School Bus or at the Bus Stop	7	Rule 24 - False Alarm	14
Conduct while on School Property	8	Rule 25 - Bomb Threat	14
Transfer when Criminal Charges are Pending	8	Rule 26 - Aggressive Physical/Verbal Action	14
School Property	8	Rule 27 - Sexual Behavior	14-15
Section II. Disciplinary Response Code Overview	8	Rule 28 - Alcohol, Tobacco and/or other Drugs	15
Treatment of Administrators, Teachers and Staff	8	Rule 29 - Weapons and Dangerous Objects	15-16
Participation in a Rule Violation	9	Rule 30 - Gang and Gang-Related Activities	16
Conduct Away from School Property	9	Rule 31 - Firearms	16
Truancy	9	Rule 32 - Persistently Dangerous Students	16
Possession of Illegal Substances	9	Rule 33 - Refusal to Search	16
Possession of Weapons	9	Section V. Procedures Relating to Disciplinary	
Cell Phone Policy for Students	9	Action or Re-entry	17
Reports to Law Enforcement Agencies	9	Corporal Punishment	17
Reports to Department of Social Services	9	Procedures for Short-term Suspensions (1 - 10 days)	17
Reports to Department of Motor Vehicles	9	Procedures for Long-term Suspensions (more than 10 days) or 365-day Suspensions	17-18
Section III. Disciplinary Responses	10	Procedures for Expulsion	19
Tier I	10	Procedures for Re-entry of Expelled Students or Students Suspended for 365 Days	19
Tier II	10	Procedures for Suspension of Students with Disabilities ..	19
Tier III	10	Procedures for Re-entry of Students from Alternative Settings	19
Tier IV	11	Point of Exit is Point of Entry	19
Tier V	11	Alternative Discipline Programs	20
Section IV. - Infractions	11	Definitions	21
Rule 1 - Attendance	11	References	21
Rule 2 - Food/Beverages	11	Forms	22
Rule 3 - Medication	11	Intimidation, Bullying and/or Threats	23
Rule 4 - Student Dress	11	Appeal to the Board of Education:	
Rule 5 - Personal Property (i.e. cellular telephones and electronics)	11-12	Disciplinary Reassignment	25
Rule 6 - Misrepresentation (i.e. cheating)	12	Request for Hearing for Suspensions of more than 10 Days	27
Rule 7 - Insubordination	12	Request for Appeal to the Board of Education	29
Rule 8 - Bullying/Profanity/Obscenity and/or Derogatory Language	12	Student Behavior Contract	31
Rule 9 - Generally Disruptive Behavior	12		
Rule 10 - Trespassing	12		
Yellow Pages	13-16		
Rule 11 - Unsafe Action	13		

Charlotte-Mecklenburg Schools

2013-2014

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 *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. You may access an electronic copy of the handbook on the CMS website: www.cms.k12.nc.us. You may also access a paper copy at your child's school.

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 reviewed the *Code of Student Conduct*, and I 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 families:

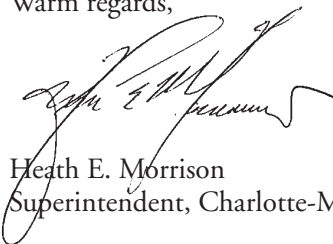
Welcome to the 2013-2014 school year! We expect that this year will be a great one for all of you. To achieve academic success, we must make sure all schools are safe and orderly. Our expectation of each student is responsible, ethical behavior at school so all students can learn and grow. This will help to create an environment that nurtures learning and achievement. The attached student handbook, Student Rights, Responsibilities and Character Development – Code of Student Conduct, spells out what we expect from every student.

This book is part of our overall effort to work with our families and students to build a strong culture of collaboration and respect in every school. Student adherence to the code of conduct is a first step toward the creation of the respectful, collaborative culture that we expect in every school. Each year we ask parents and students to sign a form indicating you have read and understand the handbook, and return the signed form to your school.

If you have any questions about the code of student conduct, please call or e-mail the principal at your child's school. Every family and every student will benefit from safe, orderly schools and a culture of respect. Please join us in educating your child in the importance of good citizenship in school.

Our goal as a district is to educate every child, every day for a better tomorrow – and that future begins today with the start of school. Thank you for choosing CMS and have a great school year!

Warm regards,



Heath E. Morrison
Superintendent, Charlotte-Mecklenburg Schools

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

To attend school in a positive educational environment

To have school staff that is willing to hear the needs and concerns of students

To feel safe from crime, violence, intimidation, bullying, harassment, racism and other discrimination at school

Student Responsibilities

To only engage in behaviors which support a positive educational environment

To express needs and concerns appropriately

To understand and follow school behavior expectations and to report instances of bullying and dangerous/unsafe situations to school administrators

Attendance

Student Rights

To be informed of school board policies and school rules about absences, recovery and tardiness

To appeal a decision about recovery

To arrange to make up classwork/tests for credit within five days of returning from an absence

Student Responsibilities

To attend school and class daily and to be on time

To provide documentation of the reason for an absence

To request make-up work for an absence and arrange to complete it within five days of returning to school

School Counseling Services

Student Rights

To be informed about school guidance services

To have access to school counselors

To request counseling when needed

Student Responsibilities

To utilize guidance services for educational improvement

To request counseling or advisement when needed

To work cooperatively with school staff

Free Speech/Expression

Student Rights

To express views (in written or verbal form) without being obscene, disruptive, discriminatory or provocative

To choose to participate in patriotic observances such as the Pledge of Allegiance

To have religious beliefs respected

To help develop and distribute publications as part of the educational process

To be protected from bullying, intimidation and threats

Student Responsibilities

To respect the rights of others when they express their views

To behave respectfully during patriotic observances

To respect the religious beliefs of others and to refrain from activities that hold religious beliefs up to ridicule

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 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

To have personal property respected

Student Responsibilities

To keep prohibited items away from school and school functions

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. A student may approach a school staff member and voluntarily surrender an object prohibited by the *Code of Student Conduct* without being subjected to discipline so long as the object is one that the student could lawfully possess off school grounds. This rule does not apply to firearms or destructive devices.

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, in addition to the other Code of Conduct rules, 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 or destructive device 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 they 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 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 is conduct that creates or may reasonably be expected to create a material and substantial disruption to the educational environment or to the operation of the school, or that poses a threat to the safety of students, staff or visitors. It includes, but is not limited to:
 - Profane, lewd, obscene or abusive language, gestures or other written or electronic communication;
 - Rude or riotous noise;

- Disorderly or assaultive behavior;
- Vandalism or the defacement of public property;
- Threats to the health or safety of others; and
- Any other conduct that violates any applicable law or policies of the Board.

5. More details about the expected conduct of visitors to campus may be found in Board Policy KI, “School Visitors.”

Transfer When Criminal Charges are Pending /Triage Process

The district will continue the Criminal Watch program to monitor students charged with or convicted of criminal offenses. In addition, upon review of the underlying allegations and based upon the preponderance of evidence, the superintendent may reassign to a different school 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 reassignment. In appropriate circumstances, as permitted by NC law, the superintendent may 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 JKD)

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.

Participation in a Rule Violation

A student who participates or conspires with another to violate a rule may be found in violation of the rule. If so, the student will be subject to the full disciplinary consequence for the rule violation.

Conduct Away from School Property

Students may be disciplined for conduct away from CMS property that violates the *Code of Student Conduct* and that has or may have a direct and immediate impact on the orderly and efficient operation of the schools or the safety of individuals in the school environment.

Truancy

Students between ages 7 and 16, and students younger than 7 who are enrolled in school, are required by law to attend school. In addition to the consequences outlined in Rule 1, the student will be required to make up the work missed and may be subject to the district’s recovery procedures. For students with more than 10 unexcused absences, the student and/or parent may be referred for prosecution.

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.

Personal Technology Devices

A personal technology device (PTD) is a portable Internet-accessing device that is not the property of the district that can be used to transmit communications by voice, written characters, words or images, share information, record sounds, process words, and/or capture images, such as a laptop computer, tablet, smartphone, cellphone, personal digital assistant or E-Reader. A student may possess and use a PTD on school property, at after-school activities and at school-related functions, provided that during school hours and on a school bus, the PTD remains off and put away. With the approval of the superintendent, a principal may

permit students to possess and use PTDs during the school day for educational purposes. “Educational purposes” include student education, research and career development. Possession of a PTD by a student is a privilege, which may be revoked for violations of the *Code of Student Conduct*. Violations may result in the confiscation of the PTD (to be returned only to a parent) and/or other disciplinary actions. The district is not responsible for theft, loss or damage to PTDs or other electronic devices brought onto CMS property. Students permitted to use PTDs during the school day must follow all rules set forth in Policy IJNDB and Regulation IJNDB-R, and sign the Student Internet Use Agreement.

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). Procedures followed 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 are provided in Board Regulation KLG-R.

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. Procedures followed 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 are provided in Board Regulation KLG-R.

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 may include a student’s enrollment in one of the district’s current alternative schools such as the Performance Learning Center or Hawthorne High School. Although the final decision on where the student will attend school will be made by the superintendent, principals, area administrators, community 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 and is not intended to be exhaustive.*)

- 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
- School-based community service/work detail

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 from grades 6 - 12).

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 35 days. A student may also be recommended for a disciplinary reassignment to the Right Choices Program or to Turning Point Academy. This option is also available for Tier IV rule violations in lieu of or during long-term suspension.
- Suspension 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 whose conduct seriously threatens the safety of students, staff or visitors or threatens to substantially disrupt the educational environment. An option at Tier IV would include long-term suspension and/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 **suspended** from school for up to 365 days for bringing a firearm or destructive device onto school property.

Out-of-school suspension for each tier:	
Tier I	0 days (unless repeated violations)
Tier II	1 to 10 days (Short-term suspension)
Tier III	11 to 30 days (Long-term suspension)
Tier IV	up to 365 days (Long-term or mandatory 365-day suspension)
Tier V	expulsion

Tier V - An indefinite **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 or is subject to the Jessica Lunsford Act. An expelled student may petition the Board for readmission after 180 days from the date he/she was expelled. If granted, the student may be placed at Turning Point Academy with a re-entry plan developed by CMS personnel. Tier V is also a possible consequence for student conduct described in Tier IV.

**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.

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 1 ATTENDANCE (Citizenship/Responsibility): A student must attend every class every day unless there is a lawful reason for the absence. Students who are tardy, cut school or class or have excessive unexcused absences (more than 10) are in violation of this rule. In addition to any administrative response, students with excessive absences may be required to comply with the district’s recovery procedures. Repeated violations of this rule may also result in Tier II consequences, with the condition that any out-of-school suspension imposed for conduct related solely to violation of this rule is limited to two days per violation. (Students who engage in insubordinate behavior towards an authorized staff member attempting to enforce this rule may also be in violation of Rule 7 and may be punished accordingly, without the two-day limitation on out-of-school suspensions.)

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 is permitted to bring or possess only objects that have an educational purpose and will not distract from teaching or learning. Students are permitted to 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 agreed upon time, not to exceed one calendar week.) The following are among the list of prohibited items:

- A. Personal Technology Devices:** A personal technology device (PTD) is a portable Internet-accessing device that is not the property of the district that can be used to transmit communications by voice, written characters, words or images, share information, record sounds, process words, and/or capture images, such as a laptop computer, tablet, smartphone, cellphone, personal digital assistant or E-Reader. A student may possess and use a PTD on school property, at after-school activities and at school-related functions, provided that during school hours and on a school bus, the PTD remains off and put away. With the approval of the superintendent, a principal may permit students to possess and use PTDs during the school day for educational purposes. "Educational purposes" include student education, research and career development. Possession of a PTD by a student is a privilege, which may be revoked for violations of the *Code of Student Conduct*. Violations may result in the confiscation of the PTD (to be returned only to a parent) and/or other disciplinary actions. The district is not responsible for theft, loss, or damage to PTDs or other electronic devices brought onto CMS property. Students permitted to use PTDs during the school day must follow all rules set forth in Policy IJNDB, Regulation IJNDB-R, and sign the Student Internet Use Agreement.
- B. Toys, games (electronic and other), electronic smoking devices, pagers and other electronic equipment:** Possession of these or any similar devices without permission of the administration is prohibited. Possession of a toy gun that is a reasonable facsimile of an actual weapon is a violation of Rule 29, *Weapons and Dangerous Objects*.

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).

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. The superintendent has the discretion to punish violations of this rule as Tier III if the student's actions have a serious detrimental effect on other students or staff.

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/CYBERBULLYING, PROFANITY, OBSCENITY AND/OR DEROGATORY LANGUAGE (Respect/Caring): Bullying and/or harassing behavior are strictly prohibited in CMS. It is the policy of the Board of Education to maintain learning environments that are free from harassment or bullying (Policy JICK, adopted 3/11/2008). Students are expected to use appropriate language and conduct at school and school functions and possess only appropriate materials. This rule applies to cursing, possessing, sending, or receiving written materials or electronic text and/or images that convey an offensive, racial, derogatory, bullying or obscene message to another person. This includes but is 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.

In addition, as with other disciplinary violations, any manner of bullying that occurs off campus may violate the *Code of Student Conduct* if it has a direct and immediate impact to the orderly and efficient operation of the school or the safety of individuals in the school environment.

Students who feel bullied, harassed or intimidated at school by an adult or another student or who witness such conduct may use the Intimidation, Bullying and/or Threats form located in the Forms Section at the back of this book to report the incident. Once completed, the form should be given to a school administrator. Retaliation for making a report is strictly prohibited. Students and parents may also use other means, such as email or other reliable methods, to make such a report.

Rule 9 **GENERALLY DISRUPTIVE BEHAVIOR (Responsibility/Respect/Citizenship):** A student will maintain appropriate behavior so as to refrain from disrupting class, school or bus activity and be prepared for instruction at all times. A student shall not talk out in class or move from his/her 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 of this rule may be punished as a Tier III infraction.

Repeated Violations: Repeated incidents of generally disruptive behavior will result in the student's participation in the School Intervention Team process. A Rule 9 review must come from the school-level Intervention Team, following appropriate documented interventions.

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 expulsion.

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. Violation of this rule may also be treated as a violation of Rule 28.
- 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 28D.) 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 using the CMS electronic communications and wireless connection network without proper authority. This includes unauthorized use of sign-on codes and the school telephone system, communication of threats or implied threats, and unauthorized 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 on social media or other sites if the conduct has or may have a direct and immediate impact on the orderly and efficient operation of the schools or the safety of individuals in the school environment. Publication of information 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 email accounts from a school computer, may be a Tier I or II infraction.)

YELLOW PAGES

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

- 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). (This may also be a Tier I, II or III infraction.)
- 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 also 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 a suspension of no more than five days so long as it does not involve a weapon or result in injury or cause a significant disruption to the educational environment. An incident that occurs in high density areas of the campus, such as the cafeteria, mall, hallway during class changes, parking lot, auditorium, restroom, bus, or gym is presumed to have caused a significant disruption and is not eligible for this lesser penalty. Subsequent violations (cumulative from grades 6-12) 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 by a nonaggressor victim using reasonable force to avoid being hit in order to enable oneself to get free from the attacker and notify school authorities. It is not self defense to participate in the fight. Students who exceed reasonable force in protecting themselves will be disciplined for violating this rule even though another person provoked the fight. 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, through another person at the request of the perpetrator, on the telephone, in writing, through the use of gang paraphernalia, or by any digital communication (cyberbullying) 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 have reasonably been carried out and whether the threatened person was made fearful. This rule violation may be a Tier I, II or III infraction.
- 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 also be a Tier II infraction.)
- G. Refusing to Disperse:** A student who witnesses an incident under this rule shall disperse at the request of staff members. (This may also 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 also be a Tier I or II infraction.)
- 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 also 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.

YELLOW PAGES

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

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 includes the communication of (by digital or other means) or the intentional display of sexually explicit material. (This may also be a Tier II or III infraction.)

C. Indecent Exposure: A student shall not intentionally expose private body parts, including but not limited to the display of the buttocks (moonng). (This may also be a Tier I, II or III infraction.)

D. Consensual Sexual Activity: A student shall not engage in consensual sexual activity. (For elementary students, this may be a Tier I, II or III infraction.) “Consensual” means all parties are willing participants in the activity.

E. Sexual Battery: A student shall not attempt to engage in sexual activity with 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 tobacco, alcoholic beverage, controlled substance (as defined by state law) or illegal or counterfeit substance. Subsequent violations of any part of this rule are cumulative from grades 6–12.

A. 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 from grades 6-12) will be a Tier III infraction.

B. MARIJUANA: A student shall not possess, use or be under the influence of marijuana, or possess associated 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 from grades 6-12) will be a Tier III infraction. “Marijuana” is defined to also include synthetic cannabinoids. Possession of large amounts or of more than one individually wrapped package of marijuana will be deemed to be a violation of Rule 28C2.

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

1. Use, Influence or Possession of Drugs/Paraphernalia: For drugs other than marijuana, a student shall not use or be under the influence of illegal or controlled substances or possess illegal, counterfeit or controlled substances (including prescription drugs without a doctor’s order filed with the school) or drug paraphernalia on school property or at a school function. Disciplinary responses shall include a referral to POP.

2. Sale/Distribution (Attempt or Actual): A student shall not distribute, sell, attempt to sell, or possess with intent to sell any illegal, counterfeit or controlled substance. Possession of a large amount of or more than one individually wrapped package of a controlled or illegal substance will be considered evidence that the student intended to sell or distribute the product.

D. TOBACCO: A student shall not use, sell, distribute or possess any kind of tobacco product or associated paraphernalia (including electronic cigarettes containing tobacco products) on school property or at a school function. The first violation of this rule shall be a Tier I infraction. Subsequent violations will be Tier II or III infractions. Possession of rolling papers is treated as a violation of Rule 28B.

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 school supplies (e.g., pencil, laser pointer) 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. Knife
- D. Box cutter/razor blade
- E. Camouflaged weapon
- F. Object thrown from a bus
- G. Ammunition
- H. Fireworks
- I. Bomb (includes destructive devices such as an explosive, incendiary or poison gas, grenade, rocket having a propellant charge of more than 4 ounces, missile with an explosive charge of more than 1/4 ounce, mine, or similar device)

YELLOW PAGES

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

- J. Air soft gun, BB gun, pellet gun
- K. 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 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, starter gun, 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 or any firearm muffler or silencer. Violation of this rule is a Tier IV or V infraction. Students violating this rule are subject to a 365-day mandatory suspension.

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, including previous school years. 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 ALLOW SEARCH (Responsibility and Honesty): School administration has the right to conduct a search of a student or his/her possessions that is reasonable in scope 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 District 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 shall 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). 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-390.3 and 391.1.

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

A student accused of misconduct, which in the opinion of the principal (includes principal’s designee) would require a short-term suspension from school, shall be afforded the procedures below. A student must be given an opportunity to complete assignments, take textbooks home, and take major tests or exams missed during the period of suspension. Details of the processes to be followed are provided in Policy JKD.

- 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 have an informal hearing with the principal and to present his/her version of the events and to identify witnesses to the incident. The informal hearing will typically occur immediately after the student is informed of the charges, but may be delayed if the student’s continued presence on campus is a safety concern.
- 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. Initial notices to impose suspension may be communicated orally to the parent; written notification must follow.
- Step 4:** The principal/designee shall report each suspension in writing to the student’s parent/guardian and to the community superintendent or designee. This report shall be sent to the parent by email, regular mail or other reliable means by the end of the day of the suspension when reasonably possible. Otherwise, it must be sent no more than 2 days later. 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:** At the discretion of the principal, a written behavior contract may be required upon the return of the student to school.
- Step 6:** Students are not entitled to appeal a principal’s decision to impose a short-term suspension to the superintendent or the Board of Education.

Procedures for Long-term Suspensions (more than 10 days) or 365-day Suspensions and Disciplinary Reassignments

A student accused of a willful violation of the *Code of Student Conduct* which, in the opinion of the principal/designee, may require a long-term suspension or 365-day suspension from school, shall be afforded the procedural safeguards described below. A suspension of more than 10 days is appropriate only when the student willfully engages in conduct that threatens the safety of students, staff or school visitors, or threatens to substantially disrupt the educational environment. 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. Only the superintendent or his/her designee may impose a period of long-term suspension or 365-day suspension.

- Step 1:** When a principal decides to recommend that a long-term suspension be imposed, parents must be provided notice of the recommendation by the end of the workday (when reasonably possible; otherwise as soon as is practicable). Except for serious violations of the *Code of Student Conduct* for which the superintendent may recommend that the student be expelled, a Discipline Team Meeting (DTM), which consists of the principal/designee, the community administrator, the parent/guardian and the student, will be convened at the school within 10 school days of the first day of suspension. For students under the age of 14 who commit offenses for which they could be expelled if they were age 14 or over, the community superintendent will decide whether

to conduct a DTM. The purpose of this meeting is for the team to review the investigation completed by the school, the principal's recommended consequences, the due process procedures afforded, and any information provided by the student and the parent/guardian. There is no right for representative counsel to attend the DTM. During the DTM, the community administrator may recommend that additional consequences be imposed. At this point the community superintendent will make a preliminary decision. Parents will be informed in writing of the community superintendent's decision.

Preliminary decision to impose long-term suspension:

If the parent/guardian agrees with the preliminary decision of the community superintendent to impose a long-term suspension, then that decision shall become final and a due process hearing will not take place. If the parent/guardian disagrees with the decision of the community superintendent to impose a long-term suspension, a due process hearing may be requested by making a written request to the community administrator within three business days. (A form for this purpose is in the back of this book.)

Decision to make disciplinary reassignment:

If the decision of the community superintendent is to make a disciplinary reassignment of the student to an alternative school without any additional days of suspension, the student is not entitled to a due process hearing. Disciplinary reassignments are not long-term suspensions. The student may request an appeal of the school assignment to the Board by contacting the Alternative Education/Safe Schools Department (A form for this purpose is in the back of this book.) The assignment will be immediately effective pending the appeal and remains in effect until a decision is rendered in the appeal. As provided on Board Policy JFAC, a student may not be represented by an attorney at the Board hearing at which the student appeals a disciplinary reassignment.

- Step 2:** The due process hearing will be scheduled within the initial 10-day suspension. If parents/guardians miss the deadline or request a later hearing date or their scheduling conflicts cause the hearing to take place after the initial 10-day suspension, then the community superintendent may impose a long-term suspension before the hearing occurs.
- 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. Details of the notice are provided in Policy JKD. The notice will be sent by email, US mail, hand delivery or other reliable means. For children in foster care, notice must also be sent to the foster parents and the Youth and Family Services guardian. If neither the student nor parent appears at the scheduled hearing, they will have waived the right to the hearing and the superintendent will proceed with imposing the disciplinary consequence.
- Step 4:** The due process hearing will be held at the learning community offices or other designated location and the student will be able to exercise the rights identified in the notice, including the right to have an opportunity to present his/her version of the events, provide witnesses (or written witness statements) on his/her behalf, question the witnesses presented by the school administration and be represented by counsel (at the parent's own expense). Students shall also have the right to review before the hearing the evidence that may be presented by the district, as allowed by federal and NC law. The hearing officer shall make a written determination of the facts, based on substantial evidence presented at the hearing.
- Step 5:** The superintendent/designee shall make a final decision regarding the disciplinary consequences after the due process hearing has occurred (or, if no request is received, after the deadline has passed for requesting a hearing.) The superintendent/designee will not review the initial 10-day (short-term) suspension. A student shall be informed of the determination promptly.
- Step 6:** If the student disagrees with the decision of the superintendent/designee to impose a suspension of more than 10 days, he/she is entitled to appeal to the Board of Education. 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. The student may appeal to the Board even if he/she did not request a due process hearing. (A form for this purpose is located in the back of this book.)
- Step 7:** The Board hearing will be conducted and a decision rendered within 30 days of the submission of the appeal, unless the student requests that the hearing be delayed.

Procedures for Expulsion

Pursuant to N.C.G.S. § 115C-390.11, 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 or who is subject to the Jessica Lunsford Act.

- Step 1:** After the due process hearing has occurred, the superintendent/designee may make a recommendation to the Board of Education that the student be expelled. A period of long-term suspension may also be imposed by the Superintendent pending the Board decision on the expulsion recommendation.
- Step 2:** The parent/guardian will receive written 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 clear threat to the safety of others, provide witnesses (or written witness statements) on his/her behalf, question the information presented by the superintendent/designee. The student has the right to be represented by counsel at this hearing, at the parent's expense.
- Step 4:** The Board of Education will determine whether the statutory requirements were met and if there are alternative programs that 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 or Students Suspended for 365 Days

Following the Board of Education's 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 180 days after the decision to expel. Similarly, students subject to a 365-day suspension may petition the Board for readmission after 180 days from the start of the suspension. The Board will schedule a hearing to consider these requests. Students will be notified of the date of the hearing. 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. Parents or students who need a copy of this handbook, may contact the principal 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

Withdrawing from and later re-enrolling in Charlotte-Mecklenburg Schools will not 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 re-enrolling in CMS.

Procedures for Expungement of Records

As required by North Carolina law, all long-term suspensions and expulsions must be included in a student's education record. These records may be expunged if all the following conditions have been met: 1) the student (age 16 or over) or parent makes

such a request to the Community Superintendent: and 2) the student graduates high school or is not expelled or suspended again during the 2-year period starting on the date of the student's return to school after the expulsion or suspension; and 3) the superintendent determines that the maintenance of the record is not necessary to maintain safe and orderly schools and the records are no longer needed to adequately serve the student.

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 11-35 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. A student referred to POP will have a portion of his/her term of suspension set in abeyance. If the student does not complete the program within a specified period of time, he or she will be required to complete the full term of suspension.

Turning Point Academy:

The **Turning Point Academy** is available as an alternative education option for students with long-term or 365-day suspensions and/or as a disciplinary reassignment for students who have committed serious violations 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.

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. 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

Destructive Device: An explosive, incendiary, or poison gas, including 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 device similar to any of the previously listed devices.

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 (including foster parent) or other caregiver adult who is acting in the place of a parent and is entitled to enroll the student in school under NC law

Alternative School: full-time educational program that meets the academic requirements of the NC Standard Course of Study and provides the student with the opportunity to make timely progress towards graduation and grade promotion

Disciplinary Reassignment: Assignment to an alternative school imposed as a consequence for violating the Code of Student Conduct. These assignments are not long-term suspensions.

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

Short-term suspension: A disciplinary exclusion of a student from school for 10 or fewer school days may be imposed by a principal or assistant principal

Long-term suspension: The disciplinary exclusion from school of a student for more than 10 school days. For offenses occurring during the first, second and third quarters, the term may not exceed the end of the school year; for offenses occurring during the fourth quarter, the term may be through the end of the first semester of the following school year. May be imposed by the superintendent or designee.

365-day suspension: A disciplinary exclusion from school for 365 calendar days

Exclusion: The removal of a student from school for disciplinary purposes

Expulsion: The indefinite exclusion of a student from school enrollment for disciplinary purposes; 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 IJNDB, IJNDB-R, KLC, KLG, JBA, JFAC, JICA, JICG, JICH, JICH-R, JICI, JICK, JICK-R, JIAA, JIJ, JIJ-R, JJJ, JK, JK-R, JKD, JKDA-R, JRA, KI and KLG-R.

North Carolina General Statutes

- §§ 1-538.3(b), 20-11(n1), 115C-288, 115C-307, 115C - 390.1 - 390.12 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 and the Forms Handbook (available on the district Web site)**

FORMS

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

Appeal to the Board of Education: Disciplinary Reassignment

Use this form to appeal to the Board only after the community superintendent has made a decision to make a disciplinary reassignment to an alternative program. Submit to Alternative Education and Safe Schools Department within 10 days. Students are not permitted to be represented by an attorney at the Board hearing.

TO: Alternative Education and Safe Schools Department
Charlotte-Mecklenburg Schools
700 E. Stonewall Street
Suite 714
Charlotte, NC 28202
attn: Beverly Mauldin
email: **beverly.mauldin@cms.k12.nc.us**
fax: 980-343-3796

DATE: _____

FROM: _____ *Parent*
_____ *Student*
_____ *Mailing Address*

_____ *Telephone Number*
_____ *Email Address*
_____ *School*

I wish to appeal the decision of the community superintendent to assign my child to an alternative program for the following reason(s):

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

_____ The disciplinary assignment is not appropriate. Please explain.

_____ Other. Please explain.

This appeal form must be submitted within 10 days of the community superintendent's decision or the decision becomes final. Your child's disciplinary assignment remains in effect pending the outcome of the appeal hearing.

Request for Due Process Hearing for Suspensions of More Than 10 Days

Use this form to request a hearing only after the community superintendent has made a decision to impose a long-term suspension. Submit to community superintendent within three (3) days.

TO: _____ community superintendent

DATE: _____

FROM: _____ Parent

_____ Student

_____ School/grade

_____ Student 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 community superintendent within three (3) days for the hearing to be scheduled within the initial 10-day suspension. For notices received after the deadline, the long-term or 365-day suspension will be imposed and the hearing will be scheduled at a later time. *Please be aware that any changes in the suspension will not change the official coding of school days already served as suspended. Appeals of disciplinary reassignments to alternative schools must be submitted using the form titled, "Appeal to the Board of Education: Disciplinary Reassignment," located on page 25 of this book.*

Appeal to the Board of Education: Long-Term Suspension

Use this form to appeal a community superintendent's final decision to impose a long-term suspension. 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*
_____ *Student*
_____ *School/grade*
_____ *Address*
_____ *Telephone number*

I wish to appeal the decision of the community 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 of the community superintendent's decision or the decision becomes final.

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: _____



P.O. Box 30035
Charlotte, NC 28230
www.cms.k12.nc.us

Every Child. Every Day. For a Better Tomorrow.

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.