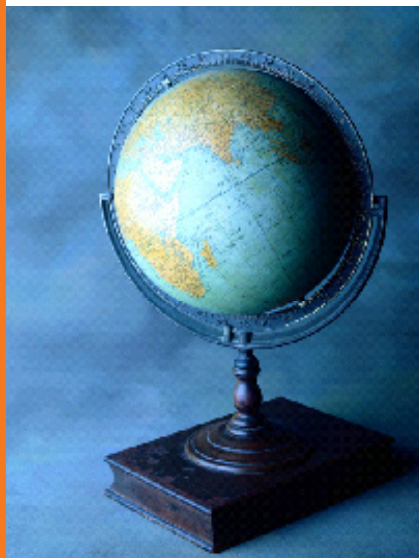


ORANGE COUNTY SCHOOLS

# Student Discipline and Code of Conduct

2008-2009





# Student Discipline and Code of Conduct

## I. Introduction and Statement of Purpose

Because an educated citizenry is essential to good government and can be attained only in an atmosphere conducive to teaching and learning, the Orange County Board of Education requires the maintenance of good order in the schools.

The purpose of this policy is to provide students, parents, guardians, school personnel, and the public with a concise, comprehensive description of the expectations for the behavior of all students enrolled in the Orange County Schools. This Code contains definitions of inappropriate student conduct and possible courses of action, which may be utilized by school officials to discipline students who behave improperly. The Board places emphasis upon the right of all students to learn in an atmosphere free from disruption by others.

All students shall comply with the Code of Student Conduct, state and federal laws, School Board policies and local school rules governing student behavior and conduct. This policy applies to any student who is on school property, including school bus stops, who is in attendance at any school or any school-sponsored activity, or whose conduct at any time or place, on or off campus, has a direct and immediate effect on maintaining order and discipline or protecting the safety and welfare of students or staff in the schools. This policy also applies to regular school buses, school activity buses, other school vehicles or any private vehicle located on property owned by the Orange County Board of Education. This policy also applies to students on any school sponsored field trip, including student conduct during travel times, in places of accommodation, and at all other times.

In order to ensure that all students attending the Orange County Schools receive the full benefits of their education, cooperation between the home and school is essential.

## II. Authority of School Personnel

The principal has the authority and responsibility to investigate and take appropriate action regarding any antisocial or criminal student behavior and any other behavior appropriately referred to him or her. The principal is responsible for informing students and parents of any standards or rules that, if violated, could result in short-term or long-term suspension, 365 day suspension, or expulsion.

The teacher has the authority and responsibility to manage student behavior in the classroom and while students are under his or her supervision. The teacher is expected to implement the student management plan and any other school standards or rules. The teacher may develop other standards or rules consistent with the direction provided by the Board and school. Every teacher, student teacher, substitute teacher, voluntary teacher or teacher assistant is required to report to the principal all acts of violence occurring in school, on school grounds, or at any school-related activity.

The teacher has the authority to manage or remove disruptive or dangerous students. School personnel may use reasonable force to control behavior or to restrain or remove a person from the scene in those situations when necessary:

1. To quell a disturbance threatening injury to others;
2. To obtain possession of a weapon or other dangerous object on the person, or within the control, of a student;
3. For the protection of persons or property, self-defense

Students shall comply with the direction of principals, teachers, substitute teachers, student teachers, voluntary teachers, teacher assistants, bus drivers, parent volunteers and any other school personnel authorized to give such directions, whether assigned to the school personnel or not, during any period of time when they are subject to the authority of school personnel. Unless this Code specifically requires that certain punishments be given for misconduct, principals and teachers may use their discretion in deciding which disciplinary actions to take. Any

student who refuses to comply with reasonable rules, regulations or directions imposed by authorized school employees, or fails to cooperate with the investigation, shall be held in violation of the Student Code of Conduct.

This Code of Student Conduct is not intended to restrict in any way the authority of principals to make rules, which they are authorized by law to make for the governance and operation of their respective schools or the authority of teachers to make such rules which they are authorized by law to make for their respective classes.

Law enforcement will be notified if the principal has a reasonable belief that an act has occurred on school property involving assault on school personnel, assault of a student resulting in serious personal injury, sexual assault, sexual offense, rape, kidnapping, an adult taking indecent liberties with a minor, assault involving the use of a weapon, possession of a controlled substance in violation of the law, death by other than natural causes, robbery with or without a dangerous weapon, or any other conduct that is required by law or policy to be reported to law enforcement.

In addition, law enforcement will be called in other instances if the principal has reason to believe a crime may have been committed and if the involvement of law enforcement would advance the principal's efforts to determine whether a crime has been committed, quell a disturbance, or maintain order. School officials shall cooperate at all time with the efforts of law enforcement; however, school disciplinary measures will proceed independently of any criminal , juvenile investigation or prosecution.

During the period that a student is suspended, he/she is prohibited from entering the grounds of any school of the Orange County Schools and from attending any school-related functions without first securing express permission from the building principal. Further, a student suspended from riding school provided transportation should not enter a school bus or contract vehicle for the purpose of being transported from home to school or from school to home during the suspension.

Lockers, desks, and other school property remain at all time the property of the Board and shall be subject to search at the discretion of the Superintendent or his/her designee. Lockers, desks, parking lots, and any other property of the Orange County Schools may not be used for any unlawful purpose, and any unlawful, disruptive or dangerous material found in or on school premises may be confiscated.

### **III. General Provisions**

#### **A. Principal Responsibilities**

According to G.S. 115C-288

The principal shall have authority to exercise discipline over the pupils of the school. The principal may suspend a student for ten (10) days or less, recommend long-term suspension, recommend 365 day suspension or expulsion of a student following procedures outlined in the section on Due Process.

Principals will distribute the Code of Conduct to all students and verify, in writing, the Code's distribution. Additionally, each student will be required to provide a copy of the Code of Conduct to his or her parents/guardian and every student and parents/guardian will sign a verification form that they have read and reviewed the Code and understand the expected behavior and consequences resulting from unacceptable behavior. This verification will take place at the beginning of the school year, or, in the case of students enrolling after the beginning of school, at the time of enrollment. The form for the verification is found in the Appendices of this document.

#### **B. Teacher Responsibilities**

According to G.S. 115C-307(a), teachers have a duty and responsibility to maintain order and discipline. "It shall be the duty of all teachers, including student teachers, substitute teachers, voluntary teachers, and teacher assistants when given authority over some part of the school program by the principal or supervising teacher to maintain good order and discipline in their respective schools."

A teacher may not suspend a student from school nor may he/she permanently remove a child from a classroom. A teacher should report serious misconduct to the principal or designee for appropriate disciplinary action.

Responsibility for supervising each student's conduct should be assumed by all teachers of the school. The responsibility shall include supervision of students in classrooms, halls, restrooms, auditorium, on the playground, or at school sponsored events.

#### C. School Staff Responsibilities

All staff members should assume their responsibility as adults to help maintain good order in the school. Consequences for student misconduct should ordinarily be left to certified employees.

#### D. Parents/guardian Responsibilities

Parents/guardians have the responsibility to provide a home atmosphere which enhances the total development of the child. Parents/guardians should understand the school's rules and regulations and support the school's discipline efforts. Parents/guardians should see that their child attends school regularly, and they should regularly schedule and attend parent-teacher conferences. Parents/guardians should contact school officials whenever the need arises.

#### E. Student Responsibilities

Each student has the right to attend the public schools of Orange County and must accept the consequences for his/her actions. Each student is responsible for knowing all regulations and policies, which may affect him/her, and for following those regulations. Students share with school officials the responsibility of maintaining order at school through their compliance with all lawful directions of principals, teachers, substitute teachers, teacher assistants, and other school personnel authorized to give directions.

#### F. Bus Drivers

##### Responsibilities

1. School bus drivers shall have all qualifications prescribed by the regulations of the State Board of Education. They must be at least 18 years old and have at least six months driving experience as a licensed operator of a motor vehicle before employment as a regular or substitute driver.
2. School bus drivers shall keep informed of and abide by all federal, state and local laws, rules, and regulations pertaining to the operation of the school buses and shall cooperate with the principal and other school officials.
3. The school bus driver, subject to the direction of the principal, shall have complete authority over and responsibility for the operation of the bus and the maintenance of good order and conduct on the bus, and shall report promptly to the principal any misconduct or disregard or violation of the driver's instructions by any person riding on the bus.
4. The school bus driver shall permit no person to ride on the bus except as assigned by the principal.
5. The school bus driver shall inspect the bus before and after each trip and report safety concerns or vandalism.

## G. School Resource Officers (SRO's)

The Center for Prevention of School Violence defines a School Resource Officer in the following way:

a certified law enforcement officer who is permanently assigned to provide coverage to a school or a set of schools. The SRO is specifically trained to perform three roles: law enforcement officer; law-related counselor; and law-related education teacher. The SRO is not necessarily a Drug Abuse Resistance Education (DARE) officer (although many have received such training), security guard, or officer who has been placed temporarily in a school in response to a crisis situation but rather acts as a comprehensive resource for his/her school.

### Responsibilities

1. To protect lives and property for the citizens and public school students of the County;
2. To enforce Federal, State and Local criminal laws and ordinances, and to assist school officials with the enforcement of Board of Education Policies and Administrative Regulations regarding student conduct.
3. To investigate criminal activity committed on school property;
4. To counsel public school students in special situations, such as students suspected of engaging in criminal mis-conduct, when requested by the principal or by the parents of a student;
5. To answer questions that students may have about North Carolina or Juvenile laws;
6. To assist other law enforcement officers with outside investigations concerning students attending the school(s) which the SRO is assigned
7. To provide security for special events or functions, such as PTA meetings, at the request of the principal or the safety manager; and
8. To provide traffic control during the arrival and departure of students when a school crossing guard is absent.

## IV. Definitions

**Alternative Setting** -- educational services provided by the system or another provider in a setting other than the student's school assignment.

**Board** -- the Orange County Board of Education

**Classroom** -- locations where designated learning experiences take place and where school officials have supervisory responsibility.

**Consequences** -- consequences for violation of the Code of Conduct include, but are not limited to, conferences with parents/guardians, confiscation of property which disrupts the learning environment, restitution, in-school suspension, suspension from school activities and events, suspension of bus privileges, after-school detention, out-of-school suspension and expulsion.

**Day or Days** -- school days excluding teacher workdays, holidays, vacations days and weekends.

**Expulsion** -- permanent exclusion of a student from registering, enrolling or attending any Orange County school. This exclusion also includes riding in a school-owned or operated vehicle and prohibits the student from participating in school activities or entering any school property. Expulsion requires the approval of the Board of Education.

**In-School Suspension (hereinafter ISS)** -- the in school program is an alternative to students being suspended out of school. Purposes are to provide a form of consequence that results in improved behaviors without the removal of students from the school environment and supervision.

**Long-Term Suspension** -- out-of-school suspension for any designated period of more than 10 days but not exceeding the time remaining in the school year.

**Out-of-School Suspension (hereinafter OSS)** -- the removal of the student from school, school activities and school grounds for designated period of time as prescribed by law.

**Parent** -- includes the natural parent, legal guardian, legal custodian or person serving in loco parentise having charge or control of any student enrolled in Orange County Schools.

**PCD** -- portable communication devices

**Principal** -- the school principal or any school professional to whom the principal may officially delegate authority.

**Restitution** -- to make whole, by replacement or restoration of property to its original condition, or payment of money sufficient to compensate for damage to property.

**Student** -- any person enrolled or attending any of the Orange County Schools.

**Substitute Teacher** -- any person who is approved according to local policy to take the place of the teacher during his/her absence.

**Superintendent** -- the Superintendent of the Orange County Schools or his/her chosen representative.

**Teacher** -- the certified professional entrusted by the Board and the Superintendent with the responsibility pursuant to law for the education, health and well-being of students under his/her direction.

**Tardy** -- means late for a class or other school period as defined by the schools and the North Carolina laws and regulations.

**365 Day Suspension** -- out-of-school suspension for 365 calendar days.

## V. Preventive Measures

When it is recognized that a student is behaving in a manner which indicates potential disciplinary problems, school personnel shall make reasonable efforts to initiate preventive measures. Possible preventive intervention procedures may include, but are not limited to:

- conferences with the student;
- conferences with the parents/guardians;
- periodic follow-up reports to parents/guardians;
- and, referral to appropriate support personnel.

School personnel shall actively seek effective, positive methods and strategies to help each student learn to behave in a manner that is conducive to effective learning and that respects the rights of others. Each school principal shall systematically identify potential problem areas within his/her school that may contribute to discipline problems and shall work to maintain a positive school environment to minimize discipline problems.

## VI. Corporal Punishment

The district believes that a well disciplined school system can be maintained without the use of corporal punishment. Therefore, the district prohibits the use of corporal punishment by principals, assistant principals, teachers, substitute teachers, any other school system personnel, student teachers or volunteers.

## VII. Suspension and Expulsion

While the teacher has the major responsibility for classroom discipline, some disruptive behavior may require the attention of the principal or his/her designee. State law assigns the principal the authority to suspend for ten days or less, or with prior approval of the Superintendent, for more than ten days. (G.S. 115C-391) Special statutory provisions apply in the event that a student enrolled in an exceptional children's program exhibits behavior which might result in suspension or expulsion. (G.S. 115C-112)

## VIOLATIONS OF THE CODE OF CONDUCT

**Rule 1. Minor Infractions of Classroom Rules** -- Teachers will follow a classroom discipline procedure to include: warning, parents/guardian contact, after-school detention, isolation and referral to office for assignment of ISS or OSS. Unnecessary objects which detract from the learning process or possess safety hazards, including but not limited to lighters, matches, toys, etc. should not be brought to school.

Consequences

Elementary	Middle School	High School
Ranging from in-school disciplinary action up to 1 day OSS	Ranging from in-school disciplinary action up to 3 days OSS	Ranging from in-school disciplinary action up to 10 days OSS

**Rule 2. Dress Code Violation** -- The Orange County Board of Education respects a student's right to choose his or her style of dress or appearance. The Board of Education requires students to appear at school fully clothed and groomed in an appropriate manner consistent with the establishment and continuance of a proper atmosphere for learning. Good grooming promotes pride and good behavior. Students are expected to adhere to standards of cleanliness and dress that are compatible with the requirement of a good safe school environment. If a student's dress or lack of cleanliness is such that it constitutes a threat to health or safety, the principal or principal's designee may require the student and student's parent or guardian to take appropriate action to remedy the situation. In addition, if a student's dress or appearance is so unusual, inappropriate or lacking in cleanliness that it clearly disrupts class or learning activities, the student may be required to change his or her dress or appearance. Appropriate action may include having a parent/guardian bring appropriate clothes to school or sending a student home to change into more appropriate attire.

Principals will maintain guidelines to assist students in determining appropriate dress and appearance for school. A copy of this policy will be distributed to all students each year. Reasonable accommodations will be made by the school principal or principal's designee for those students who, because of a sincerely held religious belief or medical reason, request in advance a waiver of a particular guideline for dress or appearance. Reasonable accommodations shall be made by the principal to accommodate students involved in special duties, activities, or projects approved by the school. This would include but not be limited to: athletics, vocational classes and projects, special events, or other activities that would allow for non-conforming dress on a school campus.

Items listed below shall apply to all students:

- No student's appearance or clothing will be acceptable if it is deemed disruptive, provocative, indecent, vulgar, or obscene, or if it endangers the health or safety of the student or others.
- Hats, sweatbands (or other head coverings), or sunglasses are not to be worn inside school buildings.

- No bandanas or gang-related clothing or styles are permitted before, during, or after school hours, or at any school-sponsored/school related function.
- Any adornment such as chains or spikes that reasonably could be perceived as or used as a weapon; and any symbols, styles or attire frequently associated with intimidation, violence or violent groups will not be permitted.
- Students are not to wear halter tops/tank tops, clothing that reveals underclothes or lack thereof, see-through clothes, undershirts or clothing bearing lewd/vulgar or offensive themes/remarks (including tee-shirts advertising alcohol or tobacco products). Sleeveless blouses are permissible if undergarments do not show and chest area and underarms are not exposed.
- Clothing must be worn appropriately (nothing inside-out or backwards, no rolled up pant legs, no shirts worn half on and half off, or unfastened bib overalls; belts must be buckled and worn at the waist line).
- Clothing must not reveal midriff, backs, cleavage, or chest/torso area. Shirts and blouses must cover the waist and go past the waistline.
- Coats must fit and be appropriate for the season.
- No sagging pants are allowed. A belt is required if pants do not remain at the waist.
- Tight clothing such as knit or spandex bicycle/biker pants or overly tight pants are not allowed.
- Skirts, dresses, and/or shorts may be no higher than mid-thigh.
- Proper footwear is required. Shoes that have laces must be laced, tied and fit. No bedroom slippers or shower shoes are allowed.
- For elementary schools, high heels and platform shoes are dangerous for young students and are prohibited. They are not able to walk well in them and may trip when trying to run. Flip-flops and backless sandals present similar problems and are prohibited. Shoes that are firmly attached to the feet are required.

Consequences

Elementary	Middle School	High School
Ranging from in-school disciplinary action up to 1 day OSS	Ranging from in-school disciplinary action up to 3 days OSS	Ranging from in-school disciplinary action up to 3 days OSS

**Rule 3. Issues of Integrity** -- Cheating, plagiarism, falsification of notes or documents will result in disciplinary measures.

Consequences

Elementary	Middle School	High School
In-school disciplinary action	Ranging from in-school disciplinary action up to 5 days OSS	Ranging from in-school disciplinary action up to 10 days OSS. Zero on assignment

**Rule 4. Trespassing** – Students are prohibited from trespassing on school property. A student will be considered a trespasser and may be criminally prosecuted under any of the following circumstances:

A student who is on the campus of a school to which he or she is not assigned during the school day without the prior knowledge and consent of the officials of the school the student is visiting;

Any student who loiters at any school after the close of the school day without specific need or supervision; or

Any student who has been suspended from school who appears on the property of any school during the suspension period without the express permission of the principal.

Consequences

Elementary	Middle School	High School
Ranging from in-school disciplinary action up to 1 day OSS. Law enforcement may be notified	Ranging from in-school disciplinary action up to 3 days OSS. Law enforcement may be notified	Ranging from in-school disciplinary action up to 10 days OSS. Law enforcement may be notified

**Rule 5. Attendance** – Students shall follow State and local attendance guidelines and attend classes in a timely and regular fashion. Parents/guardians have the responsibility under state law to insure their children comply with the compulsory attendance laws.

**a) Skipping (Not coming to school) School in whole or in part --** Students shall come to school and be present in their designated homeroom and/or their assigned classroom unless they have been authorized to be absent by the principal or his/her designee or they have an absence that is excused pursuant to State guidelines and Board policy for attendance.

Consequences

Elementary	Middle School	High School
In-school disciplinary action	ISS or other in-school disciplinary action, including after-school detention	ISS or other in-school disciplinary action, including Saturday school or after-school detention

**b) Skipping (leaving school once present) School in whole or in part --** Students shall come to school, remain at school once they have arrived and be present in their designated homeroom and/or their assigned classroom unless they have been authorized to do otherwise by the principal or his/her designee.

Consequences

Elementary	Middle School	High School
In-school disciplinary action	ISS, or other in-school disciplinary action, up to 1 day OSS	ISS, or other in-school disciplinary action, up to 2 days OSS

**c) Unexcused Tardies in Homeroom or Assigned Classes** -- Students are not to be tardy to homeroom or assigned classes.

Consequences

<b>Elementary</b>	<b>Middle School</b>	<b>High School</b>
In-school disciplinary action	ISS or other in-school disciplinary action	ISS or other in-school disciplinary action

**Rule 6. Forging Notes/Documents** -- Students shall not provide false information to school officials and/or parents or guardians with regard to any report card, attendance matter, grades or progress reports, discipline matters or any other school business.

Consequences

<b>Elementary</b>	<b>Middle School</b>	<b>High School</b>
Ranging from in-school disciplinary action up to 3 days OSS	Ranging from in-school disciplinary action up to 5 days OSS	Ranging from in-school disciplinary action up to 5 days OSS

**Rule 7. Inappropriate Interpersonal Behavior** -- Students shall conduct their personal and social relationships according to acceptable community standards. Inappropriate public displays of affection as determined by the principal will not be allowed.

Consequences

<b>Elementary</b>	<b>Middle School</b>	<b>High School</b>
Ranging from in-school disciplinary action up to 2 days OSS	Ranging from in-school disciplinary action up to 5 days OSS	Ranging from in-school disciplinary action up to 5 days OSS

**Rule 8. Use of Tobacco Products** -- The Board of Education believes that a smoke/tobacco-free environment will better protect the health and well-being of students of the Orange County School System and of other persons. To this end, the Board of Education will prohibit or restrict smoking and the use of tobacco products as follows:

- Students may not possess, display, or use any tobacco product at any time on school premises, including school vehicles or while participating in school events, both indoor and outdoor and both on and off school property.
- The prohibition of display of tobacco products shall not extend to display that has a legitimate instructional or pedagogical purpose.
- No student shall be permitted under any circumstances to use tobacco products in any indoor facility owned or leased or contracted for by the Orange County Schools.

For purposes of this policy, “tobacco product” is defined to include cigarettes, cigars, pipes, chewing tobacco, snuff, and any other items containing or reasonably resembling tobacco or tobacco products. “Tobacco use” includes smoking, chewing, dipping, or any other use of tobacco products.

Consequences

Elementary	Middle School	High School
Confiscation. Parental/guardian contact. Conference with school nurse. In-school disciplinary action.	Confiscation. First Offense: Mandatory ATS course or a one-day suspension & parent notification. Second Offense: Mandatory ATS course & parent notification. Third Offense: Three day suspension & parent notification. Fourth Offense: Administrator’s discretion. <i>*See below</i>	Confiscation. First Offense: Mandatory ATS course or a one-day suspension & parent notification. Second Offense: Mandatory ATS course & parent notification. Third Offense: Three day suspension & parent notification. Fourth Offense: Administrator’s discretion. <i>*See below</i>

\* For the first violation at the middle and high school levels, an alternative to suspension may be offered. The alternative shall require participation of the student and parent/guardian in an approved corrective education program (ex. ATS-Alternative to Suspension Tobacco Education Program). Failure to meet the requirements of the alternative program reactivates the consequences listed above.

Students interested in quitting will be assessed by the Youth Tobacco-Use Prevention Project Manager at the Orange County Health Department or appropriate school-based personnel and their interest in enrolling into a cessation program (ex. NOT-Not on Tobacco). Continued follow-up by the project manager or school personnel will be determined on a case-by-case basis.

**Rule 9. Noncompliance with Directives from Principals, Teachers, and Other School Personnel** -- Students shall comply with the directives of all school personnel at all times while a student is at school. This includes being in any school building and on any school premises, attending school-sponsored activities, on or about any school-owned or operated vehicle, off school property at any school-sponsored or school-approved activity or function or during any period of time when student’s behavior has a direct and immediate effect on maintaining order and discipline and protecting the safety and welfare of students and staff.

Consequences

Elementary	Middle School	High School
Ranging from in-school disciplinary action up to 5 days OSS	Ranging from in-school disciplinary action up to 10 days OSS. Repeated violations may result in long-term suspension	Ranging from in-school disciplinary action up to 10 days OSS. Repeated violations may result in long-term suspension

**Rule 10. Electronic Devices** -- Students are not allowed to possess electronic devices including, but not limited to, beepers, lasers, walkie-talkies, and other non-instructional electronic devices on school grounds or at any school-sponsored activity, in any school building and on any school premises, attending school-sponsored activities, on or about any school-owned or operated vehicle, off school property at any school-sponsored or school-approved activity or function or during any period of time when students are subject to the authority of school personnel and at any time when the student's behavior has a direct and immediate effect on maintaining order and discipline and protecting the safety and welfare of students and staff. All electronic devices will be confiscated and a parent/guardian is required to attend a conference in order to gain possession of the item. This rule does not apply to personal vehicles, overnight/day school-sponsored field trips and athletic events. Cell phones and pagers are governed by Board policy and are addressed elsewhere in the Code of Conduct.

Consequences

Elementary	Middle School	High School
Confiscation of device. Ranging from in-school disciplinary action up to 2 days OSS	Confiscation of device. Ranging from in-school disciplinary action up to 5 days OSS	Confiscation of device. Ranging from in-school disciplinary action up to 5 days OSS

**Rule 11. Portable Communication Devices** -- The Orange County Board of Education has as its highest priority a strong commitment to preserving an atmosphere that enhances the learning process in schools. Therefore, to avoid disruption to instruction, the use of electronic devices, including, but not limited to cellular telephones, pagers, and other portable communication devices (PCDs) are allowed only with the restrictions outlined below.

- Students in elementary school are not allowed to possess cellular telephones and other PCDs on any school site except for health or other unusual reasons approved on an individual basis by the school principal and subject to regulations developed by the Superintendent.
- The use or possession of cellular telephones and other PCDs is a privilege the board extends to high school and middle school students only before and after the official school day subject to regulations developed by the Superintendent. The school day for middle school is defined as the hours between 8:20 a.m. and 3:20 p.m. High school hours are between 8:45 a.m. and 3:45 p.m. Middle/high school students are allowed to use cellular phones for athletic events and after school events; i.e., dances. PCDs will be prohibited during the school day.
- During the school day, all devices must be out of sight and inactivated.
- Students violating this policy and the associated regulations shall be deemed to have created a disruption to the instructional environment and are subject to appropriate disciplinary action. Please see OCS Code of Student Conduct, Rule # 11.
- Staff members and visitors shall turn off the audible notification on their cell phones and pagers during the school day when they are supervising students or participating in an activity with students. School bus drivers may not use a cellular phone while operating a school bus.
- Students must insure that all cellular phones remain turned off and not visible when being transported to and from home by district owned vehicles; i.e., school buses. The school bus is viewed as an extension of the school and therefore, all regulations apply.
- Students shall be personally and solely responsible for the security of their cellular telephones and other PCDs. The Orange County Board of Education shall not assume responsibility or liability for the theft, loss or damage to a student's cellular telephone or other PCDs and does not assume responsibility for the unauthorized use of any device.
- Using portable communication devices to reproduce images of tests, to access unauthorized school information or to assist students in any aspect of their instructional program in a manner that violates any school board policy, district or school code of conduct.

- Using cellular telephones or other devices with photographic capabilities in student locker-rooms, restrooms or any other student changing areas, at any time is prohibited.
- Cell phones are banned for all students attending Partnership Academy Alternative School.

Consequences

Elementary	Middle School	High School
Confiscation of device. Ranging from in-school disciplinary action up to 2 days OSS	Confiscation of device. Ranging from in-school disciplinary action up to 5 days OSS	Confiscation of device. Ranging from in-school disciplinary action up to 5 days OSS

**Rule 12. Bus Misbehavior** -- Students, at all times while riding a school bus or other school-owned or operated vehicle, shall observe the directives of the school bus driver and/or bus/contract vehicle safety monitor. The following conduct is specifically prohibited and may result in revocation of school system provided transportation privileges: delaying the bus schedule, fighting, smoking, using profanity or refusing to obey the driver’s instructions, tampering with or willfully damaging the school vehicle, getting off at an unauthorized stop, distracting the driver’s attention by participating in disruptive behavior while the vehicle is in operation, throwing objects from the bus, failing to observe and obey safety regulations, willfully trespassing on a school-owned or operated vehicle or violating any other Code of Conduct rule while on the school bus. If a violation of this code also violates other rules, consequences in addition to those listed below may be implemented.

Consequences

Elementary	Middle School	High School
Ranging from in-school disciplinary action up to 10 days OSS, and/or suspension from bus transportation up to the remainder of the year.	Ranging from in-school disciplinary action up to 10 days OSS, and/or suspension from bus transportation up to the remainder of the year.	Ranging from in-school disciplinary action up to 10 days OSS, and/or suspension from bus transportation up to the remainder of the year.

**Rule 13. Gambling** -- Students shall not engage in any form of games of chance or gambling for money and/or objects of value.

Consequences

Elementary	Middle School	High School
Ranging from in-school disciplinary action up to 1 day OSS	Ranging from in-school disciplinary action up to 3 days OSS	Ranging from in-school disciplinary action up to 5 days OSS

**Rule 14. Insulting, Abusive, Harassing, Profane, Obscene or Seriously Disrespectful Words, Acts of Touching, Gestures, Signs (including Gang Signs), Verbal Threats and Threats by Electronic Devices or Other Acts** -- Students shall respect other students, visitors, school employees and other persons by utilizing appropriate language and behaviors at all times. Any action which is insulting, abusive, harassing, profane, obscene or seriously disrespectful and which disrupts the learning process for any student or which demeans or degrades another person is specifically prohibited.

The Orange County School System does not tolerate gang membership or gang-related activity. Orange County Schools supports a proactive approach to dealing with gangs and gang-related activities in schools, at school-related events, and in the community.

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 OCS policy, and having a common name identifying signs, colors, or symbols. No student shall commit any act that furthers gangs or gang-related activities. Conduct prohibited by this policy includes:

Consequences

Elementary	Middle School	High School
Ranging from in-school disciplinary action up to 5 days OSS	Ranging from in-school disciplinary action up to 5 days OSS. Repeated violations may result in long-term suspension	Ranging from in-school disciplinary action up to 10 days OSS. Repeated violations may result in long-term suspension

**Rule 15. Sexual Harassment** -- Students are prohibited from engaging in or encouraging any form of harassment against students, employees or any other individuals on school grounds or at school-related functions. Harassment is unwanted, not welcomed and uninvited behavior that demeans, threatens or offends the victim and results in a hostile environment for the victim. The hostile environment can be created through pervasive or persistent misbehavior or a single incident if sufficiently severe. Harassment and sexual harassment are further defined in Board policy.

Consequences

Elementary	Middle School	High School
Ranging from in-school disciplinary action up to 10 days OSS.	OSS up to and including long-term suspension. Law enforcement may be notified.	OSS up to and including long-term suspension. Law enforcement may be notified.

**Rule 16. Bullying** -- The Orange County Board of Education recognizes that bullying is disruptive, damaging and sometimes violent, and has a negative effect on school climate. Students who are intimidated and fearful cannot give their education the single-minded attention they need for success. Every student has the right to learn and achieve high academic standards in a safe and civil school environment. Orange County Schools will not tolerate any acts of bullying of students on school grounds, in school transportation or at any school-sponsored function.

Bullying is a form of aggression, which involves one or more students verbally, physically, and/or psychologically harassing another student repeatedly over a period of time. Bullying includes, but is not limited to, acts based on race, gender, color, national origin, sexual orientation, physical characteristics or mental capacity.

Consequences

Elementary	Middle School	High School
Parents/guardian contact. Ranging from in-school disciplinary action up to 10 days including OSS. Repeated offenses may require student participation in an approved corrective education program (ex. Violence Prevention Program and/or Dispute Settlement Center involvement). Law enforcement may be notified.	Parents/guardian Contact. Ranging from in-school disciplinary action up to 10 days including OSS. More severe infractions may result in long-term suspension. Repeated offenses may require student participation in an approved corrective education program (ex. Dispute Settlement Center). Law enforcement may be notified.	Parents/guardian Contact. Ranging from in-school disciplinary action up to 10 days including OSS. More severe infractions may result in long-term suspension. Repeated offenses may require student participation in an approved corrective education program (ex. Dispute Settlement Center). Law enforcement may be notified.

**Rule 17. Hazing and Intimidation** -- It shall be a violation for any student to engage in what is known as hazing or to aid or abet any other student in hazing. For the purpose of this policy, hazing is defined as follows: “to annoy any student by playing abusive or ridiculous tricks on him/her, to frighten, scold, beat or harass him/her or to subject him/her to personal indignity. Furthermore, deliberate intimidation or harassment in any form is prohibited. (G.S. 14-36 and 115C-391)

Consequences

Elementary	Middle School	High School
Ranging from in-school disciplinary action up to 5 days OSS. Law enforcement may be notified.	Ranging from in-school disciplinary action up to 10 days OSS. More severe infractions may result in long-term suspension. Law enforcement may be notified.	Ranging from in-school disciplinary action up to 10 days OSS. More severe infractions may result in long-term suspension. Law enforcement may be notified.

**Rule 18. Fighting Among Students** -- Students shall not fight or attempt to cause bodily harm to another student. If a student is attempting to involve another student in a fight, the other student should walk away and report it to a teacher, assistant principal or principal. Students who instigate fights will be subject to the same consequences as those who are actually involved in fighting.

Consequences

Elementary	Middle School	High School
Ranging from in-school disciplinary action up to 10 days OSS. Law enforcement may be notified.	Ranging from in-school disciplinary action up to 10 days OSS. Special circumstances may result in a long-term suspension. Law enforcement may be notified.	Up to 10 days OSS. Special circumstances may result in a long-term suspension. Law enforcement may be notified.

**Rule 19. Unjustified Activation of a Fire or Other Alarm System** -- Students shall not activate any fire or other alarm system unless authorized to do so by school employees or unless there are reasonable grounds to believe that an actual emergency situation exists.

Consequences

Elementary	Middle School	High School
Ranging from in-school disciplinary action up to 5 days OSS. Law enforcement may be notified.	Up to and including long-term suspension. Law enforcement may be notified.	Up to and including long-term suspension. Law enforcement may be notified.

**Rule 20. Extortion** -- Students shall not extort through verbal, written or physical threats, coercion or intimidation anything of value from any other student or school employee.

Consequences

Elementary	Middle School	High School
Restitution of costs may be required. Ranging from in-school disciplinary action up to 10 days OSS. Law enforcement may be notified.	Restitution of costs may be required. Minimum of 3 days OSS up to and including long-term suspension. Law enforcement may be notified.	Restitution of costs may be required. Minimum of 3 days OSS up to and including long-term suspension. Law enforcement may be notified.

**Rule 21. Theft or Destruction of School or Personal Property** -- Students shall not steal or attempt to steal or knowingly be in possession of stolen property or intentionally damage or attempt to damage any school or private property while under school jurisdiction. Students shall not vandalize or damage or attempt to damage property belonging to others.

Consequences

Elementary	Middle School	High School
Ranging from in-school disciplinary action up to 10 days OSS. Law enforcement may be notified. Restitution may be required.	OSS up to 10 days OSS and/or long-term suspension. Law enforcement may be notified. Restitution may be required.	OSS up to 10 days OSS and/or long-term suspension. Law enforcement may be notified. Restitution may be required.

**Rule 22. Robbery, Burglary, Taking or Destroying Property Using Violence or Threat of Violence** -- Students shall not steal or attempt to steal, damage or destroy property of others using threats of bodily harm.

Consequences

Elementary	Middle School	High School
Ranging from in-school disciplinary action up to 10 days OSS. Law enforcement may be notified. Restitution may be required.	OSS up to 10 days and/or long-term suspension. Law enforcement may be notified. Restitution may be required.	OSS up to 10 days and/or long-term suspension. Law enforcement may be notified. Restitution may be required.

**Rule 23. Threats or Actions of Assault Against Adults** --

**a) Physical Assault or Physical Harm to School Employees and Other Adults** -- Students shall not cause or attempt to cause physical or bodily harm to principals, assistant principals, teachers, substitute teachers, student teachers, teacher assistants, coaches, advisors, counselors, media specialists, bus drivers or monitors, or other adults at any time while a student is at school in any school building and on any school premises, attending school-sponsored activities, on or about any school-owned or operated vehicle, off school property at any school-sponsored or school-approved activity or function or during any period of time when students are subject to authority of school personnel and at any time when the student's behavior has a direct and immediate effect on maintaining order and discipline and protecting safety and welfare of students and staff. A student who is at least 13 years old and physically assaults and seriously injures a teacher or other school personnel will be suspended for at least 300 days up to 365 days. A student who is at least 13 years old and physically assaults and seriously injures a teacher or other adult may be suspended for up to 365 days.

Consequences

Elementary	Middle School	High School
Ranging from in-school disciplinary action up to 10 days OSS. Law enforcement will be notified.	Long-term suspension up to 365 days. Law enforcement will be notified.	Long-term suspension up to 365 days. Law enforcement will be notified.

**b) Written or Verbal Assault to School Employees and Other Adults** -- Students shall not, through written (may include electronic devices and My Space) or oral communication, threaten to cause, cause or attempt to cause harm to principals, assistant principals, teachers, substitute teachers, student teachers, teacher assistants, coaches, advisors, counselors, media specialists, bus drivers or monitors, or other adults at any time while a student is at school in any school

building and on any school premises, attending school-sponsored activities, on or about any school-owned or operated vehicle, off school property at any school-sponsored or school-approved activity or function or during any period of time when students are subject to the authority of school personnel and at any time when the student's behavior has a direct and immediate effect on maintaining order and discipline and protecting safety and welfare of students and staff.

Consequences

Elementary	Middle School	High School
Ranging from in-school disciplinary action up to 10 days OSS. Law enforcement may be notified.	OSS up to and including long-term suspension. Law enforcement may be notified.	OSS up to and including long-term suspension. Law enforcement may be notified.

**Rule 24. Violent Physical Assault Upon a Student** -- Students shall not cause, attempt to cause or verbally (written, electronically or orally) threaten to cause injury of any kind to a student while a student is at school in any school building and on any school premises, off school property at any school-sponsored or school-approved activity or function or during any period of time when students are subject to the authority of school personnel and at any time when the student's behavior has a direct and immediate effect on maintaining order and discipline and protecting safety and welfare of students and staff.

Consequences

Elementary	Middle School	High School
Ranging from in-school disciplinary action up to 10 days OSS. Law enforcement will be notified.	Long-term suspension up to 365 days. Law enforcement will be notified if required by law and may be notified in other circumstances.	Long-term suspension up to 365 days. Law enforcement will be notified if required by law and may be notified in other circumstances.

**Rule 25. Possession of a Firearm** -- Students shall not possess or conceal or transport any gun, air gun, BB gun, pellet gun, firearm, stun-gun, starter pistol, paintball gun, zip gun or any similar weapon that is capable of or causing serious bodily injury or any gun facsimile (an exact or close reproduction or imitation of an actual or real gun) or incidental items relating to firearms use, such as bullets, magazine clips, or other projectile items at any time while a student is at school in any school building and on any school premises, attending school-sponsored activities, on or about any school-owned or operated vehicle, off school property at any school-sponsored or school approved activity or function during any period of time when students are subject to the authority of school personnel, an at any time when the student's behavior has a direct and immediate effect on maintaining order and discipline and protecting safety and welfare of students and staff. Students will be subject to the following circumstances.

- a) **Possession of Gun, Rifle, Pistol, or Other Actual Firearm** -- Students shall not possess or conceal or transport any gun, rifle, pistol, firearm or other weapon capable of firing a bullet or missile. (The term does not include weapons listed in subsection 25b or those weapons approved in advance by the principal for instructional or school sanctioned purposes, such as a drama production). Any student who brings a gun, rifle, pistol or firearm of any kind on campus may be suspended for 365 days pursuant to N.C. G.S. 115-391(d).

Consequences

Elementary	Middle School	High School
365 day suspension. Confiscate weapon. Law enforcement will be notified.	365 day suspension. Confiscate weapon. Law enforcement will be notified.	365 day suspension. Confiscate weapon. Law enforcement will be notified.

- b) Possession of Other Types of Guns --** Students shall not possess or conceal or transport any air gun, BB gun, pellet gun, stun-gun, starter pistol, paintball gun, zip gun or any other weapon capable of or causing serious bodily injury or any gun facsimile (an exact or close reproduction or imitation of a gun perceived by a person to be an actual or real gun) or incidental items relating to firearms use, such as bullets, magazine clips, or other projectile items.

Consequences

Elementary	Middle School	High School
Long-term suspension up to 365 days. Confiscate weapon. Law enforcement will be notified.	Long-term suspension up to 365 days. Confiscate weapon. Law enforcement will be notified.	Long-term suspension up to 365 days. Confiscate weapon. Law enforcement will be notified.

- c) Possession of Other “Look-alike” Firearms --** Students shall not possess any other “look-alike” gun **or knife** such as a plastic gun, rubber gun, candy gun, or water pistol.

Consequences

Elementary	Middle School	High School
Up to 10 days of OSS and conference with parents/guardian. Confiscate “look-alike” weapon. Repeated offenses may result in a recommendation for long-term suspension. Law enforcement will be notified.	Up to 10 days of OSS and conference with parents/guardian. Confiscate “look-alike” weapon. Repeated offenses may result in a recommendation for long-term suspension. Law enforcement will be notified.	Up to 10 days of OSS and conference with parents/guardian. Confiscate “look-alike” weapon. Repeated offenses may result in a recommendation for long-term suspension. Law enforcement will be notified.

**Rule 26. Disruption of School**

- a) Communicating a False Bomb Report or Perpetrating a Bomb Hoax --** Students shall not communicate a false bomb report that there is located on any school property or at any school-sponsored event on or off school property any device designed to cause damage by explosion, blasting, or burning. Students shall not perpetrate a bomb hoax by any means, including the concealment, placement, or display of any device, machine, or artifact to cause a person to reasonably believe the item is a bomb.

Consequences

Elementary	Middle School	High School
365 day suspension. Law enforcement will be notified.	365 day suspension. Law enforcement will be notified.	365 day suspension. Law enforcement will be notified.

**b) Communicating a Terroristic Threat or Perpetrating a Terroristic Hoax --** Students shall not communicate a false report by any means that there is located on any school property or at any school-sponsored school activity off school property any device, substance, or material used to cause harmful or life-threatening illness or injury to others. Students shall not perpetrate a hoax by concealing, placing, disseminating, or displaying on school property or at school-sponsored activity off school property any device, machine, instrument, artifact, letter, package, material or substance to cause a person to reasonably believe the item is capable of causing harmful or life-threatening illness or injury. Students shall not threaten to commit an act of terror with the intent of causing a serious disruption to or causing an actual significant disruption of the instructional day or school-sponsored activity while a student is on any school property or school-sponsored activity on or off school property. Students shall not communicate a false report that terroristic act likely to cause serious injury or death is about to occur or is occurring on any school property or at any school-sponsored event off school property, with the intent of causing a significant disruption or actually causing a significant disruption of the instructional day or school-sponsored activity.

Consequences

Elementary	Middle School	School
Long-term suspension up to 365 days. Law enforcement will be notified.	Long-term suspension up to 365 days. Law enforcement will be notified.	Long-term suspension up to 365 days. Law enforcement will be notified.

**c) Inciting or Participating in Student Disorder --** Students shall not lead or participate in any activity that has as its purpose the disruption of school business or which significantly adversely affects the educational process. In the event that the disruption does not abate immediately or if the principal deems it appropriate, law enforcement will be called.

Consequences

Elementary	Middle School	High School
Ranging from in-school disciplinary action up to 10 days OSS. Special circumstances may result in long-term suspension. Law enforcement will be notified.	Ranging from in-school disciplinary action up to 10 days OSS. Special circumstances may result in long-term suspension. Law enforcement will be notified.	Ranging from in-school disciplinary action up to 10 days OSS. Special circumstances may result in long-term suspension. Law enforcement will be notified.

**Rule 27. Possession of a Dangerous Weapon or Other Instruments --** Students shall not possess or conceal or transport any weapon or other instrument that could cause or that is intended to cause bodily injury or other harm to another or misuse otherwise acceptable objects in a manner intended to cause harm to others at any time while a student is at school in any school building and on any school premises, attending school-sponsored activities, on or about any school-owned or operated vehicle, off school property at any school-sponsored or school-approved activity or function or during any period of time when students are subject to the authority of school personnel and at any time when the student's behavior has a direct and immediate effect on maintaining order and discipline and protecting safety and welfare of students and staff.

Consequences

Elementary	Middle School	High School
Confiscate weapon. Up to 10 days OSS. Special circumstances may result in long-term suspension. Law enforcement will be notified.	Confiscate weapon. Up to 10 days OSS. Special circumstances may result in long-term suspension. Law enforcement will be notified.	Confiscate weapon. Long-term suspension recommended. Law enforcement will be notified.

**Rule 28. Arson or Making or Possessing Explosive or Incendiary Devices** -- Students shall not make or possess firecrackers, explosives, pyrotechnic, incendiary (capable of producing flame or fire) or smoke-creating devices or materials or facsimiles thereof including matches and lighters. Students shall not set fire to anything unless directed to do so under the supervision of a teacher or administrator for educational purposes. In the event that a device is discovered, it shall be confiscated and not returned to the student.

Consequences

Elementary	Middle School	High School
Confiscate device. OSS up to 365 days. Law enforcement will be notified.	Confiscate device. OSS up to 365 days. Law enforcement will be notified.	Confiscate device. OSS up to 365 days. Law enforcement will be notified.

**Rule 29. Exploding Firecrackers or Igniting Similar Devices** -- Students shall not explode firecrackers or ignite pyrotechnic, incendiary or smoke-producing devices or cause any fire whether or not there is an intent to commit arson or other crimes involving fire or explosion at any time while a student is at school in any school building and on any school premises, attending school-sponsored activities, on or about any school-owned or operated vehicle, off school property at any school-sponsored or school-approved activity or function or during any period of time when students are subject to the authority of school personnel and at any time when the student’s behavior has a direct and immediate effect on maintaining order and discipline and protecting safety and welfare of students and staff.

Consequences

Elementary	Middle School	High School
Confiscate device. Ranging from in-school disciplinary action up to 365 days OSS. Restitution may be required. Law enforcement may be notified.	Confiscate device. OSS up to 365 days. Restitution may be required. Law enforcement may be notified.	Confiscate device. OSS up to 365 days. Restitution may be required. Law enforcement may be notified.

**Rule 30. Narcotics, Alcoholic Beverages, Controlled Substances, Chemicals and Paraphernalia** -- No student shall possess, use, distribute, sell, possess with intent to distribute or sell, or conspire or attempt to distribute or sell, or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid, other controlled substance, any alcoholic beverage, malt beverage, fortified wine, other intoxicating liquor, drug paraphernalia, counterfeit substance, any unauthorized prescription drug, or any other chemicals or products with the intention of bringing about a state of exhilaration, euphoria, or of otherwise altering the student’s or other persons’ mood or behavior.

For the purpose of the Student Code of Conduct the following definitions apply:

1. Possess: Having the power or intent to control a prohibited substance and shall include, but is not necessarily limited to the possession of a prohibited substance in a student’s automobile, locker, book-bag, or desk, or on a student’s person.
2. Use: The consumption, injection, inhalation or absorption of a prohibited substance into a student’s body by any means.
3. Under the influence: The use of any prohibited substance at any time or place when the prohibited substance would influence a student’s mood, behavior, or learning to any degree.
4. Sell: The exchange of a prohibited substance for money, property, or any other benefit or item of value.
5. Distribute: To give, share, or pass a prohibited substance

6. Possess with intent to distribute/sell: Intent to distribute or sell may be determined from the amount of the prohibited substance found, the manner in which it was packaged, the presence of packaging materials such as scales, baggies or other containers, or from statement or actions of the student that demonstrate an intent to distribute or sell.
7. Counterfeit Substance: Any substance that is described or presented with the intention of deceiving another into believing that it is a substance prohibited under this policy.
8. Unauthorized Prescription Drug: Any drug or medication that has not been prescribed for the student.

Consequences

Elementary	Middle School	High School
Ranging from in-school disciplinary action up to long-term suspension. See # 1 & 2 below.	Long-term suspension. See # 1 & 2 below.	Long-term suspension. See # 1 & 2 below.

1. When a first infraction does not involve the distribution, sale or possession with intent to distribute or sell, or conspiracy or attempt to distribute or sell a substance prohibited by this policy, an alternative to long-term suspension may be offered. This alternative may be offered only one time to students during their school career unless an exception is made by the Superintendent. Upon the students return to school, he/she will be asked to sign an OCS No Drug Contract. Violation of this contract and/or a second offense will result in a long-term suspension recommendation.
2. Any student who is fourteen (14) years of age or older and who distributes, sells, possesses with intent to sell, or conspires to distribute or sell any schedule I or schedule II controlled substance as defined by the North Carolina Controlled Substances Act may be recommended for expulsion.
3. The proper use of a drug authorized by valid medical prescription from a legally authorized health care provider shall not be considered a violation of this rule when the drug is taken by the person for whom the drug was prescribed.

Note: Schedule I substances include, among other types, opiates; hallucinogenics such as LSD

**Rule 31. Violation of North Carolina Criminal Statutes** -- Students shall not violate any criminal statute or local ordinance or commit any act which could result in criminal prosecution or juvenile proceedings not previously covered elsewhere in these rules at any time while a student is at school in any school building and on any school premises, attending school-sponsored activities, on or about any school-owned or operated vehicle, off school property at any school-sponsored or school-approved activity or function or during any period of time when students are subject to the authority of school personnel and at any time when the student's behavior has a direct and immediate effect on maintaining order and discipline and protecting safety and welfare of students and staff.

Consequences

Elementary	Middle School	High School
Long-term suspension for maximum allowed. Law enforcement will be notified.	Long-term suspension for maximum allowed. Law enforcement will be notified.	Long-term suspension for maximum allowed. Law enforcement will be notified.

# Due Process Procedures

## Long-Term Suspensions

1. Parents/guardians will be notified by registered mail of the principal's recommendation to the Superintendent to long-term suspend the student.
2. Parents/guardians shall, within four (4) school days of the date of mailing, give written notice to the Superintendent of their intention to appeal the principal's recommendation.
3. Upon notification of appeal, the Superintendent shall convene a hearing within six (6) school days following the request.
4. The hearing shall be conducted in private. The hearing may be attended by the Superintendent, the principal and his associate(s), the students, his or her parents/guardians and if desired, his or her representative and such other persons as the Superintendent deems necessary.
5. The Superintendent may consider the testimony of any witness, including hearsay or other evidence of a kind commonly relied on by reasonably prudent persons in the conduct of serious affairs.
6. In presenting evidence, the principal or other representative of the school shall present first the witnesses and documentary evidence against the student.
7. The student or his or her representative may present his or her evidence, including any documents and witnesses he or she may have.
8. Both the principal or school representative and the pupil or his or her representative may examine the witnesses presented by the other side. The Superintendent has power to limit questioning by any person if such questioning is unproductively lengthy, repetitive or irrelevant.
9. The Superintendent shall provide for the making of a tape recording of any information orally presented at the hearing.
10. After the evidence has been presented and the hearing adjourned, the Superintendent shall proceed to reach a decision. The decision should set forth in writing the findings upon which the decision rests as well as the decision. The Superintendent shall send a copy of his/her written decision to the parents or guardian of the student and to the principal within four (4) days.
11. Any student aggrieved by final action of the Superintendent may in writing within five (5) school days of the notice from the Superintendent appeal to the Board of Education and at the hearing of such appeal shall have the right to be represented by any person of his or her choice. The period of suspension imposed by the Superintendent is not stayed pending the outcome of the appeal. Such an appeal shall be on the record from the hearing before the Superintendent. If the student claims the discovery of new evidence which could not have been discovered by reasonable diligence at the time of the first hearing, the student may request the opportunity to present the new evidence to supplement the record or may request a de novo hearing. The Board of Education will first decide whether to allow the new evidence as a supplement to the record, whether to hear the matter de novo, if requested, or whether to hear the matter on the record from the hearing before the Superintendent. After making that initial decision, the Board of Education shall proceed accordingly. A decision by the Board of Education adverse to the student may be appealed to the courts of this state in the manner provided by Article 4, Chapter 150A of the General Statutes.

### **365 – Day Suspension and Expulsion Recommendations**

The Superintendent shall suspend for 365 days any student who brings a weapon, as defined in G.S. 14-269.2 (b) and (g), on school property, who brings explosives or assaults a teacher, student, or in some instances as described in G.S 115-391 (d1) and/or who communicates a false bomb report or perpetrates a bomb hoax as described in G.S 115-391 (d3). The Board may modify the suspension upon recommendation of the Superintendent. The Board may also elect to provide educational services in an alternative setting. (G.S. 115C-391(d1))

The local Board of Education may, upon the recommendation of the principal and Superintendent, expel any student 14 years of age or older whose behavior indicates that the student's continued presence in school constitutes a clear threat to the safety of other students and employees. (G.S. 115C-391 (d))

The Superintendent's decision may be appealed to the Board of Education.

The decision of the Board of Education is subject to judicial review in accordance with Article 4 of Chapter 150A of the General Statutes.

## **NOTICE TO PARENTS FERPA GENERAL GUIDANCE FOR PARENTS**

FERPA (Family Educational Rights and Privacy Act) is a Federal law that applies to educational agencies and institutions that receive funding under a program administered by the U. S. Department of Education.

Under FERPA, schools must generally afford parents: -access to their children's education records -an opportunity to seek to have the records amended -some control over the disclosure of information from the records.

Parents may access, seek to amend, or consent to disclosures of their children's education records, unless there is a court order or other legal document specifically stating otherwise. When a student turns 18 years of age or attends a postsecondary institution, the student, and not the parent, may access, seek to amend, and consent to disclosures of his or her education records.

### **Access to Education Records**

Schools are required by FERPA to:

- provide a parent with an opportunity to inspect and review his or her child's education records within 45 days of the receipt of a request
- provide a parent with copies of education records or otherwise make the records available to the parent if the parent, for instance, lives outside of commuting distance of the school
- redact the names and other personally identifiable information about other students that may be included in the child's education records.

Schools are not required by FERPA to:

- Create or maintain education records;
- Provide parents with calendars, notices, or other information which does not generally contain information directly related to the student;
- Respond to questions about the student.

### **Amendment of Education Records**

Under FERPA, a school must:

- Consider a request from a parent to amend inaccurate or misleading information in the child's education records;
- Offer the parent a hearing on the matter if it decides not to amend the records in accordance with the request;
- Offer the parent a right to place a statement to be kept and disclosed with the record if as a result of the hearing the school still decides not to amend the record.

A school is not required to consider requests for amendment under FERPA that:

- Seek to change a grade or disciplinary decision;
- Seek to change the opinions or reflections of a school official or other person reflected in an education record;
- Seek to change a determination with respect to a child's status under special education programs.

### **Disclosure of Education Records:**

A school must:

- Have a parent's consent prior to the disclosure of education records;
- Ensure that the consent is signed and dated and states the purpose of the disclosure.

A school MAY disclose education records without consent when:

- The disclosure is to school officials who have been determined to have legitimate educational interests as set forth in the school district's annual notification of rights to parents;
- The student is seeking or intending to enroll in another school;
- The disclosure is to state or local educational authorities auditing or evaluating Federal or State supported education programs or enforcing Federal laws which relate to those programs;
- The disclosure is pursuant to a lawfully issued court order or subpoena; and
- The information disclosed has been appropriately designated as directory information by the school.

### **Annual Notification**

A school must annually notify parents of students in attendance that they must allow parents to:

- Inspect and review their children's education records;
- Seek amendment of inaccurate or misleading information in their children's education records;
- Consent to most disclosures of personally identifiable information from education records.

The annual notice must also include:

- Information for a parent to file a complaint of an alleged violation with the FPCO;
- A description of who is considered to be a school official and what is considered to be a legitimate educational interest so that information may be shared with that person;
- Information about who to contact to seek access or amendment of education records.

Means of notification:

- Can include local or student newspaper; calendar; student programs guide; rules handbook, or other means reasonable likely to inform parents;
- Notification does not have to be made individually to parents.

### **Complaints of Alleged Violations:**

Complaints of alleged violations may be addressed to:

Family Policy Compliance Office  
US Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5901

Complaints must:

- Be timely submitted, not later than 180 days from the date you learned of the circumstances of the alleged violation
- Contain specific allegations of fact giving reasonable cause to believe that a violation has occurred, including:
  - Relevant dates, such as the date of a request or a disclosure and the date the parent learned of the alleged violation;
  - Names and titles of those school officials and other third parties involved;
  - A specific description of the education record around which the alleged violation occurred;
  - A description of any contact with school officials regarding the matter, including dates and estimated times of telephone calls and/or copies of any correspondence exchanged between the parent and the school regarding the matter;
  - The name and address of the school, school district, and superintendent of the district;
  - Any additional evidence that would be helpful in the consideration of the complaint.

# Appendix

# Student Discipline and Code of Conduct

## Student and Parent/Guardian Verification of Receipt and Review

This is to certify that I have received and reviewed the Student Discipline and Code of Conduct and understand that this document governs the standards of behavior for students in the Orange County School District. I understand that these standards of student behavior apply to school sites, off-site school sponsored activities and on any form of transportation provided by the Orange County Schools.

Student's Signature \_\_\_\_\_

Date \_\_\_\_\_

Parent's/Guardian's Signature \_\_\_\_\_

Date \_\_\_\_\_

\* This form must be returned to the designated teacher within 10 school days.



# ORANGE COUNTY SCHOOLS' EXTRACURRICULAR & CO-CURRICULAR STUDENT DISCIPLINE AND CODE OF CONDUCT

## **PHILOSOPHY:**

Participation in any extracurricular/co-curricular activities is an important part of the educational process. A primary goal of these activities is to teach students character and self-discipline skills which will enable them to develop to their highest potential. As role models for their peers and younger students, students who participate in extracurricular and co-curricular activities are held accountable for their actions at a higher standard than other students. This code applies to any Orange County School secondary student who participates in an extracurricular or co-curricular activity in the school district.

In Orange County Schools, we believe in teaching our young people high moral standards, integrity, discipline, character, sportsmanship, citizenship, the importance of teamwork, and the value of hard work and true dedication. The faculty, staff and administration pledge to dedicate their time, energy, and financial resources to this effort.

This code represents the efforts of Orange County Schools to provide clear expectations for all participating students and their parents/guardians. It is the responsibility of each student to know and understand the obligations of this code as well as the established consequences that will be imposed if/when the provisions of this code are violated.

*\*\*\*Remember, participating in extracurricular/co-curricular activities is a privilege and not a right\*\*\**

## **1. OBLIGATIONS AS A STUDENT**

In addition to the rules of this code of conduct, a participating student must at all times conform to the rules of conduct of the extracurricular/ co-curricular organization in which he/she is participating, as well as all school and school system rules. He/She shall not expect nor receive special privileges with regard to meeting his/her academic requirements or obligations to teachers and any other school personnel.

## **2. OBLIGATIONS AS AN EXTRACURRICULAR/CO-CURRICULAR PARTICIPANT**

- A. Each sport, club, and co-curricular activity has certain individual requirements that lead to the development of specific skills requiring different types of training. Every high school student-athlete has an obligation to know the rules of the North Carolina High School Athletic Association and as well as those rules governing his/her sport. Students participating in clubs or co-curricular activities are responsible for learning and adhering to the by-laws of their respective organizations.
- B. As an extracurricular/co-curricular participant, the student not only represents himself/herself, fellow team members, coaches, and teachers, but also the school and its student body. For these reasons, the participating student is expected to display the highest form of character and sportsmanship throughout the school year. If at any time a student's actions bring harm or discredit to the organization of which the student is a member or to the school or if a student's language or behavior reflects negatively on the organization or school the student may be subjected to disciplinary action, including suspension and/or removal from the extracurricular/co-curricular organization.

### **3. OBLIGATIONS TO THE SCHOOL AND COMMUNITY**

A participating student is supported actively by the school and the community. Many volunteers work long hours to provide equipment and facilities for our extracurricular groups to have the opportunity to compete on an even basis with any established program in the state. Participating students are held accountable for the equipment/materials issued to them and shall reimburse the school for any equipment/materials not returned or damaged beyond normal wear and tear. Participating students are expected to exercise respect for and take care of the facilities and equipment provided by the school and booster club.

### **4. CONSEQUENCES FOR VIOLATING RULES OF CONDUCT**

These consequences apply *in addition to* any consequences imposed by the school, school district or extracurricular/co-curricular organization for violation of their separate rules of conduct.

#### **A. IN-SCHOOL AND OUT OF SCHOOL SUSPENSIONS**

1. If a participating student is assigned to in-school suspension, he/she will not be allowed to practice or participate in a game/activity on the day(s) of suspension. Suspensions will be carried out regardless of the game/activity days or events.
2. If a participating student is given out of school suspension for any reason, he/she will be subject to the following additional consequences:
  - a. **FIRST OFFENSE:** A student participating in athletics will not be allowed to practice or play during the suspension period. If there is not a game during the suspension period, the student will not be permitted to play in the next game after the period of suspension. A student participating in other clubs or activities will not be allowed to practice, participate or perform during the suspension period. If there is not a performance or major activity during the suspension period, the student will not be allowed to perform or participate in the next major activity as determined by the responsible adult sponsor immediately following the suspension.
  - b. **SECOND OFFENSE:** The student will be removed from extracurricular/co-curricular activities for the remainder of that season or semester or for 30 school days\*\*, whichever is greater.
  - c. **REPEATED OFFENSES:** If a student continues to be suspended from school or has consistent disciplinary infractions, the principal may remove that student from extracurricular/co-curricular activities for up to the remainder of the school year or 30 school days, whichever is greater.

#### **B. USE OF ILLEGAL DRUGS/ALCOHOL**

The possession, use, distribution or sale of illegal or counterfeit drugs/alcohol by participating students is not acceptable at any time, on or off campus, including off season and school breaks. Every effort will be made by the school and the extracurricular departments to make students aware of the detrimental effects of alcohol and drugs through educational programs and opportunities. Students who willfully violate this policy are subject to the following consequences:

##### **1. FIRST OFFENSE FOR POSSESSION OR USE**

Any student in violation of this policy for possession or use will be removed from participation for 60 school days or the remainder of the current season/semester, whichever is longer. The student must also be evaluated by a drug counselor as recommended by the school and must comply with all recommendations and treatment programs and receive a negative drug test result before resuming participation in any extracurricular/co-curricular activity. All costs of such drug testing shall be borne by the student and parent.

2. **SECOND OFFENSE FOR POSSESSION OR USE DURING HIGH SCHOOL CAREER**  
A student with a second offense of this policy during the student's high school career for possession or use shall be removed from activities for 120 school days or the remainder of the school year, whichever is greater. The student must also be evaluated by a drug counselor as recommended by the school and must comply with all recommendations and treatment programs and receive a negative drug test result before participating in any extracurricular/co-curricular activity. All costs of such drug testing shall be borne by the student and parent.

\*\* For purposes of this policy "school days" includes days that the student is scheduled to participate in school-sponsored activities, including school holidays and summer break.

3. **THIRD OFFENSE FOR POSSESSION OR USE DURING HIGH SCHOOL CAREER**  
A student with a third offense of this policy in the student's high school career for possession or use shall be prohibited from participation in all extracurricular/co-curricular activities for the remainder of the student's high school career. The student and the student's parent or guardian will also receive information regarding drug-use counseling and prevention. All costs of such drug testing shall be borne by the student and parent.

**C. ANY OFFENSE INVOLVING SALE OR DISTRIBUTION OF DRUGS AND ALCOHOL**

A student with a first violation of this policy for sale or distribution or conspiracy to sell or distribute drugs/alcohol or counterfeit drugs/alcohol shall be prohibited from participation for 180 school days. A second offense shall result in removal from activities for the remainder of the student's school career.

**D. VOLUNTARY ADMISSION OF DRUG AND ALCOHOL USE**

If a student who is not under investigation for or currently charged with a violation of this section voluntarily admits that he/she has an alcohol or drug related problem and voluntarily enters a rehabilitation program, the principal may choose not to impose the consequences outlined in this section.

**E. TOBACCO USAGE**

Participating students are not allowed to use tobacco products of any kind, on or off campus. The following consequences shall be imposed for a violation of this policy:

FIRST OFFENSE: 2 days suspension from extracurricular and co-curricular activities.

SECOND OFFENSE: 5 days suspension from extracurricular and co-curricular activities.

THIRD OFFENSE: Suspension from extracurricular/co-curricular activities for season/semester or 30 school days, whichever is greater.

**F. CRIMINAL CHARGES:**

Any participating student charged with a criminal offense other than a traffic infraction may be suspended from extracurricular/co-curricular activities while the principal investigates the underlying circumstances and assesses the impact of the matter on the school environment. The principal will review each offense individually and determine what action will be taken.

**G. GENERAL REQUIREMENTS/CONSEQUENCES:**

1. Any participating student in attendance and checking out with parental permission will be excused to participate in extracurricular/co-curricular activities such as practices, games or events.

2. Any participating student absent in the morning hours must be in attendance before 12:00 noon to be eligible to participate in extracurricular/co-curricular activities. Exceptions can be made with a note from a parent or doctor.
3. Any student-athlete who quits without permission of the coach or who is officially dismissed from a team before the season is over (including the playoffs) may not practice or participate with any other athletic team until that season is completely over (including the playoffs). A student-athlete is considered a member of a team if he/she is listed on the final team roster.
4. All participating students are required to turn in all uniforms and equipment that are issued to them. A participating student may not participate in any other extracurricular or co-curricular activity until he/she has turned in his/her uniform and equipment to the coach/faculty representative.

**EXTRACURRICULAR & CO-CURRICULAR  
STUDENT DISCIPLINE AND CODE OF CONDUCT  
AGREEMENT**

WE, THE UNDERSIGNED STUDENT AND PARENTS HAVE READ THE EXTRACURRICULAR/CO-CURRICULAR CODE, UNDERSTAND ITS CONTENTS, AND AGREE TO ABIDE BY THE REGULATIONS AND RULES SET FORTH IN THIS DOCUMENT.

\_\_\_\_\_  
STUDENT SIGNATURE/DATE

\_\_\_\_\_  
PARENT/GUARDIAN SIGNATURE/DATE

THIS SIGNED DOCUMENT IS REQUIRED FOR PARTICIPATION IN EXTRACURRICULAR AND CO-CURRICULAR ACTIVITIES AND SHALL BE KEPT ON FILE IN THE MAIN OFFICE.

Orange County School Board Policy #4300 requires coaches and sponsoring adults to review this Extracurricular/Co-Curricular Code of Conduct with their students each season per school year and to retain a signed copy of this agreement in addition to the “blanket” release found on page 27 of this handbook.



## **STUDENT INTERNET ACCEPTABLE USE FORM**

### *User Responsibilities*

1. Use of the electronic media provided by the Orange County Schools is a privilege that offers a wealth of information and resources for research. Where it is available, this resource is offered to staff, students, and other patrons at no cost. In order to maintain the privilege, users agree to learn and comply with all of the provisions of this policy.

### *Acceptable Use*

1. All use of the Internet must be in support of educational and research objectives consistent with the mission and objectives of the Orange County Schools.
2. Proper codes of conduct in electronic communication must be used. In news groups, giving out personal information is inappropriate. When using e-mail, extreme caution must always be taken in revealing any information of a personal nature.
3. Network accounts are to be used only by the authorized owner of the account for the authorized purpose.
4. All communications and information accessible via the network should be assumed to be private property.
5. Subscriptions to mailing lists and bulletin boards must be reported to the system administrator. Prior approval for such subscriptions is required for students and staff.
6. Mailing list subscriptions will be monitored and maintained, and files will be deleted from the personal mail directories to avoid excessive use of fileserver hard-disk space.
7. Exhibit exemplary behavior on the network as a representative of your school and community. Be polite!
8. From time to time, the Orange County Schools will make determinations on whether specific uses of the network are consistent with the acceptable use practice.

### *Unacceptable Use*

1. Giving out personal information about another person, including home address and phone number, is strictly prohibited.
2. Any use of the network for commercial or for-profit purposes is prohibited.
3. Excessive use of the network for personal business shall be cause for disciplinary action.
4. Any use of the network for product advertisement or political lobbying is prohibited.
5. Users shall not intentionally seek information on, obtain copies of, or modify files, other data, or passwords belonging to other users, or misrepresent other users on the network.
6. No use of the network shall serve to disrupt the use of the network by others. Hardware and/or software shall not be destroyed, modified, or abused in any way.
7. Malicious use of the network to develop programs that harass other users or infiltrate a computer or computing system and/or damage the software components of a computer or computing system is prohibited.
8. Hate mail, chain letters, harassment, discriminatory remarks, and other antisocial behaviors are prohibited on the network.
9. The unauthorized installation of any software, including shareware and freeware, for use on Orange County Schools computers is prohibited.
10. Use of the network to access or process pornographic material, inappropriate text files (as determined by the system administrator or building administrator), or files dangerous to the integrity of the local area network is prohibited.
11. The Orange County Schools network may not be used for downloading entertainment software or other files not related to the mission and objectives of the Orange County Schools for transfer to a user's home

computer, personal computer, or other media. This prohibition pertains to freeware, shareware, copyrighted commercial and non-commercial software, and all other forms of software and files not directly related to the instructional and administrative purposes of the Orange County Schools.

12. Downloading, copying, otherwise duplicating, and/or distributing copyrighted materials without the specific written permission of the copyright owner is prohibited, except that duplication and/or distribution of materials for educational purposes is permitted when such duplication and/or distribution would fall within the Fair Use Doctrine of the United States Copyright Law (Title 17, USC).
13. Use of the network for any unlawful purpose is prohibited.
14. Use of profanity, obscenity, racist terms, or other language that may be offensive to another user is prohibited.
15. Playing games is prohibited unless specifically authorized by a teacher for instructional purposes.
16. Establishing network or Internet connections to live communications, including voice and/or video (relay chat), is prohibited unless specifically authorized by the system administrator.

**Adapted from the National Center for Education Statistics suggested Acceptable Use Policy template.**

# STUDENT INTERNET ACCEPTABLE USE AGREEMENT

I have read, understand, and will abide by the Acceptable Use Policy when using computer and other electronic resources owned, leased, or operated by the Orange County Schools. I further understand that any violation of the regulations above is unethical and may constitute a criminal offense. Should I commit any violation, my access privileges may be revoked, school disciplinary action may be taken, and/or appropriate legal action may be initiated. The Orange County School System seeks to promote positive, responsible and appropriate use of the Internet/Network.

However, the user is ultimately responsible for his or her activity on the Internet/Network.

Student's Name (please print) \_\_\_\_\_

Parent's Name (please print) \_\_\_\_\_ Phone Number: \_\_\_\_\_

Signature of Parent/Guardian: \_\_\_\_\_ Date: \_\_\_\_\_

Adapted from the National Center for Education Statistics suggested Acceptable Use Policy template.



## Orange County Schools Student Internet and Media Permission Slip

### Photographs/Videos

The Orange County School System seeks to promote the positive classroom experiences of students. To do so, schools or the district public information officer will frequently contact area news media to report on activities in our schools. In addition, the media may contact the school district for permission to photograph or video classroom or school activities. Media representatives may not photograph students without principal approval. The district also publishes student accomplishments on school or district web sites. Most parents enjoy seeing their children's positive activities publicized; however, if you **do not** want us to release photos of your child, please do not sign the following form.

**I give my permission for photographs/videos or other likenesses of my child to be released to the media (newspapers/TV) or published on school or district web sites and publications.**

Parent's Name (please print) \_\_\_\_\_ Phone Number: \_\_\_\_\_

Student's Name (please print) \_\_\_\_\_

Signature of Parent/Guardian: \_\_\_\_\_ Date: \_\_\_\_\_

The Orange County School System does not discriminate on the basis of race, sex, color, national origin, creed, or disadvantaging or handicapping conditions in its educational programs, activities, or employment practices.