

PITT COUNTY SCHOOLS
CODE OF STUDENT CONDUCT
Board Procedure 10.206

SECTION I – GENERAL INFORMATION AND RULES

PREAMBLE

Violation of Board policies, the *Code of Student Conduct* (also referred to as the *Code*), regulations issued by the individual school, or the General Statutes of North Carolina or other state or federal law, may result in disciplinary action or criminal prosecution.

Breaking local school rules may result in in-school discipline, short-term suspension, long-term suspension, 365-day suspension or expulsion.

Repeated violations of this *Code* or of local school rules may subject a student to long-term suspension. A serious violation of any of the policies listed in this *Code* may result in long-term suspension, 365-day suspension or expulsion of a student.

DEFINITIONS

"Student" means any person attending or enrolled in any of the Pitt County Schools. Unless the context otherwise requires, pronouns referring to students apply to students of either gender.

For purposes of the *Code*, North Carolina General Statute numbers will be indicated by the acronym "NCGS".

PURPOSE

The purpose of this *Code* is to set forth in one document rules with respect to the conduct of students in the Pitt County Schools, as the Pitt County Board of Education deems proper and necessary for the positive governance and operation of the schools. This *Code* shall apply to all students in all schools in the Pitt County Schools system.

North Carolina law delegates to principals the duty and authority for maintaining discipline in their respective schools. This *Code* is designed to clarify required standards of behavior.

This *Code* is intended as a guide for school personnel in the exercise of their legal disciplinary responsibilities. It is not intended to restrict the authority of principals to make rules consistent with this *Code*. Principals are authorized by law to make rules for the governance and operation of their respective schools, and teachers are authorized to make rules consistent with this *Code* for their respective classes.

This *Code* is not intended to discourage, restrict or prevent prosecution of students and non-students for misconduct or for violations of state or federal law.

APPLICATIONS

The following rules apply to all students under the following circumstances:

- on school grounds at any time
- off school grounds at a school activity, function or event
- on vehicles used for school purposes
- whenever a student is under the jurisdiction of school authorities
- off school grounds for *acts that violate the Code of Student conduct and/or the conduct has or is reasonably expected to have a direct and immediate impact on the orderly and efficient operation of the schools or the safety of individuals in the school environment.*

RULES OF STUDENT CONDUCT

Rule 1: Compulsory Attendance

Students shall comply with the NC Compulsory Attendance Law (NCGS 115C-378) and Pitt County Board of Education Policy 10.101 and Procedure 10.101 – P.

Rule 2: Compliance with Board Policy and the Directions of School Personnel

Students shall comply with all policies and procedures of the Board of Education and all directions of principals, teachers, substitute teachers, teacher assistants, and all other school personnel during any period of time when the students are subject to the authority of the school.

Rule 3: Disruption of School

- a. No student shall, by use of passive resistance, noise, threat, fear, intimidation, coercion, force, violence, or any other form of conduct, intentionally cause the disruption of any lawful function, mission or process of the school to which he is assigned, or to any other school in the Pitt County Schools system.
- b. No student shall engage in any conduct that causes the disruption of any lawful function, mission or process of the school to which he is assigned, or to any other school in the Pitt County Schools system. Tardiness to school and to class and early dismissals from school or class are disruptions to the school process. *See Tardy Procedure (Ref. pages 6-7)*
- c. No student shall urge any other student to engage in any conduct that causes the disruption to any lawful function, mission or process of the school.
- d. While the following list is not intended to be all-inclusive, it illustrates the kinds of acts prohibited by this rule:
 - 1) Occupying any school building, school grounds, or part thereof, with the intent to deprive others of its use
 - 2) Blocking the entrance or exit of any school building, corridor, or room therein with intent to deprive others of lawful access or egress
 - 3) Preventing students from attending a class or school activity
 - 4) Blocking normal pedestrian or vehicular traffic on school premises, except under the direct instruction of the principal
 - 5) Making noise or acting in any manner that interferes with any teacher's ability to conduct his or her class or to carry on any school activity in a safe and orderly manner
 - 6) Preventing or attempting to prevent by physical act or any other method the convening or continued functioning of any school, class, meeting, assembly or other activity on the school premises

Rule 4: Unauthorized Entry of Personal Property

No student shall enter without authorization, any locker, book bag, pocketbook or other receptacle containing items of personal property of any other student, school employee, or person.

Rule 5: Protests, Marches, Picketing, Boycotts, Sit-Ins, and Walkouts

No student shall participate in any protest, march, picketing, boycott, sit-in, walkout or other similar activities that may result in a material or substantial disruption of any lawful function, mission, or process of school in the Pitt County Schools system.

Rule 6: Student Uniform and Appearance

Students shall comply with guidelines for appropriate dress and appearance as outlined in the Pitt County Board of Education K-12 Student Uniform and Appearance Policy 10.209 and Procedure 10.209 - P.

Note: First Offense: Students will be informed that they have violated the policy. They shall be given the opportunity to change into acceptable clothing by using available clothes at school or by calling a parent/ guardian to bring clothes. If neither of these options is used, the student may be placed in in-school suspension or isolation for the remainder of the day. Second Offense: A second infraction of the policy may be considered defiance. In addition to the disciplinary actions available for a first offense, a parent/guardian conference may be held. Third (and additional Offenses): A third or additional infraction of the policy may be categorized as a Category I Offense as outlined in the Pitt County Board of Education Code of Student Conduct (Policy 10.206 and Procedure 10.206-P), subject to the consequences outlined therein, including out-of-school suspension.

Students who do not comply with the School Uniform and Appearance Policy also may be excluded from participating in certain school programs, including graduation ceremonies. Students new to Pitt County Schools will be given a two week grace period from enrollment to obtain and wear the proper uniform.

Rule 7: Tobacco, Lighters and Matches

No student shall use or possess any form of tobacco product, lighters or matches in any school building, on school grounds, or on any school or activity bus, or at any school-related function.

Rule 8: Communication Devices, Televisions, Video Games, Radios, and Laser Pointers

No student shall have in sight, have turned on or use any unauthorized personal communication or electronic device, on school property during school hours or on school buses transporting students to and from home, without permission from a school official. These devices include, but are not limited to, digital paging systems, beepers, walkie-talkies, portable and/or cellular telephones, scanners, laser pointers, televisions, radios, compact disc, cassette players, cameras, *handheld video games* and video recording devices.

Note: The first offense will result in the item being taken and held until a parent picks it up and signs for it. A second or any additional offense will result in the item being taken and held until a parent picks it up and signs for it, as well as the student being deemed in violation of a Category I offense, subject to the consequences outlined therein.

Rule 9: Possession of Obscenity

No student shall have or possess any obscene literature, photographs, slides, motion pictures, videos or other materials. Students shall not access, view or disseminate such materials through use of the Internet at school. Students will promptly disclose to their teacher, or other school employee, any message or material they unintentionally access that is inappropriate or makes them feel uncomfortable.

Rule 10: Unacceptable Language, Signs, or Acts

No student shall direct toward any principal, teacher or other school employee, student or person, on school premises, buses, or at any school activity, language, signs or other acts that are discourteous, profane, abusive or insulting; that reasonably place a person in fear of harm, or that are intended to intimidate, bully, harass or discriminate against a person in violation of the Pitt County Board of Education Anti-Discrimination, Harassment and Bullying Policy 10.200 and Procedure 10.200 – P. Nor shall any student engage in an inappropriate display of affection.

Rule 11: Theft, Damage to Personal or Real Property or Possession of Stolen Property

No student shall steal or attempt to steal, or intentionally damage or attempt to damage, personal or real property belonging to another person or the school. No student shall be unlawfully in possession of property belonging to another person or the school.

Rule 12: Fighting and Dangerous Conduct

No student shall fight, encourage or engage in any violent or dangerous horseplay or similar behavior.

Rule 13: Computer Tampering

No student shall damage or make unauthorized changes to any Pitt County Schools computer program or equipment as outlined in Pitt County Board of Education Policy 10.213.

Rule 14: Simple Assault on a Student or Non-Employee

No student shall assault, or attempt to assault, or behave in a way likely to cause minor injury to, a student or non-employee.

Rule 15: Assault Inflicting Serious Physical Injury to a Student or Non-Employee

No student shall assault, attempt to assault, or behave in a way likely to cause serious physical injury to a student or non-employee.

Rule 16: Assault on or Physical Injury to a School Employee, School Official or Volunteer

No student shall assault, attempt to assault, or behave in a way likely to cause physical injury to, any school employee, independent contractor or volunteer.

Rule 17: Sexual Misconduct

No student shall engage in sexual misconduct. Sexual misconduct includes, but is not limited to, sexual offenses, consensual sexual activities, inappropriate exposure or fondling of private areas of the body and sexual harassment.

Rule 18: Weapons, Firearms and Dangerous Objects

No student shall possess, handle, transport or use any weapon, or other object that can reasonably be considered or used as a weapon, firearm or dangerous object on school property or at any school-sponsored activity on or off school property.

Weapons, firearms and dangerous instruments include, but are not limited to, handgun, shot gun, rifle, pistol, starter pistol, powerful explosive, including dynamite, nitroglycerin, trinitrotoluene, blasting cap, or any other powerful or destructive device, whether operational or in-operational, BB gun, paintball gun, stun gun, air rifle, air pistol, mace/pepper spray or gas (or other chemical of like kind), bowie knife, dirk, dagger, slingshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades, fireworks or any sharp-pointed or sharp-edged instrument or any look-a-like weapon. Exceptions may include, but are not limited to, instructional supplies, unaltered nail files and clippers, and tools used under supervision for instruction or for the maintenance and preparation of food.

Rule 19: Over-the-Counter Medication

No student shall **unlawfully possess**, distribute, sell, or attempt to distribute or sell, any over-the-counter medication. The proper use of a drug authorized by written parental permission shall not be considered a violation when the person for whom it is intended takes the drug. Parents of students in elementary and middle schools must turn in medication to the appropriate school personnel for safekeeping and dispensing. High school students may administer their own medication if proper documentation is placed on file with the school.

Rule 20: Narcotics, Alcoholic Beverages, Non-Alcoholic/Pseudo-Beer, Controlled Substances, Chemicals and Drug Paraphernalia

No student shall possess, use, distribute, sell, attempt to distribute or sell, or be under the influence of, any illegal or controlled substance, or any alcoholic or pseudo-alcoholic beverages. Nor shall any student inhale or ingest any chemical *substances* or products *procured or used* with the intention of bringing about a state of exhilaration or euphoria or otherwise altering the student's mood or behavior. Substances include, but are not limited to, narcotic drugs, hallucinogenic drugs, amphetamine, barbiturate, marijuana, anabolic steroid, other controlled substances, any alcoholic beverage, non-alcoholic or pseudo-beer, malt beverage, fortified wine, other intoxicating liquor, drug paraphernalia, or counterfeit drugs. Forbidden products include any substance used to bring about an altered state of mood or behavior.

As outlined in Pitt County Board of Education Administration of Medication Policy 10.607 and Procedure 10.607 - P, the proper use of a drug authorized by valid medical prescription shall not be considered a violation when the drug is taken by the person for whom the drug was prescribed. Parents of students in elementary and middle schools must turn in such medication to the appropriate school personnel for safekeeping and dispensing. The only exception is for any student authorized to carry rescue medications (such as, but not limited to, asthma inhalers or insulin). High school students may administer their own medication if proper documentation is placed on file with the school, with the exception of Schedule I and II controlled substances (such as, but not limited to, Ritalin, Oxycontin, Percocet, Adderall, Concerta) that must be transported by parents to school personnel for safe keeping and dispensing.

Rule 21: Hazing

Hazing, or aiding and abetting in hazing, are prohibited both on and off campus. Hazing is subjecting students to personal indignity. Any knowledge of hazing or suspected hazing must be reported immediately by students and staff to appropriate law enforcement authorities.

Rule 22: Unauthorized Entry of School Premise or Property

No student who is under suspension or dismissal from any Pitt County School shall enter the buildings, grounds, buses, or premises of any public school of Pitt County or attend any on or off campus school-sponsored activity without authorization by the principal.

Rule 23: Violation of any Criminal Law

No student shall engage in any conduct on or off campus that would be a violation of state or federal criminal law.

Rule 24: Bomb Threats or Bomb Hoaxes

No student shall make or communicate a bomb threat in any form, including a computer message, or perpetrate a bomb threat hoax by bringing a fake explosive device, whether openly or concealed, onto school property or to school-sponsored events. NCGS 115C-391 (d3)

Rule 25: Possession of Ammunition

No student shall possess any form of ammunition on school property or during school activities. Ammunition includes, but is not limited to, bullets, cartridges, shells and pellets.

Rule 26: Dishonest Acts

No student shall engage in dishonest acts including, but not limited to, cheating, copying term papers, plagiarism, text messaging, picture taking, forging the signatures of a teacher or parent, or lying to a school official. Cheating may have academic consequences, including, but not limited to, possible grade reduction.

K-8 Unexcused Tardy/Early Dismissal Procedures

Attendance in school for the full time allotted for classes is essential for student success. Unexcused Tardies/Early Dismissals cost your child valuable educational instruction. They also interrupt the learning process for other students. Additionally, punctuality is an important trait to reinforce at school. Students are expected to arrive at school and class on time and stay for the entire day of instruction.

Repeated tardiness to and early dismissals from school or class is a Category I Offense according to PCS Code of Conduct. and may result in a suspension of up to 2 days. The following actions will be initiated on the days indicated.

<i>Days Tardy/Early Dismissal</i>	<i>Consequences</i>
<i>3 to 6</i>	<i>Contact from Administration (may be AlertNow, Letter, Phone Call)</i>
<i>8 to 10</i>	<i>Category I Consequence (may be assigned an additional consequence for each subsequent tardy/early dismissal) (Possible suspension of up to 2 days)</i>
<i>15</i>	<i>School based meeting with parents, or Social Worker visit</i>
<i>25</i>	<i><u>Possible Repeat Category I Consequence</u> (Possible suspension of up to 2 days)</i>
<i>30</i>	<i>Category I Consequence (Possible suspension of up to 2 days) (may be assigned an additional consequence for each subsequent tardy/early dismissal)</i>

9-12 TARDY PROCEDURE

1. *Students who are not in class when the tardy bell rings, but not more than 5 minutes late, will report to one of the school's designated location and sign in to receive a tardy pass.*
2. *Tardy information will subsequently be entered in the Fulcrum system on a daily basis by the school's designee.*
3. *Students who arrive to class more than 5 minutes late, will report to the school's designated area. Arrival more than five minutes late for class will be considered skipping unless there are extenuating circumstances.*
4. *Tardies to class will be considered a disciplinary concern and the consequences will be as follows:*
 - *First Tardy – warning*
 - *Second Tardy – may result in 1 day after school detention, lunch detention, or Project Equal (Student may receive 1 day ISS if the student does not attend the assigned alternative discipline.)*
 - *Third Tardy – may result in 2 days after school detention, lunch detention, or Project Equal (Student may receive 2 days ISS if the student does not attend the assigned alternative discipline.)*
 - *Fourth Tardy – 1 day ISS*
 - *Fifth Tardy – 2 days ISS*
 - *Sixth and subsequent Tardies - 1 day OSS each*
Project Equal, if available, will be used as follows in lieu of OSS for tardies:
 - #6 – 2 days Project Equal*
 - #7 – 4 days Project Equal*
5. *Students begin accumulating tardies each semester. In other words, at the beginning of second semester, students begin over with 0 tardies.*
Suspension for tardies or truancy may be of up to 2 days per offense

****Recommendation is for each school to establish a tardy management school zone.****

SECTION II – OFFENSE CATEGORIES

CATEGORY I OFFENSES

Category I offenses involve conduct that violates school rules. These offenses result in an informal hearing before the principal or his/her designee and may result in a suspension of up to five (5) days at the discretion of the principal. ***Repeat offenses may result in longer suspensions depending on the nature of the offense and the age of the student.***

Principals are to use discretion disciplining disabled students whose behaviors may be related to their disabilities, especially those with moderate to severe impairments. **Refer to the Section 504 Procedures Manual and the Exceptional Children’s Program “Guidelines for the Discipline of Students with Disabilities.”**

Category I offenses are as follows:

1. Disruption of any school function (Rule 3)
2. Leaving school grounds, a school activity, or a class without permission (Rule 2)
3. Violation of the tobacco policy (Rule 7)
4. Using discourteous, abusive or insulting language, signs or other acts (Rule 10)
5. Repeated tardiness to school or class and/or repeated early dismissal from school or class (Rule 3) (***Procedures page 7-8***)
6. School truancy [NCGS 115C-378, Board Policy 10.101] (Rule 1)
7. Not reporting to a class (Rules 2 and 3)
8. Dishonesty, such as cheating on tests, copying term papers, forging the signatures of a teacher or parent, or lying to a school official (Rule 26)
9. Being disrespectful to a teacher or staff member (Rule 10)
10. Failing to comply with School Board policies and procedures and/or the directions of school personnel (Rule 2)
11. Failing to identify one's self or give correct name to a school employee (Rule 2)
12. Violation of Network/Internet Use Board Policy 10.213 as published in the Student Handbook (Rule 3)
13. Any violation of Rules 1-9 not otherwise addressed
14. Violation of Board of Education K-12 Student Uniform and Appearance Policy or Procedures 10.209 (Rule 6) – **First Offense:** Students will be informed that they have violated the policy. They shall given the opportunity to change into acceptable clothing by using available clothes at school or by calling a parent/ guardian to bring clothes. If neither of these options is used, the student may be placed in in-school suspension or isolation for the remainder of the day. **Second Offense:** A second infraction of the policy may be considered defiance. In addition to the disciplinary actions available for a first offense, a parent/guardian conference may be held. **Third (and additional Offenses:** A third or additional infraction of the policy may be categorized as a Category I Offense as outlined in the Pitt County Board of Education Code of Student Conduct (Policy 10.206 and Procedure 10.206-P), subject to the consequences outlined therein, including out-of-school suspension.
15. Other violation of school rules or acts that are deemed inappropriate by a school administrator but are not a violation of state law (Rule 2 and 3)

16. Having a cell phone or any other unauthorized electronic device in sight or turned on while on school property during school hours or on school buses transporting students to and from home without permission from a school official (Rule 8) – Note: The first offense will result in the item being taken and held until a parent picks it up and signs for it. A second or any additional offense will result in the item being taken and held until a parent picks it up and signs for it, as well as the student being deemed in violation of a Category I offense, subject to the consequences outlined therein.

CATEGORY II OFFENSES

In most instances, Category II offenses are misdemeanor violations of the General Statutes of North Carolina. A suspension of two (2) to five (5) days is recommended for the student who has committed a Category II offense. The principal has the option to decrease the suspension or to increase the suspension up to a maximum of seven (7) days. *Repeat offenses may result in longer suspensions depending on the nature of the offense and the age of the student.*

Principals shall have discretion to implement an alternative disciplinary action that would be in the best interest of the child and would not unreasonably compromise the educational environment for others.

A serious study of the student's record shall be made at this stage, and other community resources may be utilized or explored. The principal shall use his/her knowledge of the violator, the victim, and the facts and circumstances of each incident to determine whether or not to report the incident to law enforcement.

Principals are to use discretion disciplining disabled students whose behaviors may be related to their disabilities, especially those with moderate to severe impairments.
Refer to the Section 504 Procedures Manual and the Exceptional Children's Program "Guidelines for the Discipline of Students with Disabilities."

Category II offenses are as follows:

1. Simple assault (Rule 14) – See Section III, Item D
2. Engaging in a simple affray (Rule 12)
3. Unacceptable words, signs or acts, including intimidation, bullying or harassment (Rule 9, Rule 10)
4. Damaging personal property valued at less than \$200 (Rule 11)
5. Disorderly conduct (Rule 12)
6. Giving false fire alarms or damaging a fire alarm, fire detection or fire extinguishing system (Rules 3 and 11)
7. Theft or larceny of personal property of another (Rule 11)
8. Possession of stolen property valued at less than \$1,000 (Rule 11)
9. Computer tampering (Rule 13)
10. Repeated Category I offenses
11. Any other violation of federal or state criminal law, meeting the Applications rules on page 2, that carries a penalty of a six-month or shorter potential jail sentence and is not listed as a Category III or IV offense (Rule 23) – See Section III, Item B

CATEGORY III OFFENSES

Category III offenses are serious offenses that, in most instances, are violations of the criminal laws of the state of North Carolina. Most Category III offenses are misdemeanors that carry a greater penalty than the misdemeanors set out in Category II.

A suspension of five (5) to ten (10) days is recommended for the student who has committed a Category III offense. The principal may recommend long-term suspension *for the remainder of the school year. If the violation that results in the recommendation for a long term suspension occurs during the final quarter of the school year the Superintendent may include the period up to the remainder of the school year and the first semester of the following school year.*

A principal who finds or suspects that a Category III violation has occurred should determine if the appropriate law enforcement agency needs to be notified of the facts and circumstances surrounding the incident.

Principals shall have discretion to implement an alternative disciplinary action that would be in the best interest of the child and would not unreasonably compromise the educational environment for others.

Principals are to use discretion disciplining disabled students whose behaviors may be related to their disabilities, especially those with moderate to severe impairments. **Refer to the Section 504 Procedures Manual and the Exceptional Children's Program "Guidelines for the Discipline of Students with Disabilities."**

Category III offenses are as follows:

1. Inappropriate exposure of private body parts (Rule 17)
2. Theft or larceny of personal property of another valued at more than \$1,000 (Rule 11)
3. Possession of stolen property valued at more than \$1,000 (Rule 11)
4. Injury or damage to real property (Rule 11)
5. Injury or damage to personal property in excess of \$200 (Rule 11)
6. Sexual misconduct that is not a criminal offense (Rule 17)
7. Possession of ammunition (Rule 25)
8. Any act of extortion or blackmail (Rule 10)
9. Any unlawful possession, distribution, sale, or attempt to distribute or sale, any over-the-counter medication (Rule 19)
10. Communicating a threat (Rule 10)
11. Unauthorized entry on campus (Rule 22)
12. Hazing (Rule 21)
13. Malicious burning (Rule 11)
14. Refusing to submit to a search by school personnel when reasonable suspicion exists (Rule 2) – See Board Policy 10.201 (Search & Seizure)
15. Any other violation of federal or state criminal law, meeting the Applications rules on page 2, that carries a penalty of a potential jail sentence of two years or shorter and is not listed as a Category II or IV offense (Rule 23) – See Section III, Item B
16. An intentional act of disruption or false alarm that creates danger to others or causes unnecessary evacuation (Rule 3)

CATEGORY IV OFFENSES

Category IV offenses are the most serious according to their danger, the nature and relationship of the offense to the school environment, and/or their classification as a felony by the General Statutes of North Carolina.

A principal shall involve law enforcement when a Category IV offense occurs. A student who has committed a Category IV offense *may* be suspended for ten (10) days and *may* be recommended for long-term suspension or long-term suspension and expulsion. The long term suspension may be for the remainder of the school year. If the violation that results in the recommendation for a long term suspension occurs during the final quarter of the school year the Superintendent may include the period up to the remainder of the school year and the first semester of the following school year. **All state reportable offenses shall be reported to law enforcement (See Disciplinary Guidelines - Section III, Item F).**

Principals shall have discretion to implement alternative disciplinary action that would be in the best interest of the child and would not unreasonably compromise the educational environment for others.

Principals are to use discretion when disciplining disabled students whose behaviors may be related to their disabilities, especially those with moderate to severe impairments. **Refer to the Section 504 Procedures Manual and the Exceptional Children's Program "Guidelines for the Discipline of Students with Disabilities."**

Category IV offenses are as follows:

1. Possession, handling, transportation or use of any firearms, weapons, and/or dangerous instruments or objects (Principals shall have the latitude to determine that pocketknives inadvertently brought to school and not used by the student may be considered exemptions) (Rule 18) – See Section III, Item C
2. Any assault as follows:
 - a. Assault on a school employee, *school official* or volunteer (Rule 16) – See Section III, Item D
 - b. Assault with a weapon (Rule 18) – See Section III, Items C and D
 - c. Sexual assault, sexual offense, rape (Rule 23) – See Section III, Item D
 - d. Assault inflicting serious injury when no weapon was involved (Rule 15) – See Section III, Item D
 - e. Assault inflicting serious injury with a weapon (Rule 15) – See Section III, Item D
3. Possession, sale, transportation, manufacture or delivery of any controlled substance as defined in the North Carolina Controlled Substances Act or any violation of Chapter 90 of the General Statutes of North Carolina (Rule 20) – See Section III, Item E
4. Possession, sale, transportation or delivery of non-controlled prescription drugs for which the student does not possess a lawful and legitimate prescription (Rule 20)
5. Possession, use or transmission of any drug paraphernalia or counterfeit drugs (Rule 20)
6. Any other violation of federal or state criminal law involving weapons, violence or drugs (Rule 23) – See Section III, Item B

7. Possession or willful and malicious use of any explosive or incendiary device, firecrackers/fireworks, or material to injure or attempt to injure another or to damage or attempt to damage property (Rule 18) – See Section III, Item C
8. Possession, sale or transportation of any alcoholic beverage, malt beverage, non-alcoholic or pseudo-beer, fortified wine, or other intoxicating liquor (Rule 20)
9. Bomb Threats *or Bomb Hoaxes* (Rule 24) - See Section III, Item C
10. Under the influence of [but not in possession of] any controlled substance, alcoholic beverage, or non-controlled prescription drug for which the student does not possess a lawful and legitimate prescription (Rule 20) – (Not State Reportable)

SECTION III – DISCIPLINARY GUIDELINES

A school climate conducive to serious study and respect for oneself, other people and property is essential for a school to meet the needs of youth. Principals have the authority and responsibility to take whatever reasonable and legal action is necessary to establish and maintain appropriate student behavior in accordance with Board policy.

A. General Information

1. Teachers have the responsibility and authority for disciplining students, except in those cases requiring the attention of the principal.
2. Principals must fully investigate student discipline matters and consider the mitigating and aggravating factors in determining the disciplinary action warranted.
3. If, in questioning a student, the principal determines that a law enforcement officer should carry out the questioning, the principal shall make a reasonable attempt to notify the parents (except in cases of suspected child abuse or neglect by the parent) to give them an opportunity to be present during questioning.
4. Student misconduct at after-school events and other school-sponsored extracurricular activities may lead to additional disciplinary action such as, but not limited to, being banned from extracurricular activities and events for the remainder of the school year.
5. In-school disciplinary actions must not unreasonably compromise the educational environment for others.
6. Principals may require a student to attend a school detention program for a stated period of time and purpose, provided the parent or guardian has received at least one day's notice and has assumed responsibility for the transportation home.
7. A student may be suspended from school short-term (10 days or less), for cause, by the principal in accordance with the provisions of law and Board Procedure 10.303. The principal shall inform the student and make a good faith effort to notify a parent, guardian or responsible adult.

8. A student may be recommended for suspension from school long-term (more than 10 days) by the principal, in accordance with provisions of law and Board procedure 10.303. *The superintendent shall review the circumstances for the recommended long-term suspension. Following the review the superintendent may impose the suspension if it is consistent with board policies and appropriate under the circumstances; may impose another penalty authorized by board policy; or may decline to impose any other penalty.*
9. *The Board, upon the recommendation of the superintendent,* may expel a student 14 years of age or older whose behavior indicates the student's continued presence in school constitutes a clear threat to the safety of other students or employees.
10. Principals shall report system-required data on each student suspended or expelled to the superintendent.

B. Violation of a Criminal Law

When considering the suspension or expulsion of a student for the commission of a criminal act on or off campus, the principal shall consider the following factors:

- a. The nature of the crime and the level of the offense
- b. The age of the student
- c. The effect of the crime on the school environment
- d. Whether the victim of the crime was a student or school employee
- e. Whether the student's continued presence in school constitutes a clear threat to the safety of other students or employees or constitutes a disruption to the school environment

C. Weapons, Firearms, Dangerous Instruments, Explosive Devices and Bomb Threats (See Category IV offenses)

I. Long-Term Suspensions

The principal *may* recommend long-term suspension for any student who brings or possesses weapons and/or dangerous instruments including, but not limited to, BB gun, paintball gun, stun gun, air rifle, air pistol, mace/pepper spray or gas (or other chemical of like kind), bowie knife, dirk, dagger, slingshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades, fireworks or any sharp-pointed or edged instrument or any look-a-like weapon. Exceptions may include, but are not limited to, instructional supplies, unaltered nail files and clippers, and tools used under supervision for instruction or for the maintenance and preparation of food.

- Makes a report by any means of communication, knowing or having reason to know the report is false, that there is located on school property or at a school-sponsored activity, any device designed to destroy or damage property by explosion, blasting or burning.
- Conceals, places or displays any device, machine, instrument or artifact on school property or at a school-sponsored activity so as to cause any person reasonably to believe the same to be a bomb or other device capable of causing serious injury to persons or property.

2. 365-Day Suspensions

The principal shall recommend 365-day suspension and the Board of Education shall suspend for 365 days any student who:

- *Brings or possesses a firearm, including but not limited to handgun, shotgun, rifle, pistol, starter pistol; any device designed to destroy or damage property by explosion, blasting or burning; or any bomb or powerful explosive (including, but not limited to, dynamite, nitroglycerin, trinitrotoluene, blasting cap) on school property, or any other powerful or destructive device, whether operational or not. (Note: Any student disciplined under this section who is 14 years of age or older shall also be recommended for expulsion.)*

The superintendent does not have the authority to waive a 365-day suspension. The Board of Education, upon recommendation by the superintendent, may modify this suspension requirement on a case-by-case basis.

D. Assaults

1. Simple Assault on a student or non-employee causing minor injury is a Category II offense. The superintendent may, upon recommendation of the principal, remove to an alternative educational setting any student who is at least 13 years old and who physically assaults another student or a non-employee, if the assault is witnessed by school personnel. If no appropriate alternative educational setting is available, then the superintendent may, upon recommendation of the principal, suspend the student. This shall not apply when the student who is subject to suspension or removal was acting in self-defense.
2. Assault on a student or non-employee inflicting serious injury is a Category IV offense. The superintendent may, remove to an alternative educational setting any student who is at least 13 years old and who physically assaults and seriously injures another student or a non-employee.
3. Assault on a school employee, independent contractor or volunteer is a Category IV offense. The superintendent may, remove to an alternative educational setting any student who is at least 13 years old and physically assaults and seriously injures a teacher or other school personnel.

If a teacher is assaulted or injured and as a result a student is suspended or removed to an alternative educational setting, then the student shall not be returned to that teacher's classroom unless the teacher consents.

4. Assault with a weapon is a Category IV offense. The superintendent may remove to an alternative setting any student who is at least 13 years old and who has assaulted anyone with a weapon.

NOTE: Deliberately preventing or obstructing a teacher or other school assistance with a disruption or an emergency situation may be classified by the principal as a Category IV offense.

E. Controlled Substances (See Category IV offenses)

Any student who is 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 long-term suspension and/or expulsion from school. *See Section VII.*

F. State Reportable Offenses

The following state reportable offenses are to be reported to law enforcement:

1. Assault resulting in serious *personal* injury*
2. Assault using a weapon*
3. Assault on school *officials, employees or volunteers*
4. ***Making Bomb Threats or Engaging in Bomb Hoaxes***
5. ***Willfully*** Burning of a School Building
6. Death by other than natural causes*
7. Kidnapping*
8. Possession of alcoholic beverage
9. Possession of controlled substance in violation of law
10. ***Possession of a firearm***
11. Possession of a weapon
12. Rape*
13. Robbery with a dangerous weapon*
14. Sexual assault*
15. Sexual offense*
16. Taking indecent liberties with a minor*

** These offenses are used in the calculation for Persistently Dangerous Status.*

SECTION IV – DUE PROCESS PROCEDURES FOR SUSPENSION AND EXPULSION (Board Procedure 10.303 - P)

STATEMENT OF PURPOSE

In meeting its responsibility to safeguard every student's right to an educational opportunity and to assure an atmosphere conducive to learning while protecting the individual rights of all students, the Board of Education has adopted the following procedures for those cases when misconduct is of such a serious nature that it results or might result in material and substantial disruption of normal school functions. The Board believes the procedures adopted meet the standards of due process required by law and accepted standards of fairness.

The procedures adopted concern themselves with those disciplinary matters requiring the attention of the principal or his/her administrative assistants. Any suspension is a serious measure, and principals should utilize resources reasonably at their disposal in an effort to achieve a different solution. Parent(s)/guardian(s) must be notified in any instance of serious misconduct.

The principal has the final authority on in-school discipline and short-term suspensions. There is no appeal to the Board of Education for these decisions, under this procedure. For recommended long-term suspensions and/ or expulsions, the procedures provide for

- (1) adequate notice of the charge against a student and the evidence to support the charge,
- (2) a decision supported by the evidence, (3) an opportunity for a hearing, and (4) a fair and impartial decision-maker.

I. GENERAL PROVISIONS FOR SUSPENSION

A. Application

The principal or his/her designee ("principal" hereinafter is used to include any school professional to whom the principal may delegate authority) shall deal with instances of alleged misconduct:

1. Whenever a teacher refers a problem of classroom discipline to the principal
2. Whenever the alleged misconduct violates the Pitt County Schools' *Code of Student Conduct*
3. Whenever the principal deems it advisable that he/she deals personally with the misconduct

B. Investigation

The principal shall investigate instances of alleged misconduct and endeavor to hear all available accounts of the controversy. Students may raise any defense believed to be available. The student's record shall be reviewed by the principal to determine whether or not the student is identified according to federal or state law as a student with a disability or special need. Secure written statements and keep all documents and relevant information received about the misconduct on file.

C. Power to Suspend

If upon investigation it is determined that student misconduct has occurred, the principal shall have the authority to suspend for a period of ten days or less any student who willfully violates policies of conduct established by the local Board of Education, provided that the suspended student shall be given an opportunity to take any quarterly, semester or grading period examinations missed during the suspension period.

II. SUMMARY AND SHORT-TERM SUSPENSION

A. Summary Suspension

If the principal personally observes any serious student misconduct, or receives information about such from a reliable informant, and in the exercise of his/her professional judgment he/she concludes that immediate removal of the student is necessary to restore order or to protect school property or persons on the school grounds, he/she may suspend the student immediately and then investigate as soon as reasonably possible.

B. Short-Term Suspension

A short-term suspension is a denial to a student of the right to attend school, take part in any school function, or be on any Pitt County Schools property for a period of time up to ten (10) school days.

The principal may invoke a short-term suspension only after investigating the misconduct and allowing the student an opportunity to be heard, and only for the following reasons:

1. A violation of the Pitt County Schools *Code of Student Conduct*
2. Misconduct of the same type as that prohibited by the *Code of Student Conduct*
3. Misconduct that is prescribed by the rules adopted by the School Board or the school
4. Misconduct in violation of state or federal law

Once a principal has decided to invoke a short-term suspension, he/she shall follow the procedure for "Sending a Student Home During the School Day" as hereafter set forth.

The principal has the final authority on short-term suspensions.

C. Sending a Student Home During the School Day

When a student is suspended, the principal shall attempt to reach the student's parents or legal guardian ("parent" or "parents" hereinafter includes legal guardian or legal guardians) to inform them of the school's action and to request that they come to the school for their child. If the parents are unable to come for their child, the school may transport the student to his/her home, assuming that a parent is there to receive him/her. If the principal cannot reach the parents, then the student may remain on school property until the close of the school day. The age of the student or any special circumstance would be an important consideration in making this decision.

Notwithstanding the above requirement that a suspended student be released only to a parent or responsible adult approved by the parent, the principal may order students to leave the school premises immediately when faced with mass violations of school rules and when, in the exercise of his/her professional judgment, it is not possible to keep the students on school grounds and restore or maintain order or protect school property or people on the school grounds. Even in this case, distance to home and the age and sex of the student may suggest keeping him/her until his/her parents can be contacted.

D. Advising Parents

When a student is short-term suspended, the principal shall:

1. Inform the student and notify the parent/guardian.
2. Provide a statement on an approved form that describes the student's misconduct and the length of the suspension directly to the parents or to the parents by the student with a copy sent through the mail.
3. Make a good-faith effort to give notice in a language that is understood by the parents and/or student.
4. Make an effort to hold a conference with the parents before the student returns to school from a suspension.

III. LONG-TERM SUSPENSIONS AND EXPULSIONS

A. Definitions

1. A long-term suspension is removal from school for more than ten days *through the remainder of the school year. If the violation that results in the recommendation for a long term suspension occurs during the final quarter of the school year the Superintendent may include the period up to the remainder of the school year and the first semester of the following school year*

2. A 365-day suspension is a suspension for 365 calendar days. Such suspensions are reserved for students who bring a firearm or powerful explosive onto school property
3. An expulsion is a permanent removal from school. The principal will recommend expulsion to the superintendent for any student whose behavior constitutes a clear threat to the safety of other students or employees. Upon the recommendation of the superintendent, the Board may expel a student who is 14 years of age or older if the student's behavior indicates that his or her continued presence in school constitutes a clear threat to the safety of other students or employees.

B. Procedural Requirements

1. Principals retain the authority to invoke a short-term suspension or other disciplinary action instead of long-term suspension if, after their investigation, they deem it preferable.
2. If, following a thorough investigation, the principal determines that a long-term suspension, 365-day suspension or expulsion is appropriate, he/she shall invoke a short-term suspension of ten days and immediately forward a recommendation for the long-term suspension, 365-day suspension or expulsion to the superintendent or designee. When recommending an expulsion, the principal shall also recommend long-term suspension.
3. The principal shall immediately inform the student and his/her parent(s) of the recommendation (see below) and provide a copy of the Due Process Procedures for Suspension and Expulsion set forth in the Code of Student Conduct.
4. A student with disabilities will receive all protections required by law.

C. Due Process for Long-Term Suspensions and Expulsions

1. Notice from the School

- a. When long-term suspension or expulsion is recommended by the principal, the principal shall invoke the suspension or expulsion and immediately forward the recommendation to the superintendent or designee.
- b. The principal shall immediately notify the student and his/her parent(s) by personal contact or by certified mail (return receipt requested) concerning the recommended suspension or expulsion and the right to a hearing. If notice by certified mail (return receipt requested) is returned unclaimed or delivery is refused, the principal or his/her designee shall attempt to notify the student and his/her parent(s) by regular mail, postage prepaid, addressed to the last known address for the student and his/her parent(s).

2. Requesting a Hearing

- a. In the event the student or parent(s) desire a hearing on alleged misconduct and penalty, they shall give notice to the superintendent or his/her designee within three (3) school days of receipt of the notice from the principal.
- b. Upon the receipt of such notice from the parent or student, the superintendent or his/her designee shall immediately refer the matter to the Hearing Officer. The Hearing Officer will suggest a date, time and place for the hearing. The principal, the parents and the student

will be notified as to the date of the hearing. It is suggested that a hearing be held within five (5) school days of invoking the penalty and in no event later than ten (10) school days.

- c. If witness statements or written materials are to be presented in the hearing process, the principal must first delete any other students' names.

3. Failure to Attend Scheduled Hearing

If a student or parent(s) who requested a hearing does not show up for the scheduled hearing and has not called twenty-four (24) hours or more in advance to re-schedule it, the hearing will continue as scheduled in the absence of the student or parent(s). In this case, *The superintendent shall review the circumstances of the recommended long-term suspension and make a decision consistent with board policy.*

4. The Initial Hearing

- a. The Hearing Officer shall be designated by the superintendent.
- b. Duties of Hearing Officer
 - (1) Schedule the hearing at a specified date, time, and place; authorized to postpone the date and time or change the place for good cause.
 - (2) Answer any questions that the student, his/her parents, or representative may have about the nature and conduct of the hearing.
 - (3) Retain full charge of the hearing: direct its proceedings and control the conduct of all persons present, subject to the general directions of this procedural code. He/she may limit questioning or testimony that is unproductively lengthy or irrelevant.
 - (4) Make a record of any information orally presented at the hearing. In any case in which the student or the parents so request, a record shall be made available to them.
 - (5) Write findings of fact and recommendations for action.
 - (6) Transmit the written findings and recommendations to the superintendent for review and action as soon as possible after the hearing.
- c. The hearing may be attended by the Hearing Officer, the superintendent of schools, the principal or principal's designee of the school involved, the student, the parents, and the student's representative. Witnesses may be sequestered. If students are alleged to have acted in concert and the facts are basically the same, group hearings may be held at the discretion of the Hearing Officer.
- d. The student may testify or may remain silent without penalty. The principal or his/her designee shall present all notices, statements and other information relating to the misconduct and the penalty invoked.
- e. The hearing shall consist of a review of the statements and records presented by the principal or his/her designee and by or on behalf of the student. If the principal, the student, or the Hearing Officer requests that any witnesses appear in person and answer questions, due process requires either that they appear or that their absence be

considered by the Hearing Officer in determining the weight to be given to such evidence.

- f. The student may be represented by an attorney if he/she chooses. The attorney may present the student's views and question witnesses, and otherwise advise the student or the parents. If attorneys act, they perform in lieu of the parents. The Hearing Officer and the principal must be advised of the decision to have an attorney at least forty-eight (48) hours before the time set for the hearing, so that the School Attorney may be in attendance at these hearings.
- g. Parents may be assisted in their presentation by an adult of their choosing.
- h. At the discretion of the superintendent, the Board of Education may provide the principal with an attorney.
- i. The Hearing Officer may limit nonproductive questioning or procedures.
- j. Based upon the information presented at the hearing, the Hearing Officer shall privately determine whether a preponderance of the evidence has shown that the student engaged in the alleged misconduct. (If the recommended action is expulsion, there must be clear and convincing evidence that the student engaged in the alleged misconduct.) If the Hearing Officer concludes that misconduct occurred, he/she shall provide a recommendation to the Superintendent of Pitt County Schools concerning what action, if any, should be taken with respect to the student. The recommended action may not be more severe than that invoked by the principal.
- k. The superintendent will determine what discipline will be imposed. The superintendent may accept, reject and/or modify the recommendation of the Hearing Officer.
- l. The superintendent will notify the parents or guardian in writing of his/her decision and the basis for the decision. Once a hearing has been conducted and the superintendent has set his/her decision, a long-term suspension may be appealed to the Board of Education.

5. The Board Hearing

- a. The student or parent may appeal the superintendent's decision to long-term suspend or recommend expulsion of a student to the Pitt County Board of Education. A student or parent who desires a Board hearing shall notify the superintendent's office within three (3) days of receipt of the superintendent's decision.
- b. A hearing will be scheduled with the Board within ten (10) days of the request.
- c. The appeal will be based upon the Hearing Officer's report and the written record made from the hearing, in addition to the oral presentations by the parties and their witnesses, if any.
- d. Newly discovered evidence will be considered only as is necessary to avoid substantial threat of unfairness.
- e. If the parents/guardian and student do not want to be present at the Board hearing, the parents/guardian or student will give notice within three (3) days of the scheduled hearing. The superintendent may then

provide written evidence to support the recommendation to the Board, provided that the Board may elect to request a hearing or request additional records and documents.

- f. The Board will provide the parents or guardian with a written decision and the basis for the decision.
 - (1) If the superintendent/designee has recommended a 365-day suspension the Board will indicate whether it finds that a preponderance of the evidence supports the 365-day suspension and whether the Board accepts any modification recommended by the superintendent. In the event of an expulsion, Board will indicate whether it finds that there is clear and convincing evidence that the student's continued presence in school constitutes a clear threat to the safety of other students or employees.
 - (2) The Board will consider and make a written determination of whether alternative education services will be provided for any expelled student. So long as required by federal or North Carolina law, students with disabilities recognized by the Individuals with Disabilities Education Act must receive alternative educational services during the time of the expulsion in order to continue to receive a free appropriate public education.
 - (3) The superintendent's decision will be altered only if the Board of Education concludes it to be clearly erroneous or in violation of Board policy.
- g. An adverse decision by the Board of Education may be appealed by the student to superior court.
- h. The superintendent will keep all records required by state or federal law on all suspensions made pursuant to this policy.

D. Requests for Readmission of Expelled Students

- 1. At any time after July 1 that is at least six (6) months after the Board's decision to expel a student, a student may make a written request to the Board to reconsider that decision on the basis that the student is no longer a threat to the safety of students or employees. However, the Board will review no more than one request each school year for any individual student. With the request, the student should provide any documents supporting the request, such as signed statements from individuals knowledgeable about the student or documentation of the completion of counseling or rehabilitative programs.
- 2. The information will be shared with the superintendent. Within a reasonable time frame, the superintendent or designee must provide the Board of Education's Student Disciplinary Panel with a written response in support of or in opposition to the student's request. As part of the the superintendent's review process, he/she (or designee) may meet with the student's family.
- 3. The Board of Education's Student Disciplinary Panel will hold a closed session hearing in accordance with Board Procedure 1.108-P (Board Hearing Procedures) to consider the request. The student's parent(s) and/or legal guardian(s) will be asked to attend and be given the opportunity to

present their case for the student to be allowed to return to school. The student will be allowed to present to the Panel evidence, including testimony, deemed credible and relevant to the request to return to school.

4. The Board will notify the student in writing of its decision in regard to the request. If the student has demonstrated to the satisfaction of the Board that he or she is no longer a threat to the safety of students and employees, the Board will establish the date for readmission and designate the school or program to which the student will be assigned.

E. Long-Term Suspensions or Expulsions in Student Records

1. Pursuant to Section 115C-402(b) of the General Statutes of North Carolina, any student who has been suspended for a period of more than ten (10) days or has been expelled following the procedures set forth above, shall have notice of said suspension or expulsion and the conduct for which the action was taken placed upon his or her school record.
2. Said notice shall be removed from the record of the student if (1) the student or parent requests the removal, (2) the student either graduates from high school or is not expelled or suspended again for a period of two years after his or her return to school, (3) the superintendent or superintendent's designee determines that maintenance of the record is no longer needed to maintain safe and orderly schools, and (4) the superintendent or superintendent's designee determines that maintenance of the record is no longer needed to adequately serve the child.
3. Notwithstanding number 2 above, a superintendent or superintendent's designee may remove notice of suspension or expulsion from a student's official record without a request from the student or parent if all the other above criteria are met.

SECTION V - IDENTIFIED EXCEPTIONAL CHILDREN OR SECTION 504 STUDENTS

I. Students Identified as Disabled under the Individuals with Disabilities Education Act (IDEA)

Note: Refer to the *PCS Exceptional Children's Discipline Procedures* when disciplining students identified as disabled or suspected of being disabled under IDEA.

A. General Guidelines for Disciplining Students with Disabilities

1. At the eleventh (11) day of suspension within a school year and prior to each suspension thereafter, the school's IEP Team must be convened to make a manifestation determination. At a manifestation determination meeting, the IEP Team determines if the behavior was caused by the student's disability or was the direct result of a failure to implement the IEP. (It is Pitt County Schools' policy to operate under the premise that the 11th day of suspension constitutes a change of placement which would trigger manifestation determination. In situations where school personnel believe that additional suspensions would not constitute a change of placement, documentation should be presented to the Exceptional Children's Director or designee).

- The parent must immediately be notified of the disciplinary removal and invited to attend this meeting. School personnel should use form DEC 5(a) to serve as the notice and the invitation to the manifestation meeting. The most recent version of the Handbook on Parents' Right must be given on the same day a decision is made to make a removal that constitutes a change of placement.
- A FBA (functional behavioral assessment) must be completed and a BIP (behavior intervention plan) implemented prior to the 11th day of suspension. If a current and relevant BIP has been previously developed, it should be reviewed, and modified as necessary, to address the behavior.
- Educational services must be provided during any removal from school after the 10th day in a school year.

Note: A removal for more than 10 consecutive school days always constitutes a change of placement that triggers the above actions.

2. If the IEP Team finds no direct relationship between the disability and the behavior, nor a failure to implement the IEP, the principal may follow the PCS Code of Student Conduct. Educational services must be continued during any removals from school.
3. If the IEP Team determines that there is a manifestation between the student's disability and the behavior or a failure to implement the IEP, the student cannot be suspended or have a disciplinary change of placement for any reason. The student must immediately return to the school placement from which he or she was removed, unless the parent and IEP Team agree to a change of placement.

B. Special Circumstances for Discipline Related to Drug Offenses, Weapon Offenses, and Offenses Resulting in Serious Bodily Injury

1. Principals may remove a student to an interim alternative educational setting (IAES) for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the student:
 - Carries a weapon to or possesses a weapon at school, on school premises, or at a school function under the jurisdiction of the LEA;
 - Knowingly possess or uses illegal drugs or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of the LEA; or
 - Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the LEA.

Upon the end of the not more than 45-school day removal the student must be returned to the placement from which he/she was removed, unless the parent and the IEP Team agree to another placement.

2. A manifestation meeting must occur within 10 school days of the decision of the principal to remove a student to an IAES. Regardless of the decision of the manifestation determination, the student can remain in the IAES for up to 45 school days or be returned to school if the principal determines it

to be appropriate. While the principal has the authority to assign a student to an IAES, the IEP Team determines the setting for services.

3. The principal must notify the parents immediately and provide the parents with the most recent version of the Handbook on Parents' Rights. Additionally, the principal must immediately notify the Exceptional Children's Director when implementing an up to 45-school day IAES for special circumstances.
4. An up to 45 school day assignment to an IAES is not a suspension. Educational services must be provided during assignment to an IAES.
5. Definitions:
 - Weapon, as defined in 18 U.S.C. 930 (g), means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 ½ inches in length
 - Illegal drug, as defined in 21 U.S.C. 812 (c), means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal Law. Controlled substance is a drug or other substance identified under schedules I, II, III, IV or V in section 202(c) of the Controlled Substance Act (21 U.S.C. 812(c)).
 - Serious bodily injury, as defined in 18 U.S.C. 1365 (h) (3) and 20 U.S.C. 1415(k) (7) (D), means a bodily injury that involves a substantial risk of death; extreme physical pain; protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

C. Dangerous, Violent or Abusive Students (not meeting requirements for discipline under Special Circumstances)

1. Nothing in federal or state law prohibits a principal from contacting law enforcement to forcibly remove a violent student or a student who has committed a crime at school. Category III and IV offenses require the principal to notify law enforcement.
2. If the principal believes that maintaining the student in the current placement is substantially likely to result in injury to self or others, he/she should consult with the school board attorney and the director of the Exceptional Children's Program for guidance in obtaining a court order to change the student's placement.

D. Students Served Under Section 504

Disciplinary procedures as listed above for students served with disabilities under the Exceptional Children's programs (IDEA) shall be followed except in the following instances:

- If no manifestation is found between the disciplinary infraction and the student's 504 disability, then the student is disciplined as a non-disabled student and may be suspended. No educational services are required during the suspension.

- 504 students whose behavior is determined to be a manifestation of their 504 disability cannot be suspended beyond ten (10) consecutive days, even when charged with a weapons violation or serious injury. If safety is a concern, contact the Executive Director of Student Services to discuss options to suspension prior to the student returning to school. If safety is not a concern, the student is reinstated in their regular education program, unless otherwise agreed upon by the parent and administration.
- A forty-five (45) school day assignment to an Interim Alternative Educational Setting (IAES) is only applicable to students served under Exceptional Children's programs (IDEA), and not to students served under Section 504.
- Students served under Section 504 who are charged with use of any controlled substance or alcoholic beverage on school grounds, on a school bus, or at a school function, activity, or event are not protected under Section 504. No manifestation meeting is required, and the student may be disciplined as a non-disabled student.

SECTION VI – INVOLUNTARY COMMITMENT

North Carolina law defines a dangerous student as:

- One whose behavior is out of control, very inappropriate to a given situation, or very irrational,
- One who has harmed himself/herself, threatened to harm himself/herself, or has been unable to care for himself/herself, or
- One who has recently caused serious bodily harm to another or has destroyed property, and based on evidence of past incidents it is expected that this behavior will happen again.

When faced with a student who presents as a danger to himself/herself or others, the school may want to refer the student for emergency/involuntary commitment to a hospital for treatment. The steps for that process follow:

1. Principal/Counselor/Designee attempts contact with the student's parents to involve them in the escalating situation. Ask the parent if the student is enrolled with an area mental health provider.
2. Principal/Counselor/Designee calls the mental health provider treating the student or calls East Carolina Behavioral Health (ECBH) at 1-877-685-2415. The Access to Care clinicians at ECBH may assist the school staff in linking with the student's current mental health provider, in arranging for the student to be seen by a private mental health provider, or in determining if the caller needs to pursue the magistrate.
3. Principal reports to the magistrate's office and signs the petition.
4. The magistrate will send a law enforcement officer to the school to take the student for evaluation, or the School Resource Officer may be designated to transport the student.
5. The student will be transported to their area mental health provider or to Pitt County Memorial Hospital for evaluation.
6. There will be three possible outcomes:

- The student will not fit the criteria for hospital admission, will be given emergency room treatment and will be sent home.
- It will be unclear whether the student fits the criteria for hospital admission. The student will be given an outpatient commitment and a court hearing will be set up in ten (10) days.
- The student will fit the criteria for hospital admission and will be admitted to the hospital.

SECTION VII – SUBSTANCE ABUSE PROCEDURES

(Board Procedure 10.207 – P)

ALCOHOL & DRUGS

I. PROCEDURE FOR DISCIPLINE OF STUDENTS

A. Narcotics, Alcoholic Beverages, Non-Alcoholic or Pseudo-Beer, Controlled Substances, Chemicals, and Drug Paraphernalia

No student shall possess, use, distribute, 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, non-alcoholic or pseudo-beer, malt beverage, fortified wine, other intoxicating liquor, drug paraphernalia, or counterfeit drugs, or inhale or ingest any chemicals or products with the intention of bringing about a state of exhilaration, euphoria, or of otherwise altering the student's mood or behavior.

B. Periodic searches may be conducted by school officials in accordance with the policy 10.201 (Search and Seizure).

C. The possession or 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. Students in elementary and middle schools who have prescription drugs must turn in such drugs to the appropriate school personnel for safekeeping and dispensing.

D. *Possession, Use, or Being Under the Influence of an Unauthorized Intoxicant described in I. A.*

First Offense: Any first-time offender who possesses, uses or is found to be under the influence of an unauthorized substance is automatically suspended for ten (10) days and *may be* recommended for long-term suspension. A student who has not participated in Project FIND (Families Involved in Normal Development Program) during any school year shall be eligible for Project FIND an alternative to long-term suspension. The decision to refer a student to Project FIND an alternative to long-term suspension is at the discretion of the superintendent. In addition to school discipline, a student may be prosecuted under state juvenile or criminal laws. **Second Offense:** The student is automatically suspended for ten (10) days. *The principal may also recommend a long-term suspension.* The student shall be referred to the appropriate alcohol or drug agency for assessment, which may include an outpatient or inpatient program. Documentation of assessment shall be verified prior to the

student returning to school in another school year. The student may also be prosecuted under the juvenile and criminal laws of the state.

E. Sale or Distribution of an Intoxicant

A student who has sold or distributed or has been involved in the sale or distribution of an intoxicant in violation of this policy shall:

- Receive a ten (10) day suspension.
- **The principal may recommend a long-term suspension.**
- Be referred to Project FIND, if eligible.
- Be prosecuted under the juvenile or criminal laws of this state.
- Be considered for re-admittance to school during the current school year if enrolled in Project FIND.
- Be considered for re-admittance to school during a subsequent school year if the Project FIND Program requirement has been completed.

F. Possession with Intent to Sell, Distribution, Sale, or Conspiracy to Distribute or Sell Schedule I or Schedule II Controlled Substances

Any student who is 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 shall be recommended for long-term suspension and/or expulsion.

II. PROCEDURES TO BE FOLLOWED FOR IMPLEMENTING ALCOHOL OR DRUG REFERRAL, AN INTERVENTION PROGRAM FOR STUDENTS (Project F.I.N.D.)

- A. The student shall be immediately suspended for ten (10) days and *may be* recommended for long-term suspension.
- B. An investigation by the school administration shall take place. If the offense is a violation of a criminal act, it shall be reported to the appropriate law enforcement authorities for action at their discretion.
- C. Parents will be notified immediately regarding the offense and informed of their right to a formal hearing before a hearing officer. In the hearing, the parent(s)/guardian(s) and/or the school administrator may request that the superintendent consider referring the student to Project FIND as an alternative to long-term suspension.
- D. If the student is offered the opportunity to enroll in Project FIND as an alternative to long-term suspension for a first offense as outlined in I.D. 1, the parent(s)/guardian(s) will be provided with information regarding the content and requirements of Project FIND. The parent(s)/guardian(s) must immediately contact Project FIND to schedule an intake appointment.
- E. If the offer of Project FIND is refused or if the student does not follow through with Project FIND, the school district will proceed with the long-term suspension process.
- F. The parent(s)/guardian(s) must give written permission for participation in the program.
- G. In the event a student who has completed the intervention program commits another substance abuse violation, school officials must recommend the student for long-term suspension or expulsion.

- H. A complete intake process will be completed for Project FIND by PORT Human Services on each student, parent(s) or guardian(s) referred to the intervention program. The purpose for doing the complete intake is to assess the student for problems he/she may be experiencing and, when deemed appropriate, referring the student to an appropriate agency.
- I. Parents of students will be required to sign a release of information at intake so that evaluation data can be obtained from the respective schools.
- J. The student and parent will be in structured workshops for a period of eight (8) weeks. A report will be completed after the final session. These reports will be sent to the school referring the student. These reports will focus on attendance and willingness to become part of the structured group experience.
- K. If a student has any unexcused absences from the intervention program classes, is non-compliant with the program, or is dropped from the program for these or any other reasons, the student's long-term suspension will be reinstated. A representative of Project FIND from PORT Human Services will notify the school administration of this action as soon as possible, but no later than five days upon the decision to drop the student from the program.
- L. The initial Project FIND enrollment fee shall be paid by the Pitt County Board of Education to encourage students to stay in school. Parents/guardians will be responsible for paying other costs for this program through insurance or sliding scale fees.

III. PROCEDURES TO BE FOLLOWED FOR VOLUNTARY ADMISSION OF ALCOHOL OR DRUG USE

- A. A student may at any time voluntarily share with the school official that he/she has a chemical or substance abuse problem and desires intervention assistance. School officials will then meet with parents/guardians (or surrogate parent approved by the Board of Education) in setting up an appointment to explain the content and requirements of the volunteer intervention program. The principal will assist parent(s)/guardian(s) in setting up an assessment interview with PORT Human Services. Appropriate steps shall be taken to ensure confidentiality for individuals in the referral and follow-up processes.
- B. The principal will follow-up with PORT Human Services to ascertain if follow-up from the assessment interview was conducted.