

## Student Conduct and Discipline

Board Policy: SA-1  
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I. General Policy Statement

The purpose of this code is to provide in a single document those policies relating to the conduct of students in the Haywood County Public Schools judged to be necessary for the safe and effective operation of the schools.

A copy of this policy shall be published and made available at the beginning of each school year to each student and his or her parent or guardian. Any revisions during the school year will be communicated to parents and students. Students shall be informed by local school authorities of any school infractions not listed in this Code of Conduct that may result in short-term or long-term suspension or expulsion.

All students are expected to demonstrate good character such as integrity, respect, responsibility, honesty and self-control. This expectation is directly related to the board's educational objectives for students to learn to be responsible for and accept the consequences of their behavior. Integrity, honesty, responsibility and self-discipline are critical for establishing and maintaining a safe, orderly and inviting environment. All students shall comply with all rules and regulations governing behavior and conduct.

This Code of Student Conduct shall apply to:

- A. Any student in any school building or on any school premises before, during or after school hours;
- B. Any student on any bus or other vehicle in which the student is being transported as part of any school activity as well as at any bus stop;
- C. Any student during any school function, activity or event;
- D. Any student at any time when he/she is subject to the authority of school personnel including off-campus functions, field trips, class trips and any other like function.
- E. Any student whose conduct at any time or place has a direct and immediate effect on maintaining order and discipline in the schools.

The failure to follow the school rules and policies, including leaving school grounds without permission, cutting classes, unexcused absences, or unexcused tardies can result in disciplinary action including suspension.

Violation of Board policies, rules or regulations, the Code of Student Conduct, regulations issued by the individual school, or the North Carolina General Statutes may result in disciplinary action including suspension or expulsion of the student from the Haywood County Public School System.

**Legal Reference: G.S. 115C-47, -288, -307, -390, -391**

II. Student Code of Conduct

A. Compliance with Policy

- 1. Each school will have a plan for managing student behavior that incorporates effective strategies consistent with the purpose and principles established by board policies.
- 2. Students shall comply with all directions of principals, teachers, substitute teachers, student teachers, teacher assistants, bus drivers and all other school personnel who are authorized to give such directions during any period of time

- when they are subject to the authority of such personnel.
3. Schools will operate under existing laws and federal, state, local and Board regulations. Each principal (assistant principal or designee) shall have the authority and be charged with the responsibility to take whatever reasonable and legal action is necessary to establish and maintain appropriate student behavior in accordance with Board policy.
  4. Each school staff will cooperatively develop a good school climate and positively directed rules and regulations, including a continuum of disciplinary consequences, consistent with this Code. Teachers and principals will develop procedures for communications concerning disciplinary action taken. The teacher shall have the responsibility and authority for discipline over students, except in those cases requiring the attention of the Principal. The Principal shall be responsible for investigating fully the cases of students appropriately referred to his office for misbehavior, and to determine such subsequent action as deemed warranted.
  5. This Code is not intended to restrict in any way the authority of principals to make such rules, not inconsistent with this Code, as they are authorized by law to make for the government and operation of their respective schools, or the authority of teachers to make such rules, not inconsistent with this Code, as they are authorized by law to make for their respective classes.

**Legal Reference: G.S. 115C-47, -288, -307, -390, -391**

**B. Codes of Conduct**

**1. Disruption of School**

- a. Any physical or verbal disturbance which occurs within the learning environment and which interrupts or interferes with teaching or orderly conduct of school activities is prohibited. In addition to other disciplinary measures available, a student who is disruptive may be excluded from participating in extracurricular school programs, including graduation.
- b. No student shall engage in or urge any other student to engage in passive resistance (sit-in, walk-out, demonstrations, etc.), noise, threats, fear, intimidation, coercion, force or violence, causing the disruption or obstruction of any lawful function, mission or process of the school to which he is assigned or any other school in the Haywood County Public School System.
- c. While this list is not intended to be exclusive, the following acts illustrate the kinds of offenses prohibited by this policy:
  1. Occupying any school building, school grounds or part thereof depriving others of its use.
  2. Blocking the entrance or exit of any school building or corridor or room therein depriving others of lawful access to the room, or use of the building, corridor or room.
  3. Blocking normal pedestrian or vehicular traffic on school premises.
  4. Making noise or acting in any manner so as to interfere with any teacher's ability to conduct class or to carry on any school activity.
  5. Preventing or attempting to prevent the convening or continued function of any school, class, activity, or of any lawful meeting or assembly on the school premises.
  6. Cursing or using vulgar or abusive language including remarks which demean a person's race, religion, sex, national origin, handicapping condition, or intellectual ability.

7. Conducting oneself in an uncivil or unsafe manner at any school activity. In addition to other disciplinary sanctions provided in the Code or sanctions within the discretion of teachers and principals, the Principal may bar the student from attending any school activity and may require the student not to be on school property before, during, or after activities.
8. Clothing – dress or appearance which (1) violates a reasonable dress code adopted and publicized by the school, or (2) is disruptive, or (3) is provocative, obscene, profane, lewd, vulgar, or (4) endangers the health or safety of the student or others.
9. Possessing or distributing literature or illustrations which disrupts the educational process or which are obscene.
10. Engaging in behavior which is immoral, indecent, lewd, and disreputable or of an overly affectionate or sexual nature in the school setting.
11. Having an offensive odor (from eating ramps, etc.) which is disruptive to the educational process.

***Violation of this code may result in suspension or expulsion.***

**2. Misconduct on a School Bus**

School transportation service is a privilege, not a right. Students at all times while riding a school bus or other school vehicle shall observe the directives of the school bus driver. The use of video cameras may provide supportive information concerning bus misconduct. (See Board Policy: A-28.) The following conduct is specifically prohibited and may result in temporary or permanent suspension from school transportation services and/or other sanctions:

- a. Delaying the bus schedule.
- b. Fighting, tobacco use or possession, using profanity or refusing to obey the driver's instructions.
- c. Tampering with or willfully damaging the school vehicle.
- d. Possessing, being under the influence, using or distributing unauthorized or illegal drugs or intoxicating beverages on a school vehicle as outlined in Board Policy Code 10.
- e. Getting off the bus at an unauthorized stop.
- f. Distracting the driver's attention by participating in disruptive behavior while the vehicle is in operation.
- g. Failing to observe established safety rules and regulations.
- h. Willfully trespassing upon a school bus.
- i. Violating any other rule of the Code of Student Conduct while on the school bus or other school vehicle.

**3. Trespassing**

- a. No student shall be on the campus of a school to which he is not assigned during the school day without the knowledge and consent of the officials of the school he is visiting.
- b. Students who loiter at any school before or after the close of the school day without specific need or supervision will be considered trespassers and may be prosecuted if they do not leave when instructed to do so.
- c. Any student who has been suspended from school shall be considered trespassing if he appears on the property of any school during the suspension period without the express permission of the Principal and may be prosecuted.

4. Assault, Injury
  - a. No student shall assault, cause or attempt to cause physical injury to, or intentionally behave in such a way as could reasonably cause injury to any other person. Assault includes engaging in a fight.
  - b. Violation of this rule shall result in suspension of the student for up to ten (10) days, and depending upon the severity of the offense may result in long-term suspension for up to the remainder of the school year, or expulsion.
5. Threatening Acts
  - a. Safety for all students and staff is our priority! Threats will be taken seriously and appropriate action taken.
  - b. No student shall direct toward any principal, teacher, other school employee, game official, other student, or other person, any language which threatens force, violence or disruption, or any sign or act which constitutes a threat of force, violence or disruption.
  - c. The procedures and protocols for handling threatening situations can be found in each school's ~~Security Plan~~. These procedures will be communicated to parents and students.
6. Tobacco Products
  - a. Any student who possesses or uses any form (including imitations or substitutes) of tobacco shall be subject to the following rules and regulations:
    1. First Offense: A parent or guardian will be notified by the Principal or designee when the student has a tobacco offense. The student must attend a tobacco awareness program for. In-school or out-of-school suspensions may be administrated.
    2. Second Offense: If a second offense occurs, a parent or guardian will be notified, and the student will receive out-of-school suspension for two (2) days or more (block schedule), three (3) days or more (traditional schedule), and attend a repeat offender tobacco class.
    3. Third and Subsequent Offenses: If a third offense occurs, the student will receive out-of-school suspension for three (3) days or more (block schedule), four (4) or more days (traditional schedule), ~~plus~~ attend repeat offender tobacco classes.
    4. Students not participating in the tobacco awareness program will receive additional days of suspension.
  - b. Elementary student will be handled on an individual basis at the discretion of the principal.
7. Theft, Damage to Property
  - a. No student shall steal or attempt to steal or knowingly be in possession of stolen property.
  - b. No student shall damage or attempt to damage any school property or private property while under school jurisdiction.
  - c. Violations of this rule shall result in suspension of the student for up to ten (10) days, and depending upon the severity of the offense, may result in long-term suspension for up to the remainder of the school year. In addition restitution may be charged.

8. Dishonest Acts

Any student who engages in or attempts to engage in plagiarism or falsification shall be subject to disciplinary action. The following actions are specifically prohibited:

- a. ~~Cheating~~ – Cheating includes the actual giving or receiving of any unauthorized assistance or the actual giving or receiving of an unfair advantage on any form of academic work.
- b. ~~Plagiarism~~ – Plagiarism includes the copying of the language, structure, idea and/or thought of another and representing it as one's own original work.
- c. ~~Falsification~~ – Falsification includes the verbal or written statement of any untruth.

**Legal References for Code 8: G.S. 14-33, -33(b)(6), -60, -67. -69.1, -69.2, -132, -132.2, -269.2, -288.4, -313; 18B-301; Ch. 90, Art. 5; 115C-45, -47, -288, -307, -390, -391, -392; 18 U.S.C. & 921 et seq.**

9. Weapons and Facsimiles

- a. No student shall possess, handle, or transmit any loaded or unloaded firearm, including a gun, pistol, or rifle; explosives, including a bomb, grenade, or mine; knife, including a pocket knife, bowie knife, switchblade, dirk, or dagger; or other weapon, including mace, pepper spray, a slingshot, slungshot, leaded cane, blackjack, metal knuckles, BB gun, air rifle, air pistol, stun gun or other electric shock weapon, icepick, razor or razor blade (except solely for personal shaving), or any sharp pointed or edged instrument except unaltered nail files and clips and tools used solely for preparation of food, instruction, and maintenance; or a facsimile of a gun or other weapon. For purposes of assessing sanctions, smoke bombs, smoke canisters, firecrackers, sparklers, or other minor explosives are not considered "explosives" under this section, but are considered to be weapons. This policy also shall apply to any item that is actually used in the same manner as a weapon.
- b. A student who in any way encourages another student to bring weapons to school also endangers the safety of others. No student shall knowingly or willfully cause, encourage, or aid any other student to possess, handle, or transmit any of the weapons or facsimiles of weapons listed above.
- c. This section shall not apply to pupils who are members of the Reserve Officer Training Corps and who are required to carry arms or weapons in the discharge of their official class duties; nor does this section apply to weapons used in school-approved instruction or ceremonies.
- d. A student who brings a firearm or powerful explosive onto school property will be suspended for 365 days, unless the Superintendent and the board approves an exception. (See Section III, G., 4., page 13, 365 Day Suspension.)
- e. The Superintendent and principals shall take steps to prominently publicize the law and this policy to students, employees, and the community, and to enforce this policy vigorously at all schools, school functions, activities, and events.
- f. Some violations of this rule require mandatory suspension or expulsion. See Section III, G., 1, page 9.

10. Narcotics, Alcoholic Beverages and Stimulant Drugs

- a. No student shall possess, use, transmit or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other

controlled substance, or any alcoholic beverage, malt beverage or fortified wine or other intoxicating liquor. Nor shall a student possess, use, or transmit drug paraphernalia or counterfeit drugs. No student shall inhale or ingest any chemicals or products with the intention of bringing about a state of exhilaration or euphoria or of otherwise altering the student's mood or behavior.

- b. Use of a drug authorized by valid medical prescription from a registered physician shall not be considered a violation of this code when the drug is taken by the person for whom the drug was prescribed.
- c. Any student using any drugs prescribed by a physician or over-the-counter medication, including aspirin and cold medicines is required to leave the medication with school office personnel or other designated personnel and to come to the office or other designated area at the required time(s) to take the required dosage. A note from the parent (guardian) and/or physician must be sent with the medication to authorize its use.
- d. Any of the aforementioned substances which may lawfully be possessed by students may be brought to school with the prior permission of school personnel and used for an approved school project under supervision of school personnel.

***\*Some violations of this rule require mandatory suspension or expulsion.***

### III. Options for Discipline and Sanctions

The Haywood County Board of Education recognizes that the most effective discipline is preventive and not punitive in nature. However, there are times when corrective actions become necessary. Such actions should be reasonable and aimed at improvement of behavior.

School administrators are encouraged to seek positive, innovative and constructive methods of effective discipline and control of student behavior in an effort to avoid suspensions. The Superintendent is encouraged to consider, develop, and propose new and alternative discipline programs to the Board.

The following options are available to those authorized to discipline or control students. This list is not intended to restrict in any way the authority of teachers and principals to discipline students in a manner consistent with Board policies. Nothing stated herein shall inhibit anyone from taking whatever action may be necessary in a case of an attack on his person or in his own self-defense.

- A. ~~Reasonable Force~~. School personnel may use reasonable force to control behavior or to remove a person from the scene when necessary.
  - 1. To quell a disturbance threatening injury to others.
  - 2. To obtain possession of weapons or other dangerous objects on the person, or within the control of, a student.
  - 3. For self-defense.
  - 4. For the protection of persons or property.
  - 5. To restrain or correct students and maintain order.
- B. ~~Corporal Punishment~~. Corporal punishment may not be used until alternative disciplinary methods have been tried. Corporal punishment may be used to discipline a student so long as the following conditions are met:
  - 1. Corporal punishment shall not be administered in a classroom with other children present.
  - 2. The student body shall be informed beforehand what general types of

- misconduct could result in corporal punishment.
3. Only a principal, or assistant principal may administer corporal punishment and may do so only in the presence of a certified person who shall be informed beforehand and in the student's presence of the reason for the punishment.
  4. The principal shall provide the child's parent or guardian with notification and an explanation of the offense prior to corporal punishment.
  5. If parent's request corporal punishment not be used, then an alternative form of discipline will be utilized.
- C. ~~Isolation~~. Isolation may be a useful discipline tool; therefore, the Board of Education leaves such use to the discretion of the school principal but suggests that when total student isolation is used it be limited to areas in which observation is available.
- D. ~~In-School Suspension~~. The Board recognizes and approves the implementation and use of in-school suspension programs in appropriate cases as a progressive disciplinary step and an acceptable alternative to more severe sanctions. The parent or guardian shall be notified when a child has been assigned to in-school suspension.
- E. ~~Detention~~. Detention may be offered before school, after school or on Saturday. The student and/or parent/guardian are to be given at least 24 hours notice that the student is to report to a specific area at the end of the school day or for more serious offenses, on Saturday. The only alternative to detention is suspension. Detention may be offered at the elementary, middle and high schools.
- F. ~~Community Service~~. In lieu of another disciplinary sanction which the Principal is authorized to impose, the Principal and student may agree to the student performing specified community service for a certain number of hours. Such community service may include, but is not limited to, service for the school or for a charitable organization. If the community service is not completed, the Principal may invoke other disciplinary sanctions appropriate for the original violation.
- G. ~~Suspension~~. Suspension is the removal of a student from school for a period of time. The length of the suspension will be determined by the severity and/ or frequency of the offense.

#### 1. Mandatory Suspension

The following disciplinary measures are mandatory for violations of the specified provisions of the Code of Student Conduct, except in grades K-5, where principals may use discretion in determining the appropriate sanctions. Disciplinary measures other than those specified herein are up to the discretion of the Principal, except suspensions for more than ten days, which require the prior approval of the Superintendent.

A child with disabilities recognized by Section 504 of the 1973 Rehabilitation Act, 29 U.S.C. 705 ~~et seq.~~, or the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. 2400 ~~et seq.~~, has a right to all procedures established in the law and accompanying federal and state regulations. If the student is identified as a child with disabilities either under the IDEA or Section 504, a determination must be made whether the child's conduct in violating the policy is related to the disability. The student's record and master file will reflect the disability and document the determination as to whether the violation is associated with the disability. If the violation of the policy is due to the disability recognized by the IDEA or Section 504, IDEA procedures for changes in placement must be followed prior to initiating suspensions of greater than



ten days.

a. Violation of assault and theft/damage policies

Violation of Board Policies SA-1 (Code 4: Assault, Injury), or (Code 7: Theft, Damage to Property) by a student during a school year shall result in a suspension of the student from the Haywood County Public Schools for up to ten (10) days, and, depending upon the severity of the offense, may result in a long-term suspension for up to the remainder of the school year.

b. Violation of weapons policy, (Code 9: Weapons and Facsimiles)

Any student in grades 6-12 who is found to have possessed, handled, or transmitted any type of weapon or facsimile other than a firearm or explosive in violation of Board Policy SA-1, Code 9, shall receive a long-term suspension from the school system for the remainder of the school year, unless the Principal finds sufficient mitigating factors proved by the student. The factors listed below shall be considered in determining if a punishment other than long-term suspension should be invoked. If a sanction other than long-term suspension for the remainder of the year is chosen, the Principal shall document which criteria were used and the basis for the decision on sanctions.

~~Criteria to be considered as mitigating factors:~~

1. Lack of Culpability of the Student—The culpability of the student for his conduct will be measured by:
  - a. the student's age;
  - b. likely ability to form the intent to use the weapon in any manner, given emotional and mental development;
  - c. the intent in having the weapon on campus, i.e., whether the student had the weapon on campus for display, for self-protection, to transmit it to another student, or to use it as a threat or to assault someone with it.
2. Lack of Dangerousness of the Student—The dangerousness of the student will be measured by:
  - a. prior school or criminal record related to weapons, threats, extortion, and assaults;
  - b. type of weapon and capacity to inflict serious injury or death with it;
  - c. threats or other evidence that the student intended to use the weapon.
3. Lack of Harm Caused by the Student—The harm caused by the student will be measured by whether:
  - a. anyone was physically injured;
  - b. anyone was directly threatened or property extorted by the use of the weapon;
  - c. school property or personal property of others was damaged;
  - d. students, school employees, or parents were aware of the presence of the weapon on the school campus.

- c. The first violation of Board Policy SA-1, Code 10: Narcotics, Alcoholic Beverages and Stimulant Drugs shall result in the suspension of the student from the Haywood County Public Schools for the remainder of the school year unless the Principal determines that such suspension is not warranted and the student agrees to and abides by the following:
  1. The student shall be suspended from school for a period not to exceed 10 (ten) school days. The length of the suspension shall be determined by the Principal with notification to the Superintendent. Any suspension beyond the ten (10) days shall require the Superintendent's approval.
  2. Upon re-entry to school following suspension, the student will be assigned to a guidance counselor for counseling services as determined by the Principal, student, and counselor involved. The parents are also encouraged to participate in determining counseling services.
  3. The student may be required to attend an appropriate substance abuse program selected by the Superintendent. Failure to comply with this requirement shall result in automatic suspension for the remainder of the school year. This student's parent(s) or guardian(s) is/are encouraged to attend the program as well.

**Legal Reference: G.S. 115C-47; -288; -307; -390; -391**

**2. Short Term Suspensions**

- a. A short-term suspension is a denial to a student of the right to attend school and to take part in any school function for any period of time not exceeding ten school days.
- b. Before invoking a short-term suspension, the Principal shall investigate any instance of alleged misconduct. The student involved shall be informed of the nature of the allegations and is required to respond truthfully and completely. The student should be encouraged to raise any defense felt to be available. The Principal will endeavor to question witnesses requested by the student. If the student reasonably claims the need for time to present evidence favorable to him, the Principal should grant a reasonable postponement of the disciplinary action.
- c. If the conduct of a student poses a danger to persons or property or is an ongoing threat of disruption, the student may be suspended immediately for not more than three school days and the above procedures completed as soon as practical. If the Principal determines upon completion of his investigation that further disciplinary action is warranted, the total suspension time shall not exceed ten (10) school days, unless the procedures for long-term suspension are implemented.
- d. Once a principal has decided to invoke a short-term suspension, he shall follow Board Policy SA-1, Section VI, B. and C., for sending a student home during the school day and Board Policy SA-1, Section VI, B., for notifying parents. A student suspended under this provision shall be provided an opportunity to take any grading period exam missed during the suspension period.
- e. In cases where mass suspension (ten or more pupils at the same time) becomes necessary, the Principal shall notify the Superintendent immediately in addition to complying with the terms above.
- f. If a student is suspended during the last ten (10) days of the school year,

- it must be with the approval of the Superintendent.
- g. The removal of a student from class by the classroom teacher, principal, or other authorized school personnel for the remainder of the subject period or school day and/or changing his location to another room or place on the school premises shall not be considered a short-term suspension and shall not come under the rules and procedures set forth above.

**Legal Reference: G.S. 115C-47, -288, -307, -390, -391**

3. Long Term Suspensions

- a. A long-term suspension is a denial to a student of the right to attend school and to take part in any school function for any period in excess of ten (10) school days, up to the remainder of the school year.
- b. A child with disabilities recognized by Section 504 of the 1973 Rehabilitation Act, 29 U.S.C. 701 ~~et seq.~~, the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. 2400 ~~et seq.~~, or Special Education, Article 9, Chapter 115C of the N. C. General Statutes, has a right to all procedures established in the law and accompanying federal and state regulations. If the student is identified as a child with disabilities under any of these provisions, a determination must be made whether the child's conduct in violating the policy is related to the disability. The student's record and master file will reflect the disability and document the determination as to whether the violation is associated with the disability. If the violation of the policy is due to the disability recognized by the IDEA or section 504, IDEA procedures for changes in placement must be followed prior to initiating suspensions of greater than ten days.
- c. Following investigation, if the Principal determines that a suspension beyond ten days is appropriate, he shall recommend such penalty to the Superintendent, stating the nature of the offense, the substance of the evidence involved, and the length of suspension recommended. A copy of the notice and this policy shall be delivered in person or sent by certified mail to the parent and student. The Principal will also contact the parent by telephone, if possible.
- d. Four violations resulting in suspension for remainder of the year:

The violation of certain board policies shall result in the suspension of the student from the Haywood County Schools for the remainder of the school year if any of the following circumstances apply:

- 1. Violation of Board Policy SA-1, Code 1: Disruption of School, when the disruption is caused by threat, fear, intimidation, force, or violence.
- 2. Violation of Board Policy SA-1, Code 4: Assault, Injury, when the assault involves the use of a weapon or other object that could reasonably be considered a weapon pursuant to Board Policy, Code 9.
- 3. Violation of Board Policy SA-1, Code 4: Assault, Injury, when the student causes or attempts to cause physical injury to a school employee.
- 4. The second violation of Board Policy SA-1, Code 10: Narcotics, Alcoholic Beverages and Stimulant Drugs shall result in the suspension of the student from the Haywood County Public Schools

for the remainder of the school year.

**Legal Reference:** G.S. 115C-47; -288; -307; -390; -391

4. 365 Day Suspensions

- a. A student who brings a firearm or powerful explosive onto school property will be suspended for 365 days, unless the Superintendent recommends and the board approves a modification. A firearm includes any gun, rifle, pistol or other weapon used for firing a projectile by means of an explosive charge. A powerful explosive includes a dynamite cartridge, blasting cap, trinitrotoluene (TNT), nitroglycerine, grenade or mine. A student who brings a firearm or powerful explosive to school will be referred to the criminal justice or juvenile delinquency system.
- b. Local boards are required to suspend for 365 days any student who:
  1. Makes a false report that a bomb or bomb-like device is placed on school property or at a school activity, or
  2. Conceals or places a device on school property or at a school-related or school-sponsored activity with the intent to cause others to believe it is a bomb.
- c. The suspension term can be modified by the Board upon recommendation of the superintendent on a case-by-case basis.

**Legal Reference:** N.C. Gen. Stat. 115C-391 (d3) – (Effective July 7, 1999)

H. **Expulsion.** Expulsion is the permanent removal of a student from school. The procedures for expulsion are found in Sanction 10 of this policy.

1. Upon recommendation of the Superintendent, the Board may expel a student who is fourteen 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. For the purposes of this policy, a weapon is defined as any type of firearm or powerful explosives, any BB gun, air rifle, air pistol, knife, club, dagger, blackjack, metallic knuckles, razor, razor blade, any sharp-pointed or sharp-edged instrument, and mace or pepper spray.
2. Depending on the circumstances—including the age and maturity of the student, the student's intention in committing the offense, and record of conduct—the following conduct may result in expulsion regardless of whether it occurs on school property:
3. Theft or attempted theft by a student from another person by using, or threatening to use, a weapon.
4. The intentional and malicious burning of any structure or personal property, including vehicles.
5. An attack, or threatened attack, by a student against another person wherein the student uses a weapon or displays it in a manner found threatening to that person.
6. An attack by a student on any employee, adult volunteer, or another student which does not result in serious injury but which is intended to cause or reasonably could cause serious injury.
7. An attack by a student upon another person whereby the victim suffers obvious severe or aggravated bodily injury such as broken bones, loss of teeth, possible internal injuries, laceration requiring stitches, loss of consciousness, significant bruising or pain, or the victim requires hospitalization or treatment at a hospital

- emergency room as a result of the attack.
8. Any intentional, highly reckless or negligent act that results in the death of another person.
  9. Confining, restraining, or removing another person from one place to another, without the victim's consent, or the consent of the victim's parents, for the purpose of holding the victim as a hostage for ransom or for use as a shield.
  10. Possession of a weapon on any school property, including in vehicles.
  11. The taking or attempting to take anything of value from the care, custody or control of another person or persons, by force, threat of force, or violence, or by putting the victim in fear.
  12. Any unauthorized and/or unwanted intentional touching, or attempt to touch the sex organ of another. The sex organs are the breasts of the female and the genital areas of the male and female.
  13. The possession, manufacture, sale, or delivery, or any attempted sale or delivery, of a controlled substance in violation of chapter 90 of the General Statutes.
  14. Any conduct resulting in a felony conviction on a weapons, drug, assault or other charge that implicates the safety of other persons.
  15. Any other conduct that demonstrates a clear threat to the safety of others in the school environment.

**Legal Reference: GS 115C-391(d)-386**

#### IV. Due Process for Disciplinary Action

The Board of Education of the Haywood County Public Schools assumes its responsibility to assure every student's right to an equal education opportunity. The Board further assumes its responsibility to assure an atmosphere conducive to learning and the expression of individual responsibility while protecting the individual rights of all students in accordance with standards of due process required by law and accepted standards of fairness. These procedures include a notification of discipline and an opportunity for students to explain their version of what happened. When discipline involves long-term suspension or expulsion, students may also request a formal hearing.

This procedure is not designed to deal with ordinary classroom discipline. The law requires that all teachers "maintain good order and discipline" and the Board joins with parents and students in supporting every reasonable effort of teachers to meet this obligation.

**Legal Reference: G.S. 115C-47, -288, -307, -391**

##### A. Due Process for Long Term Suspension

1. In the event the student or parent desires a hearing on the alleged misconduct or penalty, he/she shall give written notice to the Principal within 48 hours (or by the next school day, whichever is later) of receipt of the notice from the Principal. The procedures described herein do not affect the Principal's authority to invoke a short-term suspension or other sanction after his investigation and prior to the long-term suspension.
2. If a hearing is not requested within the time prescribed above, the Principal shall promptly notify the Superintendent and request written approval of the recommended long-term suspension. The Superintendent shall provide a prompt written response to the request. Upon receipt of the Superintendent's written approval, the Principal may impose a long-term suspension.
3. Hearing Procedures

- a. When a parent requests a review of a long-term suspension the Principal shall immediately notify the person designated as a review officer at the Central Office that a review is requested.
  - b. The Principal shall provide the review officer with copies of written statements previously mailed to the parents or guardians and the student's cumulative record.
  - c. Upon notification from the Principal, the review officer will schedule a review committee meeting within 5 days (or as promptly as possible) of the request for review from the parents. Meetings will be held at a mutually agreed time by both parties.
  - d. The review officer shall notify the student and parents or guardian of the time and place for the hearing, in writing, by certified mail, and by telephone, if possible, and shall give at least 2 days notice of the hearing.
  - e. The student and his or her parents or guardians may be present at the hearing and may be represented by counsel. If the student is represented by counsel, the Superintendent or the review officer must be notified of such representation at least 2 days prior to the hearing.
4. The following rules will apply to the conduct of the hearing:
- a. The hearing shall be informal and shall be conducted in private.
  - b. The review committee shall consist of three members to be designated by the review officer. One member of the committee shall be a representative of the central office. The student's school will not be represented on the committee. All reviews shall be conducted at the central office.
  - c. Witnesses should be present only when they are giving information. The hearing may be attended by the review officer, the Principal and his administrative assistants, the student, his parents or guardian, and, if desired, his representative, and such other persons as the review officer deems necessary.
  - d. The review officer may consider the school records of the student as well as the testimony of any witnesses. Formal rules of evidence shall not apply and the review officer may rely on evidence that reasonably prudent people would consider in the conduct of serious affairs.
  - e. In presenting evidence, the Principal or other representatives of the school have the burden of proof and shall present first the witnesses and documentary evidence against the student. Next, the student or his representative may present evidence, including any documents and witnesses.
  - f. Both the Principal (or school representative) and the student (or his representative) may examine the witnesses presented by the other side. The review officer has the power to limit questioning by any person, if such questioning is unproductive, unnecessarily lengthy, repetitive, or irrelevant.
  - g. The review officer shall provide for making a record of the hearing.
  - h. After the evidence has been presented, all parties shall leave the hearing room, and the disciplinary review committee shall deliberate. The committee shall consider only the evidence presented and shall determine whether the student is guilty of the alleged misconduct (if contested) and, except in cases covered by Sanction G: Mandatory Suspensions, develop a recommendation as to the severity of the

penalty proposed (which may not be more severe than that proposed by the principal). The committee also may recommend to the Superintendent that further investigation is warranted before a decision is reached.

5. The review officer must advise the Superintendent of the discipline review committee's findings and a final decision must be made by the Superintendent within three (3) days of the hearing. The Superintendent may review the sanction (except in cases covered by Mandatory Suspensions, Board Policy SA-1, Regulation 4) as well as the evidence of the violation.
6. The Superintendent shall promptly inform the Principal in writing of the decision regarding the long-term suspension. A copy of the Superintendent's decision shall be sent to the student and parents or guardian. Upon receipt of the Superintendent's written approval, the Principal may impose a long-term suspension. The Principal shall follow record keeping requirements in Board Policy SA-1 Regulation and inform the attendance counselor of any long-term suspensions.
7. The long-term suspension of a student may be appealed to the Board. Any student aggrieved by the final suspension decision of the Superintendent may appeal to the Board of Education in writing within three (3) days of receiving the Superintendent's decision. The Superintendent will inform the Board chairperson of the request for an appeal and arrange in a timely manner a hearing before the Board. The suspension awarded by the Superintendent need not be postponed pending the outcome of the appeal. Such an appeal shall be on the Superintendent's decision and on the record made in the hearing. Any new evidence will be admitted only to avoid a substantial threat of unfairness.
8. The Board or panel of the Board generally will uphold the decision if there was a reasonable basis for the sanction such as: (1) the penalty was not excessive, (2) there was sufficient evidence to justify punishment, and (3) the proper procedures were followed.
9. An adverse decision by the Haywood County Board of Education may be appealed by the student to a court of law, in certain circumstances, as provided by statute.

B. Due Process Procedures of 365 Day Suspension

1. The Principal, upon having completed a thorough investigation, will recommend to the Superintendent a long-term suspension and a 365 day suspension for any student who the Principal believes to have brought any firearm or powerful explosive to school. If the student is 14 years of age or older, the Principal also may recommend expulsion in accordance with Sanction H. Expulsion. A student with disabilities will receive all protections required by law.
2. The notice and hearing procedures in Section IV, A., on Long Term Suspensions (page 15) will be followed. A determination will be made by the Superintendent or designee as to whether the evidence supports (1) long-term suspension, (2) a 365 day suspension and/or (3) an expulsion.
3. The Superintendent/designee will notify the Principal if a long-term suspension is approved and the Principal may immediately impose a long-term suspension. The long-term suspension may be appealed to the board.
4. If the Superintendent/designee also determines that a 365 day suspension and/or expulsion is appropriate, the Superintendent/designee will determine

whether to also recommend to the board any modification in the suspension, including the provision of alternative education services or reduction in the suspension. The Superintendent/designee will notify in writing the parents or guardian and the student of the recommendation and the basis for the recommendation. The Superintendent also will notify the parents in writing on any recommendation for expulsion and the basis for the recommendation.

5. A hearing on the Superintendent's recommendation for a 365-day suspension and/or expulsion will be scheduled with the Board within five (5) days of the Superintendent's decision. Any appeal of a long-term suspension imposed for the same conduct will be addressed in the same hearing. Hearing procedures for long-term suspensions will be followed, except the board may review the record from the administrative hearing in addition to or instead of presentations of evidence by individuals other than the Superintendent/designee or the parent, student or student's counsel. The Board will accept new evidence only as is necessary to avoid a substantial threat of unfairness.
6. 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 two (2) days of the scheduled hearing. The Superintendent may then provide evidence to support the recommendation in writing to the Board, provided that the Board may elect to request a hearing or request additional records and documents.
7. If the Superintendent/designee has recommended a 365 day suspension, the board will make a written determination of whether the evidence supports a 365 days suspension and whether it accepts any modification recommended by the Superintendent.
8. The Superintendent will keep all records required by state or federal law on all suspensions made pursuant to this policy.

**Legal Reference: G.S. 115C-391, Gun Free Schools Act of 1994, G.S. 115C-45, -47, -276, -**

**391**

**C. Due Process for Expulsion**

1. The Board considers expulsion to be a drastic measure to be used only when other measures are not adequate to ensure the safety of students and employees. A student with disabilities will receive all protections required by law.
2. The Principal, upon having completed a thorough investigation, will recommend expulsion to the Superintendent for any student whose behavior constitutes a clear threat to the safety of other students or employees. If the behavior also is a willful violation of board policies, the Principal will recommend a long-term suspension to the Superintendent.
3. Notice and hearing procedures in board policy on long-term suspensions will be followed. A determination will be made by the Superintendent or designee as to whether the evidence supports a long term suspension and/or an expulsion.
4. The Superintendent/designee will notify the Principal if a long-term suspension is approved and the Principal may immediately impose a long-term suspension. The long term suspension may be appealed to the Board.
5. If the Superintendent/designee also determines that expulsion is appropriate, the superintendent/designee will notify the parents or guardian and student of



the Superintendent's intent to recommend expulsion to the Board and the basis for the recommendation.

6. A hearing on the Superintendent's recommendation for an expulsion will be scheduled with the Board within five (5) days. Any appeal of a long term suspension imposed for the same conduct will be addressed in the same hearing. Hearing procedures for long term suspensions will be followed, except the Board may review the record from the administrative hearing in addition to or instead of presentations of evidence by individuals other than the Superintendent/designee or the parent, student or student's counsel.
7. If the parents/guardian and student do not want to be present at the hearing, the parents/guardian or student will give notice within two (2) days of the scheduled hearing. The Superintendent may then submit 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.
8. The Board will provide in writing a determination and the basis for the determination of whether there is clear and convincing evidence that the student's behavior indicates that the student's continued presence in school constitutes a clear threat to the safety of other students or employees. The Board also will consider and make a written determination of whether alternative education services will be provided for any expelled student. So long as required by law or the North Carolina State Plan, students with disabilities recognized by the Individuals with Disabilities Education Act must receive alternative educational services during the time of expulsion in order to continue to receive a free appropriate public education.

D. Requests for Readmission of Expelled Students

1. At any time after the first 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. With the request, the student would 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 student and the Board with a written response in support of or opposition to the student's request. If the readmission is supported, the Superintendent or designee will make a recommendation on the school or program to which the student should be assigned and a date for readmission.
3. The Board or panel of the Board will review the request and supporting documentation and the Superintendent's response. The Board may, at its option, request the student and superintendent along with individuals who it deems may have credible evidence to attend a closed session.
4. The Board will notify the student in writing of its decision in regard to the request.
5. 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.

V. Student Grievance Procedure

A grievance is any situation occurring within the operation of normal procedures of the

school which causes a student and/or parent to believe the student has been wronged because of a violation, misapplication, or misinterpretation of a specific policy, rule or law. Students and their parents are encouraged to discuss their concerns informally with the person(s) involved before invoking formal grievance procedures.

A. Initiation

A student may initiate a grievance proceeding when either the student or parent or guardian believes that a violation, misapplication, or misinterpretation of School Board policy or state or federal law or regulation has occurred.

B. The procedure for initiation and conduct of a grievance shall be:

~~Step I~~ – Principal Conference

A student, parent, or guardian wishing to invoke the grievance procedure shall make a written request for a conference with the Principal to discuss the grievance and seek resolution. The following guidelines shall be observed in Step I:

1. A request for a grievance proceeding should be filed as soon as possible after disclosure of the facts giving rise to the grievance.
2. The request shall include a statement describing the grievance and naming the specific policy, rule, or law believed to be violated, misapplied, or misinterpreted.
3. The Principal shall grant the conference within five (5) school days following receipt of the request.
4. Only the parent or guardian or someone acting ~~in loco parentis~~ shall be permitted to join or represent the student in the conference with the Principal.
5. The Principal shall respond to the grievance in writing within five (5) school days after the conference.

~~Step II~~ – Appeal to the Superintendent

1. If the grievance is not resolved at Step I, the student may appeal the Principal's decision in writing to the Superintendent. The appeal must be made within five (5) school days following receipt of the Principal's written response at Step I.
2. The Superintendent or his designee shall review the grievance within five (5) school days following receipt of the appeal and shall forward a written response to the student, the parent or guardian, and the Principal within ten (10) school days following the Superintendent's review.

~~Step III~~ – Appeal to the Board of Education

If the grievance is not resolved at Step II, the student may appeal the Superintendent's decision to the Board of Education in writing within ten (10) school days following the response from the Superintendent at Step II. The Board of Education shall offer a final written decision within thirty (30) days. If allowed by law, the student may seek judicial review of the Board's decision.

**Legal Reference: G.S. 115C-47, -288; 150B-43 et seq.; Title IX of 1972, as amended.**

VI. Procedures for Disciplinary Action

A. Record Keeping

1. All discipline records will be current and maintained with appropriate measures of security and confidentiality. The principal is responsible for meeting all legal requirements pertaining to the maintenance, review, release and expungement of records retained at the school according to state guidelines.
2. To ensure fairness and continuity in the application of sanctions, records of the violation, the sanction for regular discipline and short-term suspensions, and

- basis for the sanction will be retained in a discipline file for that school year.
3. Each student's record shall include notice of any suspension for a period of more than 10 days or of any expulsion under G.S. 115C-391 and the conduct for which the student was disciplined until the student graduates or after 2 years of good behavior.
  4. The superintendent and/or designee shall expunge from the record the notice of suspension after the student graduates. Expungement can be requested by the parent, guardian, or student after 2 years of good behavior if it is determined the record is no longer needed to maintain safe and orderly schools and to adequately serve the child.

**Legal Reference: G.S. 115C-47, 288, 391, 402**

**B. Sending Home During Day**

1. When a student is suspended during the school day, the Principal shall attempt to reach the student's parents to inform them of the school's action and to request that they come to the school or make arrangements for the student to leave the school. If the Principal cannot reach the parents, the student may remain on school property until the close of the school day.
2. Notwithstanding the above requirements, the Principal may request the assistance of law enforcement personnel and/or order a student to leave the school premises immediately when it is not reasonably feasible to keep the student on school grounds and restore or maintain order, or if the removal of the student is necessary to protect school property or people on the schools grounds.

**Legal References: G.S. 115C—47, -288**

**C. Notice to Parents**

1. When a student is suspended for 10 days or less, the Principal shall:
  - a. Make an effort to notify the parent(s) at the time the decision is made to suspend.
  - b. Send with the child a "suspension form," informing the parent(s) of the reasons for suspension and length of time the suspension will be in force. An additional copy of the "suspension form" also shall be mailed to the parent.
  - c. File a copy of the "suspension form" in the office of the Superintendent.
  - d. Maintain documents and relevant information received about the misconduct for possible review with the parent.
  - e. If English is the second language of the parent or guardian, the notice shall be written in the parents or guardian's first language when the appropriate foreign language resources are available. Both written versions shall be in plain language and shall be easily understandable.

- shall:
2. When a student is suspended for more than 10 days or expelled, the principal
    - a. Notify the student's parent or guardian of the suspension or expulsion and the student's rights under G.S. 115C-391.
    - b. Send with the child a "suspension form," informing the parent(s) of the reasons for suspension and length of time the suspension will be in force. An additional copy of the "suspension form" also shall be mailed

- to the parent.
- c. If English is the second language of the parent or guardian, the notice shall be written in the parents or guardian's first language when the appropriate foreign language resources are available. Both written versions shall be in plain language and shall be easily understandable.
- d. File a copy of the "suspension form" in the office of the Superintendent.
- e. Maintain documents and relevant information received about the misconduct for possible review with the parent.

**Legal References: G.S. 115C-47, -276, -288, -391**

**D. Investigations**

1. To maintain order and discipline in the schools and to protect the safety and welfare of students and school personnel, school authorities may search a student, student lockers or student automobiles under the circumstances outlined below and may seize any illegal, unauthorized, or contraband materials discovered in the search. School officials may allow the use of trained dogs for searches upon authorization by the Superintendent.
2. As used in this policy, the term "unauthorized" means any item dangerous to the health or safety of students or school personnel, or disruptive of any lawful function, mission or process of the school, or any item described as unauthorized in school rules available beforehand to the student.
3. A student's failure to permit searches and seizures as provided in this policy will be considered grounds for disciplinary action.

a. **Personal Searches**

1. A student's person and/or personal effects (e.g., purse, book bag, etc.) may be searched whenever a school authority has reasonable suspicion to believe that the student is in possession of illegal or unauthorized materials and it is reasonable to believe the materials could be found on the student's person or in the student's personal effects, given its size or shape. Reasonable suspicion is not required if a student freely, voluntarily, and knowingly consents to the search.
2. If the school official has reasonable suspicion to believe that the student has on his or her person an item dangerous to the student or to others, including drugs or weapons, a frisk or "pat down" search of a student's person may be conducted if less intrusive measures are insufficient for conducting a search. A pat down search by a school official in any other circumstances must first be approved by the Superintendent. A pat down search will be conducted in private by a school official of the same sex and with an adult witness present, when feasible.

b. **Locker Searches**

Student lockers are school property and remain at all times under the control of the school; however, students are expected to assume full responsibility for the security of their lockers. Student lockers may not be used to store illegal, unauthorized or contraband materials. Inspections of lockers may be conducted by school authorities for any reason consistent with Board policies, the Code of Student Conduct, or school rules and regulations, at any time, without notice, without consent, and without a search warrant. A student's personal effects may

- only be searched pursuant to the guidelines for personal searches.
- c. **Automobile Searches**  
Students are permitted to park on school premises as a matter of privilege, not of right. The school retains authority to conduct routine patrols of student parking lots and inspections of the exteriors of student automobiles on school property. Such patrols and inspections may be conducted without notice, without student consent, and without a search warrant. The interiors of student vehicles may be searched whenever a school authority has reasonable suspicion to believe that illegal or unauthorized materials are contained inside.
  - d. **Seizure of Illegal Materials**  
If a properly conducted search yields illegal materials, such findings shall be turned over immediately to proper legal authorities for ultimate disposition.

**Legal Reference A - D: G.S. 115C-47, -288, -307**

**E. Interrogation**

If the interrogation of a student indicates that the completion of the interrogation should be carried out by a police officer or other legal officer, the Principal shall make a reasonable attempt to notify the parents (except in cases of suspected child abuse or neglect by the parent) and give them an opportunity to be present at the time of questioning.

**Legal Reference: G.S. 7A-595; 115C-36, -47, 288**

**F. Criminal Violations**

1. When a school official learns or reasonably believes that any student has violated any Board or school policy, rule or regulation that may also be a criminal violation of the laws of the United States or State of North Carolina, he shall report such violation to the proper law enforcement agency. In such cases, school officials shall cooperate with the law enforcement agency; however, internal disciplinary proceedings shall proceed independently from any criminal investigation and prosecution.
2. Each Principal is required to immediately notify law enforcement authorities when he believes that any that any of the following has occurred on school property: assault resulting in serious personal injury, sexual assault, sexual offense, rape, kidnapping, indecent liberties with a minor, assault involving the use of a weapon, possession of a firearm or weapon in violation of the law, or possession of a controlled substance in violation of the law. For the purposes of this section, "school property" includes any public school building, bus, campus, grounds, recreational area, or athletic field in the charge of the Principal.