

**STUDENT  
CODE OF CONDUCT**

**GASTON COUNTY SCHOOLS  
2019-2020**

**STUDENT CODE OF CONDUCT**

The basic purpose of the Student Code of Conduct for schools is to help establish and maintain a safe and orderly environment, which must prevail if learning is to take place. The term “school” as it applies to these guidelines refers to all school buildings, parking areas and properties. These rules are in effect at any function or school sponsored activity and while students are waiting for, riding or leaving the bus. These rules apply to any student whose conduct at any time or place has a direct and immediate effect on maintaining order and discipline in the schools. (See policy 4300 for complete policy)

Principals are authorized to establish individual school rules and regulations, in addition to the rules listed below. School administrators have the responsibility to notify law enforcement officers of certain violations of state or federal laws and to call law enforcement officers to assist in the maintenance of order.

It is the intention of The Gaston County Board of Education to enforce these rules fairly, firmly, without discrimination because of race or sex, and with due respect for the constitutional rights of every student. The Student Code of Conduct is the short form of The Gaston County Board of Education’s policy on student control and conduct, suspension and expulsions which is set forth in the Policy Manual of The Gaston County Board of Education. The Policy Manual may be viewed online at [www.gaston.k12.nc.us](http://www.gaston.k12.nc.us)

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**RULE 1: Compliance with Directions of Principals, Teachers and Other School Personnel and With School Rules**

Students shall comply with the directives of all school personnel at all times while a student is at school.

**Consequences**

<u>Elementary School</u>	<u>Middle School</u>	<u>High School</u>
Ranging from in-school disciplinary action up to 5 days OSS.	Ranging from in-school disciplinary action up to 10 days OSS, alternative placement and/or long-term suspension.	Ranging from in-school disciplinary action up to 10 days OSS, alternative placement and/or long-term suspension.

**RULE 2: Disruption of School**

A student shall not, by use of violence, force, noise, coercion, threat, intimidation, fear, passive resistance or any other conduct, intentionally cause the disruption or obstruction of any lawful function of the school or classroom while at school.

**Consequences**

<u>Elementary School</u>	<u>Middle School</u>	<u>High School</u>
Ranging from in-school disciplinary action up to 5 days OSS.	Ranging from in-school disciplinary action up to 10 days OSS, alternative placement and/or long-term suspension.	Ranging from in-school disciplinary action up to 10 days OSS, alternative placement and/or long-term suspension.

**RULE 3: Bomb Threats, Communicating a False Bomb Report, or Perpetrating a Bomb Hoax**  
*(See policy 4333 for complete policy)*

Students are prohibited from making, aiding and/or abetting in making a bomb threat or perpetrating a bomb hoax against school system property by making a false report that a device designed to cause damage or destruction by explosion, blasting or burning is located on school property.

No student may knowingly or willfully cause, encourage or aid another student to make a bomb threat or perpetrate a bomb hoax. Any student who becomes aware that another student or other person intends to use a bomb, make a bomb threat or perpetrate a bomb hoax must notify a teacher or the principal immediately.

**Consequences**

<u>Elementary School</u>	<u>Middle School</u>	<u>High School</u>
Ranging from in-school disciplinary action up to OSS and alternative placement.	Ranging from OSS to alternative placement to long-term suspension. Law enforcement may be contacted if required by law.	Ranging from OSS to alternative placement to long-term suspension. Law enforcement may be contacted if required by law.

**RULE 4: Student Threats** *(See policy 4331 for complete policy)*

Students shall respect other students, visitors, school employees and other persons by utilizing appropriate language and behaviors at all times. Any action which is insulting, threatening, abusive, harassing, profane, obscene or seriously disrespectful, and which disrupts the learning process for any student or which demeans or degrades another person is specifically prohibited. In addition, students who leave threatening notes or post on the Internet threats to other students, faculty or staff will be considered in violation of this rule.

**Consequences**

<u>Elementary School</u>	<u>Middle School</u>	<u>High School</u>
Ranging from in-school disciplinary action up to 5 days OSS.	Ranging from in-school disciplinary action up to 10 days OSS, alternative placement and/or long-term suspension.	Ranging from in-school disciplinary action up to 10 days OSS, alternative placement and/or long-term suspension.

**RULE 5: Gangs** *(See policy 4328 for complete policy)*

The Board strives to create a safe, orderly, caring and inviting school environment. Gangs and gang-related activities have proven contrary to that mission and are prohibited within the schools. A gang is any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of criminal acts, or the purposeful violation of any Gaston County School policy, and having a common name or common identifying sign, colors or symbols. No student shall commit any act that furthers gang or gang-related activities. Additional information on gang activity can be accessed at each school as information on gang-related activities is subject to change. Conduct prohibited by this policy includes:

1. wearing, possessing, using, distributing, displaying or selling any clothing, jewelry, emblems, badges, symbols, signs or other items with the intent to convey membership or affiliation in a gang;
2. communicating either verbally or non-verbally (gestures, handshakes, slogans, drawings, etc.) with the intent to convey membership or affiliation in a gang;
3. tagging, or otherwise defacing school or personal property with symbols or slogans intended to convey membership or affiliation in a gang (see policy 4330, Theft, Trespass and Damage to Property);
4. requiring payment of protection, insurance or otherwise intimidating or threatening any person related to gang activity (see policy 4331, Assaults, Threats and Harassment);
5. inciting others to intimidate or to act with physical violence upon any other person related to gang activity;
6. soliciting others for gang membership; and
7. committing any other illegal act or other violation of school system policies in connection with gang-related activity.

**Consequences**

<u>Elementary School</u>	<u>Middle School</u>	<u>High School</u>
Ranging from in-school disciplinary action up to and including long- term suspension. Law enforcement may be contacted and may conduct a threat assessment and/or bring criminal charges as may be appropriate.	Ranging from in-school disciplinary action up to and including alternative placement and/or long- term suspension. Law enforcement may be contacted and may conduct a threat assessment and/or bring criminal charges as may be appropriate.	Ranging from in-school disciplinary action up to and including alternative placement and/or long-term suspension. Law enforcement may be contacted and may conduct a threat assessment and/or bring criminal charges as may be appropriate.

**RULE 6: Bullying** (*See policy 4040 for complete policy*)

Students shall not bully or harass other students;

Harassment or bullying behavior is any pattern of gestures or written, electronic or verbal communications, or any physical act or any threatening communication that:

- (1) places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property; or
- (2) creates or is certain to create a hostile environment by substantially interfering with or impairing a student’s educational performance, opportunities or benefits.

Examples of behavior that may constitute bullying or harassment include, but are not limited to, verbal taunts, name-calling and put-downs, epithets, derogatory comments or slurs, lewd propositions, exclusion from peer groups, extortion of money or possessions, implied or stated threats, assault, impeding or blocking movement, offensive touching or any physical interference with normal work or movement, and visual insults, such as derogatory posters or cartoons. Legitimate age-appropriate techniques are not considered harassment or bullying.

**Consequences**

**Up to 5 days of OSS may be waived if the student shows proof of participation in Mediation/ Counseling from a Mediation Agency.**

<u>Elementary School</u>	<u>Middle School</u>	<u>High School</u>
Ranging from in-school disciplinary action up to and including long-term suspension. Law enforcement may be contacted and may conduct a threat assessment and/or bring criminal charges as may be appropriate.	Ranging from in-school disciplinary action up to and including alternative placement and/or long-term suspension. Law enforcement may be contacted and may conduct a threat assessment and/or bring criminal charges as may be appropriate.	Ranging from in-school disciplinary action up to and including alternative placement and/or long-term suspension. Law enforcement may be contacted and may conduct a threat assessment and/or bring criminal charges as may be appropriate.

**RULE 7: Student Conspiracy or Plotting to Cause Harm to Other Students or Staff**

Students shall be prohibited from conspiring with others or plotting individually regarding harmful acts of violence against other students, faculty or staff. In addition, students are prohibited from violent acts against the property of other students, faculty or staff.

**Consequences**

<u>Elementary School</u>	<u>Middle School</u>	<u>High School</u>
Up to 10 days OSS. Law enforcement may be contacted if required by law.	Up to 10 days OSS, alternative placement and/or long-term suspension. Law enforcement may be contacted if required by law.	Up to 10 days OSS, alternative placement and/or long-term suspension. Law enforcement may be contacted if required by law.

**RULE 8: Damage or Destruction of School Property**

*(See policy 4330 and 6440 for complete policy)*

A student shall not cause or attempt to cause damage to any school property or private property on school grounds or during a school activity, function or event off school grounds and premises. Parent(s) or legal guardian(s) of any minor are liable for damage caused to school property to the extent of \$5,000. (Reference: N.C.G.S. §115C-523)

**Consequences**

<u>Elementary School</u>	<u>Middle School</u>	<u>High School</u>
Up to 10 days OSS. Law enforcement may be contacted if required by law. Restitution may be required.	Up to 10 days OSS, alternative placement and/or long-term suspension. Law enforcement may be contacted if required by law. Restitution may be required.	Up to 10 days OSS, alternative placement and/or long-term suspension. Law enforcement may be contacted if required by law. Restitution may be required.

**RULE 9: Theft or Damage to Private Property** *(See policy 4330 and 6440 for complete policy)*

Students shall not steal, attempt to steal, knowingly be in possession of stolen property, vandalize, intentionally damage, or attempt to damage any school or private property while under school jurisdiction.

**Consequences**

<u>Elementary School</u>	<u>Middle School</u>	<u>High School</u>
Up to 10 days OSS. Law enforcement may be contacted if required by law. Restitution may be required.	Up to 10 days OSS, alternative placement and/or long-term suspension. Law enforcement may be contacted if required by law. Restitution may be required.	Up to 10 days OSS, alternative placement and/or long-term suspension. Law enforcement may be contacted if required by law. Restitution may be required.



**RULE 10: Physical Abuse of a Student/Fighting** *(See policy 4331 for complete policy)*

Students shall not fight or attempt to cause bodily harm to another student. If a student is attempting to involve another student in a fight, the other student should walk away and report it to a teacher, assistant principal or principal. Students who instigate fights or participate in group assaults will be subject to the same consequences as those who are actually involved in fighting. This section does not apply when acting in self defense. Hitting a person back is not self defense; it is retaliation that will be considered fighting.

**Consequences**

<u>Elementary School</u>	<u>Middle School</u>	<u>High School</u>
Ranging from in-school disciplinary action up to 5 days OSS. Law enforcement may be contacted if required by law.	Ranging from in-school disciplinary action up to 10 days OSS, alternative placement and/or long term suspension. Law enforcement may be contacted if required by law.	Ranging from in-school disciplinary action up to 10 days OSS, alternative placement and/or long term suspension. Law enforcement may be contacted if required by law.

**RULE 11: Physical Abuse of School Employees or Other Persons** *(See policy 4331 for complete policy)*

Students shall not cause or attempt to cause physical or bodily harm to principals, assistant principals, teachers, substitute teachers, student teachers, teacher assistants, coaches, advisors, counselors, media specialists, bus drivers or monitors or other adults at any time while a student is at school.

**Consequences**

<u>Elementary School</u>	<u>Middle School</u>	<u>High School</u>
Up to 10 days OSS and/or alternative placement. Law enforcement may be contacted if required by law.	Up to 10 days OSS, alternative placement, and/or long-term suspension. Law enforcement may be contacted if required by law.	Up to 10 days OSS, alternative placement, and/or long-term suspension. Law enforcement may be contacted if required by law.

**Rule 12: Written or Verbal Abuse of School Employees or Other Adults**

*(See policy 4331 for complete policy)*

Students shall not, through written or oral communication, threaten to cause, cause or attempt to cause harm to principals, assistant principals, teachers, substitute teachers, student teachers, teacher assistants, coaches, advisors, counselors, media specialists, bus drivers or monitors or other adults at any time while a student is at school or any school sponsored activities.

**Consequence**

<u>Elementary School</u>	<u>Middle School</u>	<u>High School</u>
Up to 10 days OSS and/or alternative placement. Law enforcement may be contacted if required by law.	Up to 10 days OSS, alternative placement and/or long-term suspension. Law enforcement may be contacted.	Up to 10 days OSS, alternative placement and/or long-term suspension. Law enforcement may be contacted.

**RULE 13: Weapons and Dangerous Instruments** *(See Policy 4333 and 5040 for complete policy)*

**The Board will not tolerate the presence of weapons or destructive devices, bombs or terrorist threats, or actions that constitute a clear threat to the safety of students or employees.**

**Category I**

As required by law, a student who brings or possesses a firearm or destructive device on school property or at a school-sponsored event must be suspended for 365 days, unless the superintendent modifies the required 365-day suspension. For this Category a firearm is (1) a weapon, including a starter gun that will, is designed to or may readily be converted to expel a projectile by the action of an explosive, (2) the frame or receiver of any such weapon or (3) any firearm muffler or firearm silencer {G.S. 115C-390.1(b)(6)}.

A destructive device is an explosive, incendiary or poison gas (1) bomb, (2) grenade, (3) rocket having a propellant charge of more than four ounces, (4) missile having an explosive or incendiary charge of more than one-quarter ounce, (5) mine or (6) similar device {G.S. 115C-390.1(b)(3)}.

**Consequences**

<u>Elementary School</u>	<u>Middle School</u>	<u>High School</u>
Confiscate weapon. 365-day suspension. Law enforcement will be contacted.	Confiscate weapon. 365-day suspension. Law enforcement will be contacted.	Confiscate weapon. 365-day suspension. Law enforcement will be contacted.

**Category II**

Other weapons that are prohibited on school property or at a school-sponsored event include: Knives, pocket knives, bowie knives, switchblades, dirks, daggers, slingshots, slungshots, leaded canes, blackjacks, metal knuckles, BB guns, air rifles, air pistols, stun guns and other electric shock weapons such as tasers, ice picks, razors and razor blades (except those designed and used solely for personal shaving), fireworks, and any sharp pointed or edged instrument except unaltered nail files and clips and tools used solely for preparation of food, instruction and maintenance, box cutters and other types of utility blades and blowguns.

A student shall not possess disabling, chemical irritants (including, but not limited to pepper spray) or laser light.

<u>Elementary School</u>	<u>Middle School</u>	<u>High School</u>
Confiscate weapon. Ranging from in-school disciplinary action up to 10 days OSS and/or alternative placement. Law enforcement will be contacted if required by law.	Confiscate weapon. Ranging from in-school disciplinary action up to 10 days OSS, alternative placement and/or long term suspension. Law enforcement will be contacted if required by law.	Confiscate weapon. Ranging from in-school disciplinary action up to 10 days OSS, alternative placement and/or long term suspension. Law enforcement will be contacted if required by law.

**Rule 14: Substance Abuse and Drug Paraphernalia**

*(See policy 4315 and 4325 for complete policy)*

*(See policy 6130 “Administering Medications” for complete policy)*

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

**Consequences**

**Possession/Under the Influence**

<u>Elementary School</u>	<u>Middle School</u>	<u>High School</u>
Up to 10 days OSS and/or alternative placement. Law enforcement may be contacted if required by law.	Up to 10 days OSS, alternative placement and/or seek long-term suspension. Up to five days suspension may be waived if the student shows proof of substance abuse assessment and a scheduled first appointment from a substance abuse agency for counseling. Law enforcement will be notified for possession of controlled substances in violation of the law.	Up to 10 days OSS, alternative placement and/or seek long-term suspension. Up to five days suspension may be waived if the student shows proof of substance abuse assessment and a scheduled first appointment from a substance abuse agency for counseling. Law enforcement will be notified for possession of controlled substances in violation of the law.

**Sale**

<u>Elementary School</u>	<u>Middle School</u>	<u>High School</u>
Up to 10 days OSS and/or alternative placement. Law enforcement may be contacted if required by law.	Up to 10 days OSS, alternative placement and/or seek long-term suspension. Law enforcement officials will be informed of this violation.	Up to 10 days OSS, alternative placement and/or seek long-term suspension. Law enforcement officials will be informed of this violation.

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

- Possess:** Having the power or intent to control a prohibited substance and shall include, but is not necessarily limited to the possession of a prohibited substance in a student’s automobile, locker, book-bag, pocket book, desk or on a student’s person.
- Use:** The consumption, injection, inhalation or absorption of a prohibited substance into a student’s body by any means.
- Under the influence:** The use of any prohibited substance at any time or place when the prohibited substance would influence a student’s mood, behavior or learning to any degree while a student is at school as defined in the introduction to the Student Behavior Guidelines.
- Sell:** The exchange of a prohibited substance for money, property, or any other benefit or item of value.
- Distribute:** To give, share or pass a prohibited substance
- Possess with intent to distribute/sell:** Intent to distribute or sell may be determined from the amount of the prohibited substance found, the manner in which it was packaged, the presence of packaging materials such as scales, baggies or other containers or from statement or actions of the student that demonstrate an intent to distribute or sell.
- Counterfeit Substance:** Any substance that is described or presented with the intention of deceiving another into believing that it is a substance prohibited under this policy.
- Unauthorized Prescription Drug:** Any drug or medication that has not been prescribed for the student
- Drug Paraphernalia:** Means all equipment, products and materials of any kind that are used to facilitate, or intended or designed to facilitate, violations of the controlled substance act. (Reference N.C.G.S. §90-113.21)

**Rule 15: Tobacco Policy** (*See policy code 4320 for complete policy*)

Students are prohibited from the use and/or possession of tobacco products and shall not possess, smoke, dip, chew or otherwise use any tobacco products, including electronic cigarettes and all lighted and smokeless tobacco products at any time while a student is at school.

**Consequences**

<u>Elementary School</u>	<u>Middle School</u>	<u>High School</u>
Confiscation. Ranging from in-school disciplinary action up to 1 day OSS.	Confiscation. Ranging from in-school disciplinary action up to 5 days OSS.	Confiscation. Ranging from in-school disciplinary action up to 10 days OSS.

**RULE 16: Dress Code**

The appearance of any young person is primarily the responsibility of that individual and his/her parents. Each student is expected to maintain an appearance that is neither distracting to other students nor disruptive to the educational environment or the safe and healthy climate of schools. Students shall not wear:

Headwear - Hats, bandannas, hair picks, combs or other types of headgear or sunglasses in the building.

Clothing - Clothing that displays sexually explicit words or drawings, profanity, alcohol, drug or gang symbols.

No style of clothing or the manner in which it is worn may expose undergarments or create a distraction or disturbance in the educational setting.

The expectations noted above represent the minimum standards established throughout the school system. In addition, items not specifically mentioned may still be deemed inappropriate in a school setting in the judgment of the school administration.

**The Board of Education recognizes that local law enforcement agencies may determine that wearing particular gang related attire may present a threat to student safety. The Superintendent will work collaboratively with these agencies to prohibit such dress.**

This policy shall be reviewed annually by the Superintendent who will make any proposed recommendations for change to the Gaston County Board of Education.

**Consequences**

<u>Elementary School</u>	<u>Middle School</u>	<u>High School</u>
In-school disciplinary action.	Ranging from in-school disciplinary action up to 3 days OSS.	Ranging from in-school disciplinary action up to 3 days OSS.

**Rule 17: Sexual Harassment** *(See policy code 4040 for complete policy)*

Sexual harassment means and includes any unwelcomed sexual advances, requests for sexual favors and any other non-consensual and/or offensive verbal or physical contact of a sexual nature between an employee and a student or between students and includes misconduct by males against females, females against males and between students of the same gender. Sexual harassment is further defined to include two different levels or degrees of misconduct.

**Physical** - This form of sexual harassment includes touching, fondling and/or grabbing a student in a sexual way without that student’s consent or when the student finds such behavior offensive; and

**Verbal** - This form of sexual harassment includes: teasing, joking and/or making lewd remarks of a sexual nature to a student without that student’s consent or when the other student finds such behavior offensive.

Sexually harassing students, employees of GCS and any visitors or other individuals while at school is prohibited. Students are further prohibited from retaliating against an employee or student who has filed a sexual harassment complaint or participated in an investigation, proceeding or hearing regarding said complaint.

**Procedures for Reporting and Investigating Sexual Harassment**

Any student who believes that he/she has been sexually harassed by a school employee or another student should report such behavior immediately to any school official at his/her school (such as an administrator, teacher or school counselor).

Principal must immediately report assaults that result in serious personal injury to the appropriate law enforcement agency.

**Consequences**

<u>Elementary School</u>	<u>Middle School</u>	<u>High School</u>
In- school disciplinary action up to 10 days OSS and/or alternative placement. Law enforcement may be contacted if required by law.	In- school disciplinary action up to 10 days OSS, alternative placement and/or long-term suspension. Law enforcement may be contacted if required by law.	In- school disciplinary action up to 10 days OSS, alternative placement and/or long-term suspension. Law enforcement may be contacted if required by law.

**RULE 18: Use of Wireless Communication Devices** *(See policy 4318 for complete policy)*

The board recognizes that cellular phones and other wireless communication devices has become an important tool through which parents communicate with their children. Therefore, students are permitted to possess such devices on school property so long as the devices are not activated, used, displayed or visible during the instructional day or as otherwise directed by school rules or school personnel. Wireless communication devices include, but are not limited to, cellular phones, electronic devices with internet capability, paging devices, two-way radios and similar devices. School employees may immediately confiscate any wireless communication devices that are on, used, displayed or visible in violation of this policy. Absent compelling and unusual circumstances, confiscated wireless devices will be returned only to the student’s parent.

A student’s wireless communication device and its contents, including, but not limited to, text messages and digital photos, may be searched whenever a school official has reason to believe the search will provide evidence that the student has violated or is violating a law, board policy, the Code of Student Conduct or a school rule.

**Consequences**

<u>Elementary School</u>	<u>Middle School</u>	<u>High School</u>
Confiscate device. Ranging from in-school disciplinary action up to 10 days OSS. Law enforcement will be contacted if required by law.	Confiscate device. Ranging from in-school disciplinary action up to 10 days OSS, alternative placement and/or long term suspension. Law enforcement will be contacted if required by law.	Confiscate device. Ranging from in-school disciplinary action up to 10 days OSS, alternative placement and/or long term suspension. Law enforcement will be contacted if required by law.

**RULE 19: Repeated School Violations**

A student who has violated any rules repeatedly as set forth in the Student Code of Conduct will be subject to disciplinary action.

**Consequences**

<u>Elementary School</u>	<u>Middle School</u>	<u>High School</u>
Ranging from in-school disciplinary action up to 10 days OSS and/or alternative placement.	Ranging from in-school disciplinary action up to 10 days OSS, alternative placement and/or long term suspension. Law enforcement will be contacted if required by law.	Ranging from in-school disciplinary action up to 10 days OSS, alternative placement and/or long term suspension. Law enforcement will be contacted if required by law.

**RULE 20: Responsible Use of School Technology** *(See policy 3230 for complete policy)*

Students shall not violate any policies adopted by the Board of Education regarding student Internet and electronic mail usage or the terms of Gaston County Schools Network and Internet Responsible Use Guidelines or individual school policy. Students must not access inappropriate materials on the Internet as may be defined under such Internet policy; should not violate any safety and security rules when using electronic mail, chat rooms, or other forms of electronic communication, as provided under the Internet policy; should not engage in unauthorized access (“hacking”) or other unlawful activities on-line while using school system computer equipment or Internet access; and should not engage in unauthorized disclosure, use and/or dissemination of personal and/or identification information of the Technology Policy.

**Consequences**

<u>Elementary School</u>	<u>Middle School</u>	<u>High School</u>
Ranging from in-school disciplinary action up to 5 days OSS. Students may be required to pay restitution.	Ranging from in-school disciplinary action up to 10 days OSS, alternative placement and/or suspension. Students may be required to pay restitution.	Ranging from in-school disciplinary action up to 10 days OSS, alternative placement and/or suspension. Students may be required to pay restitution.

**RULE 21: Organizations and Publications**

Any “gang” or secret organization or publication is specifically prohibited on any school premises or in connection with any school-related activities. Distribution of ALL printed material must be approved by the principal, including all student publications such as the student newspaper, yearbook and student magazine.

**Consequences**

<u>Elementary School</u>	<u>Middle School</u>	<u>High School</u>
Ranging from in-school disciplinary action up to 5 days OSS.	Ranging from in-school disciplinary action up to 10 days OSS, or alternative placement and/or long term suspension.	Ranging from in-school disciplinary action up to 10 days OSS, or alternative placement and/or long term suspension.

**RULE 22: Walkouts and Boycotts**

Walkouts or boycotts by a student or group of students, or the urging of others to exercise these tactics, when actions do cause or would reasonably and likely cause a material and substantial disruption of the normal and continuing operation of the educational processes within the school shall not be utilized.

**Consequences**

<u>Elementary School</u>	<u>Middle School</u>	<u>High School</u>
Ranging from in- school disciplinary action up to 10 days OSS. Law enforcement may be contacted.	Ranging from in-school disciplinary action up to 10 days OSS, alternative placement and/or long-term suspension. Law Enforcement may be contacted.	Ranging from in-school disciplinary action up to 10 days OSS, alternative placement and/or long-term suspension. Law Enforcement may be contacted.

**RULE 23: Trespassing** *(See policy 4330 for complete policy)*

Students shall not willfully enter or remain in any school structure, conveyance or property without having been authorized by school personnel. No student shall be on the campus of another school other than his/her assigned school without the knowledge and consent of the officials of the school being visited, with the exception of athletic activities and other public events.

Any student suspended or expelled from Gaston County Schools will not be allowed on any property of the Gaston County Schools during the period of suspension without the expressed permission of his/her principal. This includes long term and short term suspension and expulsion. Failure to comply with this provision may lead to further disciplinary action and/or criminal prosecution for trespass.

**Consequences**

<u>Elementary School</u>	<u>Middle School</u>	<u>High School</u>
Ranging from in-school disciplinary action up to 1 day OSS.	Ranging from in-school disciplinary action up to 10 days OSS, alternative placement and/or long-term suspension. Law Enforcement may be contacted.	Ranging from in-school disciplinary action up to 10 days OSS, alternative placement and/or long-term suspension. Law Enforcement may be contacted.



**RULE 24: Violations of North Carolina Criminal Statutes** *(See policy 4300 for complete policy)*

Students shall not violate any criminal statute or local ordinance or commit any act which could result in criminal prosecution or juvenile proceedings not previously covered elsewhere in these rules at any place or time when the student’s behavior has or is reasonably expected to have a direct and immediate impact on the orderly and efficient operation of the schools or the safety or individuals in the school environment.

**Consequences**

<u>Elementary School</u>	<u>Middle School</u>	<u>High School</u>
Ranging from in- school disciplinary action up to 10 days OSS. Law enforcement may be contacted if required by law.	Ranging from in- school disciplinary action up to 10 days OSS, alternative placement and/or long-term suspension. Law enforcement may be contacted.	Ranging from in-school disciplinary action up to 10 days OSS, alternative placement and/or long-term suspension. Law enforcement may be contacted.

**RULE 25: Integrity and Civility** *(See policy 4310 for complete policy)*

All students are expected to demonstrate integrity, civility, responsibility 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 and for students to respect cultural diversity and ideological differences. Integrity, civility, responsibility and self-control also are critical for establishing and maintaining a safe, orderly and inviting environment.

These behaviors are specifically prohibited: cheating, plagiarizing, violating copyright laws, cursing or using vulgar, abusive or demeaning language toward another person, and playing abusive or dangerous tricks or otherwise subjecting a student or an employee to personal indignity.

**Consequences**

<u>Elementary School</u>	<u>Middle School</u>	<u>High School</u>
Ranging from individual classroom disciplinary action to in-school disciplinary action up to 10 days OSS.	Ranging from individual classroom disciplinary action to in-school disciplinary action, up to 10 days OSS and/or alternative placement.	Ranging from individual classroom disciplinary action to in-school disciplinary action, up to 10 days OSS and/or alternative placement.

**Searches and Seizures** *(See policy 4306 and 4318 for complete policy)*

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, desks, motor vehicles or other school property, and may seize any evidence discovered in the search whereby a student has violated a State law or the policy and/or rules of The Gaston County Board of Education and/or the school attended by the student. Student lockers, desks etc. are school property and may be searched at any time.

A student's wireless communication device and its contents, including, but not limited to, text messages and digital photos, may be searched whenever a school official has reason to believe the search will provide evidence that the student has violated or is violating a law, board policy, the Code of Student Conduct or a school rule.

**Random Metal Detection/Automobile Searches**

Students may be required to submit to a screening for metal as a condition of entering or continuing attendance at school.

Students are permitted to park on school premises as a matter of privilege, not of right. The school retains the authority to conduct routine patrols of student parking lots and inspection of the exteriors of student automobiles on school property. 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. Such patrols and searches may be conducted without notice, without student consent and without a search warrant.

In addition, random searches of automobiles may be conducted to deter the possession of contraband such as weapons, guns, knives, illegal drugs and alcohol on school property or parking lots owned or leased by the school.

If a search yields evidence that a student has violated a state law or the policy and/or rules of The Gaston County Board of Education and/or the school attended by the student, such evidence shall be seized by school officials and turned over to proper authorities for ultimate disposition.

**Recommended Use of Police Canines on School Property**

The principal or his/her designee may request a law enforcement agency to use a police canine whenever he/she feels there is reasonable suspicion to conduct a search on school property.

- The principal may honor the request of the sheriff or chief of police to use police canines if the principal feels the request is based on reasonable suspicion.
- The principal may allow police canines to be used anywhere on the school campus, including unoccupied classrooms, athletic facilities and vehicles.
- At no time shall a principal permit the search of a student or employee using a police canine.

**Notification of Law Enforcement Officials**

Under North Carolina General Statute §115C-288(g) principals must report immediately to law enforcement agencies the following acts that occur on school grounds that involve:

- \*assault resulting in serious personal injury
- \*sexual assault
- \*sexual offense
- \*rape
- \*kidnapping
- \*taking indecent liberties with a minor
- \*assaults involving the use of a weapon
- \*Possession of a weapon in violation of the law
- \*Possession of a firearm in violation of the law
- \*Possession of controlled substance in violation of the law

**Appeals Procedures*****Long-Term Suspensions (See policy 4353 for complete policy)***

1. Parents will be notified by registered mail or in person of the principal's recommendation to the superintendent to long-term suspend the student.
2. Parents shall, within 72 hours, give written notice of appeal to the Hearing Officer for Gaston County Schools. Appeal form is included in the long-term letter from the school.
3. Upon notification of appeal, the Hearing Officer shall convene an appeals committee to hear the appeal, establish a date and time agreeable to the parent and give notification of the appeals hearing date and time to all parties involved.
4. The appeals hearing committee shall allow the school to present a summary report regarding the nature of the offense(s), provide the results of the school's investigation and outline the penalties the principal has recommended. The student and his/her parents will have access to all the information shared with the appeals committee and will be provided opportunity to present evidence.
5. The central office appeals committee, after hearing all the evidence and witnesses, will make a recommendation of their decision to the Superintendent.
6. The Superintendent will make the final decision concerning the appeal. Parents will be notified by letter of the Superintendent's decision.

***365-day Suspension (See policy 4353 for complete policy)***

A student must be suspended who brings a weapon or explosive device as outlined in Policy 4333 and {G.S. 115C-390.1(b)(3)} and {G.S. 115C-390.1(b)(6)} on school property or on a school sponsored event unless modified by the Superintendent pursuant to policy 4333.

**Expulsion** *(See 4353 for complete policy)*

Upon the recommendation of the principal and Superintendent, The Board of Education 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 threat to the safety of other students or employees.

The student's conduct need not result in the filing of criminal charges and need not have taken place on school premises or at a school activity in order for expulsion to be considered.

Depending on the circumstances-including the age and maturity of the student, the student's intention in committing the offense and the student's record of conduct – the following conduct may result in expulsion:

1. Theft or attempted theft by a student from another person by using or threatening to use a weapon.
2. The intentional and malicious burning of any structure or personal property, including any vehicle.
3. An attack or threatened attack by a student against another person wherein the student uses a weapon or displays a weapon in a manner found threatening to that person.
4. An attack by a student on any employee, adult volunteer or other student that does not result in serious injury but that is intended to cause or reasonably could cause serious injury.
5. An attack by a student on 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, or significant bruising or pain; or whereby the victim requires hospitalization or treatment in a hospital emergency room as a result of the attack.
6. Any intentional, highly reckless or negligent act that results in the death of another person.
7. Confining, restraining or removing another person from one place to another, without the victim's consent or the consent of the victim's parent, for the purpose of committing a felony or for the purpose of holding the victim as a hostage, for ransom, or for use as a shield.
8. The possession of a weapon on any school property, including in a vehicle with the intent to use or transmit for another's use or possession in a reckless manner so that harm is reasonable foreseeable.
9. 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.
10. Any unauthorized and unwanted intentional touching, or attempt to touch, by one person of the sex organ of another, including the breasts of the female and genital areas of the male and female.
11. The possession, manufacture, sale or delivery, or any attempted sale or deliver, of a controlled substance in violation of Chapter 90 of the North Carolina General Statutes.
12. Any behavior resulting in a felony conviction on weapons, drug, assault or other charge that implicates the safety of other persons.
13. Any other behavior that demonstrates a clear threat to the safety of others in the school environment.

**Counseling** *(See policy 3600 & 6020 for complete policy)*

Following violations of the Student Code of Conduct a student shall cooperate with any interventions recommended by the principal with regards to assessment/evaluations and/or counseling concerning his/her conduct which constituted the violation.

**Student Parking** *(See policy 6370 for complete policy)*

The parking of motor vehicles and other modes of conveyance on school grounds shall comply with the rules and regulations adopted by the individual school. Failure to abide with such rules and regulations may result in the student's loss of the privilege of parking a vehicle on campus. Student parking is a privilege and all students' motor vehicles on campus may be subject to search by school officials as outlined in policy 4306.

**Suspension from Participation in Athletics and Extracurricular Activities**  
*(See policy 4395 & 3610 for complete policy)*

Participation in athletics is a privilege with which come certain responsibilities. A student may be suspended from participation in athletics or extracurricular activities for conduct either on or off school grounds that constitutes a felony or any crime of moral turpitude including, but not limited to, the illegal possession, sale or use of drugs or alcohol. Conviction of a crime is not mandatory for this suspension to be enforced.

**Suspension from Attendance at Athletic/Extracurricular Activities and Bus Privileges**

A student who exhibits violent or disruptive behavior during the school day(s) may be banned from attending extracurricular activities and riding the school bus at the discretion of the principal.

**Use of Videotape Recorders on School Buses**

It is the practice of the Gaston County Schools to utilize videotape recorders on school buses. Utilization of such videotape recorders shall be for the purposes of identifying safety concerns and to substantiate bus conduct violations.

Such videotape recordings may be periodically and regularly reviewed by school officials, are considered confidential, but may be disclosed as part of school disciplinary proceedings or safety programs.

The placing of a student on a school bus shall constitute parental consent to have a child videotaped in such a manner.

**Student Records** *(See policy 3470 for complete policy)*

The superintendent or designee shall provide eligible students and parents with annual notification of their rights under the Family Educational Rights and Privacy Act (FERPA). The notice must contain all information required by federal law and regulations, including the following:

1. the right to inspect and review the student's educational records and the procedure for exercising this right;
2. the right to request amendment of the student's educational records that the parent or eligible student believes to be inaccurate, misleading, or in violation of the student's privacy rights; and the procedure for exercising this right;
3. the right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent;
4. the type of information designated as directory information and the right to opt out of release of directory information;
5. that the school system releases records to other institutions that have requested the information and in which the student seeks or intends to enroll;
6. the right to opt out of releasing the student's name, address, and phone number to military recruiters or institutions of higher education that request such information;
7. a specification of the criteria for determining who constitutes a school official and what constitutes a legitimate educational interest if a school official discloses or intends to disclose personally identifiable information to school officials without consent;
8. notification if the school system uses contractors, consultants, volunteers, or similar persons as school officials to perform certain school system services and functions that it would otherwise perform itself; and
9. the right to file complaints with the Family Policy Compliance Office in the U.S. Department of Education.

**ATTENDANCE***Policy Code:* **3480**

Attendance in school and participation in class are integral parts of academic achievement and the teaching-learning process. Through regular attendance, students develop patterns of behavior essential to professional and personal success in life. Regular attendance by every student is mandatory. The State of North Carolina requires that every child in the State between the ages of 7 (or younger if enrolled) and 16 attend school. Parents and legal guardians are responsible for ensuring that students attend and remain at school daily. In order to be recorded present, a student must be present at least one-half of the school day.

**A. ATTENDANCE RECORDS**

School officials shall keep accurate records of attendance, including accurate attendance records in each class. Attendance records will be used to enforce the Compulsory Attendance Law of North Carolina.

**B. EXCUSED ABSENCES**

Following any absence(s), it is required that a written document or e-mail be presented from the parent or guardian stating the reason for the absence. All absences will be coded unexcused in the computer until a written note or e-mail is received from the parent or guardian. **Written documentation must be presented within three school days after the student returns to school; otherwise, the absence(s) will be recorded as unexcused.** In particular situations that may involve court related proceedings, Gaston County social workers are given the authority to review attendance documentation as necessary. Absences will be coded according to the North Carolina Compulsory Attendance Law regulations as printed below. Absences due to extended illnesses may also require a statement from a physician. An absence may be excused for any of the following reasons:

1. personal illness or injury that makes the student physically unable to attend school;
2. isolation ordered by the State Board of Health;
3. death in the immediate family;
4. medical or dental appointment;
5. participation under subpoena as a witness in a court proceeding;
6. a minimum of two days each academic year for observance of an event required or suggested by the religion of the student or the student's parent(s);
7. participation in a valid educational opportunity, such as travel or service as a legislative or Governor's page, with prior approval from the principal;

8. pregnancy and related conditions or parenting, when medically necessary; or
9. visitation with the student's parent or legal guardian, at the discretion of the superintendent or designee, if the parent or legal guardian (a) is an active duty member of the uniformed services as defined by policy 4050, Children of Military Families, and (b) has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat support posting.

In the case of excused absences, short-term out-of-school suspensions, and absences under G.S. 130A-440 (for failure to submit a school health assessment form within 30 days of entering school) the student will be permitted to make up his or her work. (See also policy 4351, Short-Term Suspension.) The teacher will determine when work is to be made up. The student is responsible for finding out what assignments are due and completing them within the specified time period.

### **C. SCHOOL-RELATED ACTIVITIES**

All classroom activities are important and difficult, if not impossible, to replace if missed. Principals shall ensure that classes missed by students due to school-related activities are kept to an absolute minimum. The following school-related activities will not be counted as absences from either class or school:

1. field trips sponsored by the school;
2. job shadows and other work-based learning opportunities, as described in G.S. 115C-47(34a);
3. school-initiated and -scheduled activities;
4. athletic events that require early dismissal from school;
5. Career and Technical Education student organization activities approved in advance by the principal; and
6. in-school suspensions.

Assignments missed for these reasons are eligible for make up by the student. The teacher will determine when work is to be made up. The student is responsible for finding out what assignments are due and completing them within the specified time period.

**D. EXCESSIVE ABSENCES**

Class attendance and participation are critical elements of the educational process and may be taken into account in assessing academic achievement. Students are expected to be at school on time and to be present at the scheduled starting time for each class.

When a student reaches ten (10) or more cumulative absences, a letter may be sent requiring a doctor's note to excuse future absences. Students with excused absences due to documented chronic health problems are exempt from this policy.

In addition, for students experiencing homelessness (see policy 4175, Homeless Students), school officials must consider issues related to the student's homelessness, such as a change of caregivers or nighttime residence, before taking disciplinary action or imposing other barriers to school attendance based on excessive absences or tardies.

Excessive absences may impact eligibility for participation in interscholastic athletics, extracurricular activities and student organizations. (See policy 3610)

**K-8 Elementary and Middle School students:**

For K-8 students, only 12 absences, including excused and unexcused absences, are permitted each school year. The principal of each school will review information on students who have exceeded 12 absences and will consider the possibility of retention based on absences.

**9-12 High School students:**

Each day school is in session for students; classroom teachers will report student attendance for each class period and maintain accurate student attendance records for report cards. At the eleventh absence (excused or unexcused) per semester from a class, students who are passing the class must file for an appeal in order to be eligible to earn credit for the class. The appeal will be requested to the designated official at each high school (appointed by the principal). The appeal may be requested by the student or parent, classroom teacher, advisory teacher, counselor or other staff member. The deadline for an appeal request is the 75<sup>th</sup> school day of each semester (unless the eleventh absence falls after this day). Each high school principal will appoint an attendance appeal committee(s) as deemed appropriate. Guidelines from the school system will be provided to the principals and these committees. The committee(s) will meet to conduct student attendance appeals during a period between the 76<sup>th</sup> school day of each semester and the last teacher workday of each semester. In the event the student appeal is granted, the student will receive the final grade earned in the course. Should the appeal be rejected, the student will receive a failing final grade and receive no credit for the course. In order to facilitate acceptable course attendance, the following interventions and communications should be implemented.



- By the third absence in a course where no contact has been received from the parent/guardian, the school official will contact the parent/guardian using telephone, email, letter or automated telephone message. The school official will remind the parent/guardian of the number of absences and the Gaston County Board of Education Policy on high school student attendance.
- After not more than six absences in a course, the parent/guardian will be contacted using telephone, email, letter or automated telephone message. The school official will remind the parent/guardian of the number of absences, the Policy on high school student attendance and specifics regarding the appeal process. After not more than six absences from a course, the classroom teacher will notify the school's Student Services Management Team (SSMT) or Multi-Tiered Student Support Team (MTSS).
- Upon notification from the classroom teacher, the SSMT or MTSS team will evaluate the overall academic and attendance information of the student and if deemed appropriate, consult with the school social worker and/or other support personnel for possible additional interventions, recommendations or consequences for the student/parent/guardian.
- On the tenth absence in a course, the parent/guardian will be contacted by using telephone, email, letter or automated telephone message. The school official will remind the parent/guardian of the number of absences, the Policy on high school student attendance and that an appeal must be initiated upon the eleventh absence from a course if the student is passing the course.
- On the eleventh absence, the classroom teacher or other school personnel, student or parent can give/request the Gaston County School's student attendance appeal request form.

#### **Driver Education and Student Attendance**

Students will be allowed to enroll in driver education only if they meet a minimum of 94% attendance in the year (if in middle school) or 94% attendance the semester (if in high school) before enrolling in driver education. Students must have been in attendance 168 days of the 180 day school year (for middle school) or 84 days of the 90 day semester (for high school) in the year or semester before enrollment in driver education with Gaston County Schools (medical exceptions considered).

#### **Dropout Prevention/Driver's License Legislation**

North Carolina has legislation reflecting a coordinated statewide effort to motivate and encourage students to complete their high school education. The law provides for the revocation of the student's driving permit or license if the student does not maintain adequate academic progress or drops out of school. Adequate academic progress is defined as passing five (5) subjects under a traditional schedule (6 or 7 period day) or 3 out of 4 classes in a block schedule school.

This law applies to all North Carolina students under the age of 18 who are eligible for a driving permit or license. Previously a student had to present a birth certificate, social security card and Driver Education Completion Certificate to the Department of Motor Vehicles in order to obtain a permit or license. A student is now required to present a Driving Eligibility Certificate, issued by the school and good for 30 days, to the Department of Motor Vehicles to obtain a permit or license.

The Driving Eligibility Certificate will only be issued to students making adequate academic progress. Students who do not meet the academic progress requirements will be reported to the Department of Motor Vehicles and their permit or license will be revoked. There is a provision for a request for a review of the student's situation based on hardship considerations. Students may regain academic eligibility at the end of each semester.

### **Lose Control, Lose Your License Legislation**

Students given an expulsion/suspension for more than 10 (ten) consecutive days for one of the three reasons listed below are subject to having their permit/license suspended for up to one calendar year.

- The possession or sale of an alcoholic beverage or an illegal controlled substance on school property.
- The possession or use on school property of a weapon or firearm that resulted in disciplinary action under G.S. §115C-391(d1) or that could have resulted in that disciplinary action if the conduct had occurred in a public school.
- The physical assault on a teacher or other personnel on school property.

Students who are at least 14 years old or who are rising 8<sup>th</sup> graders are subject to this law. The law applies to all students, even to those exempted under Dropout Prevention/Driver's License Legislation. Unlike the Dropout Prevention/Driver's License Legislation law that ends when a student turns 18 years old, the "Lose Control" law does not stop at age 18 nor does it stop when the student graduates.

Students who may lose their permit/license under this legislation may be eligible to regain the permit/license after a six-month period by displaying exemplary behavior in an alternative education setting or having successfully completed a school district approved drug or alcohol treatment counseling program.

Legal References: G.S. 115C-47, -84.2, -288(a), -375.5, -378 to -383, -390.2(d), -390.5, -407.5; 16 N.C.A.C. 6E .0102, .0103; State Board of Education Policies TCS-L-000, -002, -003

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