

DISCIPLINE AND STUDENT CODE OF CONDUCT

Education is the primary purpose of public school. In order for teachers to teach and students to learn, an atmosphere conducive to learning must be consistently maintained. There must exist a climate of discipline conducive to serious study and respect for oneself, other people, and property in order that a school can satisfactorily meet the needs of students. There is an expectation that students behave in a manner appropriate to the school setting, complying with the student code of conduct, state and federal laws, school Board policies and local school rules governing student behavior and conduct. Each principal 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. Principals are responsible for discipline of students in school, including suspensions. The teacher is the recognized authority in the classroom and is expected to maintain order and is required to report serious misconduct to the school principal.

A Board approved Student Handbook from each school is annually updated and distributed to each student (K-12). The handbook sets out expectations for student behavior designed to provide the best possible school climate. The handbook also provides annual notification information for parents and students.

MACON COUNTY SCHOOLS STUDENT CODE OF CONDUCT

Even though we believe Macon County Schools students know basic right from wrong, this code was designated to meet the requirements of the law and to provide clear expectations and procedures for all parties concerned with schools.

DEFINITIONS – AS USED IN THIS CODE

1. "Students" means any persons attending any of the Macon County Public Schools.
2. Unless the context otherwise requires, pronouns referring to students apply to students of both sexes.
3. "School grounds" refers to any property owned, used, or operated by Macon County Public Schools.

Adopted – 12/4/2006
 Revised – July 23, 2007
 Revised – July 25, 2011
 Revised – August 22, 2011

Ref: G.S. 115C-390; G.S. 115C-289; G.S. 14-288.4;
 G.S. 14-33; G.S. 14-190.1(b) and (c) G.S. 115C-391;
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PURPOSE OF CODE OF CONDUCT

The purpose of this code is to set out in one document rules that pertain to the conduct of students. The Macon County Board of Education deems these rules to be proper and necessary for the positive operation of the schools. This code applies to any student who is on school property, who is in attendance at school or at any school-sponsored activity, or whose conduct at any time or place has a direct and immediate effect on maintaining order and discipline in the schools.

The Board of Education emphasizes that North Carolina State law delegates to teachers and principals the duty and authority for maintaining discipline. This code is intended as a useful and supportive instrument for school personnel in the exercise of their legal disciplinary responsibilities. It is not intended to restrict in any way the authority of principals to make rules, not inconsistent with this code, as they are authorized by law to make, or with the authority of teachers to make rules, not inconsistent with this code, as they are authorized by law to make for their respective classes.

APPLICATIONS

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

1. on any school grounds during, before, or after school hours; and
2. off the school grounds at a school activity, function, or event; and
3. on vehicles used for school purposes; and
4. any other time a student is under the jurisdiction of school authorities.

RESPONSIBILITY FOR DISCIPLINE

Discipline is the responsibility of the total faculty, the students, and parents. The Board of Education will support all school personnel in all reasonable efforts to maintain discipline in school and will support them in pressing charges in the courts for any criminal offense or offenses committed by any person on school property.

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 Revised – August 22, 2011

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The most important aspect of discipline is the student’s willingness to “honor a reasonable request” by teacher or principal. A student is expected to respond in a positive manner when a “reasonable request” is made of him or her.

North Carolina General Statute (NCGS) 115-C-390.3 states that, “school personnel may use reasonable force to control behavior or to remove a student from the scene in certain specified situations.”

Additionally, North Carolina law states “Any duty or responsibility assigned to a principal by statute, State Board of Education regulation, or by the superintendent may, with the approval of the local Board of education, be assigned by the principal to an assistant principal designated by the local Board of education or to an acting principal designated by a principal.” (NCGS 115C-289).

SERIOUS MISCONDUCT

A. Rule 1: Compliance with Directions of Principals, Teachers, and Other School Personnel

Students shall comply with all directions of principals, teachers, substitute teachers, student teachers, teacher assistants, voluntary teachers, 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 school personnel.

B. Rule 2 Disorderly Conduct

No student shall engage in disorderly conduct. Disorderly conduct is a disturbance intentionally caused by any person who:

1. engages in fighting or other violent conduct or in conduct creating the threat of imminent fighting or other violence; or
2. makes or uses any utterance, gesture, display, or abusive language which is intended to provoke violent retaliation and thereby cause a breach of the peace; or
3. takes possession of, exercises control over, or seizes any building or facility of any public or private educational institution without the specific authority of the chief administrative officer of the institution, or his/her authorized representative; or
4. refuses to vacate any building or facility of any public or private educational institution in obedience to:

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- a. an order of the chief administrative officer of the institution, or his/her authorized representative; or
 - b. an order given by any fireman or public health officers acting within the scope of his/her authority; or
 - c. if a state of emergency is occurring or is imminent within the institution, an order given by any law enforcement officer acting within the scope of his/her authority; or
5. shall, after being forbidden to do so by the chief administrative officer, or his/her authorized representative, of any public or private educational institution:
- a. engage in any sitting, kneeling, lying down, or inclining so as to obstruct the ingress or egress of any person entitled to the use of any building or facility of the institution in its normal and intended use; or
 - b. congregate, assemble, form groups or formations (whether organized or not), block, or in any manner otherwise interfere with the operation or functioning of any building or facility of the institution so as to interfere with the customary or normal use of the building or facility; or
 - c. disrupts, disturbs, or interferes with the teaching of students at any public or private educational institution or on the grounds adjacent thereto.

As used in this section the term “building or facility” includes the surrounding grounds and premises of any building or facility used in connection with the operation or functioning of such building or facility (NCGS 14288.4).

C. Rule 3 Assault or Physical Injury

- 1. No student shall assault or cause or attempt to cause physical injury to, or intentionally behave in such a way as could reasonably cause physical injury, to any person:
 - a) in any school building or on any school premises before, during, or after school hours; or
 - b) on any bus on which the student is being transported as part of any school activity; or
 - c) off the school grounds at any school activity, function, or event.
- 2. No student shall commit an assault and battery against a sports official when the sports official is discharging or attempting to discharge official duties at a sports event, or

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immediately after the sports event at which the sports official discharged official duties. A “sports official” is a person at a sports event who enforces the rules of the event, such as an umpire or referee, or a person who supervises the participants, such as a coach. A “sports event” includes any interscholastic or intramural athletic activity in a primary, middle, junior high, or high school, college, or university, any organized athletic activity sponsored by a community, business, or nonprofit organization, any athletic activity that is a professional or semiprofessional event, and any other organized athletic activity in the State (NCGS 14-33).

D. Rule 4 Weapons, Dangerous Instruments, and Bomb Threats

The presence of weapons, dangerous instruments, or bomb threats constitutes a clear threat to the safety of students and employees and will not be tolerated. Any student in violation will be removed from the classroom or school environment for as long as necessary to ensure a safe and orderly environment for learning. Except where certain consequences for misbehavior are required by law, principals in the elementary grades are expected to use good judgment and reasonable discretion in determining the appropriate consequence for violation of Board policies, school standards, or rules.

Students are prohibited from possessing, handling, using or transmitting, whether concealed or open, any weapon, or any instrument that reasonably looks like a weapon or could be used as a weapon. Weapons include all of the following:

- loaded or unloaded firearm, including a gun, pistol, or rifle;
- explosives, including a dynamite cartridge, bomb, grenade, or mine;
- knife, including a pocket knife, bowie knife, switchblade, dirk, or dagger;
- slingshot or slungshot;
- leaded cane;
- blackjack;
- metal knuckles;
- BB gun;
- air rifle or air pistol;
- stun gun or other electric shock weapon;

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- icepick;
- razor or razor blade (except 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.

No student may knowingly or willfully cause, encourage, or aid any other student to possess, handle, or use any of the weapons or weapon-like items listed above. A student who finds a weapon or weapon-like item, who witnesses another student or other persons with such items, or becomes aware that another student or other persons intends to possess, handle, or use such items, must notify a teacher or the principal immediately.

Students are prohibited from making, aiding, and/or abetting in making a bomb threat or perpetrating a bomb hoax against school district 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.

E. Rule 5 Extortion/Attempted Extortion/Larceny/Gambling

No student shall enter without authorization any locker, bookbag, pocketbook, or other receptacle containing items of personal property of any other student or school employee. Students shall not take money or property by gambling, coercion, intimidation, or threat, or by using or threatening the use of force.

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F. Rule 6 Theft of or Damage to Personal or Real Property

No student shall steal, attempt to steal, intentionally damage, or attempt to damage personal or real property belonging to another person or the school. Restitution shall be made for the replacement or repair of damaged property.

G. Rule 7 Trespassing

Students shall not be present on school property unless authorized. This includes being on a school campus other than at the school assigned without proper permission or being on any school property, grounds, buses, or at sanctioned school activities during a term of suspension or expulsion.

H. Rule 8 Boycotts, Sit-Ins, and Walkouts

No student shall participate in any boycott of any lawful school function, mission, or process, or participant in any sit-in or any walkout at any school to which he or she is assigned or any other school in Macon County Schools.

I. Rule 9 Protests, Marches, and Pickets

No student shall engage in a protest, march, picket, or other similar activity which will cause or result in the disruption of any lawful function, process, or mission of Macon County Schools on or off school premises. Circulation of petitions and/or surveys must be approved by the school administration.

J. Rule 10 Threatening, Insulting, Abusive, or Seriously Discourteous Words, Signs or Other Acts

No student shall direct toward any principal, teacher, or other school employee, other student or person, in any school building, on any school premises, or on any school bus, any language which threatens force or violence, or which is abusive or insulting, or which is intended to intimidate, or any sign which constitutes a threat of force of violence, or which is abusive or insulting, or which is intended to intimidate.

K. Rule 11 Alcohol and Other Drugs

Students shall not possess, assimilate, use, or be under the influence of any alcoholic beverage, malt beverage, wine, illegal narcotic drug, hallucinogen, amphetamine, barbiturate, marijuana,

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or any other controlled substance as defined by North Carolina law with the exception of a drug authorized by a physician’s prescription for the individual.

Students shall not use or possess drug paraphernalia which is defined by North Carolina law as all equipment, products, or materials of any kind used to facilitate, or intended to facilitate violations of the Controlled Substances Act.

Students shall not possess, sell, transport, or deliver any controlled substance as defined in the North Carolina Controlled Substances Act or violate Chapter 90 of the North Carolina General Statutes.

Students shall not possess, sell, transport, or deliver any non-controlled prescription drug for which the student does not possess a lawful and legitimate prescription.

Students shall not use or engage in the transmission of any drug paraphernalia or counterfeit drugs.

Students who feign, pretend, or imitate an illegal act including selling or possession of a counterfeit substance will be disciplined by the school as if the “act” were real.

L. Rule 12 Tobacco Use

No student shall smoke, chew, dip, consume, use, or possess any tobacco products, facsimiles, or smoking paraphernalia (1) in any school building, school vehicle, or on the school grounds at any time; (2) at any school-related activity, including athletic events; or (3) at any time when the student is subject to the supervision of school personnel, including school trips. Smoking is prohibited in the buildings at all times.

M. Rule 13 Hazing

Hazing shall be prohibited both on and off campus. Hazing is defined in NCGS 14-35 as follows:

“It shall be unlawful for any student in any college or school in this State to engage in what is known as hazing, or to aid or abet any other student in the commission of this offense. For the

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purpose of this section, hazing is defined as follows: to annoy any student by playing abusive or ridiculous tricks upon him or her, to frighten, scold, beat, or harass him/her, or to subject him/her to personal indignity.”

All school personnel and club sponsors who are aware of violations shall report such immediately.

Teachers, club sponsors, and school personnel shall prohibit any planned activities in school buildings, on school grounds, at club meetings, or at school functions which would or would likely be in violation of this regulation.

N. Rule 14 Sexual Misconduct

No student shall engage in sexual misconduct. Public display of affection is prohibited. This includes but is not limited to hugging, kissing and petting.

O. Rule 15 Sexual Harassment

Students are not to harass other students or staff members through conduct or communications of a sexual nature. Sexual harassment may include, but is not limited to the following:

- verbal harassment or abuse;
- pressure for sexual activity;
- repeated remarks to a person, with sexual or demeaning implications;
- unwelcome physical contact;
- suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one’s grades, job, etc.

A student who believes that he/she suffered sexual harassment should report the matter to a teacher, counselor, or principal. The intent of the harasser is immaterial. How the person receives the remarks will be the determining factor in whether the complaint warrants investigation.

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P. Rule 16 Sexual Assault

No student shall by force or otherwise engage in sexual assault on another person on school property or while involved in school sponsored activities.

Q. Rule 17 Possession of Obscenity

No student shall have or possess any obscene literature, photographs, slides, motion pictures, videos, objects, electronically produced images, or other materials. Obscenity shall be defined as defined in NCGS 14-190.1 (b) and (c).

R. Rule 18 Abusive Language/Disorderly Conduct

Students shall not use language which is profane, racially insulting, or refers to one’s character in an insulting, abusive way. Students shall not use obscene gestures or symbols which convey insulting messages. Abusive language directed at or to a school employee will be dealt with more severely than that directed at peers.

S. Rule 19 Possession of Televisions, Radios, Communication , and Electromagnetic Devices

No student shall use, possess, or store any unauthorized device including, but not limited to cell phones, digital paging systems, beepers, walkie-talkies, scanners, televisions, radios, laser beams, digital media players, gaming devices or devices that connect to the Internet or other networks. Such devices will be confiscated and students will be disciplined according to individual school policy. The authorized use of such devices or the use of any school-issued devices must follow the Acceptable Use Policy. All students are expected to adhere to this policy unless authorized by the building-level principal during special circumstances or events.

T. Rule 20 Heat and Flame Throwers

No student shall possess flame/heat producing items that include, but are not limited to, the following: lighters, propane or flint matches, sparklers, rockets; or other items that may produce heat or flame.

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U. Rule 21 Giving False Information/Identification to School Personnel

Students shall not fail to provide or fail to give any accurate information/identification such as name, address, birth date, phone number, and student’s place of employment and vital parental information such as name, address, phone number, and place of employment.

V. Rule 22 Students Who Are Convicted Felons

If a student becomes a convicted felon, he/she may be referred to the Alternative Program.

If a student who is a convicted felon attempts to enroll in Macon County Schools, he/she may be referred to the Alternative Program.

If a student is a convicted felon who is 14 years or older and whose presence is a clear threat to the safety and health of others, then the Board of Education may expel the student upon recommendation of the principal and the superintendent.

W. Rule 23 Suspension/Expulsion From Other School Systems

If an individual is suspended or expelled from a school in another administrative unit, he/she cannot be enrolled in Macon County Schools during the suspension or expulsion period.

X. Rule 24 Violation of a Criminal Statute

Any student engaging in conduct which would be a violation of the criminal statutes of North Carolina may be subject to disciplinary procedures if it is determined that the student’s behavior has a direct and immediate effect on maintaining order and discipline in the schools.

STUDENT DISCIPLINARY PROCEDURAL CODE FOR SERIOUS MISCONDUCT

A. Statement of Purpose

In meeting its responsibility to safeguard every student’s right to an educational opportunity and to protect the individual rights of all students, this Board has adopted the following procedure. The Board believes it meets the standards of due process required by the law and accepted standards of fairness.

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It should be made clear that this procedure is not designed nor intended to deal with or set the standards for every day general classroom school discipline, the authority and responsibility for which is vested by the North Carolina law in the teachers and administrators of each individual school. The procedure concerns itself with those disciplinary matters which may result in suspension or dismissal. In most disciplinary matters the principal should utilize resources reasonably at his/her disposal in an effort to affect a solution. If the penalty that is involved is less severe, such as detention or the like, no formal procedure is required.

Students may be subject to the jurisdiction and punishment of the courts in case of violation of criminal statutes, as well as disciplinary action under authority of these rules by school authorities.

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