



Every Child. Every Day.

Student Code of Conduct

Moore'sville Graded School District



MOORESVILLE GRADED SCHOOL DISTRICT

August 10, 2022

MGSD:

The Mooreville Graded School District Board of Education and staff are committed to maintaining a safe and orderly environment in our schools and at all school-related activities. Our *Student Code of Conduct* includes our behavior expectations as well as consequences for inappropriate behavior. I am hopeful that this school year will be a return to some sense of normalcy and that we are able to establish routines that will benefit us all. Please take the time to review the *Student Code of Conduct* with your student so that everyone knows our expectations.

Discipline, to be truly effective, must be a joint effort between the home and the school. We all want our children to be successful, safe, and engaged in school activities. Proper behavior is directly related to a positive learning environment and academic development. Therefore, we appreciate your cooperation in helping us maintain this environment for all of our students. As a district, we pledge to communicate effectively with you regarding your student's social, emotional, behavioral, and academic progress during the school year. I ask that you communicate with your child's teacher or administrator when you have questions, concerns, or want to share positive experiences. Open lines of communication will strengthen our partnership and help make all individuals more successful.

I am excited about our start to the new school year!

Sincerely,

Michael Royal
Interim Superintendent

School Level Administration

South Elementary	Dr. Mark Cottone, Principal	704-658-2650
Park View Elementary	Dr. Misha Rogers, Principal	704-658-2550
Rocky River Elementary	Dr. Chuck LaRusso, Principal	704-658-2740
East Mooresville Intermediate	Ms. Tracy Pratt-Dixon, Principal	704-658-2700
Mooresville Intermediate	Dr. Shelly Harris, Principal	704-658-2680
Mooresville Middle	Mr. Patrick Kosal, Interim Principal	704-658-2720
Mooresville High	Ms. Samone Graham, Principal	704-658-2580
N.F. Woods	Ms. Melanie Allen, Principal	704-658-2500

MGSD Administration

Dr. Michael Royal	Interim Superintendent
Dr. Scott Smith	Assistant Superintendent of Auxiliary Services
Dr. Michael Royal	Assistant Superintendent for Secondary Instruction & CTE
Dr. Quinetta Hall-Pratt	Assistant Superintendent for Elementary Instruction
Ms. Angie Davis	Chief Financial Officer
Dr. Ingrid Medlock	Assistant Superintendent for Human Resources
Ms. Tanae Sump-McLean	Chief Communications Officer
Dr. Sandy Albert	Chief Student Services Officer

MGSD School Board

Mr. Roger Hyatt	Chairperson
Mr. Greg Whitfield	Vice Chairperson
Dr. Debbie Marsh	School Board Member
Ms. Kerry Pennell	School Board Member
Mr. Rakeem Brawley	School Board Member

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Mooreville Graded School District Student Code of Conduct

Preface

The purpose of this code is to promote a healthy and safe learning environment while enabling students to develop into responsible citizens. Teachers, staff and administrators are encouraged to use positive disciplinary measures to the extent possible. Further, they should be familiar with and use a continuum of disciplinary actions, reserving more serious measures for more serious behaviors.

It is important, however, for all students and staff members to understand that violent, disrespectful, or disruptive behavior is unacceptable. This code is based on the General Statutes of North Carolina. Students who violate these policies are subject to disciplinary action by school officials. Violations involving weapons, assaults, and/or controlled substances will be reported to law enforcement officials, and students may be prosecuted within the court system.

General Statute 115C-307 states “that it shall be the duty of all teachers, including student teachers, substitute teachers, voluntary teachers, and teacher assistants when given authority over some part of the school program by the principal or supervising teacher, to maintain good order and discipline in their respective schools.” The principal is further authorized by G.S. 115C-288 “to exercise discipline over the pupils of the school” and to “assign duties to teachers with regard to the general well-being and medical care of students.”

Students are expected to demonstrate respect for themselves and others, as reflected in their dress, decorum and interactions with school personnel and other students. They are further expected to demonstrate responsible citizenship by working cooperatively with the staff to promote a positive climate in the school.

The following rules prohibit certain behaviors by students and subject those who violate them to disciplinary actions, including the possibility of suspension or expulsion (G.S. 115C-288, 390, 391). In addition, note that specific behaviors that are against the law may also lead to prosecution within the legal system.

If any provisions outlined in the Student Code of Conduct conflict with North Carolina statutes, HB 736 or federal law, the provisions of North Carolina or federal law will control and supersede such inconsistent provisions.

Disclaimer

School-based administrators reserve the right to handle any incident that is not covered or mentioned in this handbook in a timely and appropriate manner. Serious or repeated violation of one or more rules would suggest a need for strong parent-student-administrator communication, coordination and consideration of outside assistance and may result in suspension and possible recommendation for long-term suspension or expulsion. In cases

where aggravating or mitigating factors are determined, principal discretion in determining appropriate consequences for violation of the Student Code of Conduct may be used.

Definitions

Alternative Setting — part or full-time programs, wherever situated, providing direct or computer-based instruction that allow a student to progress in one or more academic courses. Alternative education services include programs established by the local board of education in conformity with G.S. 115C-105.47A and local board of education policies. Instructional services are provided by the school system or another provider.

Bullying — As defined by North Carolina General Statute 115C-407.15, Article 29C, "bullying or harassing behavior" is any pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication, that takes place on school property, at any school-sponsored function, or on a school bus, and that:

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 creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities, or benefits. For purposes of this section, "hostile environment" means that the victim subjectively views the conduct as bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior.

Bullying or harassing behavior includes, but is not limited to, acts reasonably perceived as being motivated by any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics.

(b) No student or school employee shall be subjected to bullying or harassing behavior by school employees or students.

(c) No person shall engage in any act of reprisal or retaliation against a victim, witness, or a person with reliable information about an act of bullying or harassing behavior.

(d) A school employee who has witnessed or has reliable information that a student or school employee has been subject to any act of bullying or harassing behavior shall report the incident to the appropriate school official.

(e) A student or volunteer who has witnessed or has reliable information that a student or school employee has been subject to any act of bullying or harassing behavior should report the incident to the appropriate school official. (2009-212, s. 1; 2009-570,s.39.)

Classrooms — locations where designated learning experiences take place and where school officials have supervisory responsibility.

Consequences — results of one's actions. Consequences for violations of the Student Code of Conduct include, but are not limited to, conferences with parents, confiscation of property which disrupts the learning environment, lunch detention, isolation, restitution, in-school suspension, suspension from school activities and events, suspension of bus privileges, before- and after-school detention, out-of-school suspension and expulsion.

Day or Days — school days excluding teacher workdays, holidays, vacation days and weekends. Most commonly referred to in length of time assigned to in-school suspension or out-of-school suspension.

Destructive Device – an explosive, incendiary, poison gas, bomb, grenade, mine, or any similar device.

Expulsion — the indefinite exclusion of a student from school enrollment for disciplinary reasons. Expulsion may include exclusion from participation and/or attendance at school-related activities and other consequences provided by law.

Firearm – Any of the following:

- a. A weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive.
- b. The frame or receiver of any such weapon.
- c. Any firearm muffler or silencer.
- d. This term shall not include an inoperable antique firearm, a BB gun, stun gun, air rifle, or air pistol.

In-School Suspension or alternative setting (hereinafter ISS) — The in-school suspension program is an alternative to students being suspended out-of-school. The purpose of ISS is to improve behavior without the removing the student from the school environment. ISS is assigned at the discretion of the principal/designee.

School Assigned Disciplinary Action — disciplinary consequences that result in improved behaviors without the removal of students from the school environment, such as, but not limited to, parental conferences, warnings, after-school detention, isolation, and referrals to the office.

Long-Term Suspension — the exclusion of more than 10 days of a student from school attendance for disciplinary purposes from the school to which the student was assigned at the time of the disciplinary action. If the offense leading to the long-term suspension occurs before the final quarter of the school year, the exclusion shall be no longer than the remainder of the school year in which the offense was committed. If the offense leading to the long-term suspension occurs during the final quarter of the school year, the exclusion may include a period up to the remainder of the school year in which the offense was committed and the first semester of the following school year.

Out-of-School Suspension (hereinafter OSS) — the removal of the student from school, school activities and school grounds for any designated period of time

Parent — includes a parent, legal guardian, legal custodian or other caregiver adult who is acting in the place of a parent and is entitled to enroll the student in school under Article 25.

Principal — includes the school principal and the principal's designee.

Reasonable Suspicion – reasonable belief that a person has, is, or is about to engage in behavior prohibited by the Student Code of Conduct. The criteria of this standard is less than the standard of probable cause.

Restitution — to make right, to replace or to restore property to its original condition. The replacement of or payment for any property taken, damaged or destroyed.

Self-Defense – the act by a non-aggressor victim using reasonable force to avoid being hit in order to enable oneself to get free from the attacker and notify school authorities. It is not self-defense to participate in the fight. Students who exceed reasonable force in protecting themselves will be disciplined even though another person provoked the fight. Administrators will have the discretion to recognize the need for self-defense on an incident-by-incident basis.

Student — any person enrolled or attending any of the schools within the Mooresville Graded School District.

Teacher — the licensed professional with responsibility for the education, health and well-being of students under his/her direction.

Teacher Assistant — the paraprofessional who supports and assists the classroom teachers in performing their instructional duties.

School Resource Officer – law enforcement officer assigned to a Mooresville Graded School District campus to help ensure the safety of students and staff.

Code of Conduct

1. All students shall comply with the Student Code of Conduct of the Mooresville Graded School District, state and federal laws, school board policies, and local school rules governing student behavior and conduct. This code applies to any student who is on school property, while in transit to or from school, who is in attendance at school or at any school-sponsored activity or event, or whose conduct at any time or place, on or off campus, has a direct and immediate effect on maintaining order and discipline or protecting the safety and welfare of students or staff in the schools.

2. This code formulates and sets forth the rules and expectations of all students enrolled in the Mooresville Graded School District. The Mooresville Graded School District is committed to providing fair and consistent sanctions for violations of the Student Code of Conduct. The principal or principal's designee will use professional discretion in determining appropriate consequences for rule violations. The principal when determining consequences may consider mitigating factors such as lack of culpability, lack of dangerousness of the student, and lack of harm caused. Likewise, aggravating factors such as culpability of the student, dangerousness of the student, and amount of harm caused by the student's violation may also be considered by the principal when determining consequences.

3. This code sets forth rules prohibiting certain types of student misconduct that constitute major offenses. A student found to be in violation of any one of the rules of this code may receive consequences of short-term suspension (10 days or fewer), long-term suspension (more than ten days), 365-day suspension or expulsion.

4. The consequences section of Rule 21: Narcotics, Alcoholic Beverages, Controlled Substances, Chemicals, and Drug Paraphernalia outlines special circumstances where an alternative to the stated consequence may be used.

5. This code is not intended to restrict in any way the authority of principals and teachers to establish or create rules provided that they are consistent with this code and are authorized by law. It is up to the discretion of the respective schools to make such “in-school” rules and consequences.

6. Law enforcement shall be contacted for violations of the Student Code of Conduct in appropriate cases and in accordance with the law. Notification of law enforcement is required in cases of assault involving 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 in violation of the law, possession of a weapon in violation of the law, or possession of a controlled substance in violation of the law. See pages 17 thru 24 for further details and information regarding Reportable Offenses.

7. The principal or principal’s designee will make every effort to inform parents at the time a decision is being made to suspend a student from school. The principal or designee will also call parents and send a written statement of the disciplinary action in a timely manner which will include the charge against the student, facts of the situation, and disciplinary action taken. A copy of this written statement shall be sent to the Superintendent and filed in the Superintendent’s office. Parents will also be advised of their right to appeal the action of the principal or designee as provided in the due process procedures for disciplinary action located in the Appeals section at the end of the Student Code of Conduct (for suspensions in excess of ten [10] school days only).

Discipline Measures

The Mooresville Graded School District 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 the improvement of behavior. Corporal punishment may not be used in the Mooresville Graded School District.

The following disciplinary measures are available to those authorized to discipline students. This list is not intended to restrict in any way the authority of teacher and principals to discipline students in a manner consistent with Board policies. Nothing stated herein shall inhibit school staff from taking whatever action may be necessary in a case of an attack on his person or in his own self-defense. Nothing stated herein shall prevent the use of force by law enforcement officers in the exercise of their law enforcement duties.

The following disciplinary measures are consequences for violation of the Student Code of Conduct and may include, but may not be limited to, the listed consequences. Parents should be informed of any disciplinary measures taken as a result of violation of the Student Code of Conduct.

- **Conference with Parents**

Teachers, counselors or administrators will make every effort to communicate any infraction of the Student Code of Conduct with parents and will request a conference when appropriate. Parents are encouraged to set up an appointment with any teacher, counselor or administrator to discuss their child's progress or problems.

- **Confiscation**

Any student's property that disrupts the learning environment will be removed from that student's possession. In the case of non-threatening property, the parent may reclaim the property when attending a conference with a school official. Any property that may cause a threat to any person or school property may be turned over to law enforcement officials.

- **Restitution**

The replacement of or payment for any property taken, damaged or destroyed.

- **Detention**

Any teacher or principal may detain a student before, during or after regular school hours for violation of the Student Code of Conduct. Parents will be notified in advance when transportation may be impacted by the detention.

Saturday School

Any student may be assigned Saturday School as a means of discipline or in an effort to make up absences as assigned by the principal or designee.

- **Isolation or Removal from the Classroom**

Any student may be removed from regular class activities for any portion of a school day as long as he/she is placed under the supervision of an adult. This shall not be considered a short-term suspension and shall not come under the rules and procedures governing suspensions.

- **Suspension from Co-curricular Activities/Loss of Privileges**

A student may be suspended from participating in any or all co-curricular activities, including athletics and graduation exercises, for violation of the Student Code of Conduct. Principals, teachers and/or their designees may withdraw specific school privileges from students who exhibit inappropriate behaviors.

- **In-School Suspension (ISS)**

In-school suspension is provided as an alternative environment for certain infractions of the Student Code of Conduct. The student is counted as present and is required to complete assignments developed by his/her classroom teachers. Credit is given for work completed in ISS.

- **Out-of-School Suspension (OSS)**

A student may be suspended from school for violations of the Student Code of Conduct. A student will not be allowed to participate in any extracurricular activities during the period of out-of-school suspension.

Short-term suspension is for 10 days or less. Long-term suspension is for more than 10 days, 365-day suspension is used for specific circumstances defined by state law.

- **Expulsion**

Permanent prohibition/exclusion from the school system requires the recommendation of the principal and superintendent and Board action.

- **Court Referral/Involvement of Law Enforcement**

In cases of violations of the North Carolina General Statutes such as a drug offense, an assault, weapons possession, or other violations of the statute, law enforcement may be contacted and student may be taken to court.

- **Removal from School Provided Transportation**

Students exhibiting inappropriate behavior may be prohibited from riding a bus, or other school-provided transportation for any period of time.

- **Referral to a School-Based Assistance Team**

Students who exhibit chronic and persistent discipline problems may be referred to this team for development of strategies to address the problem.

- **Referral to an Alternative Program**

Students may be referred to educational services provided by the school system or another provider in a setting other than the student's school assignment.

- **Alternative to Suspension Program**

Students suspended for three to ten days (short-term suspension) may attend a district-supported program when available as an alternative to suspension. Parents must provide transportation to this alternative program during the term of the suspension.

- **Physical Restraint**

Physical restraint is defined as the use of physical force to restrict free movement of all or a portion of a student's body. Physical restraint of students by school personnel shall be considered a reasonable use of force when used in the following circumstances:

1. As reasonably needed to obtain possession of a weapon or other dangerous object on a person or within the control of a person.
2. As reasonably needed to maintain order or prevent or break up a fight.
3. As reasonably needed for self-defense.
4. As reasonably needed to ensure the safety of any student, school employee, volunteer, or other person present, to teach a skill, to calm or comfort a student, or to prevent self-injurious behavior.
5. As reasonably needed to escort a student from one area to another.
6. If used as provided for in a student's IEP or Section 504 Plan or Behavior Intervention Plan.

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7. As reasonably needed to prevent imminent destruction to school or another person's property.

Physical restraint shall not be used solely as a disciplinary consequence, and its use is prohibited except as described in this section.

Mechanical restraint (defined as the use of any device or material attached or adjacent to a student's body that restricts freedom of movement or normal access to any portion of the student's body and that the student cannot easily remove) of students by school personnel is permissible only in the following circumstances:

1. When properly used as an assistive technology device included in the student's IEP or Section 504 Plan or Behavior Intervention Plan or as otherwise prescribed for the student by a medical or related service provider.
2. When using a seat belt or other safety restraints to secure students during transportation.
3. As reasonably needed to obtain possession of a weapon or other dangerous objects on a person or within the control of a person.
4. As reasonably needed for self-defense.
5. As reasonably needed to ensure safety of any student, school employee, volunteer, or other person present.

Mechanical restraint shall not be used solely as a disciplinary consequence, and its use is prohibited except as described in this section.

Seclusion

Seclusion (defined as confinement of a student alone in an enclosed space in which the student is physically prevented from leaving by locking hardware or other means or is not capable of leaving due to physical or intellectual incapacity) may be used by school personnel in the following circumstances:

1. As reasonably needed to respond to a person in control of a weapon or other dangerous object.
2. As reasonably needed to maintain order or prevent or break up a fight.
3. As reasonably needed for self-defense.
4. As reasonably needed when a student's behavior poses a threat of imminent physical harm to self or others or imminent substantial destruction of school or another person's property.
5. When used as specified in the student's IEP, Section 504 Plan, or Behavior Intervention Plan.
6. The student must be monitored while in seclusion by an adult who can see and hear the student at all times.
7. The student is released from seclusion upon cessation of the behaviors that led to the seclusion or as otherwise specified in the student's IEP, Section 504 Plan, or Behavior Intervention Plan.
8. The space in which the seclusion takes place must be previously approved for such use (safety, lighting, ventilation, etc.) by the Board of Education.

**** Reporting and Documentation of Seclusion and Restraint**

School personnel shall promptly notify the principal or principal's designee of:

1. Any use of aversive procedures.
2. Any prohibited use of mechanical restraint.
3. Any use of physical restraint resulting in observable physical injury to a student.
4. Any prohibited use of seclusion or seclusion that exceeds 10 minutes or the amount of time specified on a student's IEP, Section 504 Plan, or Behavior Intervention Plan.

When a principal or principal's designee has personal knowledge or actual notice of any such events, he/she shall promptly notify the student's parent or guardian and will provide the name of a school employee that parent or guardian can contact regarding the incident. To promptly notify means by the end of the workday during which the incident occurred when reasonably possible, but in no event later than the end of the following workday. The parent or guardian of the student shall be provided with a written incident report for any incident involving the previously mentioned incidents within a reasonable period of time, but no later than 30 days after the incident. The written report shall include: date, time, location, duration, description of the incident, interventions, events, events that led up to the incident, nature/extent of any injury, and name of the school employee who can be contacted regarding the incident.

No local board of education or employee of a local board of education shall discharge, threaten, or otherwise retaliate against another employee of the board regarding that employee's compensation, terms, conditions, location, or privileges of employment because the employee makes a report alleging a prohibited use of physical restraint, mechanical restraint, aversive procedure, or seclusion, unless the employee knew or should have known that the report was false. Nothing in this section shall be construed to create a private cause of action against the Board of Education, its agents or employees, or to create a criminal offense.

• **Isolation**

Isolation (defined as behavior management technique in which a student is placed alone in an enclosed space from which the student is not prevented for leaving) may be a useful discipline tool; therefore, the MGSD 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 by an adult is available. Isolation is permitted as a behavior management technique provided that:

- (1) The space used for isolation is appropriately lighted, ventilated, and heated or cooled.
- (2) The duration of the isolation is reasonable in light of the purpose of the isolation.
- (3) The student is reasonably monitored while in isolation.
- (4) The isolation space is free of objects that unreasonably expose the student or others to harm.

- **Community Service**

The principal and student may agree to the student performing specified community service for a certain number of hours in special cases. 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 matters appropriate for the original violation.

- **Threat Assessment**

The Mooresville Graded School District Board of Education has adopted policies that state that students, teachers, and other school personnel shall not be subjected to assaultive or threatening behavior from students. Any student who threatens, assaults, batters, or abuses another student shall be subject to appropriate disciplinary action, which may include suspension or expulsion from school, notification of law enforcement personnel, and/or further legal action.

Conduct and/or actions prohibited under this policy include, but are not limited to:

1. Verbal or written statements or gestures by students indicating intent to harm themselves, others, or property (including creating a “hit list”).
2. Physical attack by students so as to intentionally inflict harm to themselves, others, or property.
3. The act of threatening force or violence to another person.
4. Making or being involved in making a threat that a bomb or chemical, biological, or nuclear weapon has been placed in or is about to explode in a school building, or school grounds, on a school bus, at a bus stop or at any school-sponsored activity.

When students are believed to have made a threat or acted to harm themselves, others, or property, the school or District shall take appropriate steps to investigate the alleged incident and take appropriate disciplinary and/or legal action. Procedures for investigating and responding to potential threats of harm may include, but are limited to:

1. Removing the student from the classroom setting and/or the District’s transportation system pending further disciplinary action that may occur.
2. Investigating the alleged incident by the principal or designee.
3. Conducting a formal threat assessment which may include the student being interviewed by the school psychologist, school counselor, other qualified school personnel, and/or District personnel as needed.
 - a. In the event that a formal threat assessment is conducted, the principal shall notify the parents concerning the threat assessment.
 - b. A copy of the threat assessment protocol is available at each school.
4. Notifying proper law enforcement agencies which may result in further investigation.

- **Summary Suspension**

If the principal is informed of or witnesses any serious misconduct and thinks that immediate removal of the student is necessary to restore order or to protect the health and welfare of students, school personnel, and/or protect school property from damage, he/she may suspend the student immediately for not more than three (3) school days. In such cases, the principal is not required to conduct an investigation before the suspension. If the principal decides to conduct an investigation and the findings warrant further disciplinary action, the total suspension shall not exceed ten (10) school days, unless the procedures for long-term suspension are implemented. Once a principal has decided to invoke a summary suspension, he/she shall notify parents immediately for them to arrange transportation home.

Notice, Reporting, and Documentation

(1) Notice of procedures – Each local board of education shall provide copies of this section and all local board policies developed to implement this section to school personnel and parents or guardians at the beginning of each school year.

(2) Notice of specified incidents:

a. School personnel shall promptly notify the principal or principal's designee of:

1. Any use of aversive procedures.
2. Any prohibited use of mechanical restraint.
3. Any use of physical restraint resulting in observable physical injury.
4. Any prohibited use of seclusion or seclusion that exceeds 10 minutes or the amount of time specified on a student's behavior intervention plan.

b. When a principal or principal's designee has personal knowledge or actual notice of any of the events described in this subdivision, the principal or principal's designee shall promptly notify the student's parent or guardian and will provide the name of a school employee the parent or guardian can contact regarding the incident.

(3) As used in subdivision (2) of this subsection, "promptly notify" means by the end of the workday during which the incident occurred when reasonably possible, but in no event later than the end of the following workday.

(4) The parent or guardian of the student shall be provided with a written incident report for any incident reported under this section within a reasonable period of time, but in no event later than 30 days after the incident. The written incident report shall include:

- a. The date, time of day, location, duration, and description of the incident and interventions.
- b. The events or events that led up to the incident.
- c. The nature and extent of any injury to the student.
- d. The name of a school employee the parent or guardian can contact regarding the incident.

(5) No local board of education or employee of a local board of education shall discharge, threaten, or otherwise retaliate against another employee of the board regarding that employee's compensation, terms, conditions, location, or privileges of employment because the employee makes a report alleging a prohibited use of physical restraint, mechanical restraint, aversive procedure, or seclusion, unless the employee knew or should have known that the report was false.

(k) Nothing in this section shall be construed to create a private cause of action against any local board of education, its agents or employees, or any institutions of teacher education or their agents or employees or to create a criminal offense.

Violations of the Student Code of Conduct and Consequences

The following rules for conduct apply to all students. Violation of the rules will result in the disciplinary consequences described. The principal is granted the authority to exercise good judgment and may apply a greater or lesser consequence than those stated especially in cases where aggravating or mitigating circumstances exist. Every attempt to contact parents should be made by the teacher, counselor, assistant principal, principal or designee when assigning a disciplinary consequence.

Code of Conduct

DPI/PowerSchool codes are listed in italics and bold print. *These are state approved codes that are utilized in reporting Mooresville Graded School District data to the state. Administrators or other authorized school personnel should select one or more when inputting incidents into PowerSchool.*

Rule 1. Minor Infraction of Classroom Rules (Responsibility/Respect/Citizenship)

UB: Insubordination, UB: Disruptive Behavior — Teachers will follow a classroom discipline procedure to include: warning, parent contact, detention, isolation and referral to office. The principal will then determine the disciplinary consequence.

Consequences

<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
School assigned disciplinary action ranging from warning to teacher assigned consequences up to 1 day OSS.	Ranging from warning to in-school disciplinary action up to 3 days OSS.	Ranging from warning to in-school disciplinary action up to 3 days OSS.

Rule 2. Disruptive Behavior, Noncompliance with Directives from Principals, Teachers and Other School Personnel (Responsibility/Respect/Citizenship) *UB: Repeat Offender*

UB: Disruptive Behavior, UB: Insubordination — Students are encouraged to participate in efforts to create a safe, orderly, and inviting school environment. Therefore, students are prohibited from disrupting teaching, the orderly conduct of school activities, or any other lawful function of the school or school system. Examples of disruptive behavior include, but are not limited to, intentional verbal or physical acts that result or have the potential to result in blocking access to school functions or facilities or preventing the convening or continuation of school-related activities, possessing or distributing literature or illustrations that significantly disrupt the educational process or that are obscene or unlawful, engaging in behavior that is immoral, indecent, lewd, disreputable or of an overly sexual nature, failing to observe established safety rules, standards and regulations including behavior in hallways or on buses. Students shall also comply with the directives of all school personnel at all times while a student on any school premises, attending school-sponsored activities, on or about any school-owned or operated vehicle, off school property at any school-sponsored or school-approved activity or function or during any period of time when student's

behavior has a direct and immediate effect on maintaining order and discipline and protecting the safety and welfare of students and staff.

A. Reckless Vehicle Use *UB: Disruptive Behavior: UB: Other School Defined Offense:* *A student will not operate any motorized or self-propelled vehicle on school grounds in a manner that is a threat to health and/or safety, or a disruption to the educational process. Driving to school is a privilege, which may be limited or revoked at any time by the school principal.*

B. Vehicle Parking on Campus *UB: Inappropriate Item on School Property:* *A student will not park a motor vehicle on school premises unless he/she has been issued a parking permit. Parking permits must be visibly displayed and vehicles must be parked only in assigned spaces. Unauthorized vehicles may be towed.*

Consequences

<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
Ranging from school assigned disciplinary action up to 3 days OSS.	Ranging from in-school disciplinary action up to 10 days OSS. Repeated or major violations may result in law enforcement being contacted and/or a recommendation for long-term suspension.	Ranging from in-school disciplinary action up to 10 days OSS. Repeated or major violations may result in law enforcement being contacted and/or a recommendation for long-term suspension.

Rule 3. Dress Code Violations (Respect/Responsibility) *UB: Dress Code Violation* —

The Mooresville Graded School District Board of Education requires that students adhere to standards of dress that are compatible with a safe and orderly educational environment. All students are expected to be groomed and dressed appropriately for school and required school activities. Student dress deemed by the school principal to be inappropriate or substantially disruptive to the educational environment, offensive, vulgar, obscene, provocative, revealing, profane, or which endangers the health or safety of the students, faculty, and/or staff of the school is prohibited.

The principal has the authority to implement and enforce the school dress code in a manner that is age appropriate, considerate of sincerely held religious beliefs, and takes into account documented medical-related requirements. Reasonable accommodation will be made by the principal for students involved in special duties, activities, or projects approved by the school. This includes, but is not limited to, athletics, vocational classes and projects, physical education classes, special events, and other activities that require non-conforming dress on the school campus during a school-sponsored event.

Dress and Appearance Guidelines

The specific guidelines listed below are not intended to be all-inclusive, but shall apply as basic guidelines for all students as deemed appropriate by the principal. **Each school may have additional dress code requirements outlined in the school-specific student handbook.**

1. Clothing and general appearance are not to cause a disturbance or interfere with the instructional program. Clothing and general appearance must not constitute a health or safety hazard.
2. All clothing must be of appropriate length and fit. Pants must completely cover underwear. Low cut pants, sagging pants, etc. are prohibited.
3. Shirts must completely cover the midriff area when sitting and standing and expose NO cleavage. Low cut, halter, and see through tops as well as spaghetti strap tops are prohibited. Tank-type tops, if not prohibited by the specific school dress code, must meet the requirements of the school-specific code.
4. Undergarments shall not be visible at any time.
5. Hats, caps, hoods, can be worn inside the school buildings as long as the student's ears are visible.
6. Shoes shall be worn at all times, and as necessary conform to special class requirements (PE, construction trades, ROTC, science, etc.).
7. Clothing that is obscene, crude, vulgar, offensive, or advertises products prohibited by school board policy (tobacco, alcoholic beverages, controlled substances, etc.) are prohibited.
8. Adornments that could reasonably be perceived as weapons or used to inflict harm (chains, spikes, etc.) are prohibited.
9. Gang related apparel is prohibited at all times at any school-related or school-sponsored activity. Items deemed inappropriate under this category are at the discretion of the principal.

Consequences

<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
School assigned 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 4. Electronic or Wireless Devices (Responsibility) UB: Cell Phone Use,

UB: Inappropriate Items on School Property — Unless under teacher's direction, or allowed by specific school policy, students are not allowed to display, use, or operate cell phones, or other electronic or wireless devices with internet capability inside of classroom or during any period of time when the student's behavior has a direct and immediate effect on maintaining order and discipline and protecting the safety and welfare of students and staff unless approved in advance by the principal. Electronic or wireless devices must not create a disruption and/or disturbance in any area of the school building, i.e., ringing, beeping, etc. All electronic devices can be confiscated, and a parent is required to attend a conference in order to gain possession of the item. This rule does not apply to personal vehicles, overnight school-sponsored field trips, after-school club outings and athletic events unless specifically prohibited.

Consequences

<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
Ranging from school assigned disciplinary action. Confiscation of device and parent must pick it up.	In-school discipline up to and including confiscation of device and parent pick up. Up to 5 days OSS.	In-school discipline up to and including confiscation of device and parent pick up. Up to 5 days OSS.

In determining consequences, the principal shall consider whether the device was used in violation of the student integrity policy, to bully or harass other students, to take or send illicit photographs or text messages, or used in any other manner that would make more severe disciplinary consequences appropriate (including repeated offenses).

Rule 5. Gambling (Responsibility) UB: Gambling — Students shall not engage in any form of games of chance or gambling for money and/or objects of value (excluding school-sponsored activities).

Consequences

<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
Ranging from school assigned disciplinary action up to 1day OSS.	Ranging from in-school disciplinary action up to 3 days OSS.	Ranging from in-school disciplinary action up to 5 days OSS.

Rule 6. Use of Tobacco Products/Vaping Products (Responsibility/Citizenship) UB: Possession of Tobacco/Vaping Products, UB: Use of Tobacco/Vaping Products — Students are prohibited from the use and/or possession of tobacco products or tobacco/smoking paraphernalia. They shall not possess, smoke, dip, chew or otherwise use any tobacco products at any time while a student is on any school premises, off school property at any school-sponsored or school-approved activity or function or during any period of time when students are subject to the authority of school personnel. For purposes of this policy, “tobacco product” is defined to include cigarettes, electronic cigarettes, cigars, pipes, chewing tobacco, snuff, or any other items containing or resembling tobacco or tobacco products. Electronic cigarettes or vaping products that may or may not contain tobacco are also prohibited. Such devices will be confiscated by school administrators. Parents/Guardians may request to pick-up the device(s) within 10 days of confiscation. If the request is not made within 10 days, the device(s) will be discarded.

Consequences

<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
Confiscation. Ranging from school assigned disciplinary action up to 3 days OSS. Intervention is recommended.	Confiscation. Ranging from in-school disciplinary action up to 5 days OSS, with interventions provided. Repeat violations may result in long-term suspension.	Confiscation. Ranging from in-school disciplinary action to 10 days OSS, with intervention provided. Repeat violations may result in long-term suspension.

Rule 7. Trespassing (Responsibility/Respect/Citizenship) *UB: Being in an Unauthorized Area, UB: Disruptive Behavior, UB: Property Damage* — Students shall not trespass on school property. A student will be considered a trespasser and may be disciplined and/or criminally prosecuted if the student is on the campus of a school to which he or she is not assigned during the school day without the knowledge and consent of school officials of that school, the student is loitering at any school after the close of the school day without specific need or supervision, or the student has been suspended from school but is on the property of any school during the suspension period without the express permission of the principal. A student will not break into any district property. This will be unauthorized entry into school property with or without destruction to the property

Consequences

<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
Ranging from school assigned disciplinary action up to 1 day OSS.	Ranging from in-school disciplinary action up to 3 days OSS. Law enforcement may be contacted.	Ranging from in-school disciplinary action up to 10 days OSS. Law enforcement may be contacted.

Rule 8. Inappropriate Interpersonal Behavior (Responsibility/Respect) *UB: Mutual Sexual Contact Between Two Students, UB: Excessive Display of Affection, UB: Harassment - Sexual* — Students shall conduct their personal and social relationships according to acceptable school standards. Inappropriate public displays of affection, as determined by the principal, will not be allowed.

Consequences

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

Rule 9. Issues of Integrity (Responsibility/Honesty) *UB: Insubordination UB: Honor Code Violation, UB: Falsification of Information* — Students are expected to demonstrate integrity, civility, responsibility, and self-control. Students shall not cheat, plagiarize, violate copyright laws, or falsify notes or documents. Students shall not provide false

information to school officials and/or parents or guardians with regard to any report card, attendance matter, grades or progress reports, discipline matters or any other school business. Students shall be truthful in statements made. A student will be honest and submit his/or her own work.

Consequences

<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
School assigned disciplinary action	Ranging from in-school disciplinary action up to 5 days OSS. Zero on assignment when applicable.	Ranging from in-school disciplinary action up to 10 days OSS. Zero on assignment when applicable.

Rule 10. Attendance (Citizenship/Responsibility) UB: Excessive Tardiness, UB: Leaving School without Permission, UB: Leaving Class without Permission UB: Truancy, UB: Skipping Class, UB: Cutting Class, UB: Late to Class — Every student is expected to be on time and in full-time attendance in his/her assigned classes except in instances of absences considered excusable by the state and local board of education.

Consequences

<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
In-school disciplinary action.	In-school disciplinary action.	Ranging from in-school disciplinary action up to 2 days OSS.
Truant from school or specific classes.	Truant from school or specific classes.	Truant from school, specific classes or Saturday School
School assigned disciplinary action	Ranging from in-school disciplinary action up to 2 days OSS.	Ranging from in-school disciplinary action up to 2 days OSS.

Rule 11. Insults, Abusive Remarks, Racial Language, Hate Speech, Harassment, Bullying, Profane or Obscene Language, Seriously Disrespectful Words, Acts of Touching, Gestures, Signs, Verbal Threats or Other Acts
(Respect/Caring/Responsibility/Justice and Fairness)

UB: Bullying, UB: Harassment – Racial, UB: Harassment – Disability, UB: Inappropriate Language/Disrespect, UB: Cyber Bullying, UB: Harassment – Sexual Orientation, UB: Harassment, Religious Affiliation — Students shall respect other students, visitors, school employees and other persons by utilizing appropriate language and behaviors at all times. Cursing, using vulgar, abusive or demeaning language toward another person, action which is insulting, abusive, harassing, bullying, profane, obscene, threatening or seriously disrespectful or which disrupts the learning process for any student or which demeans or degrades another person is specifically prohibited. In addition, any act of retaliation against an individual for reporting insulting, abusive, harassing, threatening or

bullying actions is expressly prohibited. This rule applies to behavior that takes place on any school property at any time, on any school bus or school vehicle, at any bus stop, at any school-related activity, at any time or any place that a student is subject to the authority of school personnel, or at any time or place when the behavior has a direct and immediate effect on maintaining order and discipline in the schools. **This includes relaying threats or rumors about others.** (Also, determine if Rule 27 applies)

Consequences

<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
Ranging from school assigned disciplinary action up to 5 days OSS. Restorative practices may be implemented. Law enforcement may be contacted.	Ranging from in-school disciplinary action up to 10 days OSS. Restorative practices may be implemented. Repeated violations may result in a recommendation for long-term suspension. Law enforcement may be contacted.	Ranging from in-school disciplinary action up to 10 days OSS. Restorative practices may be implemented. Repeated violations may result in a recommendation for long-term suspension. Law enforcement may be contacted.

Rule 12. Hazing and Intimidation (Respect/Caring/Justice and Fairness)

UB: Inappropriate Language/Disrespect, UB: Honor Code Violation — It shall be a violation of board policy for any student to engage in hazing or to aid or abet any other student in hazing. For the purpose of this policy, hazing is defined as follows: “to annoy any student or school employee by playing abusive or ridiculous tricks on him/her, to frighten, scold, beat or harass him/her or to subject him/her to personal indignity. Furthermore, deliberate intimidation or harassment in any form is prohibited. (G.S. 14-36 and 115C-391). (Also, determine if Rule 27 applies)

Consequences

<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
Ranging from school assigned disciplinary action up to 3 days OSS. Law enforcement may be contacted.	Ranging from in-school disciplinary action up to 10 days OSS and possible recommendation for long-term suspension. Law enforcement may be contacted.	Ranging from in-school disciplinary action up to 10 days OSS and possible recommendation for long-term suspension. Law enforcement may be contacted.

Rule 13. Sexual Harassment (Respect/Caring) UB: Harassment – Sexual — Sexual harassment of students or employees of the Mooresville Graded School District and any visitors or other individuals while on school premises or attending or participating in school activities is prohibited. Students are also prohibited from retaliating against any employee or student who has filed a sexual harassment complaint or participated in an investigation, proceeding, or hearing regarding said complaint. Sexual harassment is defined a

unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that tends to create a hostile or offensive educational or work environment.

Consequences

<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
Ranging from school assigned disciplinary action up to 5 days OSS.	Ranging from in-school disciplinary action up to 10 days OSS and possible recommendation for long-term suspension. Law enforcement may be contacted.	Ranging from in-school disciplinary action up to 10 days OSS and possible recommendation for long-term suspension. Law enforcement may be contacted.

Rule 14. Extortion (Responsibility/Respect/Citizenship) UB: Extortion — Students shall not extort through verbal, written or physical threats, coercion or intimidation anything of value from any other student or school employee.

Consequences

<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
Ranging from school assigned disciplinary action up to 10 days OSS. Law enforcement may be contacted.	Ranging from in-school disciplinary action up to 10 days OSS and possible recommendation for long-term suspension. Law enforcement may be contacted. Restitution may be required.	Ranging from in-school disciplinary action up to 10 days OSS and possible recommendation for long-term suspension. Law enforcement may be contacted. Restitution may be required.

Rule 15. Physical Assault with Physical Injury Upon a Student (Responsibility/Caring/Justice and Fairness) UB: Assault – Student, PD: Physical Attack with a Firearm, PD: Assault Resulting in Serious Injury, PD: Assault Involving the Use of a Weapon — Students shall not cause, attempt to cause or verbally (written, digital or orally) threaten to cause injury of any kind to a student while a student is at school, in any school building or on any school premises, off school property at any school-sponsored or school- approved activity or function, during any period of time when students are subject to the authority of school personnel, or at any time when the student’s behavior has a direct and immediate effect on maintaining order and discipline and protecting the safety and welfare of students or staff.

Consequences

<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
Ranging from school assigned disciplinary action up to 10 days OSS . Law enforcement may be contacted.	OSS up to 10 days and possible recommendation for long-term suspension. Law enforcement will be contacted if required by law and may be contacted in other circumstances.	OSS up to 10 days and possible recommendation for long-term suspension. Law enforcement will be contacted if required by law and may be contacted in other circumstances.

Rule 16. Fighting Among Students (Responsibility/Caring/Justice and Caring)

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

Self-Defense is defined as the act by a non-aggressor victim using reasonable force to avoid being hit in order to enable oneself to get free from the attacker and notify school authorities. It is not self-defense to participate in the fight. Students who exceed reasonable force in protecting themselves will be disciplined for violating this rule even though another person provoked the fight. Administrators will have the discretion to recognize the need for self-defense on an incident-by-incident basis.

Consequences

<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
Ranging from school assigned disciplinary action up to 10 days OSS. Law enforcement may be contacted.	Ranging from 3 days OSS to 10 days OSS and possible recommendation for long-term suspension. Law enforcement may be contacted.	Ranging from 3 days OSS to 10 days OSS and possible recommendation for long-term suspension. Law enforcement may be contacted.

* Anger management classes may be offered for students who engage in fights and attendance may be mandatory when deemed appropriate by school administration. Students opting to attend anger management classes when available may do so in lieu of one day OSS.

Rule 17. Using Violence or Threat of Violence to commit Robbery, Burglary, Taking or Destroying Property (Responsibility/Respect/Citizenship)

RO: Robbery without a dangerous weapon, *RO: Robbery with a dangerous weapon, *PD: Robbery with a firearm or powerful explosive. UB: Communicating Threats, UB: Threat of a Physical Attack with a Weapon, UB: Threat of Physical Attack with a Firearm — Students shall not steal or attempt to steal, damage or destroy property of others using threats of bodily harm.

Consequences

<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
Ranging from school assigned disciplinary action up to 10 days OSS and possible recommendation for long-term suspension. Law enforcement will be contacted. Restitution may be required.	OSS up to 10 days and possible recommendation for long-term suspension. Law enforcement will be contacted. Restitution may be required.	OSS up to 10 days and possible recommendation for long-term suspension. Law enforcement will be contacted. Restitution may be required.

Rule 18. Theft or Destruction of School or Personal Property

(Responsibility/Respect/Citizenship) *UB: Property Damage, Use of Fire, *RO: Burning of a School Building, UB: Unlawfully setting a fire UB: Theft, UB: Inappropriate Items on School Property (stolen goods)* — Students shall not steal, attempt to steal, possess stolen property, or intentionally damage or attempt to damage any school or private property while under school jurisdiction. Students shall not vandalize, damage or attempt to damage property belonging to others. A student will neither set fire nor attempt to set fire to anything on school property or participate with others to damage or destroy school property through the use of fire. This includes striking matches, flicking cigarette lighters or using any instrument capable of producing fire on school property or at a school-sponsored or school-related activity that is on or off school property. (This violation does not include any smoking violations. For smoking violations, refer to Rule 6.

Consequences

<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
Ranging from school assigned disciplinary action up to 10 days OSS. Law enforcement may be contacted. Restitution may be required.	Ranging from in-school disciplinary action up to 10 days OSS and possible recommendation for long-term suspension. Law enforcement may be contacted. Restitution may be required.	Ranging from in-school disciplinary action up to 10 days OSS and possible recommendation for long-term suspension. Law enforcement may be contacted. Restitution may be required.

Rule 19. Possession of a Dangerous Weapon or Other Instrument

(Responsibility/Caring)*RO: Possession of a Weapon – Not Including Firearms — Students shall not possess, conceal or transport any weapon or other instrument that is intended to or could cause bodily injury or other harm to another or misuse otherwise acceptable objects in a manner intended to cause harm to others at any time while a student is at school, in any school building or on any school premises, attending school-sponsored or school-related activities, on or about any school-owned or operated vehicle, off school property at any school-sponsored or school-related activity, or during any period of time

when students are subject to the authority of school personnel, and at any time when the student's behavior has a direct and immediate effect on maintaining order and discipline and protecting the safety and welfare of students and staff. For purposes of this rule, items included are dangerous instruments other than firearms as described in N.C.G.S. 14-269.2(b) but includes facsimile of weapons including toy guns, etc. Also included under this rule are knives, razors, brass/metallic knuckles, slingshot, blackjack, stun gun or other electric shock weapon, BB gun, inoperable antique firearm, air rifle, air pistol, icepick, destructive or incendiary device, fireworks, mace, pepper spray, etc. This list is not an all-inclusive list of materials prohibited under this rule.

Consequences

<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
Confiscate weapon. Ranging from school assigned disciplinary action up to a recommendation for long-term suspension. Law enforcement may be contacted.	Confiscate weapon. Up to 10 days OSS and possible recommendation for long-term suspension for maximum allowed. Law enforcement will be contacted.	Confiscate weapon. 10 days OSS and possible recommendation for long-term suspension for maximum allowed. Law enforcement will be contacted.

Rule 20. Possession of a Firearm (*loaded or unloaded*) (**Responsibility/Citizenship**)

****RO: Possession of a Firearm, *PD: Robbery with a Firearm or Powerful Explosive,***

UB: Threat of Physical Attack with a Firearm, *PD: Physical Attack with a Firearm —

Students shall not possess, conceal or transport any weapon or instrument that is intended to or could cause bodily injury or other harm to another or any firearm as defined in N.C.G.S. 115C-390.1(5) and to include any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive or incidental items relating to firearms use such as bullets, magazine clips or other projectile items at any time while a student is at school, in any school building or on any school premises, off school property at any school-sponsored or school-approved activity, or during any period of time when students are subject to the authority of school personnel, and at any time when the student's behavior has a direct and immediate effect on maintaining order and discipline and protecting the safety and welfare of students and staff.

Consequences

<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
Confiscate weapon. Ranging from school assigned disciplinary action up to a recommendation for long-term suspension up to 365 days. Law enforcement will be contacted.	Confiscate weapon. 10 days OSS and recommendation for long-term suspension for 365 days. Law enforcement will be contacted.	Confiscate weapon. 10 days OSS and recommendation for long-term suspension for 365 days. Law enforcement will be contacted.

Rule 21. Narcotics, Alcoholic Beverages, Controlled Substances, Chemicals, and Drug Paraphernalia (Responsibility/Citizenship)

Alcohol **RO: Alcohol Possession, *RO: Use of Alcoholic Beverages*

Marijuana *UB: Under the Influence of Controlled Substances, *RO: Possession of Controlled Substances*

Drugs/Illegal Substances and Counterfeit Drugs:

Use, Influence or Possession of Drugs, RO: Use of Controlled Substance, RO: Use of Narcotics, UB: Use of Counterfeit items, UB: Possession of Counterfeit Items, *RO: Possession of Controlled Substance-Others, *RO: Possession of Controlled Substance -Ritalin, *RO: Possession of Controlled Substance-Cocaine, *RO: Possession of Another Person's Prescription Drug.

Sale/Distribution (Attempt or Actual) RO: Sale of controlled substance in violation of law-marijuana, RO: Sale of controlled substance in violation of law – Ritalin, RO: Sale of controlled substance in violation of the law – Cocaine.

Paraphernalia UB: Possession of Chemical or Dry Paraphernalia – No student shall possess, use, distribute, transmit, sell, possess with intent to distribute or sell, or conspire or attempt to distribute or sell, or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid, other controlled substance, synthetic stimulants such as MDPV and methadone, synthetic cannabinoids such as “Spice” or “K2”, any alcoholic beverage, malt beverage, fortified wine, other intoxicating liquor, 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 nor be in possession of drug paraphernalia.

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

1. **Possess**: Having the power or intent to control a prohibited substance and shall include, but is not necessarily limited to the possession of a prohibited substance in a student's automobile, locker, book-bag, or desk, or on a student's person.
2. **Use**: The consumption, injection, inhalation or absorption of a prohibited substance into a student's body by any means.
3. **Under the influence**: The use of any prohibited substance at any time or place when the prohibited substance would influence a student's mood, behavior, or learning to any degree.
4. **Sell**: The exchange of a prohibited substance for money, property, or any other benefit or item of value.
5. **Distribute**: To give, share, or pass a prohibited substance.
6. **Possess with intent to distribute/sell**: Intent to distribute or sell may be determined from the amount of the prohibited substance found, the manner in which it is packaged, the presence of packaging materials such as scales, baggies or other containers, or from statements or actions of the student that demonstrate an intent to distribute or sell.

7. Counterfeit Substance: Any substance that is described or presented with the intention of deceiving another into believing that it is a substance prohibited under this policy.

8. Unauthorized Prescription Drug: Any drug or medication that has not been prescribed for the student.

Use of a drug authorized by a valid medical prescription from a registered physician shall not be considered a violation of this rule when the drug is taken by the person for whom the drug was prescribed and in the manner for which it was prescribed.

Any of the aforementioned substances, which may lawfully be possessed by students, may be brought to school and used for an approved school project under the proper supervision of school personnel and with prior approval of the principal.

Any student using drugs prescribed by a physician or over-the-counter medication, including aspirin and cold medicines, is required to have a school Medication Form completed by a physician and on file in the school office. These forms may be picked up from the school nurse or school secretary. All medication must be checked in with school personnel or a school nurse and must remain in the office. Students are not allowed to keep any medication in their possession (i.e. book bags, lockers, purses, etc.). Students must come to the office or other designated area at the required time(s) to take the required dosage. Under specific conditions, physicians may request that a student keep certain types of medication (i.e. inhaler) in his/her possession for immediate use. However, the written medication request specifically documenting this need must be on file in the main office. Students are not permitted to sell or distribute non-prescription medication. Distribution and/or consumption of such unauthorized medication may be a violation of Rule 21. Any sharing of medication between students will be handled with severe repercussions as described in the *Student Code of Conduct*.

Consequences

<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
Ranging from 10 days OSS to long-term suspension. Law enforcement will be contacted.	10 days OSS and possible recommendation for long-term suspension.* Law enforcement will be contacted.	10 days OSS and possible recommendation for long-term suspension.* Law enforcement will be contacted.

*Except as noted below, the first violation of this policy by a student in grades 7-12 may result in the long-term suspension of the student from the school system for the remainder of the school year.

1. When a first infraction does not involve the distribution, sale, possession with intent to distribute or sell, or conspiracy or attempt to distribute or sell a substance prohibited by this policy, an alternative to long-term suspension may be offered. This alternative shall be offered only one time to students during the student's school career unless an exception is made by the superintendent. The alternative shall consist of a 10-day suspension that may be reduced to five if the student participates in a corrective education and/or counseling program. The program shall be designed by the superintendent and agreed to in writing by the

parent, guardian, student, and school principal. Parents, guardians, and students shall be provided information by school authorities concerning approved alternative programs. Failure to meet any requirements of the alternative program activates the remaining five suspension days. Parents will be required to submit documentation from the agency providing the program verifying participation.

2. Any student who is fourteen (14) years of age or older and who distributes, sells, possesses with intent to sell, or conspires to distribute or sell any schedule I or schedule II controlled substance as defined by the North Carolina Controlled Substances Act may be expelled.

3. The proper use of a drug authorized by valid medical prescription from a legally authorized health care provider shall not be considered a violation of this rule when the drug is taken by the person for whom the drug is prescribed. However, other disciplinary action may be taken if the student fails to abide by the district's medication policy.

4. The first violation of this policy by a student in grades K-12 who is in possession of a prohibited substance and a weapon or dangerous instrument shall result in at least a 10-day suspension with possible long-term suspension and may result in suspension for 365 days or expulsion where permitted by law.

5. Law enforcement will be notified.

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

Legal Reference: G. S. 115C-391; G. S. 90-89-90

Rule 22. Gang and Gang Related Activities (*Responsibility/Caring/Justice and Fairness*)

UB: Gang Activity — The Mooresville Graded School District does not support or condone gang membership or gang activity. The Superintendent/designee shall regularly consult with law enforcement officials to identify gang-related items, symbols and behaviors, and provide each principal with this information.

No student shall commit any act that promotes gangs or gang-related activities. 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 MGSD policy, and having a common name or common identifying sign, colors or symbols. Conduct prohibited by this policy includes but is not limited to:

1. Wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, emblems, badges, symbols, signs, visible tattoos and body markings, or other items, or being in possession of literature that shows affiliation with a gang, or is evidence of membership or affiliation in any gang or that promotes gang affiliation;

2. Communicating either verbally or non-verbally (gestures, handshakes, slogans, drawings, etc.), with the intent to convey membership affiliation in any gang or that promotes gang affiliation;

3. Tagging or otherwise defacing school or personal property with symbols or slogans intended to convey membership or affiliation in a gang;

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4. Requiring payment of protection, insurance, or otherwise intimidating or threatening any person related to gang activity;
 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;
 7. Committing any other illegal act or other violation of school system policies in connection with gang-related activity.

Before being suspended for a first offense of wearing gang-related attire or communicating either verbally or non-verbally with the intent to convey membership affiliation in any gang or that promotes gang affiliation (when not involved in any other kind of gang-related activity or behavior), a student shall receive an individualized warning as to what item or conduct is in violation of Rule 22 and shall be allowed to immediately change or remove any prohibited items. A student may be punished only if he or she previously received notice that the specific item or conduct is prohibited.

Consequences

<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
Ranging from in-school disciplinary action up to 10 days OSS and possible recommendation for long-term suspension. Law enforcement may be contacted.	Up to 10 days OSS and possible recommendation for long-term suspension for maximum allowed by law. Law enforcement will be contacted.	Up to 10 days OSS and possible recommendation for long-term suspension for maximum allowed by law. Law enforcement will be contacted.

In a situation where a student has violated this policy or is otherwise suspected of gang affiliation through other circumstantial evidence, the principal shall conduct an intervention involving the principal and/or assistant principal, the student, and the student's parent. Such intervention may also include the school resource officer and others as appropriate. The purpose of the intervention is to discuss school officials' observations and concerns and to offer the student and his or her parent information and an opportunity to ask questions or provide other information to school officials.

Rule 23. Unjustified Activation of a Fire or Other Alarm System

(Responsibility/Respect/Citizenship/Honesty) UB: False Fire Alarm — Students shall not activate any fire or other alarm system unless authorized to do so by school employees or unless there are reasonable grounds to believe that an actual emergency situation exists.

Consequences

<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
Ranging from school assigned disciplinary action up to 10 days OSS. Law enforcement may be contacted.	Up to 10 days OSS and recommendation for long-term suspension. Law enforcement will be contacted.	Up to 10 days OSS and possible recommendation for long-term suspension. Law enforcement will be contacted.

Rule 24. Disruption of School, Communicating a False Bomb Report or Perpetrating a Bomb Hoax, Terrorist Threat, Inciting or Participating in Student Disorder (Responsibility)*RO: Bomb Threat — Students shall not lead or participate in any activity that has as its purpose the disruption of school business or that significantly affects the educational process. In the event that the disruption does not abate immediately or if the principal deems it appropriate, law enforcement will be contacted.

Consequences

<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
Ranging from school assigned disciplinary action up to 10 days OSS and possible recommendation for long-term suspension. Law enforcement may be contacted.	Ranging from school assigned disciplinary action up to 10 days OSS and possible recommendation for long-term suspension. Law enforcement may be contacted.	Ranging from school assigned disciplinary action up to 10 days OSS and possible recommendation for long-term suspension. Law enforcement may be contacted.

Rule 25. Violations of North Carolina Criminal Statutes — Students shall not violate any criminal statute or local ordinance or commit any act which could result in criminal prosecution or juvenile proceedings not previously covered elsewhere in these rules at any time while a student is at school, in any school building or on any school premises, attending school-sponsored or school-related activities, on or about any school-owned or school-operated vehicle, off school property at any school-sponsored or school-related activity, or during any period of time when students are subject to the authority of school personnel and at any time when the student's behavior has a direct and immediate effect on maintaining order and discipline and protecting the safety and welfare of students and staff.

Consequences

<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
Ranging from school assigned disciplinary action to 10 days OSS and possible recommendation for long-term suspension for maximum allowed by law. Law enforcement may be contacted.	Up to 10 days OSS and possible recommendation for long-term suspension for maximum allowed by law. Law enforcement will be contacted.	Up to 10 days OSS and possible recommendation for long-term suspension for maximum allowed by law. Law enforcement will be contacted.

Rule 26. Assault or Threats Against Adults (Respect/Caring)*RO: Assault on School Personnel with No Serious Injury, *PD: Assault Resulting in Serious Injury, UB: Assault - Other

A) - Students shall not cause or attempt to cause physical or bodily harm to any adult at any time while a student is at school in any school building and on any school premises, attending school-sponsored activities, on or about any school-owned or operated vehicle, off school property at any school-sponsored or school-approved activity or function, or during any period of time when students are subject to authority of school personnel, and at any time when the student's behavior has a direct and immediate effect on maintaining order and discipline and protecting safety and welfare of students and staff.

Consequences

<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
Ranging from school assigned disciplinary action up to 10 days OSS. Law enforcement may be contacted.	10 days OSS and possible recommendation for long-term suspension. Law enforcement will be contacted.	10 days OSS and possible recommendation for long-term suspension. Law enforcement will be contacted.

A student who is at least 13 years old and physically assaults and seriously injures a teacher or other school personnel or adult will be suspended for at least the remainder of the school year up to 365 days.

B) - Written/Cyber Threats/Stalking or Verbal/Written/Cyber Assaults to School Employees and Other Adults UB: Misuse of School Technology, UB: Honor Code Violation, UB: Community Threats, UB: Cyber-Bullying —

Students shall not, through written, digital 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, school nurse, bus drivers or monitors, school resource officers or other adults at any time while a student is at school in any school building or on any school premises, attending school-sponsored activities, on or about any school-owned or operated vehicle, off school property at any school-sponsored or school-approved activity or function or during any period of time when students are subject to the authority of school personnel and at any time when the student's behavior has a direct and immediate effect on maintaining order and discipline and protecting the safety and welfare of students and staff.

Consequences

<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
Ranging from school assigned disciplinary action up to 10 days OSS . Law enforcement may be contacted.	Up to 10 days OSS and possible recommendation for long-term suspension. Law enforcement will be contacted.	Up to 10 days OSS and possible recommendation for long-term suspension. Law enforcement will be contacted.

Rule 27. Technology and the Internet (Honesty) UB: Misuse of School Technology, UB: Honor Code Violation, UB: Communicating Threats, UB: Cyber-Bullying – Students should use technology and the Internet in an appropriate manner. Technology is an integral part of a student’s educational experience and must be used in support of education and research consistent with the educational objectives of MGSD. Technology includes, but is not limited to, computers, other hardware, electronic devices, software, internet, e-mail, all other networks, etc. Student use of technology is a privilege. Students are responsible for appropriate use of all computers to which they have access. Obscene, pornographic, threatening, or other inappropriate use of technology, including, but not limited to, e-mail, instant messaging, cyber bullying, web pages, and use of hardware and/or software which disrupts or interferes with the safety and welfare of the school community, is prohibited, even if such uses take place off school property (i.e., home, business, private property, etc.). Altering the pre-set MGSD software image is prohibited. Mooresville Graded Schools adheres to the provisions of the Children’s Internet Protection Act (CIPA).

A. General Terms and Conditions of Use

1. Transmission of any material in violation of Federal, State, or local law, ordinance, School Board policy, regulation or the Code of Student Conduct is prohibited. This includes, but is not limited to, the following: copyrighted material, cyber bullying, threatening, violent, obscene, or pornographic material, material protected by trade secret, and uploaded or created computer viruses.
2. Use of technology for commercial activities is prohibited unless explicitly permitted by the School Board. Commercial activity includes, but is not limited to, the following:
 - a. any activity that requires an exchange of money and/or credit card numbers;
 - b. any activity that requires entry into an area of service for which the school will be charged a fee;
 - c. any purchase or sale of any kind; and
 - d. any use for product advertisement or political lobbying.
3. Altering/modifying the original MGSD pre-set software image and/or taking apart the computer for access to internal parts is prohibited.

B. Responsible/Acceptable/Safe Use of Technology

The following rules are in effect for all MGSD computers unless otherwise directed by a teacher or administrator:

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1. It is the responsibility of each student to ensure that student-loaded files and programs do not consume hard drive space needed for instructional or educational requirements.
 2. Teachers may authorize students to use the Internet and other communication mediums that include but are not limited to e-mail and discussion boards, for instructional purposes.
 3. Pornographic, obscene, or vulgar images, sounds, music, video, language, or materials, including screensavers, backdrops, and/or pictures, are prohibited.
 4. Downloading, uploading, or importing games, screen animations, as well as programs or files that can be run or launched as a stand-alone program is prohibited at all times.
 5. Downloading, uploading, importing music and videos are allowed outside of school hours, so long as it does not violate copyright law or contain words or images that are pornographic, obscene, graphically violent or vulgar.
 6. Illegal use or transfer of copyrighted materials to a school owned computer, including laptops, is prohibited. Students should only download/import music or materials (files) that they are authorized or legally permitted to reproduce, or for which they have the copyright.
 7. Students are prohibited from playing games during the instructional day unless otherwise directed by a teacher or administrator.
 8. File sharing must be approved and directed by the teacher.
 9. Headphones may be used during the instructional day with teacher permission as long as the use does not interfere with the instructional program.
 10. Laptops are to be used in study halls for instructional purposes only.
 11. Students shall not deface or vandalize MGSD computers in any way. This includes, but is not limited to, marking on, painting on, drawing on, marring, placing stickers on, or damaging a computer.
 12. Additions, modifications or deletion of files, except in the student's 'directory' or 'home directory,' are prohibited.
 13. Students are prohibited from sharing passwords with one another for any reason and should make every effort to keep all passwords secure and private.
 14. Students should not introduce or allow the introduction of any computer virus to any MGSD computer.
 15. Putting non-school related material (files) on a school file server is prohibited.

C. Personal Responsibility and Integrity All who use MGSD technology resources must recognize that the work of all users is valuable; therefore, every user must respect the privacy of others. Users shall not seek information on, obtain copies of, or modify files, other data, or passwords belonging to other users, or misrepresent or assume the identity of other users.

To protect students while at school and home, and to meet the Children's Internet Protection Act (CIPA) requirements, access to the Internet is filtered through a commercial filtering system. All students are expected to behave responsibly and with integrity when using technology. These responsibilities include, but are not limited to, the following:

1. Use technology for school-related purposes only during the instructional day;
2. Revealing unauthorized personal information about yourself or others is prohibited;
3. Do not copy, change, read, or use files in another user's storage area (such as hard disk space, diskettes, mail, server space, personal folders, flash drives, etc.) without the user's

permission;

4. Refrain at all times from cyber bullying.

D. Security

Security on any computer system is a high priority. Attempting to log on to the MGSD network using another person's identity is prohibited. Bypassing or attempting to bypass MGSD filtering software is prohibited. All security problems must be reported to an administrator.

E. Privacy/Copyright

The illegal use, distribution or transfer of copyrighted material on MGSD computers is prohibited.

All files, emails, data, etc. that is created, stored, or accessed with a MGSD computer are public record.

F. Alteration of Pre-set Software Image

Altering/modifying the original MGSD pre-set software image is prohibited. Examples may include, but are not limited to the following:

1. Loading/installing any software applications unless done by MGSD
2. Changing the computer name
3. Changing or removing operating system extensions
4. Altering security software
5. Altering the pre-loaded operating system or applications
6. Taking apart the computer for access to internal parts.

Violations of these regulations will result in serious disciplinary action and may also result in criminal charges if the violation of the regulation is also a violation of Federal, State, or local law or ordinance. Examples of such dual violations are (i) computer hacking or trespassing, (ii) harassment, threats, or cyber bullying via computer, and (iii) computer fraud. Ignorance of these regulations will not excuse an infraction.

Any student found to reconfigure the pre-loaded software image will receive an out-of-school suspension. Other actions may include long-term suspension, expulsion, or any action deemed appropriate by the principal. Where North Carolina law is violated, law enforcement may be contacted and legal action taken.

Consequences

<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
Ranging from in-school disciplinary action up to 10 days OSS and possible recommendation for long-term suspension. Law enforcement may be contacted. Computer access and use may be revoked.	Ranging from in-school disciplinary action up to 10 days OSS and possible recommendation for long-term suspension. Law enforcement may be contacted. Computer access and use may be revoked.	Ranging from in-school disciplinary action up to 10 days OSS and possible recommendation for long-term suspension. Law enforcement may be contacted. Computer access and use may be revoked.

Other actions in this range of consequences include:

Student Conference	Court Referral
Parent Contact	Restitution
Conference with Parent	Community Service
Removal of unauthorized files and folders	Revocation of Computer Access/Use
Detention	Law Enforcement Contact
Alternative School Program	Criminal Charges (possible felony)
Recommendation for Expulsion	Suspension
Financial Charges for Damages	

Rule 28. Bus Misbehavior (Responsibility/Respect)/Citizenship UB: Insubordination, UB: Disruptive Behavior — Students, at all times while riding a school bus or other school-owned or operated vehicle, shall observe the directives of the school bus driver and/or bus/contract vehicle safety monitor. The following conduct is specifically prohibited and may result in revocation of school system provided transportation privileges: delaying the bus schedule, fighting, smoking, using profanity or refusing to obey the driver's instructions, tampering with or willfully damaging the school vehicle, getting off at an unauthorized stop, distracting the driver's attention by participating in disruptive behavior while the vehicle is in operation, throwing objects from the bus, failing to observe and obey safety regulations, willfully trespassing on a school-owned or operated vehicle or violating any other Student Code of Conduct rules while on the school bus. This list is not meant to be all-inclusive, but to serve as a guideline for determining inappropriate behavior. If a violation of this rule also violates other rules of the Student Code of Conduct, consequences in addition to those listed below may be implemented.

General School Bus Rules/Expectations

- 1) Students will obey the instructions of the bus driver or bus monitor and will obey general safety rules and procedures at all times while on the school bus. Disruptive and distracting behavior presents a major safety risk and is prohibited.
- 2) Students will be courteous and respectful to one another and to school personnel. Therefore profane, disrespectful, and intimidating language and actions will not be tolerated.
- 3) Students will keep the bus clean and in good condition. Eating and drinking on the school bus is not allowed. Also, students will not damage school property or the property of others.
- 4) Students will remain seated and face the front while on the bus, will keep all objects including hands, feet, and head inside the bus at all times, and will keep the aisle clear of any obstructions.
- 5) Students will only load and unload the school bus at their authorized bus stop locations. Students will be waiting at the bus stop when the bus arrives for pick up in order to prevent any unnecessary delays in the bus schedule.
- 6) Students will follow all applicable rules of the Student Code of Conduct while on the school bus, while at the bus stop, and while going to the bus stop or from the bus stop home.

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- 7) General Safety Rules and Procedures include – remaining seated at all times while the bus is in motion, not distracting the driver’s attention during the route, being respectful to others on the bus, not throwing items on or out of the bus at anytime, not tampering with school bus equipment or safety doors or windows, and not engaging in any act with endangers, impairs, or impedes the health, safety, or welfare of others on the bus or those around the bus.

Riding a school bus is a privilege and not a right. Therefore, students will follow the above rules and expectations in order to help make the school bus a safe place for students and school district employees.

Consequences

<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
School assigned disciplinary action and/or bus suspension up to 10 days. Serious violations may result in OSS, permanent suspension from riding the bus, and may be referred to law enforcement.	School assigned disciplinary action and/or bus suspension up to 10 days. Serious violations may result in OSS, permanent suspension from riding the bus, and may be referred to law enforcement.	School assigned disciplinary action and/or bus suspension up to 10 days. Serious violations may result in OSS, permanent suspension from riding the bus, and may be referred to law enforcement.

DPI Crime Definitions

Crime Definitions

**Italicized offenses are considered dangerous and may lead to a school being designated "Persistently Dangerous."The threshold for this status is at least two dangerous acts and a ratio of at least five dangerous acts per thousand students.*

1. Assault Resulting in Serious Personal Injury: An intentional offer or attempt by force or violence to do injury to the person of another that causes reasonable apprehension of immediate bodily harm resulting in one of the following: (1) substantial risk of death, (2) serious permanent disfigurement, (3) a coma, (4) a permanent or protracted condition that causes extreme pain, (5) permanent or protracted loss or impairment of the function of any bodily member or organ, or (6) that results in prolonged hospitalization. If an offender used a weapon in an assault resulting in serious injury, report both Assault Resulting in Serious Injury and Assault Involving Use of a Weapon.

2. Assault Involving Use of a Weapon: An intentional offer or attempt by force or violence to do injury to the person of another that causes reasonable apprehension of immediate bodily harm through the use of one of the following: (1) any gun, rifle, pistol, or other firearm, (2) BB gun, (3) stun gun, (4) air rifle, (5) air pistol, (6) bowie knife, (7) dirk, (8) dagger, (9) slingshot, (10) leaded cane, (11) switchblade knife, (12) blackjack, (13) metallic knuckles, (14) razors and razor blades, (15) fireworks, or (16) any sharp-pointed or edged

instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction, and maintenance. If a firearm or other weapon is used in the commission of any offense, the type of weapon must be identified in the Weapon Used/Possessed column of the Data Collection Form.

3. Assault on School Officials, Employees, and Volunteers: An intentional offer or attempt by force or violence to do injury to a school official, employee, or volunteer that causes reasonable apprehension of immediate bodily harm while the school official, employee, or volunteer is discharging or attempting to discharge his/her duties.

- The "duties" of a school official, employee, or volunteer include the following: (1) all activities on school property, (2) all activities during a school authorized event or the accompanying of students to or from that event, and (3) all activities relating to the operation of school transportation.
- An "employee" includes (1) one who is employed by a local board of education, (2) one who is employed by a charter school, (3) one who is employed by a nonpublic school that operates under Part 1 or Part 2 of Article 39 of Chapter 115C of the General Statutes, or (4) an independent contractor if the independent contractor or employee of the independent contractor carries out duties customarily performed by employees of the school.
- A "volunteer" is one who volunteers his/her services or presence at any school activity and is under the supervision of an employee. This offense includes assaults on school personnel that do not involve the use of a weapon and do not result in apparent serious injury.

4. Making Bomb Threats or Engaging in Bomb Hoaxes: A person who, with intent to perpetrate a hoax, conceals, places, or displays in or at a public building any device, machine, instrument, or artifact, so as to cause any person reasonably to believe the same to be a bomb or other device capable of causing injury to persons or property.

- A public building" encompasses all educational property, as defined in G.S. 14-269.2, including: (1) any school building or bus, and (2) school campus, grounds, recreational area, athletic field, or other property owned, leased, or operated, by any board of education or school board of trustees or directors for the administration of any school. "Public buildings" also include: (1) hospitals, and (2) buildings that house only State, federal, or local government offices, or the offices of the State, federal, or local government located in a building that is not exclusively occupied by the State, federal, or local government.
- This offense includes when a person communicates a bomb threat by any means.

5. Willfully Burning a School Building: A person who wantonly and willfully sets fire to, burns, causes to be burned, or aids, counsels, or procures the burning of any schoolhouse or building owned, leased, or used by any public school, private school, college, or educational institution.

6. Homicide: A murder which is perpetrated by one of the following means: (1) nuclear, biological, or chemical weapon of mass destruction, (2) poison, (3) lying in wait, (4) imprisonment, (5) starving, (6) torture, (7) any other kind of willful, deliberate, and premeditated murder, (8) during the perpetration or attempted perpetration of an arson, rape,

sex offense, robbery, kidnapping, burglary, or other felony committed or attempted with the use of a deadly weapon, (9) the unlawful distribution and ingestion by someone of opium or any other synthetic or natural salt, compound, derivative, or preparation of opium, cocaine, or methamphetamine resulting in death, or (10) all other types of murder.

7. Kidnapping: A person who unlawfully confines, restrains, or removes from one place to another, any other person 16 years of age or over without the consent of such person, or any

other person under the age of 16 years old without the consent of a parent or legal guardian of such person, shall be guilty of kidnapping if such confinement, restraint, or removal is for the purposes of one of the following: (1) holding such other person for a ransom, as a hostage, or using such other person as a shield, (2) facilitating the commission of any felony or facilitating the flight of any person following the commission of a felony, (3) doing serious bodily harm to or terrorizing the person so confined, restrained, or removed by any other person, (4) holding such other person in involuntary servitude, (5) trafficking another person with the intent that the person be held in involuntary servitude or sexual servitude, or (6) subjecting or maintaining such other person for sexual servitude.

8. Unlawful, underage sales, purchase, provision, possession, or consumption of alcoholic beverages: It shall be unlawful for a person younger than 21 years of age to possess, sell, give, or purchase any alcoholic beverages. It is also unlawful for any person to aid and abet a person under the age of 21 years old in his/her attempt to obtain an alcoholic beverage.

- An "alcoholic beverage" includes the following: (1) malt beverage, (2) fortified wine, (3) unfortified wine, (4) spirituous liquor, (5) mixed beverages, or (6) beer.

9. Possession of a Controlled Substance in Violation of Law: It is unlawful for a person to possess or have in his/her **immediate** control any of the following: Marijuana, Heroin, LSD, Methamphetamine, Cocaine, or any other drug listed in Schedules I - VI of the North Carolina Controlled Substances Act. (G.S. §90-89 through 90-94.)

- The unauthorized possession of a prescription drug is included under this offense.

The principal should confer with law enforcement personnel if there is doubt as to whether or not a certain drug is considered a controlled substance.

10. Possession of a Firearm: It is unlawful for any person to possess or carry, whether openly or concealed any gun, rifle, pistol, or other firearm of any kind on educational property or to a curricular or extracurricular activity sponsored by a school,

- This offense does not apply to a BB gun, stun gun, air rifle, or air pistol.
- Persons authorized to carry weapons on school property are law enforcement officers, firefighters, and emergency service personnel when discharging their official duties.

11. Possession of a Weapon: It is unlawful for any person to possess or carry, whether openly or concealed, any of the following weapons on campus or other educational property: (1) any BB gun, (2) stun gun, (3) air rifle, (4) air pistol, (5) bowie knife, (6) dirk, (7) dagger, (8) slingshot, (9) leaded cane, (10) switchblade knife, (11) blackjack, (12) metallic knuckles, (13) razors and razor blades, (14) fireworks, or (15) any sharp-pointed or edged instrument,

except instructional supplies, unaltered nail files, clips, and tools used solely for preparation of food, instruction, maintenance.

- "Educational Property" refers to any school building or bus, school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by any
- board of education or school board of trustees, or directors for the administration of any school. Persons authorized to carry weapons on school property are individuals carrying a concealed handgun with a permit as authorized by Chapter 14, Article 54B of the NC General Statutes as amended by Session Law 2013-369, and law enforcement officers, firefighters, and emergency service personnel when discharging their official duties.

12. Rape: A person is guilty of rape if that person engages in vaginal intercourse with another person by force and against the will of the other person, or if the person being assaulted is mentally disabled, mentally incapacitated, or physically helpless and the person performing the act knows or should reasonably know that the other person is mentally disabled, mentally incapacitated, or physically helpless.

- Statutory rape is vaginal intercourse committed on a child under the age of 16 by a person who is at least 12 years old and at least 4 years older than the victim, regardless of whether the victim consented.

13. Robbery With a Dangerous Weapon: Any person or persons, who, having in possession or with the use or threatened use of any firearms or other dangerous weapon, implement or means, whereby the life of a person is endangered or threatened, unlawfully takes or attempts to take personal property from another or from any place of business, residence, or banking institution or any other place where there is a person or persons in attendance, at any time, either day or night, or who aids or abets any such person or persons in the commission of such crime.

14. Sexual Assault (not involving rape or sexual offense): A person is guilty of sexual battery if he/she, for the purpose of sexual arousal, sexual gratification, or sexual abuse, engages in sexual contact with another person by force and against the will of the other person, or if the person being assaulted is mentally disabled, mentally incapacitated, or physically helpless and the person performing the act knows or should reasonably know that the other person is mentally disabled, mentally incapacitated, or physically helpless.

- NCGS 14-27.1 defines "sexual contact" as touching the sexual organ, anus, breast, groin or buttocks of any person or a person touching another person with their own sexual organ, anus, breast, groin, or buttocks.
- The difference between a sexual assault and a sexual offense is that the sexual assault involves forcible and intentional touching without penetration, and a sexual offense involves penetration of a sex organ or anus by any object, or touching another's mouth or anus by the male sex organ.

15. Sexual Offense:

- First-degree sexual offense: A person is guilty of a sexual offense in the first degree if the person engages in a sexual act with (1) a victim who is a child under the age of 13 years and the defendant is at least 12 years old and is at least four years older than

the victim, or (2) with another person by force and against the will of the other person, and (a) employs or displays a dangerous or deadly weapon or an article which the person reasonably believes to be a dangerous or deadly weapon, (b) inflicts serious personal injury upon the victim or another person, or (c) the person commits the offense aided and abetted by one or more other persons.

- Sexual offense with a child (adult offender): A person is guilty of sexual offense with a child if the person is at least 18 years of age and engages in a sexual act with a victim who is a child and under the age of 13 years. Second-degree sexual offense: A person is guilty of a sexual offense in the second degree if the person engages in a sexual act with another person (1) by force and against the will of the other person, or (2) who is mentally disabled, mentally incapacitated, or physically helpless, and the person performing the act knows or should reasonably know that the other person is mentally disabled, mentally incapacitated, or physically helpless.
- Statutory rape or sexual offense of person who is 13, 14, or 15 years old: A person is guilty if he/she engages in vaginal intercourse or a sexual act with another person who is 13, 14, or 15 years old and the person committing the act is at least six years older than the person, except when the person committing the act is lawfully married to the other person.

16. Taking Indecent Liberties With A Minor: A person is guilty of taking indecent liberties with a child if, being 16 years of age or more and at least five years older than the child in question, he/she either: (1) willfully takes or **attempts** to take any immoral, improper, or indecent liberties with any child of either sex under the age of 16 years for the purpose of arousing or gratifying sexual desire, or (2) willfully commits or attempts to commit any lewd or lascivious act upon or with the body or any part or member of the body of any child of either sex under the age of 16 years. -A "lewd and lascivious act" is defined as an act that is obscene, lustful, or indecent, or tending to deprave the morals with respect to sexual relations

Due Process Procedures for Disciplinary Action

The Mooresville Graded School District Board of Education assumes its responsibility to assure every student's right to an equal educational 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 provide, in instances of serious misconduct, timely written notice adequately stating the charge against the student and containing facts sufficiently particular to describe the nature of the offense, and an opportunity for a hearing.

These procedures govern disciplinary matters requiring the attention of the principal or principal's designee. These procedures are 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.

Short-Term Suspension Procedures

Except as authorized in this section, no short-term suspension shall be imposed upon a student without first providing the student an opportunity for an informal hearing with the

principal. The notice to the student of the charges may be oral or written, and the hearing may be held immediately after the notice is given. The student has the right to be present, to be informed of the charges and the basis for the accusations, and to make statements in defense of mitigation of the charges. The principal may impose a short-term suspension without providing the student an opportunity for a hearing if the presence of the student creates a direct and immediate threat to the safety of other students or staff, or substantially disrupts or interferes with the education of other students or the maintenance of discipline at the school. In such cases, the notice of the charges and informal hearing described above shall occur as soon as practicable.

The principal shall provide notice to the student's parent of any short-term suspension, including the reason for the suspension and a description of the alleged student conduct upon which the suspension is based. The notice shall be given by the end of the workday during which the suspension is imposed when reasonably possible, but in no event more than two days after the suspension is imposed. The notice shall be given by certified mail, telephone, facsimile, email, or any other method reasonably designed to achieve actual notice.

A student is not entitled to appeal the principal's decision to impose a short-term suspension to the superintendent or local board of education. Further, such decision is not subject to judicial review.

Long-Term Suspension Information

A principal may recommend to the superintendent the long-term suspension of any student who engages in conduct that violates a provision of the Student Code of Conduct that authorizes long-term suspension. Only the superintendent has the authority to long-term suspend a student.

Before the superintendent's imposition of a long-term suspension, the student must be provided an opportunity for a hearing consistent with G.S. 115C-390.8 (described below). If the student declines the opportunity for a hearing, the superintendent shall review the circumstances of the recommended long-term suspension and may impose the suspension if it is consistent with board policies and appropriate under the circumstances, may impose another appropriate penalty authorized by the board policy, or may decline to impose any penalty. **If the offense leading to the long-term suspension occurs during the final quarter of the school year, the exclusion may include a period up to the remainder of the school year in which the offense was committed and the first semester of the following school year.**

Long-Term Suspension and Appeal Procedures:

1. When a student is recommended by the principal for long-term suspension, the principal shall give written notice to the student's parent. The notice shall be provided to the parent by the end of the workday during which the suspension was recommended when reasonably possible or as soon thereafter as possible. The written notice shall include a description of the incident, a reference to the rule in the Student Code of Conduct that the student violated, the specific process by which the parent may request an appeal hearing, the process by which the hearing will be held, notice that the parent is permitted to retain an attorney or to have an advocate present

during the appeal hearing, notice that the parent has the right to review and obtain copies of the student's educational records prior to the hearing, and reference to the board policy related to the expungement of discipline records as required by G.S. 115C-402. Written notice may be provided by certified mail, fax, email, or any other written method reasonably designed to achieve actual notice of the recommendation for long-term suspension.

2. No long-term suspension shall be imposed on a student until the opportunity for a formal hearing is provided to the student. If the student or parent wishes to appeal the recommendation, the student or parent shall, within 72 hours of receiving notice of the long-term recommendation, give written notice to the principal of their intention to appeal the principal's recommendation.

3. Upon notification by the principal of the requested appeal, the superintendent or designee shall convene a central office 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. If no hearing is timely requested or if neither the student nor parent appears for the scheduled hearing, the parent and student are deemed to have waived their right to a hearing and the superintendent shall review the recommendation as described above and render a decision.

4. The Appeals Committee shall allow the school to present a summary report regarding the nature of the offense(s), provide the results of the schools' investigation and outline the penalties the principal has recommended. If requested, the student and his/her parent will have access to all the information shared with the appeals committee provided that access to the information does not allow the student or his or her representative to identify witnesses when such identification could create a safety risk for the witness. The student and his/her parent will be provided the opportunity to present evidence and be allowed to call witnesses.

- The hearing may only be attended by the Appeals Committee members, the superintendent, the principal and/or designee, the student, the student's parents, and student's representative. Witnesses shall only be present when they are giving testimony to the Appeals Committee. No one other than committee members may be present during the Appeals Committee's deliberations.
- The student may be represented by an adult other than the parents at the hearing. The adult may act within the parameters set by the Convener as a representative in the defense of the student. The adult may be an attorney. At the time of requesting the hearing, the student or parent must notify the principal in writing if he/she will be represented by an attorney. Failure to do so may cause the hearing to be rescheduled at a later date. The principal or designee may also be represented by an attorney.
- The student may testify in his/her own defense and may be cross-examined. The student may not be compelled to testify and such action shall not be held against the student.

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- The Convener shall make a record of the hearing. The student, parent, or representative may make their own audio recording of the hearing as well.

5. The Appeals Committee, after hearing all the evidence and witnesses, will render one of two decisions: 1) that the rule in question was violated and affirm the decision of the principal to the superintendent or 2) that the rule in question was not violated and to recommend to the superintendent that the long-term suspension not be imposed.

- The Appeals Committee shall reach its decision by majority vote.
- The decision must be based solely on the evidence presented at the hearing and should state findings of fact on which the committee's decision rests.

The Convener will share the Appeals Committee's decision with the superintendent.

6. After hearing the Appeals Committee's decision, the superintendent may uphold the recommendation for long-term suspension, may impose another appropriate penalty authorized by board policy, or may decline to impose any penalty. The superintendent will notify the parent in writing of both the Appeal Committee's decision and his/her decision. If the superintendent upholds the long-term suspension recommendation, the written notification will advise the student and parent of their right to an appeal to the board of education. The student or parent shall, within 72 hours of receiving the notification, given written notice to the superintendent of their intention to appeal the superintendent's decision to the board of education. Implementation of the disciplinary action will be imposed pending the outcome of the appeal to the board of education. Such an appeal must be made on the record made in the initial hearing before the Appeals Committee. New evidence may be admitted only to avoid injustice and the board may alter the superintendent's decision of the matter only if it finds the decision clearly in error. Procedures for an appeal to the board of education can be found in Policy 2500 of the Mooresville Graded School District Board Policy Manual. The appeal to the board of education will be heard and a final written decision issued in not more than 30 calendar days following the request for such appeal.

7. The decision of the board of education is subject to judicial review in accordance with Article 4 of Chapter 150B of the General Statutes.

Students who are long-term suspended shall be offered alternative education services unless the superintendent provides a significant or important reason for declining to offer such services. Significant or important reasons include, but are not limited to:

1. The student exhibits violent behavior.
2. The student poses a threat to staff or other students.
3. The student substantially disrupts the learning process.
4. The student otherwise engaged in serious misconduct that make the provision of alternative educational services not feasible.
5. Educationally appropriate alternative education services are not available in the local school administrative unit due to limited resources.

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6. The student failed to comply with reasonable conditions for admittance into an alternative education program.

If the superintendent declines to provide alternative education services to the suspended student, the student may seek review of such decision by the local board of education as permitted by G.S. 115C-45(c)(2). If the student seeks such a review, the superintendent shall provide to the student and the local board, in advance of the board's review, a written explanation for the denial of services together with any documents or other information supporting the decision.

365-Day Suspension and Expulsion Recommendations

The principal shall recommend to the superintendent the 365-day suspension of any student who brings a firearm or destructive device on educational property, or to a school-sponsored event off educational property or who assaults a teacher, student, or in some instances as described in G.S. 115-391 (d1) and/or who communicates a false bomb report or perpetrates a bomb hoax as described in G.S. 115-391 (d3). The principal may recommend to the superintendent a long-term suspension for up to 365 days for any student who by means of communication makes an attempt to perpetuate a hoax or act of terror as described in G.S. 115-391 (d4). The board may modify the suspension upon recommendation of the superintendent. The board may also elect to provide educational services in an alternative setting. (G.S. 115C-391(d1)). The superintendent shall not impose a 365-day suspension if the superintendent determines that the student took or received the firearm or destructive device from another person at school or found the firearm or destructive device at school, provided that the student delivered or reported the firearm or destructive device as soon as practicable to a law enforcement officer or a school employee and had no intent to use such firearm or destructive device in a harmful or threatening way.

Upon the recommendation of the superintendent, the local board of education may expel any student 14 years of age or older whose continued presence in school constitutes a clear threat to the safety of other student or school staff. Prior to the expulsion of any student, the local board shall conduct a hearing to determine whether the student's continued presence in school constitutes a clear threat to the safety of other students or school staff. The student shall be given reasonable notice of the recommendation in accordance with G.S. 115C-390.8(a) and (b), as well as reasonable notice of the time and place of the scheduled hearing. During the expulsion, the student is not entitled to be present on any property of the local school administrative unit and is not considered a student of the local board of education.

Requests for Readmission

Returning to School from a Long-Term Suspension

Before returning to school from a long-term suspension, the student/parent must schedule a re-entry meeting with the school principal. The superintendent or designee may also be present at this meeting. The purpose of this meeting is to clearly discuss expectations for student academic effort and behavior upon the return to school in order to help insure success. A Re-entry Contract signed by each party may be used as a condition of returning to school from long-term suspension. The parent or student must contact the school principal to arrange this meeting prior to returning to school.

Returning to School from a 365-day Suspension or Expulsion

All students suspended for 365 days or expelled may, after 180 calendar days from the date of the beginning of the student's suspension or expulsion, request in writing readmission to

the local school administrative unit. Decisions on readmission shall be issued within 30 days of the petition. A decision by the local school board to deny readmission is not subject to judicial review. If a student is readmitted, the board and the superintendent have the right to assign the student to any program within the school system and to place reasonable conditions on the readmission.

Students suspended for 365 days will submit their written request for readmission to the superintendent, who will determine whether or not to admit the student prior to the end of the 365 day suspension. If the superintendent decides not to re-admit the student prior to the end of the 365 day suspension, the student may appeal that decision to the local school board pursuant to G.S. 115C-45(c). The superintendent shall notify the parent of their right to appeal.

Students expelled from school will submit their written request for readmission to the superintendent. The local board of education shall consider all petitions for readmission of expelled students, together with the recommendation of the superintendent on the matter, and shall rule on the request for readmission. The local school board shall consider the petition based upon records submitted by the student and the response by the administration and shall allow the parties to be heard in the same manner as provided by G.S. 115C-45(c). The student shall be readmitted if the student demonstrates to the satisfaction of the board or superintendent that his or her presence in a school no longer constitutes a clear threat to the safety of other students or staff.

Expungement of Disciplinary Actions

According to G.S. 115C-402(b), a student's official school record shall contain, as a minimum, adequate identification data including date of birth, attendance data, grading and promotion data, and such other factual information as may be deemed appropriate by the local board of education having jurisdiction over the school wherein the record is maintained. Each student's official record also shall include notice of any long-term suspension or expulsion imposed pursuant to G.S. 115C-390.7 through G.S. 115C-390.11 and the conduct for which the student was suspended or expelled. The superintendent shall expunge from the record the notice of suspension or expulsion if the following criteria are met:

1. The student's parent, legal guardian, custodian, or the student (if at least 16 years old or emancipated) makes a request for expungement.
2. The student either graduates from high school or is not expelled or suspended again during the two-year period commencing on the date of the student's return to school after the expulsion or suspension.
3. The superintendent determines that the maintenance of the record is no longer needed to maintain safe and orderly schools.
4. The superintendent determines that the maintenance of the record is no longer needed to adequately serve the child.

Role of Teachers and Administrators In School Safety and Student Discipline

Effective December 1, 1993, state law requires a principal or designee to immediately report to law enforcement agencies (sheriff or police) certain acts that occur on school property. When the principal has personal knowledge or actual notice that one of the acts listed below has occurred on school property, the principal shall immediately report the act to the appropriate local law enforcement agency. Once the principal reports the act(s) to the school's resource officer (SRO), he/she will input the information into the discipline daily report to the Department of Public Instruction. For purposes of this subsection, "school property" shall include any public school building, bus, public school campus, grounds, recreational area or athletic field in the charge of the principal. (G.S. 115C-307(a)) Teachers and other school employees have a legal obligation to report these same acts to the principals. (G.S. 115C-288(g))

Required reportable acts are as follows:

- Assault resulting in serious injury
- Assault involving use of a weapon
- Assault on school personnel
- Bomb threat
- Burning of a school building
- Death by other than natural causes
- Kidnapping
- Possession of alcoholic beverage
- Possession of a controlled substance
- Possession of a firearm or powerful explosive
- Possession of a weapon
- Robbery with a dangerous weapon
- Robbery without a dangerous weapon
- Taking indecent liberties with a minor
- Rape
- Sexual offense
- Sexual assault (not involving rape or sexual offense)

Note: Reportable does not indicate an automatic petition to the juvenile court system. The school resource/law enforcement officer will make a determination whether to refer the act(s) to the Department of Juvenile Justice and Delinquency Prevention or divert the case to a community resource.

Powers and Duties of the Principal

The principal shall have authority to exercise discipline over the pupils of the school under the policies adopted by the local board of education in accordance with G.S. 115C-390.1 through G.S. 115C-390.12. The principal may use reasonable force pursuant to G.S. 115C-390.3 and may suspend students pursuant to G.S. 115C-390.5. The principal shall assign duties to teachers with regard to the general well-being and the medical care of students under G.S. 115C-307 and Article 26 A of chapter 115C.

Duties of Teachers (G.S. 115C-307 (a))

To Maintain Order and Discipline—It shall be the duty of all teachers, including student teachers and teacher assistants, when given authority over some part of the school program by the principal or supervising teacher, to maintain good order and discipline in their respective schools.

School Personnel May Use Reasonable Force (G.S. 115C-390.3)

Except as restricted or prohibited by rules adopted by the local board of education, principals, teachers, substitute teachers, voluntary teachers, teacher assistants and student teachers in the public schools of this state may use reasonable force in the exercise of lawful authority to restrain or correct pupils, to quell a disturbance threatening injury to others, to obtain possession of weapons or other dangerous objects on the person, or within the control of a student, for self-defense, for the protection of persons or property, and to maintain order on educational property, in the classroom, or at a school-related activity on or off educational property.

Assault on a Teacher or Other School Employee

According to G.S. 115C-391(d2, section 1) any student who is at least 13 years of age who physically assaults or seriously injures a teacher or other school system employee shall be placed in an alternative educational setting. By definition, “seriously injured” means requiring medical attention or first aid. Individual students guilty of assaulting employees shall be disciplined in accordance with school board policies, system conduct procedures and the state laws of North Carolina. This includes, but is not limited to, reporting the incident to local law enforcement, filing a juvenile petition with the juvenile court system and the injured employee taking legal action against the student.

North Carolina High School Athletic Association Eligibility Regulation

Any student subject to the NCHSAA eight-semester rule who (1) is convicted of a crime classified as a felony under North Carolina or federal law or (2) is adjudicated delinquent for an offense that would be a felony if committed by an adult is not eligible to participate in the North Carolina High School Athletic Association sports program.

Investigations and Searches

Investigations

All employees and students, including students alleged to have engaged in misconduct, are expected to respond fully and truthfully to any questions or issues raised in the course of the investigation and any related proceedings. Any student who has violated board policy, school standard, school rule or the Student Code of Conduct must accept the consequences for his or her misbehavior. All consequences must be administered in a fair and nondiscriminatory manner.

The school administrator shall take the following steps in addressing all cases of alleged misbehavior appropriately referred to his or her office:

1. investigate the facts and circumstances related to the alleged misbehavior;
2. offer the student an opportunity to be heard on the matter; and
3. determine whether board policy, school standard, school rule or the Student Code of Conduct has been violated.

To maintain order and discipline in 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.

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.

A student’s failure to permit searches and seizures as provided in this policy will be considered grounds for disciplinary action.

Personal Searches

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, or knowingly consents to the search.

If a frisk or “pat down” search of a student’s person is conducted, it will be conducted in private by a school official of the same sex and with an adult witness of the same sex present, when feasible. If the school official has reasonable suspicion to believe that the student has on his or her person contraband or an item imminently dangerous to the student or others, a more intrusive search of the student’s person may be conducted. Such a search may only be conducted in private by a school official of the same sex, with an adult witness of the same sex present, and only upon the prior approval of the superintendent, unless the health and safety of students will be endangered by the delay which might be caused by following these procedures.

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. School authorities may conduct periodic inspections of lockers at any time without notice, without consent, and without a search warrant. Student lockers may not be used to store illegal, unauthorized, or contraband materials. A student’s personal effects may only be searched pursuant to guidelines provided in section “personal searches” above.

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 school-controlled parking lots and inspections of 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 inspected whenever a school authority has reasonable suspicion to believe that illegal or unauthorized materials are contained inside. Reasonable suspicion may be based upon objects in the interior of the car that are in plain view. Refusal to allow the search of an automobile may result in suspension or other appropriate punishment.

Seizure of Unauthorized Materials

If a properly conducted search yields unauthorized, illegal, or contraband materials, such materials or items shall be turned over to the proper legal authorities.

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 parents (except in cases of suspected child abuse or neglect by parent) and give them a reasonable opportunity to be present at the time of questioning.

Weapons at School

The Mooresville Graded School District Board of Education is committed to providing an educational environment that is safe, orderly and free of disruptive behavior. The state laws of North Carolina and the policies and procedures of the school system prohibit the possession of weapons on school property. Anyone found in possession of a weapon at school will be reported to local law enforcement and will be subject to disciplinary action.

Note: The State Department of Public Instruction's School Crime and Violence Incidence Report require schools to consider pocket knives as weapons.

Metal Detectors

In accordance with the board of education's policies and procedures on searches and seizures and in appropriate instances, metal detectors may be used by school staff to identify and locate weapons or other contraband on school property, at school events or as otherwise authorized by law.

Care of School Property (G.S. 115C-523)

It shall be the duty of every teacher and principal in charge of school buildings to instruct the children in the proper care of public property. It is their duty to exercise due care in the protection of school property against damage, either by defacement of the walls and doors or any breakage on the part of the pupils, and if they shall fail to exercise a reasonable care in the protection of property during the day, they may be held financially responsible for all such damage. Notwithstanding any other provisions of law, the parents or legal guardians of any minor are liable for any gross negligence or willful damage or destruction of school property by that minor to the extent of five thousand dollars (\$5,000).

Recommended Use of Police Canines on School Property

The principal or his/her designee may request a law enforcement agency to use a drug dog 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 drug dogs if the principal feels the request is based on reasonable suspicion. The principal may allow drug dogs 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 drug dog.

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- If the drug dog indicates the presence of an illegal drug, the search/seizure and all subsequent activity shall be conducted in accordance with board of education policy dealing with substance use/abuse.

High School Individual Class Attendance

Individual class absences may not exceed six (6) in a block class per semester grading period. Exceeding these limits could result in failure for that semester. If a student has a passing average and exceeds six absences in a semester class, the student will receive an FF as their final grade for the course. If a student has a failing average and exceeds six absences in a semester class, the student will receive the failing average as their final grade for the course. A school attendance policy appeals committee shall be established to hear appeals. This appeals committee shall consider student/family hardships and any extenuating circumstances of the student in addition to the student's attendance record. Students must present documentation to the appeals committee justifying all class absences beyond the allowable limits. Students are responsible for providing evidence that the excessive absences were lawful in accordance with the State Department of Public Instruction's School Attendance and Student Accounting Manual and school board policy.

The decision of the appeals committee may be appealed to the school principal. For the purpose of this policy, being out of class as a result of participation in field trips, athletics or other school-sponsored activities approved by the principal does not count as class absences.

Student Transfer Information

The Mooresville Graded School District Board of Education may revoke a student's transfer during the school year or deny a request to transfer based on a violation or violations of the system's Student Code of Conduct.

Required Use of School Technology Resources and the Internet

Students shall not violate any policies adopted by the Board of Education regarding student Internet and electronic mail usage or the terms of student Internet and electronic mail responsibility agreements. Specifically, 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 in violation of guidelines of the Internet policy or otherwise act in contravention of the system's Internet policy. Violations of such Internet rules, regulations and/or policy may result in disciplinary action by school officials.

Use of Video Recorders in School Facilities Including School Buses and Classrooms

It is the practice of the Mooresville Graded School District to utilize video recorders in school facilities and on school buses. Utilization of such video recorders shall be for the purposes of identifying safety concerns and to substantiate bus conduct violations.

Such video recordings may be periodically and regularly reviewed by school officials and 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.

Equal Education Opportunity Commitment

It is the policy of the Board of Education for the Mooresville Graded School District that no student be excluded from, be denied the benefits of, or be subject to discrimination in any education program or activity solely on the basis of age, sex, race, color, religion, national origin, disability, or in employment policies and practices in accordance with Title IX of the Educational Amendments of 1972. Details of this policy are in the Mooresville Graded School District Board Policy Manual. (Policy Code: 1720/4015/7225 and Policy Code: 1710/4021/7230)

Grievances regarding alleged sexual harassment may be raised according to the procedures outlined in Board Policy.

Details of grievance policies for students, parents, and employees are in the Mooresville Graded School District Board Policy Manual. (Policy Code: 1740/4010) (Policy Code: 1750/7220)

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