

The Ashe County Board of Education is committed to discipline practices that encourage the development of self-control, personal responsibility and respect for the dignity of all individuals. The Board is committed to maintain effective discipline in order to establish positive learning environments within which students have the opportunity to receive an appropriate public education.

In order for effective discipline to be maintained in each school, the Board acknowledges that cooperative relationships must be established among students, parents and school personnel. School personnel shall actively seek effective, positive methods and strategies to help each student learn to behave in a manner that is conducive to effective learning and that respects the rights of others. Each school principal shall systematically identify potential problem areas with his/her school that may contribute to discipline problems within the school. The Board encourages the school's administration to continue to work with appropriate community agencies in dealing with the discipline issues.

Each student in Ashe County Schools is responsible for exhibiting the highest standards of behavior.

The North Carolina Department of Public Instruction promotes the use of school-wide Positive Behavior

Intervention Support (PBIS) to improve behavior and academic success in all North Carolina schools. The vision of Ashe County Schools is for all schools in the system to implement (PBIS).

Currently this program is established in two of our elementary schools and the middle school. The PBIS program is a combination of effective practices that teaches and encourages respectful, responsible behaviors. A major advance in school-wide discipline is the emphasis on school-wide systems of support that include proactive strategies for defining, teaching, and supporting appropriate student behaviors to create positive school environments. Instead of using a patchwork of individual behavioral management plans, a continuum of positive behavior support for all students is implemented in areas including the classroom and non-classroom settings.

Expectations have been established at the three school sites and are visible in locations throughout the schools. The expectations drive the Code of Conduct for the schools. PBIS is based on the premise that students learn appropriate behavior

through instruction, provide feedback and encouragement. Teachers model and reinforce positive social behaviors as well as teach behavioral expectations and reward students for following them. The purpose of school-wide PBIS is to establish a climate in which appropriate behavior is the norm.

The Code of Student Conduct sets our system wide expectations for student behavior designed to provide the best possible school climate. This code does not restrict the authority of teachers, site-based teams or principals to make individual school or class rules. This cannot be an all-inclusive list; however, administrators shall use their discretion in dealing with all specific behavior that violates the principles set forth in this code. Consideration is to be given to the student's cognitive and developmental ability to appreciate the significance of his/her behavior and to assume responsibility for behavior.

CHILDREN WITH SPECIAL NEEDS

The policies and procedures for discipline of students with disabilities shall be consistent with federal laws and regulations (34 CFR 300.530-536). This information is found in the Handbook on Parents'

Rights for Exceptional Children at www.ec.ncpublicschools.gov.

SYSTEMWIDE UNIFORM CONSEQUENCES FOR MISCONDUCT

The principal or his/her designee shall investigate and deal with incidents of alleged misconduct of students:

- A student discipline problem is referred, or
- the alleged misconduct violates the Student Code of Conduct, or
- the principal determines that a situation exists which could pose a danger to persons or property or which seriously disrupts the learning environment.

Teachers and/or other student support personnel should utilize reasonable available discipline alternatives and preventive measures prior to referring the student to the principal or designee unless the student's behavior presents harm or a significant risk of harm to others or property or a threat to the orderly operation of the school.

School personnel may use reasonable force to control behavior or to remove a person from the scene in those situations when necessary.

Applicability of Code: All students shall comply with the Code of Student Conduct while on educational property, which includes any school building or bus, school campus, grounds, recreational area, athletic field, or other property under the control of the Board of Education. Students may also be disciplined for conduct that occurs off educational property that violates this Code of Conduct if the conduct has or is reasonably expected to have a direct and immediate impact on the orderly and efficient operation of the schools or the safety of individuals in the school environment. G.S. 115C-390.2(c)

DEFINITIONS

Alternative Education Program-part or full-time programs, wherever situated, providing direct or computer-based instruction that allow a student to progress in one or more core courses.

Board-the Ashe County School Board of Education

Corporal Punishment-Paddling will be administered pursuant to NCGS 115C-391. The principal will notify parents/guardians prior to any corporal punishment administered to their child and follow up with a letter.

Day or Days-school days excluding teacher workdays, holidays, vacations days and weekends

Educational Property-any school building or bus, school campus, grounds, recreational area, athletic field, or other property under the control of the Board

Expulsion-the permanent exclusion of a student from registering, enrolling or attending any Ashe County public school. This exclusion also includes riding in a school-owned or operated vehicle and prohibits the student from participating in school activities or entering any school property.

Firearm-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, or the frame or receiver of any such weapon and any firearm muffler or firearm silencer. The term shall not include an inoperable antique firearm, a BB gun, stun gun, air rifle, or air pistol.

Long-Term Suspension-exclusion from the school to which the student was assigned at the time of the disciplinary action and from participation in school activities or events for a period in excess of ten days but not to exceed the remainder of the school year, except that if the offense leading to the long-term suspension occurs in the final quarter of the school year, the suspension may extend to the end of the first semester of the following school year.

Parent-includes the natural parent, legal guardian, legal custodian or other caregiver adult who is acting in the place of a parent and is entitled under state law to enroll the student in school.

Principal-includes the principal and the principal's designee.

School Personnel-includes the following:

- a. any Board employee;
- b. any person working on school grounds or at a school function under a contract or written agreement with the school system to provide educational or related services to students;

- c. any person working on school grounds or at a school function for another agency providing educational or related services to students

Short-term suspension-exclusion from school and participation in school activities or events for up to ten days.

Superintendent-includes the Superintendent or the Superintendent's designee.

REPORTS TO LAW ENFORCEMENT

When a principal has personal knowledge or actual notice from school personnel that an act has occurred on school property involving assault resulting in serious personal injury, sexual assault, sexual offense, rape, kidnapping(s), 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, possession of a controlled substance in violation of the law, assault on a school employee, robbery, armed robbery, homicide, manslaughter, or death by vehicle, the principal shall report the act to the appropriate local law enforcement agency, notify parents/guardians of any alleged student victim of a violent crime and notify the Superintendent or

designee. Notification must occur in writing or by electronic mail by the end of the workday in which the incident occurred, when reasonably possible, but not later than the end of the following workday. The superintendent must also provide the information to the school board.

The principal may notify law enforcement of any other potential criminal conduct or incident which may jeopardize the safety, security or well-being of the school environment.

CONSEQUENCES AND BEHAVIORAL INTERVENTIONS

Violation of Board policies, the Code of Student Conduct, regulations issued by the individual school or an individual teacher, or North Carolina law may result in disciplinary action. Principals shall inform students at the beginning of each school year of the contents of this policy and any school rules that may result in discipline. Most disciplinary consequences can occur with the student remaining in an educational environment. In-school disciplinary consequences available to principals include, for example: behavior contracts, peer mediation, in-school suspension, conflict resolution, detention, restitution, loss of privileges, and school or

community service. When, in the judgment of the school principal, a student's behavior warrants an out-of-school suspension, the principal may impose a short-term suspension or, for more serious violations of the Code of Conduct, may recommend a long-term suspension, a 365-day suspension, or expulsion. Suspensions of greater than ten days are reserved for serious misconduct which either threatens the safety of others within the school or threatens to substantially disrupt the educational environment.

In determining the appropriate consequence for a violation of this Code, principals shall consider all aggravating or mitigating circumstances they deem relevant. Examples of aggravating or mitigating circumstances that may be considered include but are not limited to:

- The student's age;
- The student's intent;
- The student's disciplinary history, including number of infractions and prior discipline for the same violation;
- The student's academic history;
- Whether the conduct caused a threat to safety;
- Whether school property or personal property was damaged;

- Whether the conduct caused a substantial disruption of the educational environment;
- Whether a weapon was involved and whether any injury resulted.

The Student Code of Conduct Rules is leveled, indicating the severity of the violation and the type of consequence. All Level I infractions are considered **minor**. Level II infractions are considered **major** and those Levels III and above are **severe**. The principal shall inform students of local school rules that, if broken, may result in suspension from school.

Level I-rule violations should generally result as in-school interventions. In cases where a student refuses to participate in the in-school interventions or engages in persistent violations of a Level I rule, or other aggravating factors are present, the principal may impose a short-term suspension. Level I rule violations may not result in long-term suspension unless continued repetition of the infraction occurs. Any short-term suspension for truancy or tardiness shall not exceed two school days and shall only occur following documented interventions.

Level II-rule violations involve more serious misconduct that may warrant short-term suspension. Principals may recommend a long-term suspension or possible court action based upon the presence of aggravating factors.

Level III-rule violations are more severe in nature and support long-term suspension along with possible court action. The principal may impose a short-term suspension based on mitigating factors. See Policies 4351, 4353, and 4361

Level IV-rule violations compromise the safety and welfare of students and staff and require a suspension of a specific length under the North Carolina General Statutes.

Level V-allows for expulsion of a student, as provided by state statute, for a violation of the Code of Conduct, if the student is fourteen (14) years of age or older and the student's behavior indicates that his/her continued presence in school constitutes a clear threat to the safety of other students or employees and the Board determines that there is no appropriate alternative education program. Additionally, any student who is a registered sex

offender under N.C. General Statute 14-208 may be expelled consistent with state law.

CODE OF CONDUCT

The list below is a guide and not inclusive of all behaviors

VIOLATIONS OF THE CODE OF CONDUCT

The following rules for conduct apply to all students and the violation of the rules will result in consequences as described below. In appropriate circumstances the principal or his/her designee is granted the authority to exercise his/her good judgment and apply a greater or lesser consequence than those stated here. Aggravating circumstances may result in more severe consequences than listed for the specific rule violation.

MINOR INFRACTIONS

Level I-Warning, In School Interventions, Possible Short-Term Suspension

Repetitive actions of the below infractions will result in more severe consequences

I-1 Inappropriate Language-Cursing or use of vulgar, profane, obscene language and racial slurs is prohibited.

I-2 Attendance-Students shall follow State and local attendance guidelines and attend school regularly. Students shall be considered truant and subject to discipline whenever they are absent from class or school without valid excuse. See Policy 4400

I-3 Being in An Unauthorized Area or having food/drink in Unauthorized Areas

I-4 Compliance with Directions-Students shall comply with all reasonable directions of principals, teachers, substitute teachers, student teachers, teacher assistants, bus drivers, and all other school personnel who are authorized to give such directions.

I-5 Disrespect of Other Students-Students shall not mistreat fellow students or act in a way that interferes with the ability of other students to learn in a peaceful and safe environment.

I-6 Defacing of School Property/Littering-to mar or spoil the appearance or surface of any school property including littering

I-7 Disruptive Behavior-A student may not use any means to interrupt or interfere with teaching or orderly conduct of school activities.

I-8 Excessive Display of Affection-Students shall conduct their personal and social relationships according to acceptable community standards. Students will refrain from inappropriate touching contact as deemed by administration.

I-9 Electronic Devices-Except as permitted by this policy, no student shall use, display, transmit or have in the “on” position on school property any wireless communication device or personal entertainment device, including but not necessarily limited to, cell phones, pagers, two-way radios, audio devices, and electronic games or similar devices until after the conclusion of the instructional day. Laser pointers are prohibited. The Ashe County Schools is not responsible for any devices lost, stolen or damaged while on school property or at school events.

Electronic devices may be used by students for instructional purposes with the permission and under the supervision of the teacher.

Any device possessed or used in violation of this policy shall be confiscated and only returned to the

student’s parents/guardian. Penalties for violation of this policy are set at the discretion of the principal.

If a student uses a laser pointer in a way that reasonably could or does cause physical harm, the laser pointer may be considered a weapon and the student may be disciplined accordingly. See Policies 3225/7320

I-10 Student Dress Code-The purpose of the dress code is to ensure that a student's dress and appearance promote a positive learning environment, does not disrupt the learning of others or the general operation of the school, and does not create a safety hazard. Maintaining a positive learning environment and ensuring the health and safety of each student are high priorities of the Ashe County Schools. See Policy 4710. A student will maintain personal attire and grooming standards that promote safety, health and acceptable standards of social conduct and are not disruptive to the educational environment.

I-11 Gambling-Students shall not participate in any unauthorized games of chance in which money or other items of value may be won or lost.

I-12 Disruptive or Indecent Images, Literature or Illustrations-The possession or distribution of

images, literature or illustrations that are vulgar, indecent or obscene or that significantly disrupt the educational process is prohibited.

I-13 Misconduct on a School Vehicle-While riding a school bus or other school vehicle, students shall observe the directives of the school bus driver. The following conduct is specifically prohibited:

- ❖ delaying the bus schedule
- ❖ refusing to obey the driver's instructions
- ❖ tampering with or willfully damaging the school vehicle
- ❖ getting off at an undesignated stop
- ❖ failing to observe established safety rules and regulations
- ❖ throwing objects from the bus windows or doors
- ❖ willfully trespassing upon a school bus and
- ❖ violating of any other rule of the Code of Student Conduct policy while on the school bus or other school vehicle.

Bus misconduct can lead to suspension of student transportation.

MAJOR INFRACTIONS

Level II-In-School disciplinary Consequence with Mitigating Factors/Short-Term Suspension/Recommendation of Long-Term Suspension and Possible Court Involvement

II-1 Cheating-Cheating includes the actual giving or receiving of any unauthorized aid or assistance or the actual giving or receiving of unfair advantage on any form of academic work. Students shall not engage in any act of deception or falsification of work product.

II-2 Plagiarism-Plagiarism includes the copying of the language, structure, idea and/or thought of another and representing it as one's own original work.

II-3 Falsification of Information-Falsification includes the verbal or written statement of any untruth or any acts disrespect. Students shall not provide false information to school officials and/or parents or guardians with regard to any school business.

II-4 Verbal Abuse/Disrespect of Faculty and Staff- Students may not direct toward any school employee cursing, vulgar, or abusive language

II-5 Skipping class-Not attending class. Students shall come to school, remain at school once they have arrived and be present in their designated homeroom and/or their assigned classroom unless they have been authorized to do otherwise by the principal or his/her designee

II-6 Insubordination-Student willfully defies authority. Students shall comply with the directions of all principals, assistant principals, teachers, substitute teachers, counselors, media specialists, teacher assistants, student teachers, coaches, advisors, bus drivers, bus supervisors and any other authorized school personnel at all times while a student is at school in any school building, on any school premises and at any school sponsored event.

II-7 Possession of Student's Own Prescription Drug. See Policy 6125

II-8 Use of Tobacco-Students shall not possess, smoke, or use tobacco products at school, on a

school bus, at any school-related activity, or on school grounds at any time

II-9 Threat/False Threat-No student shall make any threat through written or verbal language or act which conveys a serious expression of intent to cause harm or violence. Furthermore, no student shall make a false threat of harm or violence, even in jest, which causes or is reasonably likely to cause fear or a disruption to school activities.

II-10 Bullying, Harassment, and Discrimination Students shall not engage in bullying, harassment and related acts of discrimination as defined in Policy 1720

II-11 Computer Misuse-Individual users of school-provided Internet service and computers are expected to abide by Ashe County Schools Policy 3225/7320, Technology Acceptable Use. In addition to the provisions of that policy, the following are specifically prohibited:

- ❖ sending or displaying offensive, vulgar, crude, obscene or threatening messages, pictures or video

- ❖ cyber-bullying-the use of the Internet and related technologies to harm other people, in a deliberate, repeated, and hostile manner
- ❖ damaging digital devices, software, or computer networks
- ❖ violating copyright laws
- ❖ using another's ID/password
- ❖ unauthorized use of student school email
- ❖ employing the network for commercial purposes

In the event a student engages in any of the above-referenced activities, his/her access privileges will be revoked and other disciplinary measures may result.

II-12 Inappropriate Items on School Grounds- Students are not to bring to school items that are disruptive to the instructional day.

II-13 Theft or Damage to Property-No student may steal or attempt to steal or knowingly be in possession of stolen property or intentionally damage or attempt to damage any school property or private property while under school jurisdiction.

II-14 Fighting/ Physical Aggression-No student may intentionally hit, shove, scratch, bite, pull hair, block the passage of, or throw objects at a student or

other person. No student shall take any action or make any comments or written messages intended to cause others to fight or which might reasonably be expected to result in a fight.

A student who is attacked may use reasonable force in self-defense, but only to the extent necessary to get free from the attack and notify proper school authorities. A student who exceeds reasonable force may be disciplined even though someone else provoked the fight.

SEVERE INFRACTIONS

Level III-Short-Term Suspension/Possible Long-Term Suspension with Aggravating Factors/Possible Court Action

III-1 Hazing-No group or individual shall require a student to wear abnormal dress, play abusive or ridiculous tricks on him/her, frighten, scold, swear, harass or subject him/her to personal indignity.

III-2 Arson-Starting a fire or attempting to start a fire on school property is prohibited unless specifically authorized by school officials.

III-3 False Fire Alarms-No student shall set off, attempt to set off, or aid and abet anyone in setting off a fire alarm at school.

III-4 Trespassing-No student may be on the campus of another school in the Ashe County Schools during the school day without the knowledge and consent of the officials of the school she/he is visiting. Students who remain after school or come on any school campus after the school day or while school is closed without permission will be considered trespassers.

Any student who has been suspended from school shall be considered trespassing if she/he appears on any school property during the suspension period without the express permission of the principal.

III-5 Possession of Another Person's Prescription Drug-Carrying another person's prescription medicine is prohibited. See Policy 6125

III-6 Gangs and Gang Activities-The Board of Education believes that gangs and gang-related activities pose a serious safety threat to students and staff members of the Ashe County Schools. Gang-

related activities disrupt the educational environment and increase the risks of future violence.

III-7 Assault on School Personnel-No student may cause or attempt to cause physical injury to any school employee or other adults at any time while a student is at school in any school building and on any school premises.

III-8 Assault on Another Student-No student may cause or attempt to cause serious physical injury to another student while a student is at school in any school building and on any school premises.

III-9 Coercion or Extortion-No student may use force or violence or threat of force or violence to obtain money, property, or personal services from another student.

III-10 Controlled Substances and Drug Paraphernalia-No student shall possess, use, transmit, conspire to transmit, or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroids or any other controlled substance, or any alcoholic beverage, malt beverage, or fortified wine or other intoxicating liquor, or possess, use or transmit drug paraphernalia or counterfeit drug, or inhale or ingest any chemicals

or products with the intention of bringing about a state of exhilaration or euphoria or of otherwise altering the student's mood or behavior.

No student shall be at school with the odor of alcohol or illicit drugs about their person.

III-11 Sexual Harassment-Examples of sexually harassing conduct include, but are not limited to, deliberate, unwelcome touching of a sexual nature or that takes on sexual connotations.

Level IV-Suspensions Required under State Law

IV-1 Bomb Threats-No student shall make or aid and abet anyone in making a false report concerning the existence of a bomb or any other dangerous object on school premises or at the site of school activities. No student shall with the intent to perpetrate a hoax conceal, place or display on school property or the site of school activities any device or artifact so as to cause any person reasonably to believe the same to be a bomb or other destructive device.

IV- 2 Weapons and Dangerous Instruments-No student shall possess, sell, use, handle, or transmit any object that can reasonably be considered a

weapon or explosive of any kind. For the purpose of this Policy, "weapon" shall include, but not be limited to, any gun, rifle, pistol, or other firearm of any kind, any dynamite cartridge, bomb, grenade, mine, powerful explosive as defined in N.C.G.S. 14.284.1, BB gun, air rifle, air pistol, bowie knife, dirk, dagger, slingshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors, razor blades, pocket knife, or any sharp-pointed or edged instrument. Any student who brings a firearm or weapon, as those terms are defined in 18 U.S.C. 921, onto any campus of the Ashe County School System, shall be referred to the criminal justice and/or juvenile delinquency system. The above disciplinary actions do not apply to the possession of weapons that have been approved in advance by the principal or his/her designee for instruction or school sanctioned purposes, such as JROTC. Facsimiles of a gun or other weapon also are prohibited. This policy also shall apply to any item that is actually used or possessed in the same manner as a weapon. Gunpowder and ammunition for firearms are weapons for the purposes of this policy.

A student who in any way encourages another student to bring weapons to school also endangers the safety of others. No student shall knowingly or willfully cause, encourage, or aid any other student

to possess, handle, or transmit any of the weapons or facsimiles of weapons listed above. This section shall not apply to students who are members of the Reserve Officer Training Corps and who are required to carry arms or weapons in the discharge of their official class duties; nor does this section apply to weapons used in school-approved instruction or ceremonies. The principal must give prior approval for these exceptions to apply.

Violation of this Rule will result in a recommendation for 365-day suspension.

Level V-Expulsion

A student fourteen (14) years of age or older may be expelled for a violation of this Code of Conduct if the Board determines the student's behavior indicates that the student's continued presence in the school constitutes a clear threat to the safety of other students or employees, and that there is no appropriate alternative educational program. Additionally, any student who is a registered sex offender under N.C. General Statutes 14-208 may be expelled.

Cross Reference: Sexual Harassment Policy, Bullying/Harassment Policy, Suspension and

Expulsion Policy, Alcohol and Substance Abuse Prevention and Intervention Policy, Internet Acceptable Use Policy

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

- Consequences will include parent contact and when necessary a parent conference
- Administrative discretion can be exercised regarding violations and consequences. Law enforcement will be involved as warranted.
- While this document is intended to provide notice to students and parents of general expectations for behavior and consequences for misconduct, it must be understood that discretion will have to be used in dealing with a wide range in age and maturity of students, and that consideration must be given to the seriousness of the infractions(s) when determining the severity of the consequences. Other inappropriate behavior not covered in this document will be dealt with by the principal and/or designee. The principal and/or designee may impose the consequences listed in the order listed for successive incidents and apply the most severe consequences listed or a higher level of consequences.

