



**WAKE COUNTY BOARD OF EDUCATION**  
**Work Session**

**PRECIS**

**SUBJECT/TOPIC**

POLICY 6410 – CODE OF STUDENT CONDUCT

**DEPARTMENT, BOARD/STAFF LIAISON(S), AND ANY PRESENTERS FROM  
OUTSIDE THE DISTRICT**

Marvin Connelly, Assistant Superintendent –Student Services  
Ann Majestic, Board of Education Attorney

**BACKGROUND**

Wording revised to provide additional clarification of policy.

**FISCAL IMPLICATIONS**

None

**SAVINGS**

None

**NEXT STEPS / RECOMMENDATIONS**

Staff is requesting Board approval with effective date of July 1, 2012



All students shall comply with the Code of Student Conduct of the Wake County Public School System, 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, who is in attendance at school or at any school-sponsored activity, or whose conduct at any time, place, or cyberspace, on or off campus, 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.

#### **A. Student Expectation**

Students are expected to be familiar with all rules of behavior in the Code of Student Conduct. Students are to assist in promoting a safe and orderly school environment. Students are encouraged to report to school authorities any serious violation of the Code of Student Conduct.

#### **B. Range of Interventions, Support, and Disciplinary Actions**

Violation of Board policies, the Code of Student Conduct, regulations issued by the individual school, or North Carolina General Statutes may result in some level of disciplinary action. Teachers and principals are encouraged to utilize a variety of behavioral interventions and disciplinary consequences to accomplish a positive change in student behavior. When a student violates the Code of Conduct and a behavioral intervention or in-school discipline consequence is imposed, the school will attempt to notify the parent. For out of school suspensions the administration will provide notice to parents as required in Board Policy 6500.

Most behavioral interventions and disciplinary consequences can occur with the student remaining in school. Examples of in-school interventions include but are not limited to: behavior contract, peer mediation, in-school suspension, conflict resolution, detention, restitution, loss of privileges, and school or community service. If the principal deems it appropriate to require a student to stay after school for detention for a disciplinary reason, the principal may authorize such detention provided the parent or guardian has received at least one day's notice and has agreed to assume responsibility for transportation home.

When, after considering potential mitigating factors, the school principal determines a student's behavior warrants an out-of-school suspension, the principal may impose a short-term suspension (10 days or less) or, for more serious violations of the Code of Conduct, may recommend a long-term suspension (greater than 10 days), a 365-day suspension or expulsion, to the extent permitted by law and this policy. The Superintendent must approve any suspensions of greater than 10 days. The Board of Education must approve any expulsion from school based on a recommendation of both the principal and the Superintendent. Under state law, if a student in grades K-12 brings a firearm on to school property, the student shall be subject to a 365-day suspension from school.

Policies may be modified on a case-by-case basis to conform to the "Policies Governing Services for Student with Disabilities".

Students in grades K-5 shall not be subject to long-term suspension except as required by law or in cases involving serious injury to students or staff or serious threat to safety or welfare of members of the school community.

The Student Code of Conduct rules are leveled, indicating the severity of violation and type of consequence.

**Level I** –Level I rule violations should generally result in in-school interventions in lieu of out of school suspensions. In cases where a student refuses to participate in the in-school interventions or engages in persistent violations of a Level One rule, or where there are other aggravating circumstances the principal may impose a short-term suspension that shall not exceed two school days. Level One rule violations shall not result in a long-term suspension.

**Level II** –Level II rule violations involve more serious misconduct that may warrant a short-term suspension that shall not exceed five school days. Principals may recommend a long-term

suspension based upon aggravating factors regarding the severity of the violation and/or safety concerns which may warrant the recommendation of long-term suspension. Any long-term suspension recommendation based on aggravating factors shall be approved by an impartial hearing panel pursuant to Policy 6500D.

**Level III** – Level III rule violations are more severe in nature and support long-term suspension. The principal may recommend a short-term suspension (10 days or less) based on mitigating factors. Any reduction to short-term suspension based on mitigating factors shall be approved by a panel of the Discipline Review Committee appointed by the Superintendent.

**Level IV**– Level IV rule violations compromise the safety and welfare of students and staff and require a suspension under NC General Statutes.

**Level V** – 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 there is no appropriate alternative education program. Additionally, any student who is a registered sex offender under N.C. General Statutes 14-208 may be expelled.

## C. RULES OF CONDUCT

### LEVEL I – *In-School Discipline / Possible Short-Term Suspension not to exceed 2 days*

- I – 1 **Noncompliance** - Students shall comply with all directions of school personnel or volunteers who are authorized to give such directions.
- I – 2 **Disrespect** – Students shall exhibit appropriate respect towards school personnel and volunteers.
- I – 3 **School/Class Attendance** - Being tardy to class, skipping class/school, leaving campus without permission, or being in an unauthorized area is prohibited. ***Out of school suspension should be used as a last resort as a consequence for violation of this rule.***
- I – 4 **Inappropriate Language** - Cursing or use of vulgar, profane, or obscene language is prohibited.
- I – 5 **Inappropriate Dress** - Principals shall exercise appropriate discretion in implementing this policy, including making reasonable accommodations on the basis of students' religious beliefs or medical conditions. Students are expected to adhere to standards of dress and appearance that are compatible with an effective learning environment. Presenting a bodily appearance or wearing clothing which is disruptive, provocative, revealing, profane, vulgar, offensive or obscene, or which endangers the health or safety of the student or others is prohibited. Examples of prohibited dress or appearance include, but are not limited to exposed undergarments; sagging pants; excessively short or tight garments; bare midriff shirts; strapless shirts; attire with messages or illustrations that are lewd, indecent or vulgar or that advertise any product or service not permitted by law to minors; head covering of any kind; see-through clothing; attire that exposes cleavage; any adornment such as chains or spikes that reasonably could be perceived as or used as a weapon; and any attire that is prohibited by Policy 6410 Level III:2, Gang and Gang-Related Activities. Individual schools are free to specify additional examples of dress or appearance that are prohibited at that school under the terms of this policy.

If a student's dress or appearance is such that it constitutes a threat to the health or safety of others, distracts the attention of other students or staff from their work, or otherwise violates this dress code, the principal or principal's designee may require the student to change his or her dress or appearance.

- I – 6 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, CD/ MP3 players, and electronic games, or any laser pointer or similar devices until after the conclusion of the instructional day.

Wireless communication devices or laser pointers may be used by students for instructional purposes with the permission and under the supervision of the teacher. School principals may authorize individual students to possess and/or use for personal purposes wireless communication devices if, in the opinion of the principal, there is a reasonable need for such communication.

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 dangerous instrument and the student may be charged with violation of Policy Level III:3 and disciplined accordingly.

- I – 7 Trespassing** - No student shall be on the campus of any school except the one to which the student is assigned without the knowledge and consent of the officials of that school. Students who remain at school after the close of the school day or come onto school grounds when school is not in session without permission will be considered trespassers. If the student does not leave when instructed to do so, he/ she may be prosecuted. A student under suspension from school is trespassing if he/she appears on the property of any school or at any school sponsored activity during the suspension period without the express permission of the principal.

- I – 8 Tobacco** - No student shall possess, display, or use any tobacco product. This restriction applies even when the student is on school system property or at any school-sponsored activity as a visitor or spectator. For the purpose of this policy:

- a. Tobacco Product: cigarettes, cigars, pipes, chewing tobacco, snuff, and any other items containing or reasonably resembling tobacco or tobacco products.
- b. Tobacco Use: smoking, chewing, dipping, or any other use of tobacco products.
- c. Display: having any tobacco product in a location or position that is visible to students or school personnel.

The exceptions to this policy are:

- a. The display of tobacco products does not extend to display that has a legitimate instructional or teaching purpose and is approved by a teacher or school administrator, and
- b. A principal may permit tobacco products to be included in instructional or research activities in the school building if the activity is conducted or supervised by the faculty member overseeing the instruction or research and the activity does not involve smoking, chewing, or otherwise ingesting the tobacco product.

- I – 9 Gambling** - Students shall not participate in any unauthorized games of chance in which money or items of value may be won or lost.

- I –10 Misconduct on School Vehicle** - School transportation service is a privilege, not a right. Students at all times while riding a school bus or other school vehicle shall observe the directives of the school bus driver. The following conduct or violation of any other rule of the Code of Student Conduct while on the school bus or other school vehicle is specifically prohibited:

1. Delaying the bus schedule,
2. Getting off at an unauthorized stop,
3. Failing to observe established safety rules and regulations, and
4. Willfully trespassing upon a school bus.

## **LEVEL II - Short-term Suspension not to exceed 5 days / Possible Long-Term Suspension with Aggravating Factors**

- II – 1 Integrity** - Any student who engages in or attempts to engage in cheating, plagiarism, falsification, violation of software copyright laws, or violation of computer access shall be subject to disciplinary action. The following actions are specifically prohibited:

1. **Cheating**- giving or receiving of any unauthorized assistance on academic work.
2. **Plagiarism**- copying the language, structure, or idea of another and representing it as one's own work.
3. **Falsification**- verbal or written statement of any untruth.
4. **Violation of software copyright laws**- unauthorized duplication of computer software (computer piracy), printed material related to computer software, and/or the use of pirated computer software.

- II – 2 Inappropriate Literature, Illustrations and Images** - The possession of literature, illustrations, or other images which significantly disrupt the educational process or which are obscene is prohibited.

- II – 3 **Violation of computer access-** No student shall engage in conduct prohibited by Policy 6446. *(Reference entire policy)*
- II – 4 **Class/Activity Disturbance** – Any physical or verbal disturbance which occurs within the school environment and which interrupts or interferes with teaching or orderly conduct of class/school activities is prohibited.
- II – 5 **School Disturbance-** No student shall, by use of passive resistance, noise, threat, fear, intimidation, coercion, force, violence, or any other form of conduct, cause the disruption of any lawful function, mission, or process of the school.
- II – 6 **School Transportation Disturbance** – Any physical or verbal disturbance which occurs on a school transportation vehicle and which interrupts or interferes with the safe and orderly operation of the vehicle is prohibited.
- II – 7 **Disruptive Protest-** No student on school property or on property adjacent thereto shall engage in any protest, march, picket, sit-in, boycott, walkout, or other activity which has as its purpose the disruption of any lawful function, mission, or process of the school, or in fact creates such a disruption.
- II -8 **False Fire Alarm** - No student shall set off, attempt to set off, or aid and abet anyone in giving a false fire alarm. No student shall interfere with or damage any part of a fire alarm, fire detection, smoke detection, fire extinguishing system ,or emergency escape system.
- II - 9 **Fire Setting/Incendiary Material-** The possession of any incendiary material (including but not limited to matches, lighters, or lighter fluid) or the use of any material reasonably likely to result in a fire on school property is prohibited.
- II – 10 **Property Damage-** No student shall intentionally damage or attempt to damage or deface school property, or personal property.
- II – 11 **Theft** - No student shall steal, attempt to steal, or knowingly be in possession of stolen property.
- II – 12 **Extortion-** No student shall attempt to extort money, personal property, or personal services.
- II – 13 **Indecent Exposure/Sexual Behavior-** No student shall engage in behavior which is indecent, or in consensual behavior which is overly affectionate, or of a sexual nature.
- II – 14 **Harassment/Bullying** – No student shall engage in conduct prohibited by Policy 6414. *(Reference entire policy)*
- II – 15 **Sexual Harassment** – No student shall engage in conduct prohibited by Policy 6415. *(Reference entire policy)*
- II – 16 **Threat/False Threat** - No student shall make any threat through written or verbal language, sign, 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 jokingly, which causes or is reasonably likely to cause fear or a disruption to school activities.
- II – 17 **Physical Aggression/Fighting** – Physical aggression or fighting toward students and other people is prohibited. 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.  
No student shall engage in fighting or physical aggression towards others, including but not limited to:  
a. Choking, hitting, slapping, shoving, scratching, spitting, biting, blocking the passage of, or throwing objects at another person in an aggressive, confrontational or dangerous manner.  
b. Taking any action or making comments or writing messages that might reasonably be expected to result in a fight or physical aggression.
- II – 18 **Failure to Report Firearm** - Any student who has knowledge that another student possesses or intends to bring a firearm on any school campus or to any school activity shall report this information to school or law enforcement authorities immediately.
- II – 19 **Hazing** - Hazing is prohibited. No group or individual shall require a student to wear abnormal dress, play abusive or ridiculous tricks on him/her, frighten, scold, beat, harass, or subject him/her to personal indignity.
- II– 20 **Search and Seizure** - A student's failure to permit searches and seizures as provided in Policy 6600 is prohibited. *(Reference entire policy)*
- II– 21 **Aiding and Abetting-** No student shall aid or abet another student in violating any rule in the Code of Student Conduct.

### LEVEL III - Long-Term Suspension / Possible Short-Term Suspension with Mitigating Factors

**III – 1 Narcotics, Alcoholic Beverages, Controlled Substances, Chemicals, and Drug Paraphernalia** - No student shall possess, use, distribute, 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, any alcoholic beverage, malt beverage, fortified wine, other intoxicating liquor, drug paraphernalia, counterfeit substance, any unauthorized prescription drug, or any other chemicals or products with the intention of bringing about a state of exhilaration, euphoria, or of otherwise altering the student's mood or behavior. 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 was prescribed. *(Refer to Form 1702 Parent Request and Physician's Order Form for Medication)*

**Possession:** having the prohibited substance on the student's person or in another place where the student, either alone or jointly with others, has control over it. This may include, but is not limited to, possession of a prohibited substance in an automobile, locker, book bag, or desk.

**Use:** the consumption, injection, inhalation or absorption of a prohibited substance into a student's body by any means.

**Under the influence:** the use of any prohibited substance when the prohibited substance would influence a student's mood, behavior, or learning to any degree.

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

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

**Drug Paraphernalia:** Objects used for ingesting, inhaling, or otherwise introducing controlled substances into the body, e.g., pipes, rolling papers, "roach" clips. Relevant evidence may be considered in determining whether an object is drug paraphernalia

**Conspiracy:** An agreement by two or more persons to commit an unlawful act in violation of this policy.

**Sell:** the exchange of a prohibited substance for money, property, or any other benefit or item of value.

**Possess with Intent to Distribute/Sell:** Intent to distribute or sell may be determined from the amount of the prohibited substance found, the manner in which it was packaged, the presence of packaging materials such as scales, baggies or other containers, or from statements or actions of the student that demonstrate an intent to distribute or sell.

**Distribute:** to give, share, or pass a prohibited substance for any benefit or item of value, or when the student possessed the substance, at least in part, for the purpose of distribution.

When a first infraction of this policy involves only possession, use, and/or being under the influence of a substance prohibited by this policy, an alternative to long-term suspension shall be offered. Failure to meet any requirements of the alternative program reactivates the long-term suspension.

**Note:** *The alternative shall consist of a short-term suspension and shall also require participation 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. This alternative shall be offered only one time to students during their school career unless an exception is made by the superintendent based on mitigating factors.*

### III – 2 Gang and Gang Related Activity -

The Board of Education believes that gangs and gang-related activities pose a serious safety threat to students and staff members of the Wake County Public School System and can significantly disrupt the educational environment.

A. No student shall participate in any gang-related activities. For purposes of this policy:

1. 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, and having a common name or common identifying sign, colors or symbols.
2. "gang-related activities" are any activities engaged in by a student on behalf of an identified gang; to perpetuate the existence of an identified gang; to effect the common purpose and design of an identified gang; or to represent gang affiliation, loyalty, or solidarity.

**III – 2 Gang and Gang Related Activity – Continued**

**B. Conduct prohibited by this policy includes:**

1. Wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, emblems, badges, symbols, signs, visible tattoos and body markings, or other items, with the intent to convey or promote membership or affiliation in any gang;
2. Communicating either verbally or non-verbally (gestures, handshakes, slogans, drawings, etc.), with the intent to convey or promote membership or affiliation in any gang;
3. Tagging, or otherwise defacing school or personal property with symbols or slogans intended to convey or promote membership or affiliation in any gang;
4. Requiring payment of protection, money or insurance, or otherwise intimidating or threatening any person in connection with gang-related activity;
5. Inciting other students to intimidate or to act with physical violence upon any other person in connection with gang-related activity;
6. Soliciting others for gang membership;
7. Committing or conspiring to commit illegal act in connection with gang-related activity.

**C.** When a first infraction involves only the wearing of gang-related attire, the student shall receive a warning and be allowed to immediately change or remove the attire as an alternative to disciplinary action.

**D.** The Superintendent or Superintendent's designee shall regularly consult with law enforcement officials to identify examples of gang-related items, symbols and behaviors and shall provide each principal with this information. Parents and students shall be notified that such information is maintained in the principal's office, that it is subject to change, and that the principal's office may be consulted for updates. In providing this information for parents and students, the school system acknowledges that not all potential gang indicators connote actual membership in a gang.

**III – 3 Weapons/Dangerous Instruments/Substances** – No student shall possess, handle, or transmit any weapon, facsimile of a weapon, dangerous instruments, substances or other object that can reasonably be considered or used as a weapon or dangerous instrument/substances. This does not apply to any student who finds a weapon or dangerous instrument /substances on school property or receives it from another person on school property and who immediately reports the weapon or dangerous instrument/substances to school or law enforcement authorities.

**Weapon:** any firearm, BB gun, stun gun, mace/pepper spray, air rifle, air pistol, ammunition, power loads, fireworks, knife, slingshot, leaded cane, blackjack, metallic knuckles, razors, razor blades (except cartridge razors used solely for personal shaving), boxcutter and 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.

**Dangerous Instruments/Substances:** Any object or substance that is possessed, handled, transmitted, or used for the purpose of causing or attempting to cause physical injury.

**Facsimile of a Weapon:** any copy of a weapon that could reasonably be perceived to be a real weapon.

**Note:** Refer to Level IV: Rule IV– 1 for violations involving Firearms/Destructive Devices.

**III – 4 Assault on a Student** - No student shall cause or attempt to cause serious physical injury to another student. For the purposes of this policy "serious physical injury" shall refer to any significant or aggravated bodily injury, including but not limited to broken bone(s), loss or chipping of teeth, loss or impairment of vision, loss of consciousness, internal injuries, scarring or other disfigurement, significant bleeding, lacerations resulting in sutures, significant bruising, severe or prolonged pain, any injury requiring hospitalization for any period of time, and/or any injury resulting in medical treatment beyond simple first aid procedures.

**III – 5 Assault on School Personnel or Other Adult** – No student shall cause or attempt to cause physical injury to any school employee or other adult.

**Note:** If a teacher is assaulted or injured by a student and as a result the student is reassigned to alternative education services, long-term suspended, or expelled, the student shall not be returned to that teacher's classroom unless the teacher consents.

**III – 6 Assault Involving Weapon/Dangerous Instrument/Substances** – No student in grades 6-12 shall assault another using a weapon, dangerous instrument, or dangerous substances.

**Note:** Refer to Level IV: IV– 1 for violations involving Firearms/Destructive Devices.

**III – 7 Bomb Threat** -No student shall make a bomb threat or hoax by making a false report that a device designed to cause damage or destruction by explosion, blasting, or burning is located on the 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.

**III – 8 Bomb Threat: Aiding/Abetting** – No student shall aid, and/or abet in making a bomb threat or hoax by making a false report that a device designed to cause damage or destruction by explosion, blasting, or burning is located on the school property or at the site of school activities.

**III – 9 Acts of Terror** –

- a. No student shall make a report that he or she knows or should know is false, that any device, substance or material designed to cause harmful or life threatening illness or injury to another person, is located on school property or at the site of a school activity.
- b. No student shall, with intent to perpetrate a hoax, conceal, place, disseminate or display on school property or at the site of a school activity any device, machine, instrument, artifact, letter, package, material, or substance, so as to cause a reasonable person to believe the same to be a substance or material capable of causing harmful or life-threatening illness or injury to another person.
- c. No student shall threaten to commit an act of terror on school property or at the site of a school activity that is designed to cause, or is likely to cause, serious injury or death to another person, when the threat is intended to cause, or actually causes, a significant disruption to the instructional day or a school-sponsored activity.
- d. No student shall make a report that he or she knows is false, that an act of terror designed to cause, or likely to cause, serious injury or death to another person on school property or at the site of a school-sponsored activity is imminent, when that report is intended to cause, or actually causes, a significant disruption to the instructional day or a school-sponsored activity.
- e. No student shall aid, abet, and/or conspire to commit any of the acts described in section 1-4 of this policy.

#### **LEVEL IV – Suspensions Required under State Law**

**IV–1 Firearm/ Destructive Device K-12-** Any student in grades K-12 shall be suspended for 365 calendar days for bringing a firearm or destructive device onto school property or to a school-sponsored event off school property, or for possessing a firearm or destructive device on school property or at a school-sponsored event off school property. School property includes any property owned, used or leased by the Board of Education, including school buses, other vehicles and school bus stops. Principals are required to refer to the law enforcement system any student who brings a firearm or weapon to school.

**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; the frame or receiver of any such weapon; or 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.

**Destructive Device:** An explosive, incendiary, or poison gas; bomb; grenade; rocket having a propellant charge of more than four ounces; missile having an explosive or incendiary charge of more than one-quarter ounce; mine; or device similar to any of the devices listed in this definition.

Violation of this section shall result in suspension from school for 365 days unless modified by the Superintendent of or Board of Education on a case-by-case basis.

The 365-day suspension does not apply to any student who finds the firearm on school property or receives it from another person on school property and who delivers the weapon, immediately, to school or law enforcement authorities.

#### **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.

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Legal Reference: G.S. 115C-390.1, .2 and .5 through .12, G.S. 115C-288(g), and G.S. 14-208 and 20 U.S.C. § 8921

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