

## ECU COMMUNITY SCHOOL

### **CODE OF STUDENT CONDUCT**

Board Procedure 10.206

#### **SECTION I – GENERAL INFORMATION AND RULES**

##### **PREAMBLE**

Violation of ECU Community School Policy, the *Code of Student Conduct* (also referred to as the *Code*), regulations issued by the school, or the General Statutes of North Carolina or other state or federal law may result in disciplinary action and/or criminal prosecution.

Breaking local school rules may result in in-school discipline, short-term suspension, long-term suspension, 365-day suspension or expulsion.

Repeated violations of this *Code* or of local school rules may subject a student to long-term suspension. A serious violation of any of the policies listed in this *Code* may result in long-term suspension, 365-day suspension or expulsion of a student.

##### **DEFINITIONS**

"Student" means any person attending or enrolled in any of the ECU Community School. Unless the context otherwise requires, pronouns referring to students apply to students of either gender.

For purposes of the *Code*, North Carolina General Statute numbers will be indicated by the acronym "NCGS".

##### **PURPOSE**

The purpose of this *Code* is to set forth in one document rules with respect to the conduct of students in the ECU Community School, as the ECU Community School Board deems proper and necessary for the positive governance and operation of the ECU Community School. This *Code* shall apply to all students in the ECU Community School.

North Carolina law delegates to principals the duty and authority for maintaining discipline in their respective schools. This *Code* is designed to clarify required standards of behavior.

This *Code* is intended as a guide for school personnel in the exercise of their legal disciplinary responsibilities. It is not intended to restrict the authority of principals to make rules consistent with this *Code*. Principals are authorized by law to make rules for the governance and operation of their respective schools, and teachers are authorized to make rules consistent with this *Code* for their respective classes.

This *Code* is not intended to discourage, restrict or prevent prosecution of students and non-students for misconduct or for violations of state or federal law.

## APPLICATIONS

The following rules apply to all students under the following circumstances: on school grounds at any time

- off school grounds at a school activity, function or event
- on vehicles used for school purposes
- whenever a student is under the jurisdiction of school authorities
- off school grounds for **acts that violate the Code of Student Conduct and/or the conduct has or is reasonably expected to have a direct and immediate impact on the orderly and efficient operation of the ECU Community School or the safety of individuals in the school environment.**

## RULES OF STUDENT CONDUCT

### Rule 1: Compulsory Attendance/School Truancy

Students shall comply with all policies and procedures of the Board of Trustees and all directions of the principal, teachers, substitute teachers, teacher assistants, and all other school personnel during any period of time when the students are subject to the authority of the ECU Community School.

Discipline: Conference with administration and/or truancy officer  
Referral made to Integrated Health Services  
Charges may be brought against parent and/or student

### Rule 2: Failure to comply with ECU Community School Board Policy and/or Directions of ECU Community School Personnel

#### 2A: Failure to Comply

Students shall comply with all policies and procedures of the Board of Trustees and all directions of principal, teachers, substitute teachers, teacher assistants, and all other school personnel during any period of time when the students are subject to the authority of the ECU Community School.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline:

1 <sup>st</sup> Offense	Up to 3 days Out of School Suspension
2 <sup>nd</sup> Offense	Up to 5 days Out of School Suspension
3 <sup>rd</sup> Offense	Up to 7 days Out of School Suspension
4 <sup>th</sup> Offense	Up to 10 days Out of School Suspension and principal may recommend long term suspension

#### 2A: Leaving School Grounds or Class Without Permission

No student shall leave the school grounds without permission from the principal, teacher, substitute teacher, teacher assistant, or other school personnel.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline:	1 <sup>st</sup> Offense	Up to 3 days Out of School Suspension
	2 <sup>nd</sup> Offense	Up to 5 days Out of School Suspension
	3 <sup>rd</sup> Offense	Up to 7 days Out of School Suspension
	4 <sup>th</sup> Offense	Up to 10 days Out of School Suspension and principal may recommend long term suspension

**2B: Refusal to Submit to Search**

No student shall refuse to submit to a search by ECU Community School personnel when reasonable suspicion exists.

See ECU Community School Board Policy 10.201 (Search and Seizure).

Discipline: Up to 10 days Out of School Suspension and principal may recommend long term suspension

**Rule 3: Disruption of School**

**3A: Disruption in Classroom**

No student shall engage in any conduct that causes disruption of any lawful function, mission, or process of the ECU Community School. No student shall urge any other student to engage in any conduct that causes the disruption to any lawful function, mission, or process of the ECU Community School.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline:	1 <sup>st</sup> Offense	Up to 3 days Out of School Suspension
	2 <sup>nd</sup> Offense	Up to 5 days Out of School Suspension
	3 <sup>rd</sup> Offense	Up to 7 days Out of School Suspension
	4 <sup>th</sup> Offense	Up to 10 days Out of School Suspension and principal may recommend long term suspension

**3B: Disruption of School**

No student shall, by use of passive resistance, noise, threat, fear, intimidation, coercion, force, violence, or any other form of conduct intentionally cause the disruption of any lawful function, mission, or process of the ECU Community School to which he/she is assigned, or to any other school in the system.

While the following list is not intended to be all inclusive, it illustrates the kinds of acts prohibited by this rule:

1. Occupying any school building, school grounds, or part thereof, with the intent to deprive others of its use.
2. Blocking the entrance or exit of any school building, corridor, or room therein with intent to deprive others of lawful access or egress.
3. Preventing students from attending a class or school activity.
4. Blocking normal pedestrian or vehicular traffic on school premises, except under the

direction of the principal.

5. Preventing or attempting to prevent by physical act or any other method the convening or continued functioning of any school, class, meeting, assembly, or other activity on the school premises.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline:	1 <sup>st</sup> Offense	Up to 5 days Out of School Suspension For a flagrant violation principal has the discretion to recommend long term suspension
	2 <sup>nd</sup> Offense	Up to 10 days Out of School Suspension and principal may recommend long term suspension

### **3C: ECU Community School Unexcused Tardy/Early Dismissal Procedures**

Attendance in ECU Community School for the full time allotted for classes is essential for student success. Unexcused Tardies/Early Dismissals cost your child valuable educational instruction. They also interrupt the learning process for other students. Additionally, punctuality is an important trait to reinforce at the ECU Community School. Students are expected to arrive at school and class on time and stay for the entire day of instruction including extended day activities.

### **3D: False Fire Alarm**

No student shall give a false fire alarm or damage a fire alarm, fire detection or fire extinguishing system. No student shall intentionally activate a fire alarm that creates danger to others or causes unnecessary evacuation.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline: Up to 10 days Out of School Suspension

### **3E: Violation of Network/Internet Use Policy**

- A. Internet access at ECU Community School is intended to be used for class participation, educational or career-development research, and other access that has been approved by ECU Community School personnel and does not violate the other provisions of this policy in accordance with local and state educational objectives. Other uses of ECU Community School access are to be considered inappropriate and are not allowed.
- B. Student-created websites relating to the ECU Community School curriculum must have a faculty member sponsoring them. The faculty member is responsible for monitoring the content of the site and helping the student to update the site regularly. ECU Community School is not responsible for any student-created and student-maintained web sites which are not related to the classroom curriculum.
- C. Users are expected to abide by the common rules of Network etiquette, as follows:
  - a. Students should use appropriate language and be polite in communications across the ECU network or Internet.
  - b. Students should not disrupt or attempt to disrupt the functioning of the ECU or PCS network communications or equipment in any manner, nor should they gain or attempt to gain unauthorized access to the ECU or PCS network or any electronic records maintained by any other organization (hacking).
  - c. Students should not reveal last names, ages, telephone numbers, or other personal identifying information about themselves or someone else to another person across the Internet or network.
  - d. Students should not use another person's ECU network password or give their password to another student for that person's use.
  - e. Students should not access, publish, save, send or display illegal, defamatory, inaccurate, obscene, harmful, or profane images or text.
  - f. Students should not violate copyright laws by copying files, programs, or other materials protected by copyright, or by failing to give credit to Internet sources used in their research.
- D. The following activities and/or materials are specifically not permitted:
  - a. Using offensive or harassing statements or language including profanity, vulgarity, and/or disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, and religious or political beliefs.
  - b. Using threatening or obscene material.
  - c. Vandalizing or attempting to vandalize hardware or software including the creation or spread of viruses and hacking.
  - d. Spamming (i.e. sending junk mail), political lobbying, advertising or any commercial uses of the network.
  - e. Wasting limited network resources, including excessive use of the ECU network, downloading files, and loading programs or games to the local workstation or the ECU network without the prior approval of a teacher or administrator.
  - f. Arranging/agreeing online to meet someone in person who is a stranger or non-school district personnel.
  - g. Demonstrating security problems such as distributing someone else's password, personal information, or access to restricted network software to others or failure to notify a teacher and/or staff member when a violation has occurred.

- h. Distributing material protected by trade secret.
- i. Sending or soliciting sexually oriented messages or images.
- j. Sending chain letters or soliciting money for any reason
- k. Changing settings on computers and/or mobile devices without teacher or administrator permission
- l. Tampering with hardware/peripherals.
- m. Disrupting the use of the network.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline:	1 <sup>st</sup> Offense	Up to 3 days Out of School Suspension
	2 <sup>nd</sup> Offense	Up to 5 days Out of School Suspension
	3 <sup>rd</sup> Offense	Up to 10 days Out of School Suspension and principal may recommend long term suspension

For a flagrant violation, principal may recommend long term suspension.

**Rule 5: Computer Tampering**

No student shall damage or make unauthorized changes to any ECU Community School's computer programs or equipment as outlined in Policy 10.213.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline:	1 <sup>st</sup> Offense	Up to 3 days Out of School Suspension
	2 <sup>nd</sup> Offense	Up to 5 days Out of School Suspension
	3 <sup>rd</sup> Offense	Up to 7 days Out of School Suspension
	4 <sup>th</sup> Offense	Up to 10 days Out of School Suspension and principal may recommend long term suspension

For a flagrant violation, principal has the discretion to recommend long term suspension

**Rule 6: Student Uniform and Appearance**

Students shall comply with guidelines for appropriate dress and appearance as outlined in the ECU Community School K-5 Student Uniform and Appearance Policy 10.209 and Procedure 10.209P.

**Rule 7: Tobacco, Lighters, and Matches**

No student shall use or possess any form of tobacco product, electronic cigarettes, lighters or matches in any school building, on school grounds, or on any school or activity bus, or at any school related function.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline:	1 <sup>st</sup> Offense	Up to 3 days Out of School Suspension
	2 <sup>nd</sup> Offense	Up to 5 days Out of School Suspension
	3 <sup>rd</sup> Offense	Up to 7 days Out of School Suspension
	4 <sup>th</sup> Offense	Up to 10 days Out of School Suspension and principal may recommend long term suspension

**Rule 8: Possession of Obscenity**

No student shall have or possess any obscene literature, photographs, slides, motion pictures, videos, or other materials. Students shall not access, view, or disseminate such materials through use of the Internet at school. Students will promptly disclose to their teacher or other school employee any message or material they unintentionally access that is inappropriate or makes them feel uncomfortable.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline:	1 <sup>st</sup> Offense	Up to 5 days Out of School Suspension
	2 <sup>nd</sup> Offense	Up to 10 days Out of School Suspension and principal may recommend long term suspension

For a flagrant offense principal has the discretion to recommend long term suspension.

**Rule 9: Unacceptable Language, Signs, or Acts**

**9A: Discourteous, Abusive, or Insulting Language, Signs, or Acts**

No student shall use discourteous, abusive, or insulting language, signs, or other acts toward any principal, teacher, or other school employee, student, or person on school premises, buses, or at any school activity.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline:	1 <sup>st</sup> Offense	Up to 3 days Out of School Suspension
	2 <sup>nd</sup> Offense	Up to 5 days Out of School Suspension
	3 <sup>rd</sup> Offense	Up to 7 days Out of School Suspension
	4 <sup>th</sup> Offense	Up to 10 days Out of School Suspension and principal may recommend long term suspension

**9B: Communicating Threats**

No student shall communicate a threat by words or actions towards any principal, teacher or other school employee, student, or person on school premises, buses, or any school activity. This includes acts of extortion or blackmail.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline:	1 <sup>st</sup> Offense	Up to 5 days Out of School Suspension
	2 <sup>nd</sup> Offense	Up to 10 days Out of School Suspension and principal may recommend long term suspension

For a flagrant offense, principal has the discretion to recommend long term suspension

**9C: Harassment**

No student shall direct toward any principal, teacher, or other school employee, student, or person on school premises, buses, or at any school activity any language, signs, or other acts that reasonably place a person in fear of harm, or that are intended to harass or discriminate against a person in violation of the ECU Board of Trustees Anti-Discrimination, Harassment, and Bullying Policy 10.200 and Procedure 10.200-P.

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

- a. 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
- b. creates or is certain to create a hostile environment by substantially interfering with or impairing a student’s education performance, opportunities, or benefits.

- c. All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline:	1 <sup>st</sup> Offense	Up to 5 days Out of School Suspension
	2 <sup>nd</sup> Offense	Up to 7 days Out of School Suspension
	3 <sup>rd</sup> Offense	Up to 10 days Out of School Suspension and principal may recommend long term suspension

For a flagrant offense, principal may recommend long term suspension

**9D: Sexual Harassment**

Sexual harassment is prohibited. ECU Community School believes that all students are entitled to work and study in school-related environments that are free of sexual harassment. To this end, students are prohibited from engaging in sexual harassment and students are advised that when evidence of sexual harassment is established, disciplinary action may be taken, up to and including long term suspension and expulsion in certain instances.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline:	1 <sup>st</sup> Offense	Students who violate this policy for the first time may receive Out of School Suspension up to 10 days for verbal or non-physical sexual harassment. In the case of physical sexual harassment, the student may receive up to 10 days Out of School Suspension and the Principal may recommend long term suspension. Students who commit acts of physical sexual harassment may be required to undergo counseling before returning to school.	Definition of Sexual Harassment: Unwelcome sexual advances, requests for
	2 <sup>nd</sup> Offense	Any student who violates this policy twice or more during a school year may receive a long term suspension or an expulsion if permitted by law.	

sexual favors, and other verbal or physical conduct constitute sexual harassment when:

1. Submission to the conduct is made, either explicitly or implicitly, a term or condition of an individual's academic progress or completion of a school-related activity, or,
2. Such conduct has the purpose or effect of unreasonably interfering with a student's educational performance or creating an intimidating, hostile, or offensive environment.

Examples of Physical Sexual Harassment: Include, but are not limited to, fondling, grabbing, pinching, kissing, or any other deliberate, unwelcome, and/or offensive touching.

Examples of Non-Physical or Verbal Sexual Harassment: Include, but are not limited to, any unwelcome and/or offensive comments or gestures of sexual nature, including:

1. Continued or repeated sexual or lewd jokes or comments;
2. Sexually degrading words used toward a person or to describe an individual;
3. Continued or repeated verbal remarks about an individual's body
4. Continued or repeated sexual flirtations advances, or propositions;
5. Pressure for sexual activity;
6. Suggestions or demands for sexual involvement accompanied by implied or overt promises or preferential treatment or threats; or
7. The display of sexually suggestive objects or pictures.

**Rule 10: Bullying Student to Student/Employee**

No student shall direct toward any principal, teacher, or other school employee, student, or person on school premises, buses, or at any school activity any language, signs, or other acts that reasonably place a person in fear of harm, or that are intended to intimidate, bully, harass, or discriminate against a person in violation of the ECU Community Board of Trustees Anti-Discrimination, Harassment, and Bullying Policy 10.2011 and Procedure 10.200-P.

School Employee: Any of the following: an employee of ECU Community School, an independent contractor of ECU Community School, or an employee of an independent contractor of ECU Community School.

Student: Person who has been assigned to a school by ECU Community School or a person who has been suspended or expelled from any of those schools within the last year.

Bullying Behavior: May be characterized as offensive, intimidating, malicious, or insulting behavior. It is an abuse or misuse of power through means intended to undermine, humiliate, denigrate, or injure the recipient. It is not limited to behavior described above that is reasonably perceived as being motivated by any actual or perceived differentiating characteristic or motivated by an individual's association with a person who has or is perceived to have a 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. Examples of behavior that may constitute bullying or harassment include, but are not limited to, verbal taunts, name-calling and put-downs, epithets, derogatory comments or slurs, lewd propositions, exclusion from peer groups, extortion of money or possessions, implied or stated threats, assault, impeding or blocking movement, offensive touching or any physical interference with normal work or movement, and visual insults, such as derogatory posters or cartoons. Legitimate age-appropriate pedagogical techniques are not considered harassment or bullying. Cyber-bullying is one type of bullying behavior.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline:	1 <sup>st</sup> Offense	Up to 5 days Out of School Suspension
	2 <sup>nd</sup> Offense	Up to 7 days Out of School Suspension
	3 <sup>rd</sup> Offense	Up to 10 days Out of School Suspension and principal may recommend long term suspension

For a flagrant offense, principal may recommend long term suspension

**Rule 10A: Cyber-bullying – Student to Employee**

No student shall use a computer or computer network to do any of the following:

1. With the intent to intimidate or torment a school employee
  - a. Build a fake profile or web site;
  - b. Post or encourage others to post on the Internet private, personal, or sexual information pertaining to a school employee;
  - c. Post a real or doctored image of the school employee on the Internet;
  - d. Access, alter, or erase any computer network, computer data, computer program, or computer software, including breaking into a password-protected account or stealing or otherwise accessing passwords;
  - e. Use a computer system for repeated, continuing, or sustained electronic communications, including electronic mail or other transmissions, to a school employee.
2. Make any statement, whether true or false, intending to immediately provoke, or that is likely to provoke any third party to stalk or harass a school employee.
3. Copy and disseminate, or cause to be made, an unauthorized copy of any data pertaining to a school employee for the purpose of intimidating or tormenting that school employee (in any form, including, but not limited to, any printed or electronic form of computer data, computer programs, or computer software residing in, communicated by, or produced by a computer or computer network).
4. Sign up a school employee for a pornographic Internet site with the intent to intimidate or torment the employee.
5. Without authorization of the school employee, sign up a school employee for electronic mailing lists or to receive junk electronic messages and instant messages with the intent to intimidate or torment the school employee.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline:	1 <sup>st</sup> Offense	Up to 5 days Out of School Suspension
	2 <sup>nd</sup> Offense	Up to 7 days Out of School Suspension
	3 <sup>rd</sup> Offense	Up to 10 days Out of School Suspension

For a flagrant offense, principal may recommend long term suspension.

Any student who is convicted under G.S. 14-458.2 of cyber-bullying a school employee shall be transferred to another school within the local school administrative unit. Consideration will be given for placement in an alternative learning program for a finite period of time. If there is no other appropriate school within the local school administrative unit, the student shall be transferred to a different class or assigned to a teacher who was not involved as a victim of the cyber-bullying. The Dean may modify, in writing, the required transfer of an individual student on a case-by- case basis.

**Rule 11: Sexual Misconduct and Title IX Conduct**

No student shall engage in sexual misconduct. Sexual misconduct includes, but is not limited to, sexual offenses, consensual sexual activities, inappropriate exposure or fondling of private areas of the body.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline:	1 <sup>st</sup> Offense	Up to 5 days Out of School Suspension
	2 <sup>nd</sup> Offense	Up to 10 days Out of School Suspension and principal may recommend long term suspension

For a flagrant violation, principal has the discretion to request long term suspension

**Rule 12: Theft, Damage to Personal or Real Property or Possession of Stolen Property**

**12A: Damage to Personal Property Less than \$200**

No student shall intentionally damage or attempt to damage personal or real property belonging to another person or the school.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline:	1 <sup>st</sup> Offense	Up to 3 days Out of School Suspension
	2 <sup>nd</sup> Offense	Up to 5 days Out of School Suspension
	3 <sup>rd</sup> Offense	Up to 7 days Out of School Suspension
	4 <sup>th</sup> Offense	Up to 10 days Out of School Suspension and principal may recommend long term suspension

**12B: Damage to Personal Property in Excess of \$200**

No student shall intentionally damage or attempt to damage person or real property belonging to another person or the school

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline:	1 <sup>st</sup> Offense	Up to 5 days Out of School Suspension
	2 <sup>nd</sup> Offense	Up to 10 days Out of School Suspension and principal may recommend long term suspension

For a flagrant violation, principal has the discretion to recommend long term suspension

**12C: Injury or Damage to Real Property**

No student shall intentionally damage or attempt to damage real property belonging to another person or the school.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline:	1 <sup>st</sup> Offense	Up to 5 days Out of School Suspension
	2 <sup>nd</sup> Offense	Up to 10 days Out of School Suspension and principal may recommend long term suspension

For a flagrant violation, principal has the discretion to recommend long term suspension

Damages to school property may result in charges being filed and/or restitution being sought

**12D: Theft or Possession of Stolen Property Less than \$200**

No student shall steal or attempt to steal personal or real property belonging to another person or the school. No student shall be unlawfully in possession of property belonging to another person or the school.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline:	1 <sup>st</sup> Offense	Up to 5 days Out of School Suspension
	2 <sup>nd</sup> Offense	Up to 10 days Out of School Suspension and principal may recommend long term suspension

For a flagrant violation, principal has the discretion to recommend long term suspension

**12E: Theft or Possession of Stolen Property Valued at More than \$1000**

No student shall steal or attempt to steal personal or real property belonging to another person or the school. No student shall be unlawfully in possession of property belonging to another person or the

school.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline:	1 <sup>st</sup> Offense	Up to 5 days Out of School Suspension
	2 <sup>nd</sup> Offense	Up to 10 days Out of School Suspension and principal may recommend long term suspension

For a flagrant violation, principal has the discretion to recommend long term suspension

**12F: Malicious Burning**

No student shall attempt to burn or intentionally burn any personal or real property belonging to another person or the school.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline:	1 <sup>st</sup> Offense	Up to 5 days Out of School Suspension
	2 <sup>nd</sup> Offense	Up to 10 days Out of School Suspension and principal may recommend long term suspension

For a flagrant violation, principal has the discretion to recommend long term suspension

The willful burning of a school building shall be reported to law enforcement.

**Rule 13: Fighting and Dangerous Conduct 13A: Fighting**

No student shall fight, encourage, or engage in any violent or or similar behavior.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline:	1 <sup>st</sup> Offense	Up to 5 days Out of School Suspension
	2 <sup>nd</sup> Offense	Up to 7 days Out of School Suspension
	3 <sup>rd</sup> Offense 13	Up to 10 days Out of School Suspension and principal may recommend long term suspension

For a flagrant violation, principal has the discretion to recommend long term suspension

**Rule 14: Simple Assault on a Student or Non-Employee**

No student shall assault. Attempt to assault, or behave in a way likely to cause minor injury to a student or non-employee.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline:	1 <sup>st</sup> Offense	Up to 5 days Out of School Suspension
	2 <sup>nd</sup> Offense	Up to 7 days Out of School Suspension
	3 <sup>rd</sup> Offense	Up to 10 days Out of School Suspension and principal may recommend long term suspension

For a flagrant violation, principal has the discretion to recommend long term suspension

**Rule 15: Assault Inflicting Serious Injury to a Student or Non-Employee**

**15A: Assault Inflicting Serious Injury to a Student or Non-Employee – No Weapon Involved**

No student shall assault, or attempt to assault, or behave in a way likely to cause serious physical injury to a student or non-employee.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline: Up to 10 days Out of School Suspension. The principal may recommend long term suspension. Must be reported to law enforcement officials

**15B: Assault Inflicting Serious Injury to a Student or Non-Employee – Involving Weapon**

No student shall assault, or attempt to assault, or behave in a way likely to cause serious physical injury to a student or non-employee using a gun or other weapon.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline: Up to 10 days Out of School Suspension. The Dean may recommend long term suspension. Law enforcement shall be notified.

**Rule 16: Assault on or Physical Injury to a School Employee, School Official, or Volunteer**  
 No student shall assault, attempt to assault, or behave in a way likely to cause physical injury to any school employee, school official, independent contractor, or volunteer.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline: Up to 10 days Out of School Suspension. The principal may recommend long term suspension. Must be reported to law enforcement officials.

**Rule 17: Weapons, Firearms, and Dangerous Objects**

**17A: Possession, Handling, Transportation or Use of Weapons (Not a Firearm) and/or Dangerous Objects**

No student shall possess, handle, transport, or use any weapon or other object that can reasonably be considered or used as a weapon, firearm, or dangerous object on school property or at any school-sponsored activity on or off school property.

Weapons (**not a firearm**) and dangerous instruments include, but are not limited to BB gun, paintball gun, stun gun, air rifle, air pistol, mace/pepper spray or gas (or other chemical of like kind), bowie knife, dirk, dagger, slingshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades, fireworks, or any sharp-pointed or sharp-edged instrument or any look-a-like weapon. Exceptions may include, but are not limited to, instructional supplies, unaltered nail files and clippers, and tools used under supervision for instruction or for the maintenance and preparation of food. The Principal shall have the latitude to determine that pocketknives inadvertently brought to school and not used by the student may be considered exemptions.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline: Up to 10 days Out of School Suspension and principal may recommend long term suspension  
Must be reported to law enforcement officials

**17B: Possession of a Firearm or Explosive Device**

No student shall possess or bring a firearm, including but not limited to handgun, shotgun, rifle, pistol, starter pistol; any device designed to destroy or damage property by explosion, blasting or burning; or any bomb or powerful explosive (including but not limited to, dynamite, nitroglycerin, trinitrotoluene, blasting cap) on school property, or any other powerful device, whether operational or not. No student shall possess or willfully and maliciously use any explosive or incendiary device, firecrackers/fireworks, or material to injure or attempt to injure another or to damage or attempt to damage property.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline: 10 days Out of School Suspension and the principal shall recommend a 365- day suspension. The Dean does not have the authority to waive a 365-days suspension. The Board of Education, upon recommendation by the Dean may modify this suspension requirement on a case-by-case basis. (Note: Any student disciplined under this section who is 14 years of age or older shall be recommended for expulsion.)  
Must be reported to law enforcement officials

**Rule 18: Possession of Ammunition**

No student shall possess any form of ammunition on school property or during school activities. Ammunition includes, but is not limited to, bullets, cartridges, shells, and pellets.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline: 1<sup>st</sup> Offense Up to 5 days Out of School Suspension  
2<sup>nd</sup> Offense Up to 10 days Out of School Suspension and principal may recommend long term suspension

For a flagrant violation, principal has the discretion to recommend long term suspension

**Rule 19: Bomb Threats or Bomb Hoaxes**

No student shall make or communicate a bomb threat in any form, including a computer message, or perpetrate a bomb threat hoax by bringing a fake-explosive device, whether openly or concealed, onto school property or to school-sponsored events.

No student shall make a report by any means of communication, knowing or having reason to know the report is false, that there is located on school property or at a school-sponsored activity, any device designed to destroy or damage property by explosion, blasting, or burning.

No student shall conceal, place, or display any device, machine, instrument, or artifact on school property or at a school-sponsored activity so as to cause any person reasonably to believe the same to be a bomb or other device capable of causing serious injury to persons or property.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline: Up to 10 days Out of School Suspension and principal may recommend long term suspension.  
Law enforcement officials shall be notified.

**Rule 19: Over-the-Counter Medication**

No student shall **unlawfully possess**, distribute, sell, or attempt to distribute or sell any over-the counter medication. The proper use of a drug authorized by written parental permission shall not be considered a violation when the person for whom it is intended takes the drug. Parents of students in elementary and middle schools must turn in medication to the appropriate school personnel for safekeeping and dispensing.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline: 1<sup>st</sup> Offense Up to 5 days Out of School Suspension  
2<sup>nd</sup> Offense Up to 10 days Out of School Suspension and principal may recommend long term suspension

**Rule 20: Narcotics, Alcoholic Beverages, Non-Alcoholic/Pseudo-Beer, Controlled Substances, Chemicals, and Drug Paraphernalia**

**20A: Possession, Use, Distribution, or Sale**

No student shall possess, use, distribute, sell, attempt to distribute or sell, transport, or be under the influence of any illegal or controlled substance, or any alcoholic or pseudo-alcoholic beverages. Nor shall any student inhale or ingest any chemical substances or products procured or used with the intention of bringing about a state of exhilaration or euphoria or otherwise altering a student's mood or behavior. Substances include, but are not limited to, narcotic drugs, hallucinogenic drugs, amphetamine, barbiturate, marijuana, anabolic steroid, other controlled substances, any alcoholic beverage, non-alcoholic or pseudo-beer, malt beverage, fortified wine, other intoxicating liquor, drug paraphernalia, or counterfeit drugs. Forbidden products include any substance used to bring about an altered state of mood or behavior.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline: Up to 10 days Out of School Suspension and principal may recommend long term suspension  
Must be reported to law enforcement officials

**20B: Prescription Drugs**

No student shall possess, sell, transport, or deliver any non-controlled prescription drugs for which the student does not possess a lawful and legitimate prescription.

As outlined in ECU Community Board of Trustees Administration of Medication Policy 10.607 and Procedure 10.607-P, the proper use of a drug authorized by valid medical prescription shall not be considered a violation when the drug is taken by the person for whom the drug was prescribed. Parents of students in elementary and middle school must turn in such medication to the appropriate school personnel for safekeeping and dispensing. The only exception is for any student authorized to carry rescue medications) such as, but not limited to, asthma inhalers or insulin).

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline: Up to 10 days Out of School Suspension and principal may recommend long term suspension. Must notify law enforcement officials

**20C: Drug Paraphernalia or Counterfeit Drugs**

No student shall possess, use, or transmit any drug paraphernalia or counterfeit drugs.

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline: Up to 10 days Out of School Suspension and principal may recommend long term suspension

**20D: Under the Influence (But Not in Possession) of Controlled Substance, Alcoholic Beverage, or Non-Controlled Prescription Drug**

No student shall be under the influence (but not in possession of) any controlled substance, alcoholic beverage or non-controlled prescription drug for which the student does not possess a lawful and legitimate prescription. (Not state reportable)

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline: Up to 10 days Out of School Suspension and principal may recommend long term suspension

2<sup>nd</sup> Offense Up to 10 days Out of School Suspension and principal may recommend long term suspension

For a flagrant violation, principal has the discretion to recommend long term suspension

**Rule 21: Violation of Any Criminal Law**

No student shall engage in any conduct on or off campus that would be a violation of state or federal criminal law. When considering the suspension or expulsion of a student for the commission of a criminal act on or off campus, the principal shall consider the following factors:

- a. The nature of the crime and level of offense

- b. The age of the student
- c. The effect of the crime on the school environment
- d. Whether the victim of the crime was a student or school employee
- e. Whether the student's continued presence in school constitutes a clear threat to the safety of other students or employees or constitutes disruption to the school environment

All listed consequences are subject to review in accordance with the ECU Community School Classroom Management Plan. The disciplinary measures listed may be utilized if deemed appropriate.

Discipline: Up to 10 days Out of School Suspension and principal may recommend long term suspension

## SECTION II – DISCIPLINARY GUIDELINES

A school climate conducive to serious study and respect for oneself, other people and property is essential for a school to meet the needs of youth. The Principal has the authority and responsibility to take whatever reasonable and legal action is necessary to establish and maintain appropriate student behavior in accordance with Board policy.

### A. General Information

1. Teachers have the responsibility and authority for disciplining students, except in those cases requiring the attention of the principal.
2. The Principal must fully investigate student discipline matters and consider the mitigating and aggravating factors in determining the disciplinary action warranted.
3. If, in questioning a student, the principal determines that a law enforcement officer should carry out the questioning, the principal shall make a reasonable attempt to notify the parents (except in cases of suspected child abuse or neglect by the parent) to give them an opportunity to be present during questioning.
4. Student misconduct at after-school events and other school-sponsored extracurricular activities may lead to additional disciplinary action such as, but not limited to, being banned from extracurricular activities and events for the remainder of the school year.
5. In-school disciplinary actions must not unreasonably compromise the educational environment for others.
6. The Principal may require a student to attend a school detention program for a stated period of time and purpose, provided the parent or guardian has received at least one day's notice and has assumed responsibility for the transportation home.
7. A student may be suspended from school short-term (10 days or less), for cause, by the principal in accordance with the provisions of law and ~~Beard-Community School~~ Procedure 10.303. The principal shall inform the student and make a good faith effort to notify a parent, guardian or responsible adult.
8. A student may be recommended for suspension from school long-term (more than 10 days) by the principal, in accordance with provisions of law and ~~Beard-Community School~~ procedure 10.303. ***The Dean of the College of Education ("Dean") or designee shall review the circumstances for the recommended long-term suspension. Following the review the Dean may impose the suspension if it is consistent with ~~beard-Community School~~ policies and appropriate under the circumstances; may impose another penalty authorized by ~~beard-Community School~~ policy; or may decline to impose any other penalty.***

9. The principal shall report system-required data on each student suspended or expelled to the ***Dean***.

## B. State Reportable Offenses

The following state reportable offenses are to be reported to law enforcement:

1. Assault resulting in serious **personal** injury\*
2. Assault using a weapon \*
3. Assault on school **officials, employees or volunteers**
4. **Making** Bomb Threats **or Engaging in Bomb Hoaxes**
5. **Willfully** Burning of a School Building
6. Death by other than natural causes \*
7. Kidnapping\*
8. Possession of alcoholic beverage
9. Possession of controlled substance in violation of law
- 10. Possession of a firearm**
11. Possession of a weapon
12. Rape\*
13. Robbery with a dangerous weapon \*
14. Sexual assault\*
15. Sexual offense\*
16. Taking indecent liberties with a minor\*

**\* These offenses are used in the calculation for Persistently Dangerous Status.**

## SECTION III – DUE PROCESS PROCEDURES FOR SUSPENSION AND EXPULSION (~~Board-Community School~~ Procedure 10.303 - P)

### STATEMENT OF PURPOSE

In meeting its responsibility to safeguard every student's right to an educational opportunity and to assure an atmosphere conducive to learning while protecting the individual rights of all students, the ~~Board of Trustees~~ECU Community School has adopted the following procedures for those cases when misconduct is of such a serious nature that it results or might result in material and substantial disruption of normal school functions. The ~~Board-Community School~~ believes the procedures adopted meet the standards of due process required by law and accepted standards of fairness.

The procedures adopted concern themselves with those disciplinary matters requiring the attention of the principal or his/her administrative assistants. Any suspension is a serious measure, and the principal should utilize resources reasonably at their disposal in an effort to achieve a different solution. Parent(s)/guardian(s) must be notified in any instance of serious misconduct.

The principal has the final authority on in-school discipline and short-term suspensions. There is no appeal to the ~~Board of Trustees~~Dean of the College of Education ("Dean") for these decisions, under this procedure. For recommended long-term suspensions and/ or expulsions, the procedures provide for (1) adequate notice of the charge against a student and the evidence to support the charge, (2) a decision supported by the evidence, (3) an opportunity for a hearing, and (4) a fair and impartial decision-maker.

## I. GENERAL PROVISIONS FOR SUSPENSION

### A. Application

The principal or his/her designee ("principal" hereinafter is used to include any school professional to whom the principal may delegate authority) shall deal with instances of alleged misconduct:

1. Whenever a teacher refers a problem of classroom discipline to the principal
2. Whenever the alleged misconduct violates the ECU Community School's *Code of Student Conduct*
3. Whenever the principal deems it advisable that he/she deals personally with the misconduct

### B. Investigation

The principal shall investigate instances of alleged misconduct and endeavor to hear all available accounts of the controversy. Students may raise any defense believed to be available. The student's record shall be reviewed by the principal to determine whether or not the student is identified according to federal or state law as a student with a disability or special need. Secure written statements and keep all documents and relevant information received about the misconduct on file.

### C. Power to Suspend

If upon investigation it is determined that student misconduct has occurred, the principal shall have the authority to suspend for a period of ten days or less any student who willfully violates policies of conduct established by the local Board of Trustees, provided that the suspended student shall be given an opportunity to take any quarterly, semester or grading period examinations missed during the suspension period.

## II. SUMMARY AND SHORT-TERM SUSPENSION

### A. Summary Suspension

If the principal personally observes any serious student misconduct, or receives information about such from a reliable informant, and in the exercise of his/her professional judgment he/she concludes that immediate removal of the student is necessary to restore order or to protect school property or persons on the school grounds, he/she may suspend the student immediately and then investigate as soon as reasonably possible.

### B. Short-Term Suspension

A short-term suspension is a denial to a student of the right to attend school, take part in any school function, or be on any ECU Community School's property for a period of time up to ten (10) school days.

The principal may invoke a short-term suspension only after investigating the misconduct and allowing the student an opportunity to be heard, and only for the following reasons:

1. A violation of the ECU Community School's *Code of Student Conduct*
2. Misconduct of the same type as that prohibited by the ECU Community School's *Code of Student Conduct*
3. Misconduct that is prescribed by the rules adopted by the ~~Board of Trustees~~ECU Community School Advisory Board or the ECU Community School
4. Misconduct in violation of state or federal law

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Once the principal has decided to invoke a short-term suspension, he/she shall follow the procedure for "Sending a Student Home During the School Day" as hereafter set forth.

The principal has the final authority on short-term suspensions.

### C. Sending a Student Home During the School Day

When a student is suspended, the principal shall attempt to reach the student's parents or legal guardian ("parent" or "parents" hereinafter includes legal guardian or legal guardians) to inform them of the school's action and to request that they come to the school for their child. If the parents are unable to come for their child, the school may transport the student to his/her home, assuming that a parent is there to receive him/her. If the principal cannot reach the parents, then the student may remain on school property until the close of the school day. The age of the student or any special circumstance would be an important consideration in making this decision.

Notwithstanding the above requirement that a suspended student be released only to a parent or responsible adult approved by the parent, the principal may order students to leave the school premises immediately when faced with mass violations of school rules and when, in the exercise of his/her professional judgment, it is not possible to keep the students on school grounds and restore or maintain order or protect school property or people on the school grounds. Even in this case, distance to home and the age and sex of the student may suggest keeping him/her until his/her parents can be contacted.

#### **D. Advising Parents**

When a student is short-term suspended, the principal shall:

1. Inform the student and notify the parent/guardian.
2. Provide a statement on an approved form that describes the student's misconduct and the length of the suspension directly to the parents or to the parents by the student with a copy sent through the mail.
3. Make a good-faith effort to give notice in a language that is understood by the parents and/or student.
4. Make an effort to hold a conference with the parents before the student returns to school from a suspension.

### **III. LONG-TERM SUSPENSIONS AND EXPULSIONS**

#### **A. Definitions**

1. A long-term suspension is removal from school for more than ten days ***through the remainder of the school year. If the violation that results in the recommendation for a long term suspension occurs during the final quarter of the school year the Dean may include the period up to the remainder of the school year and the first semester of the following school year***
2. A 365-day suspension is a suspension for 365 calendar days. Such suspensions are reserved for students who bring a firearm or powerful explosive onto school property

#### **B. Procedural Requirements**

1. The principal retains the authority to invoke a short-term suspension or other disciplinary action instead of long-term suspension if, after their investigation, they deem it preferable.
2. If, following a thorough investigation, the principal determines that a long-term suspension, 365-day suspension or expulsion is appropriate; he/she shall invoke a short-term suspension of ten days and immediately forward a recommendation for the long-term suspension, 365-day suspension or expulsion to the Dean or designee. When recommending an expulsion, the principal shall also recommend long-term suspension.
3. The principal shall immediately inform the student and his/her parent(s) of the recommendation (see below) and provide a copy of the Due Process Procedures for Suspension and Expulsion set forth in the Code of Student Conduct.
4. A student with disabilities will receive all protections required by law.

#### **C. Due Process for Long-Term Suspensions and Expulsions**

##### **1. Notice from the School**

- a. When long-term suspension or expulsion is recommended by the principal, the principal shall invoke the suspension or expulsion and immediately forward the recommendation to the Dean or designee.
- b. The principal shall immediately notify the student and his/her parent(s) by personal contact or by certified mail (return receipt requested) concerning the recommended suspension or expulsion and the right to a hearing. If notice by certified mail (return receipt requested) is returned unclaimed or delivery is refused, the principal or his/her designee shall attempt to notify the student and his/her parent(s) by regular mail, postage prepaid, addressed to the last known address for the student and his/her parent(s).

##### **2. Requesting a Hearing**

- a. In the event the student or parent(s)/guardian(s), if the student is under the age of majority, desire a hearing on alleged misconduct and penalty, they shall give notice to the Dean or his/her designee within three (3) school days of receipt of the notice from the principal.
- b. Upon the receipt of such notice from the parent or student, the Dean or his/her designee shall immediately refer the matter to the Hearing Officer. The Hearing Officer will suggest a date, time and place for the

hearing. The principal, the parents and the student will be notified as to the date of the hearing. It is suggested that a hearing be held within five (5) school days of invoking the penalty and in no event later than ten (10) school days.

- c. If witness statements or written materials are to be presented in the hearing process, the principal must first delete any other students' names.

### **3. Failure to Attend Scheduled Hearing**

If a student or parent(s) who requested a hearing does not show up for the scheduled hearing and has not called twenty-four (24) hours or more in advance to re-schedule it, the hearing will continue as scheduled in the absence of the student or parent(s). In this case, **The Dean shall review the circumstances of the recommended long-term suspension and make a decision consistent with Board policy.**

### **4. The Initial Hearing**

- a. The Hearing Officer shall be designated by the Dean.
- b. Duties of Hearing Officer
  - (1) Schedule the hearing at a specified date, time, and place; authorized to postpone the date and time or change the place for good cause.
  - (2) Answer any questions that the student, his/her parents, or representative may have about the nature and conduct of the hearing.
  - (3) Retain full charge of the hearing: direct its proceedings and control the conduct of all persons present, subject to the general directions of this procedural code. He/she may limit questioning or testimony that is unproductively lengthy or irrelevant.
  - (4) Make a record of any information orally presented at the hearing. In any case in which the student or the parents so request, a record shall be made available to them.
  - (5) Write findings of fact and recommendations for action.
  - (6) Transmit the written findings and recommendations to the Dean for review and action as soon as possible after the hearing.
- c. The hearing may be attended by the Hearing Officer, the Dean of schools, the principal or principal's designee of the school involved, the student, the parents, and the student's representative. Witnesses may be sequestered. If students are alleged to have acted in concert and the facts are basically the same, group hearings may be held at the discretion of the Hearing Officer.
- d. The student may testify or may remain silent without penalty. The principal or his/her designee shall present all notices, statements and other information relating to the misconduct and the penalty invoked.
- e. The hearing shall consist of a review of the statements and records presented by the principal or his/her designee and by or on behalf of the student. If the principal, the student, or the Hearing Officer requests that any witnesses appear in person and answer questions, due process requires either that they appear or that their absence be considered by the Hearing Officer in determining the weight to be given to such evidence.
- f. The student may be represented by an attorney if he/she chooses. The attorney may present the student's views and question witnesses, and otherwise advise the student or the parents. If attorneys act, they perform in lieu of the parents. The Hearing Officer and the principal must be advised of the decision to have an attorney, at least forty-eight (48) hours before the time set for the hearing, so that an attorney representative from the Office of University Counsel may be in attendance at these hearings.
- g. Parents may be assisted in their presentation by an adult of their choosing.
- h. The Hearing Officer may limit nonproductive questioning or procedures.
- i. Based upon the information presented at the hearing, the Hearing Officer shall privately determine whether a preponderance of the evidence has shown that the student engaged in the alleged misconduct. (If the recommended action is expulsion, there must be clear and convincing evidence that the student engaged in the alleged misconduct.) If the Hearing Officer concludes that misconduct occurred, he/she shall provide a recommendation to the Dean of ECU Community Schools concerning what action, if any, should be taken with respect to the student. The recommended action may not be more severe than that invoked by the principal.
- j. The Dean will determine what discipline will be imposed. The Dean may accept, reject and/or modify the recommendation of the Hearing Officer.

- k. The Dean will notify the parents or guardian in writing of his/her decision and the basis for the decision. Once a hearing has been conducted and the Dean has set his/her decision, a long-term suspension may be appealed to the Advisory Board.

#### 5. The Board Hearing

- a. The student or parent may appeal the Dean's decision to long-term suspend or recommend expulsion of a student to the  
ECU ~~Board of Trustees~~Community School Advisory Board ("Board"). A student or parent who desires a Board hearing shall notify the Dean's office within three (3) days of receipt of the Dean's decision.
- b. A hearing will be scheduled with the Board within ten (10) days of the request.
- c. The appeal will be based upon the Hearing Officer's report and the written record made from the hearing, in addition to the oral presentations by the parties and their witnesses, if any.
- d. Newly discovered evidence will be considered only as is necessary to avoid substantial threat of unfairness.
- e. If the parents/guardian and student do not want to be present at the Board hearing, the parents/guardian or student will give notice within three (3) days of the scheduled hearing. The Dean may then provide written evidence to support the recommendation to the Board, provided that the Board may elect to request a hearing or request additional records and documents.
- f. The Board will provide the parents or guardian with a written decision and the basis for the decision.
  - (1) If the Dean /designee has recommended a 365-day suspension the Board will indicate whether it finds that a preponderance of the evidence supports the 365-day suspension and whether the Board accepts any modification recommended by the Dean. In the event of an expulsion, Board will indicate whether it finds that there is clear and convincing evidence that the student's continued presence in school constitutes a clear threat to the safety of other students or employees.
  - (2) The Board will consider and make a written determination of whether alternative education services will be provided for any expelled student. So long as required by federal or North Carolina law, students with disabilities recognized by the Individuals with Disabilities Education Act must receive alternative educational services during the time of the expulsion in order to continue to receive a free appropriate public education.
  - (3) The Dean decision will be altered only if the Board ~~of Education~~ concludes it to be clearly erroneous or in violation of Board policy.
- g. An adverse decision by the Board ~~of Education~~ may be appealed by the student to superior court.
- h. The Dean will keep all records required by state or federal law on all suspensions made pursuant to this policy.

#### D. Long-Term Suspensions in Student Records

- 1. Pursuant to Section 115C-402(b) of the General Statutes of North Carolina, any student who has been suspended for a period of more than ten (10) days or has been expelled following the procedures set forth above, shall have notice of said suspension or expulsion and the conduct for which the action was taken placed upon his or her school record.
- 2. Said notice shall be removed from the record of the student if (1) the student or parent requests the removal, (2) the student either graduates from high school or is not expelled or suspended again for a period of two years after his or her return to school, (3) the Dean or Dean's designee determines that maintenance of the record is no longer needed to maintain safe and orderly schools, and (4) the Dean or Dean's designee determines that maintenance of the record is no longer needed to adequately serve the child.
- 3. Notwithstanding number 2 above, a Dean or Dean's designee may remove notice of suspension or expulsion from a student's official record without a request from the student or parent if all the other above criteria are met.

### SECTION IV - IDENTIFIED EXCEPTIONAL CHILDREN OR SECTION 504 STUDENTS

#### I. Students Identified as Disabled under the Individuals with Disabilities Education Act (IDEA)

**Note:** Refer to the *ECU Community School Exceptional Children's Discipline Procedures* when disciplining

students identified as disabled or suspected of being disabled under IDEA.

#### **A. General Guidelines for Disciplining Students with Disabilities**

1. At the eleventh (11) day of suspension within a school year and prior to each suspension thereafter, the ECU Community School's IEP Team must be convened to make a manifestation determination. At a manifestation determination meeting, the IEP Team determines if the behavior was caused by the student's disability or was the direct result of a failure to implement the IEP. (It is ECU Community School's policy to operate under the premise that the 11<sup>th</sup> day of suspension constitutes a change of placement which would trigger manifestation determination. In situations where school personnel believe that additional suspensions would not constitute a change of placement, documentation should be presented to the Exceptional Children's Director or designee).
  - The parent must immediately be notified of the disciplinary removal and invited to attend this meeting. ECU Community School personnel should use form DEC 5(a) to serve as the notice and the invitation to the manifestation meeting. The most recent version of the Handbook on Parents' Right must be given on the same day a decision is made to make a removal that constitutes a change of placement.
  - A FBA (functional behavioral assessment) must be completed and a BIP (behavior intervention plan) implemented prior to the 11<sup>th</sup> day of suspension. If a current and relevant BIP has been previously developed, it should be reviewed, and modified as necessary, to address the behavior.
  - Educational services must be provided during any removal from school after the 10<sup>th</sup> day in a school year.

**Note:** A removal for more than 10 consecutive school days always constitutes a change of placement that triggers the above actions.

2. If the IEP Team finds no direct relationship between the disability and the behavior, or a failure to implement the IEP, the principal may follow the ECU Community School Code of Student Conduct. Educational services must be continued during any removals from school.
3. If the IEP Team determines that there is a manifestation between the student's disability and the behavior or a failure to implement the IEP, the student cannot be suspended or have a disciplinary change of placement for any reason. The student must immediately return to the school placement from which he or she was removed, unless the parent and IEP Team agree to a change of placement.

#### **B. Special Circumstances for Discipline Related to Drug Offenses, Weapon Offenses, and Offenses Resulting in Serious Bodily Injury**

1. The principal may remove a student to an interim alternative educational setting (IAES) for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the student:
  - Carries a weapon to or possesses a weapon at school, on school premises, or at a school function under the jurisdiction of the LEA;
  - Knowingly possess or uses illegal drugs or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of the LEA; or
  - Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the LEA.

Upon the end of the not more than 45-school day removal the student must be returned to the placement from which he/she was removed, unless the parent and the IEP Team agree to another placement.

2. A manifestation meeting must occur within 10 school days of the decision of the principal to remove a student to an IAES. Regardless of the decision of the manifestation determination, the student can remain in the IAES for up to 45 school days or be returned to school if the principal determines it to be appropriate. While the principal has the authority to assign a student to an IAES, the IEP Team determines the setting for services.
3. The principal must notify the parents immediately and provide the parents with the most recent version of the Handbook on Parents' Rights. Additionally, the principal must immediately notify the Exceptional Children's Director when implementing an up to 45-school day IAES for special circumstances.
4. An up to 45 school day assignment to an IAES is not a suspension. Educational services must be provided during assignment to an IAES.

5. Definitions:

- Weapon, as defined in 18 U.S.C. 930 (g), means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 ½ inches in length
- Illegal drug, as defined in 21 U.S.C. 812 (c), means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal Law. Controlled substance is a drug or other substance identified under schedules I, II, III, IV or V in section 202(c) of the Controlled Substance Act (21 U.S.C. 812(c)).
- Serious bodily injury, as defined in 18 U.S.C. 1365 (h) (3) and 20 U.S.C. 1415(k) (7) (D), means a bodily injury that involves a substantial risk of death; extreme physical pain; protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

**C. Dangerous, Violent or Abusive Students (not meeting requirements for discipline under Special Circumstances)**

1. Nothing in federal or state law prohibits a principal from contacting law enforcement to forcibly remove a violent student or a student who has committed a crime at school. Category III and IV offenses require the principal to notify law enforcement.
2. If the principal believes that maintaining the student in the current placement is substantially likely to result in injury to self or others, he/she should consult with the Office of University Counsel and the director of the Exceptional Children's Program or designee for guidance in obtaining a court order to change the student's placement.

**D. Students Served Under Section 504**

Disciplinary procedures as listed above for students served with disabilities under the Exceptional Children's programs (IDEA) shall be followed except in the following instances:

- If no manifestation is found between the disciplinary infraction and the student's 504 disability, then the student is disciplined as a non-disabled student and may be suspended. No educational services are required during the suspension.
- 504 students whose behavior is determined to be a manifestation of their 504 disability cannot be suspended beyond ten (10) consecutive days, even when charged with a weapons violation or serious injury. If safety is a concern, contact the Executive Director of Student Services to discuss options to suspension prior to the student returning to school. If safety is not a concern, the student is reinstated in their regular education program, unless otherwise agreed upon by the parent and administration.
- A forty-five (45) school day assignment to an Interim Alternative Educational Setting (IAES) is only applicable to students served under Exceptional Children's programs (IDEA), and not to students served under Section 504.
- Students served under Section 504 who are charged with use of any controlled substance or alcoholic beverage on school grounds, on a school bus, or at a school function, activity, or event are not protected under Section 504. No manifestation meeting is required, and the student may be disciplined as a non-disabled student.

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**SECTION V – INVOLUNTARY COMMITMENT**

North Carolina law defines a dangerous student as:

- One whose behavior is out of control, very inappropriate to a given situation, or very irrational,
- One who has harmed himself/herself, threatened to harm himself/herself, or has been unable to care for himself/herself, or
- One who has recently caused serious bodily harm to another or has destroyed property, and based on evidence of past incidents it is expected that this behavior will happen again.

When faced with a student who presents as a danger to himself/herself or others, the school may want to refer the student for emergency/involuntary commitment to a hospital for treatment. The steps for that process follow:

1. Principal /Counselor/Designee attempts contact with the student's parents to involve them in the escalating situation. Ask the parent if the student is enrolled with an area mental health provider.

2. Principal /Counselor/Designee calls the mental health provider treating the student or calls East Carolina Behavioral Health (ECBH) at 1-877-685- 2415. The Access to Care clinicians at ECBH may assist the school staff in linking with the student's current mental health provider, in arranging for the student to be seen by a private mental health provider, or in determining if the caller needs to pursue the magistrate.
3. Principal reports to the magistrate's office and signs the petition.
4. The magistrate will send a law enforcement officer to the school to take the student for evaluation, or the School Resource Officer may be designated to transport the student.
5. The student will be transported to their area mental health provider or to ECU Medical Center for evaluation.
6. There will be three possible outcomes:
  - The student will not fit the criteria for hospital admission, will be given emergency room treatment and will be sent home.
  - It will be unclear whether the student fits the criteria for hospital admission. The student will be given an outpatient commitment and a court hearing will be set up in ten (10) days.
  - The student will fit the criteria for hospital admission and will be admitted to the hospital.

## **SECTION VI – SUBSTANCE ABUSE PROCEDURES**

(Board Procedure 10.207 – P)

### **ALCOHOL & DRUGS**

#### **I. PROCEDURE FOR DISCIPLINE OF STUDENTS**

##### **A. Narcotics, Alcoholic Beverages, Non-Alcoholic or Pseudo-Beer, Controlled Substances, Chemicals, and Drug Paraphernalia**

No student shall possess, use, distribute, 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, non-alcoholic or pseudo-beer, malt beverage, fortified wine, other intoxicating liquor, drug paraphernalia, or counterfeit drugs, or inhale or ingest any chemicals or products with the intention of bringing about a state of exhilaration, euphoria, or of otherwise altering the student's mood or behavior.

- B. Periodic searches may be conducted by school officials in accordance with the policy 10.201 (Search and Seizure).**
- C. The possession or 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. Students in elementary and middle schools who have prescription drugs must turn in such drugs to the appropriate school personnel for safekeeping and dispensing.**



- D. If the student is offered the opportunity to enroll in Project FIND as an alternative to long-term suspension for a first offense as outlined in I.D. 1, the parent(s)/guardian(s) will be provided with information regarding the content and requirements of Project FIND. The parent(s)/guardian(s) must immediately contact Project FIND to schedule an intake appointment.
- E. If the offer of Project FIND is refused or if the student does not follow through with Project FIND, the school district will proceed with the long-term suspension process.
- F. The parent(s)/guardian(s) must give written permission for participation in the program.
- G. In the event a student who has completed the intervention program commits another substance abuse violation, school officials must recommend the student for long-term suspension or expulsion.
- H. A complete intake process will be completed for Project FIND by PORT Human Services on each student, parent(s) or guardian(s) referred to the intervention program. The purpose for doing the complete intake is to assess the student for problems he/she may be experiencing and, when deemed appropriate, referring the student to an appropriate agency.
- I. Parents of students will be required to sign a release of information at intake so that evaluation data can be obtained from the respective schools.
- J. The student and parent will be in structured workshops for a period of eight (8) weeks. A report will be completed after the final session. These reports will be sent to the school referring the student. These reports will focus on attendance and willingness to become part of the structured group experience.
- K. If a student has any unexcused absences from the intervention program classes, is non-compliant with the program, or is dropped from the program for these or any other reasons, the student's long-term suspension will be reinstated. A representative of Project FIND from PORT Human Services will notify the school administration of this action as soon as possible, but no later than five days upon the decision to drop the student from the program.
- L. The initial Project FIND enrollment fee shall be paid by the Board of Trustees to encourage students to stay in school. Parents/guardians will be responsible for paying other costs for this program through insurance or sliding scale fees.

### **III. PROCEDURES TO BE FOLLOWED FOR VOLUNTARY ADMISSION OF ALCOHOL OR DRUG USE**

- A. A student may at any time voluntarily share with the school official that he/she has a chemical or substance abuse problem and desires intervention assistance. ECU Community School officials will then meet with parents/guardians (or surrogate parent approved by the Board of Trustees) in setting up an appointment to explain the content and requirements of the volunteer intervention program. The principal will assist parent(s)/guardian(s) in setting up an assessment interview with PORT Human Services. Appropriate steps shall be taken to ensure confidentiality for individuals in the referral and follow-up processes.
- B. The principal will follow-up with PORT Human Services to ascertain if follow-up from the assessment interview was conducted.