

- 3) Collaborate in an engaging way
- 4) When necessary, step out of your comfort zone
- 5) Feedback must come from a good place
- 6) Know how to be who you are



# 2024 – 2025 Code of Student Conduct

STUDENTS RIGHTS, RESPONSIBILITIES AND  
CHARACTER DEVELOPMENT HANDBOOK





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## MISSION AND VISION

The mission of Charlotte-Mecklenburg Schools is to create an innovative, inclusive, student-centered environment that supports the development of independent learners.

The vision of Charlotte-Mecklenburg Schools is to lead the community in educational excellence, inspiring intellectual curiosity, creativity, and achievement so that all students reach their full potentials.

In compliance with Federal Law, Charlotte-Mecklenburg Schools administers all education programs, employment activities and admissions without discrimination against any person on the basis of gender, race, color, religion, national origin, age, or disability. Inquiries regarding compliance with Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs or activities, may be referred to the District's Title IX Coordinator at [titleixcoordinator@cms.k12.nc.us](mailto:titleixcoordinator@cms.k12.nc.us) or to the Office for Civil Rights, United States Department of Education.



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To the students and families of Charlotte-Mecklenburg Schools,

Welcome to the 2024-25 school year! The safety and well-being of our students and staff are among our top priorities here in Charlotte-Mecklenburg Schools. We work to provide school environments that are welcoming, safe and conducive for student learning every day.

The Code of Student Conduct: Student Rights, Responsibilities and Character Development Handbook outlines our expectations for all students. This handbook helps us create and maintain environments where every student can learn and be successful.

Please review this handbook in its entirety. If you have questions, comments or concerns about any portion of this handbook, please contact your school directly. Once you've reviewed the documents, please sign the Student and Parent Acknowledgement and Pledge form and return it to your school. The form states that you understand the policies and agree to the expectations, responsibilities and consequences outlined for student conduct.

We need your help in maintaining a school environment that serves the needs of all of our students, staff and families. Families, please talk with your student(s) about the importance of making good decisions and treating others how they would like to be treated. Students, we ask that you come to school ready to learn, be respectful of others and make every day a great day.

Thank you for choosing Charlotte-Mecklenburg Schools. I wish you and your family a successful school year!

Sincerely,



Crystal L. Hill, Ed.D.  
Superintendent



## Charlotte-Mecklenburg Schools

**2024-2025***Student Rights, Responsibilities and Character Development Handbook***CODE OF STUDENT CONDUCT****Student and Parent Acknowledgement and Pledge**

The *Code of Student Conduct* has been developed to help your child receive quality instruction in an orderly educational environment. The school needs your cooperation in this effort. Therefore, please (1) review and discuss the *Code of Student Conduct* with your child and (2) sign and return this sheet to your child's school. Should you have any questions when reviewing the *Code of Student Conduct*, please contact your child's school principal. You may access an electronic copy of the handbook on the CMS website: [www.cmsk12.org](http://www.cmsk12.org). You may also access a paper copy at your child's school. Students and parents/guardians must (also) abide by the District's internet policies and procedures. You may view at IJNDB <https://go.boarddocs.com/nc/cmsnc/Board.nsf/Public>

**NOTE: FAILURE TO RETURN THIS ACKNOWLEDGEMENT AND PLEDGE WILL NOT RELIEVE A STUDENT OR THE PARENT/GUARDIAN FROM BEING RESPONSIBLE FOR KNOWING OR COMPLYING WITH THE RULES CONTAINED WITHIN THE CODE OF STUDENT CONDUCT.**

I have reviewed the *Code of Student Conduct*, and I understand the rights and responsibilities contained therein.

Parent: \_\_\_\_\_

To help keep my school safe, I pledge to show good character, work to the best of my ability and adhere to the guidelines established within the *Code of Student Conduct*.

Student: \_\_\_\_\_

Date: \_\_\_\_\_

## Social and Emotional Learning (SEL)

Social Emotional learning (SEL) is defined as the process through which all young people and adults acquire and apply the knowledge, skills, and attitudes to develop healthy identities, manage emotions and achieve personal and collective goals, feel and show empathy for others, establish and maintain supportive relationships, and make responsible and caring decisions.

The Collaborative for Academic, Social, and Emotional Learning (CASEL) identifies an SEL Framework with five core competencies to support learning and development, as well as four key settings where SEL can be practiced, generalized, and supported. The CASEL core competencies can be taught and applied at various developmental stages from childhood to adulthood and across diverse cultural contexts to articulate what students should know and be able to do for academic success, school and civic engagement, health and wellness, and fulfilling careers. The Core Competencies are Self-Awareness, Self-Management, Responsible Decision-Making, Relationship Skills, and Social Awareness. The Four Key Settings are Classrooms, Schools, Families & Caregivers, and Communities.

**Self-Awareness:** The abilities to understand one’s own emotions, thoughts, and values and how they influence behavior across contexts. This includes capacities to recognize one’s strengths and limitations with a well-grounded sense of confidence and purpose.

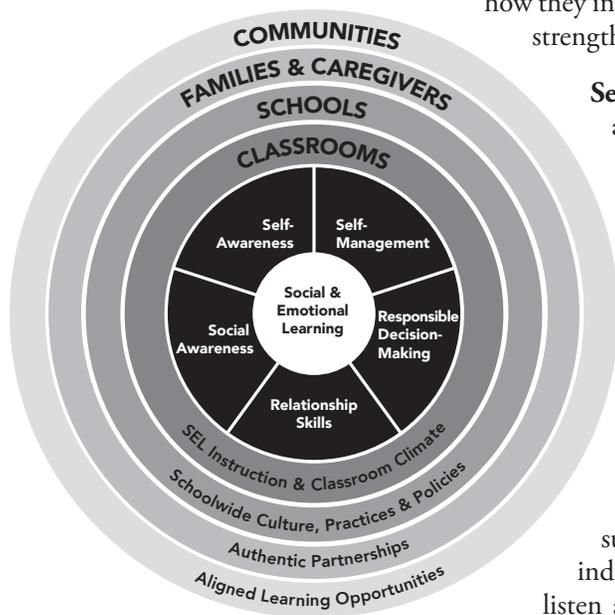
**Self-Management:** The abilities to manage one’s emotions, thoughts, and behaviors effectively in different situations and to achieve goals and aspirations. This includes the capacities to delay gratification, manage stress, and feel motivation & agency to accomplish personal/collective goals.

**Responsible Decision-Making:** The abilities to make caring and constructive choices about personal behavior and social interactions across diverse situations. This includes the capacities to consider ethical standards and safety concerns, and to evaluate the benefits and consequences of various actions for personal, social, and collective well-being.

**Relationship Skills:** The abilities to establish and maintain healthy and supportive relationships and to effectively navigate settings with diverse individuals and groups. This includes the capacities to communicate clearly, listen actively, cooperate, work collaboratively to problem solve and negotiate conflict constructively, navigate settings with differing social and cultural demands and opportunities, provide leadership, and seek or offer help when needed.

**Social Awareness:** The abilities to understand the perspectives of and empathize with others, including those from diverse backgrounds, cultures, & contexts. This includes the capacities to feel compassion for others, understand broader historical and social norms for behavior in different settings, and recognize family, school, and community resources and supports.

*The information provided on the SEL Framework is adapted from the CASEL website. Detailed information can be found here: <https://casel.org/fundamentals-of-sel/what-is-the-casel-framework/>*



## Section I - Student Rights and Responsibilities

### *Safe and Orderly Educational Environment*

#### **Student Rights**

To attend school in a positive educational environment

To have school staff that is willing to hear the needs and concerns of students

To feel safe from crime, violence, intimidation, bullying, harassment, racism and other discrimination at school

#### **Student Responsibilities**

To only engage in behaviors which support a positive educational environment

To express needs and concerns appropriately

To understand and follow school behavior expectations and to report instances of bullying and dangerous/unsafe situations to school administrators

### *Attendance*

#### **Student Rights**

To be informed of school board policies and school rules about absences, recovery and tardiness

To appeal a decision about recovery

To arrange to make up classwork/tests for credit within five days of returning from an absence

#### **Student Responsibilities**

To attend school and class daily and to be on time

To provide documentation of the reason for an absence

To request make-up work for an absence and arrange to complete it within five days of returning to school

### *School Counseling Services*

#### **Student Rights**

To be informed about school guidance services

To have access to school counselors

To request counseling when needed

#### **Student Responsibilities**

To utilize guidance services for educational improvement

To request counseling or advisement when needed

To work cooperatively with school staff

### *Free Speech/Expression*

#### **Student Rights**

To express views (in written or verbal form) without being obscene, disruptive, discriminatory or provocative

To choose to participate in patriotic observances such as the Pledge of Allegiance

To have religious beliefs respected

To help develop and distribute publications as part of the educational process

To be protected from bullying, intimidation and threats

#### **Student Responsibilities**

To respect the rights of others when they express their views

To behave respectfully during patriotic observances

To respect the religious beliefs of others and to refrain from activities that hold religious beliefs up to ridicule

To follow the rules of responsible journalism under the guidance of an advisor and administrator, including refraining from publishing material that is inappropriate for the school environment

To refrain from bullying, intimidating and threatening conduct

### *Privacy and Property Rights*

#### **Student Rights**

To have personal possessions remain private unless school staff have reason to believe that a student is in possession of items prohibited by the *Code of Student Conduct*, other school policy or the law, or as part of a CMS random search process.

To have personal property respected

#### **Student Responsibilities**

To keep prohibited items away from school and school functions

To respect the personal property of others

**Note: If a student's rights have been violated, they may report to any school staff.**

### *Safe Harbor Provision*

When prohibited items are found or inadvertently possessed on school property or at a school function, students shall immediately notify school staff and surrender the items.

When a student inadvertently possesses an object prohibited by the *Code of Student Conduct*, the student shall approach a school staff member and voluntarily surrender the object. The student may not be subject to discipline so long as the object is one that the student could lawfully possess off school grounds.

When a student finds or inadvertently possesses an illegal item (e.g., drugs or weapons) or other contraband, the student shall immediately report the discovery to school staff and surrender the item (if it's in student's possession). A student will not be in violation of the *Code of Student Conduct* solely for making such a report. After a report is made, school officials shall investigate to determine if a violation of the *Code of Student Conduct* has occurred. If a student inadvertently possesses or finds a firearm or destructive device, the student will not be subject to a 365-day suspension if the superintendent finds 1) the student delivered or reported the firearm or other destructive device as soon as practicable to a law enforcement officer or a school employee and 2) the student had no intent to use the firearm or other destructive device in a harmful or threatening way.

The Safe Harbor Provision may not apply if a search is ongoing in any location at the school, if the object is surrendered during a search, or if the object is not turned in prior to discovery by school staff. With respect to objects that have been turned over to school staff, the parent/guardian must make arrangements to pick up the object from the school, unless it is an object that must be turned over to law enforcement.

### *Participation in Extracurricular/Co-curricular Activities*

Any student subject to the North Carolina High School Athletic Association's eight-semester rule who (1) is convicted of a crime classified as a felony under North Carolina or federal law, or (2) is adjudicated delinquent for an offense that would be a felony if committed by an adult, is not eligible to participate in the North Carolina High School Athletic Association's sports program from the date of the conviction or adjudication of delinquency through the end of the student's high school career. Pending appellate or other post-conviction review of the conviction or adjudication of delinquency does not affect the student's immediate ineligibility.

### *Student Dress*

The dress and grooming of students shall contribute to the health and safety of the individual and promote an orderly educational environment. These standards apply to all students, unless a specific exception is made by the school administrator. Please see the dress code at your school.

### *Behavior on the School Bus or at the Bus Stop*

**For the purpose of providing safe transportation for all students, in addition to the other *Code of Student Conduct* rules, the following guidelines must be observed:**

- Refrain from conduct or behavior that interferes with the orderly, safe and expeditious transportation of bus riders.
  - Obey the bus driver at all times.
  - Act appropriately while waiting for the bus.
  - Give your proper name when requested by the bus driver or monitor.
- Be at the bus stop at least ten minutes prior to a scheduled stop time.
- Ride only on assigned bus.
- Board and depart only at the assigned bus stop.
- Remain seated at all times when the bus is moving.
- Refrain from eating or drinking while aboard the bus.
- Cellular telephones and other electronic devices cannot be a distraction to the bus driver.

Video cameras have been installed on some buses. Students may be filmed while on the bus.

Violations of these standards, the *Code of Student Conduct*, or any behavior which substantially distracts the bus driver and causes, or has the potential to cause, a safety hazard on a bus, may be the basis for suspension from the bus and/or school or revocation of bus-riding privileges.

### *Conduct While on School Property*

Parents are encouraged to be active participants in their child's education. A partnership between parents and the school requires meaningful and appropriate communication. As such, we must be civil in our discourse. This requires that:

1. No one disrupts or attempts to interfere with the operation of a classroom or any other area of a school.
2. School rules for access and visitation are strictly obeyed.
3. Legitimate obligations and time constraints are respected.

4. Information that might help reach our common goal is shared. This includes information about safety issues, academic progress, changes that might impact a student’s work or events in the community that might impact the school.

In the event of a violation of the above guidelines, the following steps are available:

1. Students who believe they have been treated in an inappropriate manner should report the behavior to the school administrator.
2. Parents/guardians or community members who believe they have been treated in an inappropriate manner should report the behavior to the staff member’s immediate supervisor.
3. Employees who believe they have been treated in an inappropriate manner by a student or parent shall report the incident to the school administrator.
4. Anyone on school district property may be directed to leave the premises by an administrator or other authorized staff. Anyone who threatens to, attempts to, or actually disrupts school or school district operations may be directed to leave the premises by an administrator or other authorized staff and may have limitations placed on their campus access. Disruptive behavior is conduct that creates or may reasonably be expected to create a material and substantial disruption to the educational environment or to the operation of the school, or that poses a threat to the safety of students, staff or visitors. It includes, but is not limited to:
  - Profane, lewd, obscene or abusive language, gestures or other written or electronic communication;
  - Rude or riotous noise;
  - Disorderly or assaultive behavior;
  - Vandalism or the defacement of public property;
  - Threats to the health or safety of others; and
  - Any other conduct that violates any applicable law or policies of the Board.
5. More details about the expected conduct of visitors to campus may be found in Board Policy KI, “School Visitors.”

### *Transfer When Criminal Charges are Pending/Triage Process*

The district will continue the Criminal Watch program to monitor students charged with or convicted of criminal offenses. In addition, upon review of the underlying allegations and based upon the preponderance of evidence, the superintendent may reassign to a different school a student who has been charged with a violent criminal or drug offense (juvenile or adult) that is or would be considered a felony. There is no right for representative counsel to attend a triage meeting. The parent may request a hearing to contest this reassignment. In appropriate circumstances, as permitted by NC law, the superintendent may recommend expulsion of the student, even if the incident did not occur on CMS property.

### *School Property*

School property is defined as the physical premises of all school campuses and properties, bus stops, all vehicles under the control of the district, and the premises of all school-sponsored curricular or extra-curricular activities, whether occurring on or away from a school campus. (CMS Board of Education Policy S-SUSP)

## **Section II - Disciplinary Response Code Overview**

Student disciplinary infractions and associated responses are divided into five progressively severe Levels. Both infractions and responses are outlined later in this document.

### **Treatment of Administrators, Teachers and Staff**

A student who commits an infraction against or involving an administrator, teacher, or other district staff member will be subject to a heightened response under the five Levels. However, the heightened response will not exceed the maximum penalty for the particular rule violation.

### **Participation in a Rule Violation**

A student who participates or conspires with another to violate a rule may be found in violation of the rule. If so, the student will be subject to the full disciplinary consequence for the rule violation.

### **Conduct Away from School Property**

Students may be disciplined for conduct away from CMS property that violates the *Code of Student Conduct* and that has or may have a direct and immediate impact on the orderly and efficient operation of the schools or the safety of individuals in the school environment. This includes conduct that occurs during the virtual learning environment.

### **Truancy**

Students between ages 7 and 16, and students younger than 7 who are enrolled in school, are required by law to attend school. In addition to the consequences outlined in Rule 1, the student will be required to make up the work missed and may be subject to the district’s attendance recovery procedures. Under NC compulsory attendance statutes, students with more than 10 unexcused absences and/or their parent/caregiver will be referred to the proper authorities.

## Personal Technology Devices

A personal technology device (PTD) is a portable Internet-accessing device that is not the property of the district that can be used to transmit communications by voice, written characters, words or images, share information, record sounds, process words, and/or capture images, such as a laptop computer, tablet, smartphone, cellphone, personal digital assistant or E-Reader. A student may possess and use a PTD on school property, at after-school activities and at school-related functions, provided that during school hours the PTD remains off and put away. With the approval of the superintendent, a principal may permit students to possess and use PTDs during the school day for educational purposes. “Educational purposes” include student education, research and career development. A principal may put additional rules in place permitting student use of cell phones during noninstructional times of the school days. Possession of a PTD by a student is a privilege, which may be revoked for violations of the *Code of Student Conduct*. Violations may result in the confiscation of the PTD (to be returned only to a parent) and/or other disciplinary actions. Students permitted to use PTDs during the school day must follow all rules set forth in Policy S-SINT and Regulation S-SINT/R, and sign the Student Internet Use Agreement. The district is not responsible for theft, loss, or damage to PTDs or other electronic devices brought onto CMS property.

## Possession of Illegal Substances

The unlawful possession, use or distribution of illicit drugs and/or alcohol by students on school property or at any school function is prohibited. In addition to school consequences, such actions will be reported to local law enforcement and may be required to be reported to the Department of Motor Vehicles.

## Possession of Weapons

The possession of weapons by students on school property or at any school function is prohibited. In addition to school consequences, such actions will be reported to local law enforcement and may be required to be reported to the Department of Motor Vehicles.

## Use of Trained Dogs to Inspect for Contraband Substances or Items

According to CMS Board Policy O-DOG: “The Charlotte-Mecklenburg Board of Education is committed to the maintenance of order and discipline in schools, and to the safety and welfare of students. Therefore, school authorities may use specially trained dogs to sniff students’ lockers, desks, book bags, automobiles, and other property at any time in an effort to detect the presence of prohibited substances and items. Authorities may search personal property in or about which trained dogs have detected prohibited substances or items and may seize such substances or items found as a result of these searches. Students shall be subject to consequences set forth in the CMS Student Code of Conduct for the possession of any prohibited items seized as a result of inspections by trained dogs and may also be subject to criminal prosecution.” (The full Board Policy O-DOG can be found at: <http://go.boarddocs.com/nc/cmsnc/Board.nsf/goto?open&id=B2LRU36FA140>)

## Safety Screenings

Safety screenings are used to help keep weapons out of schools. The screening tools, procedures and staff training are designed to respect the rights and privacy of students and minimize disruption to teaching and learning while deterring weapons being brought into schools. Various tools are deployed including metal detection wands, portable metal detectors, bag searches and use of a dog trained to detect gunpowder. Dogs used in searches will not have direct contact with students.

## Reports to Law Enforcement Agencies

As required by North Carolina law, principals are required to report the following acts to law enforcement when they have personal or actual notice of the incident and the acts occurred on the school property: “assault resulting in serious injury, sexual assault, sexual offense, rape, kidnapping, indecent liberties with a minor, assault, involving the use of a weapon, possession of a firearm in violation of the law, possession of a weapon in violation of the law, or possession of a controlled substance in violation of the law.” (N.C.G.S. § 115C-288 (g)). Procedures followed at school when a law enforcement officer wishes to interview a student who is an alleged perpetrator of a criminal act or a witness to a criminal act are provided in Board Policy O-ELX.

Pursuant to N.C.G.S. § 14-316.8, “Any person 18 years of age or older who knows or should have reasonably known that a juvenile has been or is the victim of a violent offense, sexual offense, or misdemeanor child abuse shall immediately report the case of that juvenile to the appropriate local law enforcement agency in the county where the juvenile resides or is found.” \*This requirement is **in addition** to the mandatory reporting to DSS.

## Reports to Department of Social Services

Pursuant to state law, school personnel are required to report any suspected cases of child abuse or neglect to the Department of Social Services. Procedures followed at school when a representative of the Department of Social Services wishes to interview a student who is an alleged victim of child abuse or neglect are provided in Board Policy O-ELX.

## Reports to Department of Motor Vehicles

Pursuant to state law, CMS is required to report the following acts to the Department of Motor Vehicles for a student who is between the ages of 14-17 or is in the 8th grade or above: possession or sale of alcoholic beverages or illegal controlled substances on school property; bringing, possessing or using a weapon or firearm on school property; and physical assault on school staff on school property when the conduct results in a suspension in excess of 10 days or the student is assigned to an alternative educational setting.

## Reports to Say Something Anonymous Reporting System

The Say Something Anonymous reporting system is an age-appropriate, evidence-informed program that trains youth and adults to recognize warning signs and threats of potential violence and to tell a trusted adult or use the anonymous reporting system via app, website, or telephone hotline. This empowers students, parents, staff, and community members to securely share safety concerns, helping school administrators and law enforcement members to prevent violence, suicide, bullying, self-harm, and other dangerous behaviors.

## Section III - Disciplinary Responses

According to CMS Board Policy S-SUSP: “Consequences for violating the Code of Student Conduct should be progressive in nature. Principals and teachers are encouraged to use a full range of discipline responses to student misconduct, such as parental involvement, conferences, isolation or time-out for short periods of time, behavior improvement agreements, instruction in conflict resolution and anger management, peer mediation, individual or small group sessions with the school counselor, academic intervention, in-school suspension (ISS), detention before and/or after school or on Saturday, community service, exclusion from graduation ceremonies, exclusion from extracurricular activities, suspension from bus privileges, and disciplinary placement in an alternative school.”

The use of out-of-school-suspension (OSS) should be reserved as a consequence for student conduct where other documented options either have not been effective or, in the opinion of the principal, will not serve to protect other students and staff at the school or will not preserve an orderly school environment. A short-term suspension of 3 or more days may be appealed (see page 22). All documented discipline incidents remain on the student’s record. The Board directs that any short-term suspension of any student in the pre-kindergarten program, kindergarten, first grade, or second grade shall first be reviewed and approved by the Superintendent, or his designee, prior to being enforced against the student. The Superintendent’s decision shall be final and may not be appealed to the Board.

Also according to Policy S-SUSP: as principals decide what to recommend to the superintendent/designee as appropriate consequences for the most serious rule violations, they should base their recommendations “upon a review of the nature of the incident and student’s culpability in the incident, degree of danger presented by the student, intent, disciplinary and academic history, potential benefits to the student of alternatives to suspension, and other mitigating or aggravating factors. The principal must also consider and make a recommendation as to whether a reassignment to an alternative school program should be a condition of a suspension or a separate disciplinary option.”

The provisions of this code also apply when students are in the virtual learning environment.

**Level I** - Provides programs and/or school options for students who are at risk for behavioral issues and may be disenfranchised from school or commit minor infractions on an infrequent basis. Program options are typically implemented in the student’s current school and include services such as support related to anger management or conflict resolution. Although the final decision on where the student will attend school will be made by the superintendent, principals, community administrators, and parents will collaborate on the decision to enroll a student in the alternative programs.

**Potential Responses:** (This list contains some of the options that may be used by the administration in addressing student conduct. This is not intended to be an exhaustive list.)

- Parent contact
- Conference (any combination of parent/student/school officials/counselors and teacher)
- Referral to Student Services Team
- Verbal warning
- Temporary social restriction from peers
- Return of property or restitution for damages
- Suspension from bus
- After-school detention or Saturday school
- Behavior contract
- Consider student for additional support via the prescribed MTSS process (see definition page 27)
- In-school suspension
- Confiscation of unauthorized items
- School-based community service/work detail
- Restorative Practice (i.e. peer jury, peer mediation, community service. See definition on page 27)
- Service Learning (See definition on page 27)
- Referral to community agency
- Revocation of school-related privileges
- Disciplinary councils
- Temporary termination from the school-based virtual learning environment
- Education
- Online module for nicotine-based referrals

**Level II** - Provides interventions and consequences for students who commit infractions of the *Code of Student Conduct* such as being chronically disruptive or participating in a fight that does not result in injury or significant disruption to the educational environment.

**Potential Responses:** (This list contains some of the options that may be used by the administration in addressing student conduct. This is not intended to be an exhaustive list.)

- Choice of response from Level I
- Alternative classroom assignment
- Temporary or permanent removal from participation in extracurricular/co-curricular programs or activities
- Out-of-school suspension for one to 10 days with an opportunity to attend a Short-Term Suspension Site (parent contact must be attempted and written notice is required)
- Warning of referral to Level III (repeated offenses)

**Level III** - Provides interventions and consequences for students who commit more serious infractions of the *Code of Student Conduct* and/or have repeat offenses.

**Potential Responses:** (This list contains some of the options that may be used by the administration in addressing student conduct. This is not intended to be an exhaustive list.)

- Out-of-school suspension with an opportunity to attend a Short-Term Site for 10 days and a request for a discipline team meeting which may result in additional consequences. A student may be recommended for a long term suspension and/or disciplinary reassignment to Turning Point Academy middle or high school for up to 180 school days (in certain situations the assignment may be permanent).
- Additional consequences under Level I or II may be imposed as appropriate
- Warning of referral to Level IV (for repeated offenses)

**Level IV** - Provides interventions and consequences for students who commit serious offenses and whose conduct seriously threatens the safety of students, staff or visitors or threatens to substantially disrupt the educational environment. Options at Level IV include long-term suspension and/or assignment to Turning Point Academy middle or high school for up to 180 days (in certain situations the assignment may be permanent). Additionally, by law, with limited exceptions, students must be suspended from school for 365 days for bringing a firearm or destructive device onto school property.

**Level V** – Expulsion: The indefinite removal of a student from school and all school properties by the Board of Education for a student (age 14 or older) whose continued presence constitutes a clear threat to other persons or who is a registered sex offender who is subject to the Jessica Lunsford Act.

*Within each Level, the administrator has the discretion to impose consequences deemed most appropriate to address the infraction. In the instances where an infraction falls within multiple Levels, it is within the discretion of the administrator to determine Level assignment for the infraction.*

**Sections I-III apply to Section IV (Code of Conduct), it is advised to read sections prior to reviewing the rules.**

## Section IV - Code Of Conduct

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

**Rule 1 ATTENDANCE (Citizenship/Responsibility)** A student must attend every class every day unless there is an excused reason for the absence.

- A. Tardy and skipping class UB: Excessive Tardiness, UB: Leaving Class without permission, UB: Truancy, UB: Skipping Class, UB: Cutting Class, UB: Late to Class:** Students who are tardy, cut school or class or have excessive unexcused absences (more than 10) are in violation of this rule and are subjected to adjudication as an undisciplined youth in Juvenile Court. In addition to any administrative response, students with excessive absences may be required to comply with the district's recovery procedures.

**RESPONSES:**

- Minimum:** Level I Response(s) (see page 9)  
**Maximum:** Level I Response(s) (see page 9)

**Out-of-school suspension for each Level:**

**Level I** 0 days

**Level II** 1 to 10 days (Short-term suspension)

*Consequences for Level III-V may be imposed only by the Superintendent/designee*

**Level III** 11 to 30 days (Long-term suspension)

**Level IV** up to 365 days (Long-term or mandatory 365-day suspension)

**Level V** Expulsion

**B. Leaving Campus without permission UB: Leaving School without permission, UB: Skipping School:** Students cannot leave the school campus during school hours.

<p><b>RESPONSES:</b>  <b>Minimum:</b> Level I Response(s) (see page 9)  <b>Maximum:</b> Level II Response(s) (see page 10)  <b>OSS 1-5 days to include documented responses by the administration team</b></p>
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**Rule 2** **FOOD/BEVERAGES (Responsibility/Honesty) UB: Inappropriate items on school property, UB: Insubordination:** A student will eat and drink only in authorized areas of the school. No outside food delivery services are allowed.

<p><b>RESPONSES:</b>  <b>Minimum:</b> Level I Response(s) (see page 9)  <b>Maximum:</b> Level I Response(s) (see page 9)</p>
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**Rule 3** **MEDICATION (Responsibility/Honesty) UB: Inappropriate Item on School Property:** All medication will be provided to the school nurse and properly stored. Without proper medical authorization, students shall not transport or consume prescription or non-prescription medications, supplements, chemical compounds, or over the counter herbal supplements to or from school or have these substances in their possession at any time without meeting conditions prescribed by the Board of Education including appropriate documentation and storage with the school nurse. Students are not permitted to sell or distribute such substances; the distribution, sale or consumption of such substances may be a violation of Rule 28.

<p><b>RESPONSES:</b>  <b>Minimum:</b> Level I Response(s) (see page 9)  <b>Maximum:</b> Level II Response(s) (see page 10)</p>
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**Rule 4** **STUDENT DRESS AND GROOMING (Respect/Responsibility) UB: Dress Code Violation:** A student will maintain personal attire and grooming standards that promote safety, health, and are not disruptive or distracting to the educational environment. This includes student clothing that materially and substantially disrupts classes or other school activities. Students can not wear clothing/accessories that block the ability to be able to make a positive identification of a student, such as a ski mask. The dress and grooming of students shall contribute to the health and safety of the individual and promote an orderly educational environment. Please see the dress code at your school. These standards apply to all students unless a specific exception is made by the school administrator. All students have a right to wear their hair in a way that reflects their racial, ethnic, or cultural identity without being discriminated against or disciplined.

<p><b>RESPONSES:</b>  <b>Minimum:</b> Level I Response(s) (see page 9)  <b>Maximum:</b> Level I Response(s) (see page 9)</p>
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**Rule 5** **PERSONAL PROPERTY (Responsibility):** A student is permitted to bring or possess only objects that have an educational purpose or will not distract from teaching or learning. Students are permitted to sell items on campus only as part of an approved school activity. All other items will be confiscated and returned to the parent at a mutually agreed upon time, not to exceed one calendar week. In some cases this may be a violation of Rule 21B, 22, or 28.

**A. Personal Technology Devices UB: Cell Phone Use:** A personal technology device (PTD) is a portable Internet-accessing device that is not the property of the district that can be used to transmit communications by voice, written characters, words or images, share information, record sounds, process words, and/or capture images, such as a laptop computer, tablet, smart phone, cell phone, smart watch, personal digital assistant or E-Reader. A student may possess and use a PTD on school property, at after-school activities and at school-related functions, provided that during school hours, the PTD remains off and put away. With the approval of the superintendent, a principal may permit students to possess and use PTDs during the school day for educational purposes. “Educational purposes” include student education, research and career development. A principal may put additional rules in place permitting student use of cell phones during noninstructional times of the school day. The principal must assure that these rules are publicized to students and parents. Possession of a PTD by a student is a privilege, which may be revoked for violations of the Code of Student Conduct. Violations may result in the confiscation of the PTD (to be returned only to a parent) and/or other disciplinary actions. The district is not responsible (monetary value or replacement) for theft, loss, or damage to PTDs or other electronic devices brought onto CMS property. Students permitted to use PTDs during the school day must follow all rules set forth in Policy S-SINT and Regulation S-SINT/R, and sign the Student Internet Use Agreement.

\*See Crime Definitions on pages 28-32 before using this code

- B. Toys, games (electronic or other), lighters, and other electronic equipment UB: *Inappropriate Item on School Property*:** Possession of these or any similar devices without permission of the administration is prohibited. No toy guns allowed. Possession of a toy gun that could be mistaken for an actual weapon is a violation of Rule 29, Weapons and Dangerous Objects.

**RESPONSES:**

**Minimum:** Level I Response(s) (see page 9)

**Maximum:** Level II Response(s) for repeated violations (see page 10)

**Rule 6**

**MISREPRESENTATION (Honesty):** A student will be honest and submit his/her own work.

- A. Altering Report Cards or notes UB: *Honor Code Violation*:** Tampering with report cards, official passes, notes or other school documents in any manner, including changing grades or forging names to excuses, is prohibited.
- B. False information UB: *Falsification of Information*:** Making false statements, written or oral, to anyone in authority is prohibited.
- C. Cheating UB: *Honor Code Violation*:** Violating rules of honesty and Honor Codes, including but not limited to plagiarism, submission of work not authored exclusively by the student, to include artificial intelligence created work, or copying another student’s test or assignment, are prohibited. The superintendent has the discretion to punish violations of this rule as Level III if the student’s actions have a serious detrimental effect on other students or staff.

**RESPONSES:**

**Minimum:** Level I Response(s) (see page 9)

**Maximum:** Level II Response(s)(see page 10) OSS 1-5 days

**Rule 7**

**INSUBORDINATION (Responsibility/Respect) UB: *Insubordination*:** Student will comply with the lawful direction of any authorized staff member while in school, participating in a school activity or on school property. All students are expected to behave in a respectful manner. This includes, but is not limited to, complying with the direction or instruction of a staff member, not walking away from a staff member while being spoken to, and speaking to staff in an appropriate manner.

**RESPONSES:**

**Minimum:** Level I Response(s) (see page 9)

**Maximum:** Level II Response(s) (See page 10)

OSS 1-5 days to include documented responses by the administration team

**Rule 8**

**BULLYING, PROFANITY, OBSCENITY AND/OR DEROGATORY LANGUAGE (Respect/Caring)**

- A. Bullying, UB: *Bullying*, UB: *Harassment-Gender identity*, UB: *Harassment-Racial*, UB: *Harassment-Disability*, UB: *Harassment-Religious Affiliation*, UB: *Harassment-Sexual Orientation*:** Bullying and/or harassing behavior are strictly prohibited in CMS. It is the policy of the Board of Education to maintain learning environments that are free from harassment or bullying (Policy S-BULY).
- B. Cyber-bullying, UB: *Cyber-bullying*:** This rule applies to cursing, possessing, sending, social media posts, or receiving written materials or electronic text and/or images that convey an offensive, racial, derogatory, bullying or obscene message to another person. This includes but is not limited to references to race, color, ancestry, national origin, gender, gender identity or expression, sexual orientation, religion, physical or sensory disability, physical appearance that includes hair styles, or making offensive statements or gestures. Bullying is defined in CMS Regulation S-BULY/R and can be located on page 26.

In addition, as with other disciplinary violations, any manner of bullying that occurs off campus may violate the *Code of Student Conduct* if it has a direct and immediate impact to the orderly and efficient operation of the school or the safety of individuals in the school environment.

**Students who feel bullied, harassed or intimidated on school property by an adult or another student or who witness such conduct may report it in one of two ways: 1. Go to [www.cmsk12.org](http://www.cmsk12.org) or your school’s website and click on the “Report Bullying Anonymously” button; 2. Use the Say Something Anonymous Reporting App or <https://www.sandyhookpromise.org/say-something-tips/>**

- C. Profanity, Obscenity and/or Derogatory Language, UB: *Inappropriate Language/Disrespect*:** Students are expected to use appropriate language and conduct at school and school functions and possess only appropriate materials.

**RESPONSES:**

**Minimum:** Level I Response(s) (see page 9)  
**Maximum:** Level III Response(s) (see page 10) to include documented responses by the administration team

**Rule 9** **GENERALLY DISRUPTIVE BEHAVIOR (Responsibility/Respect/Citizenship) UB: Excessive Display of Affection, UB: Disruptive Behavior, UB: Repeat Offender:** A student will maintain appropriate behavior so as to refrain from disrupting class, school or bus activity and be prepared for instruction at all times. A student shall not talk out in class or move from his/her assigned seat/area without permission, throw objects (except as directed by staff for an instructional purpose), horseplay, harass, tease, make rude noises, or participate in excessive displays of affection. **Repeated Violations:** Repeated incidents of generally disruptive behavior require documentation of the student being supported within the Multi-Tiered Systems of Support (MTSS) framework.

**RESPONSES:**

**Minimum:** Level I Response(s) (see page 9)  
**Maximum:** Level III Response with required Rule 9 paperwork completed (available in Canvas)

**Rule 10** **TRESPASSING (Citizenship) UB: Being in an unauthorized area:** A student will not enter school property, a school facility, or be in an unauthorized area on school grounds without proper authority. This rule includes entering any school or participating in any CMS event (without principal permission) during a period of suspension or expulsion.

**RESPONSES:**

**Minimum:** Level I Response(s) (see page 9)  
**Maximum:** Level II Response (s) (see page 10) OSS 1-5 days

**Rule 11** **UNSAFE ACTION (Citizenship/Caring): Harm's Way UB: Being in an Unauthorized Area, UB: Disruptive Behavior, UB: Insubordination:** This rule will apply only when the unsafe behavior does not meet the standards of any other violation. A student shall not commit any action that has the potential to cause danger or physical harm to themselves or to others, to include but not limited to: exiting a moving school bus, exiting a school bus by way of the emergency exit absent an emergency, attempting to elude school officials by running through an active vehicle traffic area, climbing on the roof of buildings, being under a mobile classroom, being in construction areas, boiler rooms, attics or elevator.

**RESPONSES:**

**Minimum:** Level I Response(s) (see page 9)  
**Maximum:** Long-Term Suspension or Expulsion

**Rule 12** **VEHICLE USE (Responsibility/Citizenship):**

**A. Reckless Vehicle Use UB: Other school defined offense, UB: Disruptive Behavior:** A student will not operate any motorized or self-propelled vehicle on school grounds in a manner that is a threat to the health and/or safety, or a disruption to the educational process. Driving to school is a privilege, which may be limited or revoked at any time by the school principal. Student must have a valid driver's license to drive/park on school grounds.

**RESPONSES:**

**Minimum:** Level I Response(s) (see page 9)  
**Maximum:** Long-Term Suspension

**B. Vehicle Parking on Campus UB: Inappropriate item on school property:** A student will not park a motor vehicle or self-propelled vehicle on school premises unless he/she has been issued a parking permit and has a valid driver's license. Parking permits must be visibly displayed and vehicles must be parked only in assigned spaces. Unauthorized vehicles may be towed.

**RESPONSES:**

**Minimum:** Level I Response(s) (see page 9)  
**Maximum:** Level I Response(s) (see page 9)

**Rule 13** **GAMBLING (Responsibility) UB: Gambling:** A student will not play games of skill or chance (including online) for money or property.

<p><b>RESPONSES:</b>  <b>Minimum:</b> Level I Response(s) (see page 9)  <b>Maximum:</b> Level II Response(s) (see page 10)</p>
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**Rule 14** **VANDALISM (Responsibility/Respect/Citizenship) UB: Property Damage:** A student will not willfully, with or without malice, damage or destroy property of another, including property belonging to the school or district, staff, students or other adults on campus or at a school-sponsored or school-related activity on or off school property or participate with others to do so. Vandalism may include but is not limited to stickers on the walls, writing on desks, graffiti, permanent markings, and damage to school issued technology. A student or parent/guardian may be held financially responsible by the judicial system.

<p><b>RESPONSES:</b>  <b>Minimum:</b> Level I Response(s) (see page 9)  <b>Maximum:</b> Long-Term Suspension</p>
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**Rule 15** **USE OF FIRE (Responsibility/Respect/Citizenship) \*RO: Burning of a School Building, UB: Unlawfully setting a fire:** A student will neither set fire nor attempt to set fire to anything or anyone on school property or participate with others to damage or destroy school property through the use of fire. This includes striking matches, flicking cigarette lighters or using any instrument capable of producing fire on school property or at a school-sponsored or school-related activity that is on or off school property. (This violation does not include any smoking violations. For smoking violations, refer to Rule 28)

<p><b>RESPONSES:</b>  <b>Minimum:</b> Level I Response(s) (see page 9)  <b>Maximum:</b> Long Term Suspension or Expulsion</p>
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**Rule 16** **THEFT (Responsibility/Respect/Citizenship) UB: Theft, UB: Inappropriate items on school property:** A student will not steal or possess stolen property, or participate with others to do so. Stolen property includes any object that is possessed without the permission of the owner.

<p><b>RESPONSES:</b>  <b>Minimum:</b> Level I Response(s) (see page 9)  <b>Maximum:</b> Long-Term Suspension</p>
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**Rule 17** **BREAKING AND ENTERING (Responsibility/Respect/Citizenship) UB: Being in an unauthorized area, UB: Property Damage:** A student will not break into any district property. This will include any unauthorized entry into school property with or without destruction to the property.

<p><b>RESPONSES:</b>  <b>Minimum:</b> Level II Response(s) (see page 10)  <b>Maximum:</b> Long-Term Suspension</p>
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**Rule 18** **BREAKING AND ENTERING WITH INTENT TO COMMIT A FELONY OR THEFT (Responsibility/Respect/Citizenship) UB: Being in an unauthorized area, UB: Theft:**

- A. District Property:** A student will not unlawfully enter any district property with the intent of committing a felony, to steal and/or take and carry away the property of another, or to attempt to commit the taking of property.
- B. Motor Vehicles:** A student will not unlawfully enter any motor vehicle on district property. This will include unlawful entry into a vehicle with or without destruction to the property or regardless of removal of property from the vehicle.

<p><b>RESPONSES:</b>  <b>Minimum:</b> Level II Response(s) (see page 10)  <b>Maximum:</b> Long-Term Suspension or Expulsion</p>
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**Rule 19 ROBBERY (Responsibility/Respect/Citizenship) RO: Robbery without a dangerous weapon, \*RO: Robbery with a dangerous weapon, \*PD: Robbery with a firearm or powerful explosive:** A student will not take or attempt to take another person’s property by threat of force, force or violence.

<b>RESPONSES:</b>	
<b>Minimum:</b>	<b>Level II Response(s) (see page 10)</b>
<b>Maximum:</b>	<b>Long-Term Suspension or Expulsion</b>

**Rule 20 EXTORTION (Responsibility/Respect/Citizenship) UB: Extortion:** A student will not take, threaten or attempt to take the property (including but not limited to money) or something of value to others through intimidation or blackmail. Some violations of Rule 20 are also a violation of Rule 27C and must be documented in the CMS Title IX Record Keeping System.

<b>RESPONSES:</b>	
<b>Minimum:</b>	<b>Level II Response(s) (see page 10)</b>
<b>Maximum:</b>	<b>Long-Term Suspension or Expulsion</b>

**Rule 21 MISUSE OF TECHNOLOGY (Honesty) UB: Misuse of school technology, UB: Honor Code Violation, UB: Communicating Threats, UB: Cyber-bullying:**

- A. CMS-owned property:** A student shall refrain from inappropriate use of school system computers/technology devices or from using the CMS electronic communications and wireless connection network without proper authority. This includes unauthorized use of sign on codes and the school telephone system, communication of threats or implied threats, harassment, racism, discrimination and unauthorized attempts to contact any CMS computer site from any computer station.
- B. Use, Distribution, or Creation of Inappropriate Content:** A student will refrain from any activity or distribution of information through the Internet or other electronic means that would constitute a violation of a rule under the Code of Student Conduct or a violation of law, as, but not limited to, bullying or harassment on social media or other sites or the use of technology to defame someone’s character if the conduct has or may have a direct and immediate impact on the orderly and efficient operation of the schools or the safety of individuals in the school environment. Publication of information on the Internet is considered distribution regardless of the location of the technology device from which the offending content was published.

<b>RESPONSES:</b>	
<b>Minimum:</b>	<b>Level I Response(s) (see page 9)</b>
<b>Maximum:</b>	<b>Long-Term Suspension or Expulsion</b>

**Rule 22 PORNOGRAPHIC, PROFANE AND/OR VIOLENT MATERIAL (Respect/Citizenship) UB: Pornographic and/or profane material, UB: Possession of graphically violent material, UB: Harassment-Sexual:** A student shall refrain from having or distributing any pornographic or profane material on school property or at school sponsored event, including but not limited to pictures, magazines, electronic text (including air dropping) or images and sexually explicit or graphically violent materials (including but not limited to documents or instructions concerning the creation of and/or the use of weapons). A student will not record others with the intent to defame, incite violence, or to promote unsafe actions. Some violations of Rule 22 are also a violation of Rule 27C and must be documented in the CMS Title IX Record Keeping System.

<b>RESPONSES:</b>	
<b>Minimum:</b>	<b>Level I Response(s) (see page 9)</b>
<b>Maximum:</b>	<b>Long-Term Suspension or Expulsion</b>

**Rule 23 COUNTERFEIT CURRENCY (Honesty) UB: Use of counterfeit items, UB: Inappropriate items on School Property:** A student shall not distribute, produce or use counterfeit currency on school property or at a school-sponsored or school-related activity on or off school property.

<b>RESPONSES:</b>	
<b>Minimum:</b>	<b>Level I Response(s) (see page 9)</b>
<b>Maximum:</b>	<b>Long-Term Suspension or Expulsion</b>

**Rule 24 FALSE ALARM/FALSE REPORTING (Responsibility) UB: False Fire Alarm, UB: Falsification of Information:** In the absence of an emergency, a student shall not call 911, signal or set off an automatic signal indicating the presence of an emergency. Making false reports, written, oral, or on social media, that causes a significant disruption to the school environment is prohibited.

\*See Crime Definitions on pages 28-32 before using this code

**RESPONSES:**

- Minimum:** Level I Response(s) (see page 9) - Elementary  
Level II Response(s) (see page 10) - Secondary  
**Maximum:** Long-Term Suspension or Expulsion

**Rule 25**

**BOMB THREAT (Responsibility) \*RO: Bomb Threat:** A student shall not make any report or notification, knowing or having reason to know the report is false utilizing any form of communication, indicating the presence of a bomb or explosive device on school grounds, school bus or at any school activity. A threat assessment screener must be completed. If the threat is transient this is a violation of Rule 26C. A full threat assessment must be completed for a student to be in violation of Rule 25.

**RESPONSES:**

- Minimum:** Level III Response(s) (see page 10)  
**Maximum:** Long-Term Suspension or Expulsion

**Rule 26**

**AGGRESSIVE PHYSICAL/VERBAL ACTION (Responsibility/Caring/Justice and Fairness):** A student shall not exhibit any form of aggressive physical or verbal action against another student, staff member, “visitor”, or any other adult at school. Minor incidents of hitting, biting, spitting, shoving, kicking or throwing objects at a student or adult may be a Level I or II infraction.

**A. Verbal Confrontation/Provocation UB: Aggressive Behavior, UB: Bullying, UB: Harassment-Verbal:** A student shall not approach another person in a confrontational, provocative or bullying manner. This will include attempts to intimidate or instigate another person to fight or commit other acts of physical aggression.

**RESPONSES:**

- Minimum:** Level I Response(s) (see page 9)  
**Maximum:** Level III Response(s) (see page 10)

**B. Fighting UB: Fighting:** The exchange of mutual aggressive physical contact between students, with or without injury, is prohibited. A student who is physically attacked may act in self defense without consequence. **Self defense** is defined as the act by a nonaggressor victim using reasonable force to avoid being hit in order to enable oneself to get free from the attacker and notify school authorities. Students who exceed reasonable force in protecting themselves will be disciplined for violating this rule even though another person provoked the fight. Administrators will have the discretion to recognize the need for self defense on an incident-by-incident basis.

**RESPONSES:**

- Minimum:** Level I Response(s) (see page 9) - Elementary  
Level II Response(s) (see page 10) - Secondary  
**Maximum:** Long Term Suspension or Expulsion

**C. Threatening/intimidating UB: Communicating Threats, UB: Threat of a physical attack with a weapon, UB: Threat of physical attack without a weapon, PD: Threat of physical attack with a firearm, UB: Threat of mass violence, UB: False threat of mass violence:** A student shall not threaten to strike, attack or harm any person, or cause another person to become fearful by intimidation, through any medium, including threats made in person, through another person at the request of the perpetrator, on the telephone, in writing, through the use of gang paraphernalia, or by any digital communication (cyber-bullying) that pose a safety risk to the school environment. The Level will be determined by the level of risk presented by the threat, whether the threat could have reasonably been carried out and whether the threatened person was made fearful. The threat team trained administrator should review each time rule 26c is being used to determine if a Threat Screener should be conducted based on CMS protocol. The threat assessment screener, full threat assessment, and a safety and prevention response plan must be in place in order for a Discipline Team Meeting to be requested.

**RESPONSES:**

- Minimum:** Level I Response(s) (see page 9)  
**Maximum:** Long Term Suspension or Expulsion

- D. Assault on a Student, UB: Assault – Student, \*PD: Physical attack with a firearm, \*PD: Assault Resulting in Serious Injury, UB: Violent Assault Not Resulting in Serious Injury, \*PD: Assault involving the use of a weapon:** A student shall not physically attack another student. See self defense as defined above. **Multiple Assaults:** A student shall not act in concert to physically attack another student.

**RESPONSES:**

**Minimum:** Level II Response (s) (see page 10)  
**Maximum:** Long-Term Suspension or Expulsion

- E. Assault on a Staff Member \*RO: Assault on School Personnel with no serious injury, \*PD: Assault Resulting in Serious Injury:** A student shall not physically attack a staff member or adult. See self defense as defined above. **Multiple Assaults:** A student shall not act in concert to physically attack a staff member or other adult.

**RESPONSES:**

**Minimum:** Level I Response(s) (see page 9) – Elementary  
Level III Response(s) (see page 10) - Secondary  
**Maximum:** Long-Term Suspension or Expulsion

- F. Inciting to Riot/Chaos, UB: Disorderly Conduct, UB: Disruptive Behavior, UB: Aggressive Behavior:** A student shall not engage in behavior of a violent or aggressive nature in a highly volatile area that could result in a riot, widespread chaos or aggressive actions (verbal and/or physical) by students witnessing or involved in the incident.

**RESPONSES:**

**Minimum:** Level II Response(s) (see page 10)  
**Maximum:** Long-Term Suspension or Expulsion

- G. Refusing to Disperse UB: Insubordination, UB: Disruptive Behavior:** A student who witnesses an incident under this rule shall disperse at the request of staff members.

**RESPONSES:**

**Minimum:** Level II Response(s) (see page 10)  
**Maximum:** Level III Response(s) (see page 10)

- H. Participation in a Civil Demonstration UB: Disorderly Conduct, UB: Disruptive Behavior:** A student shall not disrupt the school day by participating in a civil demonstration without permission, including leaving campus without permission. See page 17 in the Parent-Student Handbook for more information.

**RESPONSES:**

**Minimum:** Level I Response(s) (see page 9)  
**Maximum:** Level II Response(s) (see page 10)

**Rule 27**

**SEXUAL BEHAVIOR (Respect/Caring):** A student shall not engage in any sexual behavior on school property or at a school-sponsored activity. All reports of nonconsensual sexual misconduct must be documented in the CMS Title IX Record Keeping System. The school will provide the outcome of all Title IX investigations in writing to the student's parent/guardian.

- A. Mutual Sexual Activity UB: Mutual Sexual Contact between two students:** A student shall not engage in consensual sexual contact and/or sexual acts.
- B. Offensive Touching UB: Harassment-Sexual:** A student shall not engage in unwanted touching of an offensive or sexual nature. In some cases this may be a violation of 27E.
- C. Sexual Harassment UB: Harassment-Sexual:** A student shall not engage in unwanted verbal or physical (e.g. gesturing) conduct of a sexual nature which may reasonably be regarded as intimidating, hostile or offensive. This includes the communication of (by digital or other means) or the intentional display of sexually explicit material.
- D. Indecent Exposure UB: Indecent Exposure, UB: Harassment-Sexual:** A student shall not intentionally expose private body parts, including but not limited to the intentional display of the buttocks (moonng).

**RESPONSES:**

**Minimum:** Level I Response (see page 9) - Elementary  
Level II Response(s) (see page 10) - Secondary  
**Maximum:** Long Term Suspension or Expulsion

- E. **Sexual Battery: \*PD: Sexual Assault:** A student shall not intentionally engage in sexual contact with another by force and against the will of another person for the purposes of sexual arousal, sexual gratification, or sexual abuse. Sexual contact is defined as the touching of a sexual organ without penetration. Sexual organs include breast, anus, buttocks and genitals (see page 30, 31 for full definition).
- F. **Rape or Sexual Offense \*PD: Rape, \*PD: Sexual Offense:**  
A student shall not attempt or engage in nonconsensual sexual penetration with another person. (see page 30 for full definition).

**RESPONSES:**

**Minimum:** Level II Response(s) (see page 10) - Elementary  
**Minimum:** Level III Response(s) (see page 10)  
**Maximum:** Long Term Suspension or Expulsion

**Rule 28**

**ALCOHOL, TOBACCO AND OTHER DRUGS (Responsibility/Citizenship):** A student shall not use, purchase, sell, distribute, be under the influence of or possess any kind of tobacco, alcoholic beverage, paraphernalia, controlled substance (as defined by state law) or illegal or counterfeit substance.

- A. **Tobacco and Tobacco Product UB: Possession of Tobacco, UB: Use of Tobacco, UB: Possession of vaping device-Tobacco, UB: Use of vaping device-Tobacco:** A student shall not use, sell, distribute, or possess any kind of tobacco product on school property or at a school function. Tobacco product is any product that contains tobacco/nicotine or is tobacco and nicotine derived and is intended for use of tobacco and nicotine-derived products. The term includes tobacco and nicotine derived products, vapor products, or paraphernalia/devices/components for use of tobacco and nicotine-derived products.

**RESPONSES:**

**Minimum:** Level I and optional referral to Student Assistance Program (SAP)  
**Maximum:** Level II (see page 10)

- B. **Alcohol \*RO: Alcohol Possession, \*RO: Use of Alcoholic Beverages:** A student shall not possess, use or be under the influence of alcohol on school property or at a school function. For distribution of alcohol see Rule 28E2.
- C. **Marijuana UB: Under the influence of controlled substances, \*RO: Possession of Controlled Substance -Marijuana, RO: Possession of vaping device-CS/THC, RO: Use of vaping device-CS/THC, UB: Possession of vaping device-Cannabinoid, UB: Use of vaping device-Cannabinoid:** A student shall not possess, use or be under the influence of THC, THC-derived products, or marijuana on school property or at a school function. "Marijuana" is defined to also include synthetic cannabinoids, marijuana derived products and substances intended to mimic the effects of marijuana. Possession of large amounts or of more than one individually wrapped package of marijuana will be deemed to be a violation of Rule 28E2.
- D. **Paraphernalia: UB: Possession of chemical or drug paraphernalia:** A student shall not use, possess, sell, attempt to sell, or distribute any drug related paraphernalia including but not limited to: rolling papers, cigar wrappers, vaping/dab devices, hookah devices, bongs, pipes, or any item intended for the use, storage, or distribution of alcohol, tobacco-derived products, marijuana or other drugs. If the paraphernalia being sold contains an illegal or controlled substance, it should be coded under 28 E2.

**RESPONSES:**

**Minimum:** First Time Offense - Elementary: Level I Response(s) (see page 9) and a referral to Student Assistance Program (SAP). Failure to comply with SAP counselor recommendations will result in a Level II response.  
First Time Offense - Secondary: Level II (see page 10) and a referral to Student Assistance Program (SAP). Failure to comply with SAP counselor recommendations will result in a Level III response.  
**Maximum:** Repeat Offenders: Level III and notification of the Student Assistance Program Counselor

**E. Drugs/illegal substances and counterfeit drugs:**

1. **Use, Influence or Possession of Drugs, RO: Use of Controlled Substance, RO: Use of Narcotics, UB: Use of Counterfeit items, UB: Possession of Counterfeit Items, \*RO: Possession of Controlled Substance-Other, \*RO: Possession of Controlled Substance-Ritalin, \*RO: Possession of Controlled Substance-Cocaine, \*RO: Possession of Another Person's Prescription Drug:** For drugs other than marijuana, a student shall not use or be under the influence of illegal or controlled substances or possess illegal, counterfeit or controlled substances (including prescription or non-prescription medications without meeting conditions prescribed by the Board of Education) on school property or at a school function. Disciplinary responses shall include a referral to Student Assistance Program. Example items include, but are not limited to:  
 1. Acid    2. Ecstasy/MDMA    3. Heroin/Opiates    4. Cocaine    5. Xanax/Benzodiazepines
2. **Sale/Distribution (Attempt or Actual) RO: Distribution of a Prescription Drug, RO: Sale of Controlled Substance in violation of law-Other, RO: Sale of controlled substance in violation of law-marijuana, RO: Sale of controlled substance in violation of law-Ritalin, RO: Sale of Controlled substance in violation of the law-Cocaine:** A student shall not distribute, sell, attempt to sell, or possess with intent to sell any illegal, counterfeit or controlled substance or substance intended to mimic the effects of an illegal substance. Possession of a large amount of or more than one individually wrapped package of a controlled or illegal substance will be considered evidence that the student intended to sell or distribute the product.

**RESPONSES:**

**Minimum:**        Level III Response(s) (see page 10) and a referral to CMS Student Assistance Program  
**Maximum:**        Long-Term Suspension or Expulsion

**Rule 29**

**WEAPONS AND DANGEROUS OBJECTS - NOT INCLUDING FIREARMS: (Responsibility/Caring)**

**\*RO: Possession of Weapon (not all weapons listed below qualify for this reporting code), RO: Robbery with a dangerous weapon:** A student will not possess, handle, transport or use any weapon, object that can be reasonably considered a weapon, dangerous object or substance that could cause harm or irritation to another individual on school property or at any school function. All items will be confiscated and will not be returned except with the mutual agreement of school and law enforcement. This rule does not apply to school supplies (e.g., pencil, laser pointer) unless used as a weapon. Note: any object thrown from a school bus will be treated as a weapon for purposes of this rule. The CMS Threat Assessment Protocol should be considered based on the nature of the incident (e.g., severity, intent, etc.); a threat assessment must be conducted if a Discipline Team Meeting is being requested. \*See Rule 31 for rules on firearms. **Special note: See the Safe Harbor Provision on page 6.**

**Prohibited items include, but are not limited to:**

- A. Look-a-like knife
- B. Look-a-like gun
- C. Weapon not capable of propelling a missile
- D. Knife
- E. Box cutter/razor blade
- F. Camouflaged weapon
- G. Object thrown from a bus
- H. Ammunition
- I. Fireworks
- J. Bomb (includes destructive devices such as an explosive, incendiary or poison gas, grenade, rocket having a propellant charge of more than 4 ounces, missile with an explosive charge of more than 1/4 ounce, mine, or similar device)
- K. Air soft gun, BB gun, pellet gun
- L. Any object or substance that could cause injury including but not limited to, slingshots, ice picks, multi-fingered rings, metal knuckles, nun chucks, Bowie knives, dirks, daggers, lead canes, switchblade knives, clubs, stun guns, starter pistols, BB guns, flare guns, air rifles, air pistols, air soft pellet guns or paint ball guns, mace, fire extinguishers and/or the use of any object or any substance that will potentially cause harm, irritation or bodily injury.

**RESPONSES:**

**Minimum:** Level I Response(s) (see page 9)  
**Maximum:** Long Term Suspension or Expulsion

**Rule 30**

**GANG/HATE GROUP RELATED ACTIVITIES (Responsibility/Caring/Justice and Fairness) UB: Gang Activity:** No student shall commit any act that furthers gangs/hate groups or gang/hate group-related activities. A gang/hate group is any ongoing organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of criminal acts, or the purposeful violation of any district policy, and having a common name or common identifying sign, colors or symbols. Conduct prohibited by this policy includes:

- A. Clothing:** Wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, emblems, badges, symbols, signs, visible tattoos and body markings, or other items, or being in possession of literature that shows affiliation with a gang, or is evidence of membership or affiliation in any gang or that promotes gang affiliation;
- B. Communication:** Communicating either verbally or non-verbally (gestures, handshakes, slogans, drawings, etc.) to convey membership affiliation in any gang or that promotes gang affiliation;
- C. Vandalism or Destruction of Property:** Tagging, or otherwise defacing school or personal property with gang or gang-related symbols or slogans;

**RESPONSES:**

**Minimum:** Level I Response(s) (see page 9)  
**Maximum:** Level III Response(s) (see page 10)

- D. Intimidation/Threats:** Requiring payment for protection, money or insurance, or otherwise intimidating or threatening any person related to gang activity;
- E. Coercion:** Inciting other students to intimidate or to act with physical violence upon another person related to gang activity;
- F. Solicitation:** Soliciting others for gang membership;
- G. Conspiracy:** Conspiring to commit any violation of this policy or committing or conspiring to commit any other illegal act or other violation of school district policies that relates to gang activity.

**RESPONSES:**

**Minimum:** Level II Response(s)(see page 10)  
**Maximum:** Long Term Suspension

**Rule 31**

**FIREARMS (loaded or unloaded) (Responsibility/Caring) \*RO: Possession of a Firearm: \*PD: Robbery with a firearm or powerful explosive, UB: Threat of physical attack with a firearm, \*PD: Physical attack with a firearm:** A student shall not possess, handle or transport any handgun, rifle, 3D printed gun, shotgun or any other weapon which will or is designed to or may readily be converted to expel a projectile by action of an explosion, including camouflaged guns or any firearm muffler or silencer on CMS property or any CMS sponsored event. The CMS Threat Assessment protocol must be followed.

**RESPONSES:**

**Minimum:** Long Term Suspension  
**Maximum:** Expulsion

**Rule 32**

**PERSISTENTLY DANGEROUS STUDENTS (Responsibility/Caring/Justice and Fairness):** Students shall not frequently engage in conduct that is in violation of other code of conduct rules and is a danger to others in the school environment. Targeted conduct for this rule are multiple events over an extended period of time, including previous school years. Examples of misconduct under this rule include, but are not limited to, multiple rule violations for assault, the sale or distribution of illegal drugs, gang-related activities, the possession of weapons and inappropriate sexual behavior.

**RESPONSES:**

**Minimum:** Level III Response (s) (see page 10)  
**Maximum:** Long Term Suspension or Expulsion

**Rule 33 REFUSAL TO ALLOW SEARCH (Responsibility and Honesty) UB: Insubordination:** School administration has the right to conduct a search of a student or his/her possessions that is reasonable in scope if the administration has a reasonable suspicion that the student may be in possession of a weapon, illegal substance or other items prohibited by or used in violation of law or the *Code of Student Conduct*.

- A. Search of an individual and/or his/her Possessions:** A student must cooperate with and may not obstruct or interfere with a reasonable and authorized search of the student and/or his/her possessions as part of a scheduled safety screening or based on reasonable suspicion that the student may be in possession of a weapon, illegal substance or other items prohibited by or used in violation of law or the *Code of Student Conduct*.
- B. Search of Student Lockers and Desks:** Lockers and desks are the property of the District and are assigned to the student with the understanding that he/she is responsible for all property placed in the locker or the desk. Lockers and desks shall be used only for storage of those items that are reasonably necessary for the student's school activities such as books, gym clothes, coats, school assignments, etc. A student must cooperate with and shall not obstruct or interfere with an authorized search of his/her locker or desk.
- C. Search of a Vehicle:** A student must cooperate with and may not obstruct or interfere with reasonable search of the student's vehicle and its contents when it is present on school property or at a school activity. These searches will be based on reasonable suspicion that the student may be in possession of a weapon, illegal substance or other items prohibited by or used in violation of law or the *Code of Student Conduct*. A violation of this rule may result in the student losing his/her parking privilege, in addition to other applicable discipline.

**RESPONSES:**  
**Minimum:** Level I Response(s) (see page 9)  
**Maximum:** Level I Response(s) (see pages 9) – Elementary  
 Level II Response(s) (see page 10) - OSS 1-5 days –Secondary  
**Repeat Offenders:** Level III Response(s) (see page 10)

**Rule 34 STUDENT HEALTH AND SAFETY:** Students are required to follow the rules/guidelines/practices that are adopted to ensure the health and safety of themselves and others while on CMS property or at a CMS sponsored event. This rule applies to a pandemic as well as any other local, state, or federal emergency procedures that impact the safety and well-being of students and staff.

**RESPONSES:**  
**Minimum:** Level I Response (s) (see page 9)  
**Maximum:** Level II Response(s) (see page 10) - OSS 1-2 days to include documented interventions by the administrative team

**Rule 35 CONDUCT AWAY FROM SCHOOL PROPERTY: UB: Non-School Related Offense:** Students shall not commit any violent criminal or drug offense (juvenile or adult) that is or would be considered a felony at any place or time when the student's behavior 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.

**RESPONSES:**  
**Minimum:** Level II – Contact Student Discipline and Behavior Support Department before implementing (980-343-3768)  
**Maximum:** Long Term Suspension or Expulsion

## Section V - Procedures Relating to Disciplinary Action or Re-entry

To protect student rights, certain procedures are followed with regard to disciplinary actions. These procedures are developed as suggested or required by law or regulation. School and classroom discipline in areas not covered by these specific procedures are encouraged.

### Corporal Punishment

Discipline shall be maintained without the use of corporal punishment, which is prohibited in the school district (Charlotte-Mecklenburg Board of Education Policy S-DISC). However, staff is authorized by state law to use reasonable force in the exercise of lawful authority to restrain or correct students and maintain order. (N.C.G.S. § 115C-390.3 and 391.1).

## Procedures for Short-term Suspensions (1-10 days)

A student accused of misconduct, which in the opinion of the principal (includes principal's designee) would require a short-term suspension from school, shall be afforded the procedures below. A student must be given an opportunity to complete assignments, take textbooks home, and take major tests or exams missed during the period of suspension. Details of the processes to be followed are provided in Board Policy S-SUSP: In the event schools are closed due to unforeseen circumstances (weather, power outage, etc.) that day(s) of out of school suspension will not be counted. OSS days only count on days that school is in session.

- Step 1:** The student must be notified by the principal/designee of the alleged rule violation.
- Step 2:** The student must be given the opportunity to have an informal hearing with the principal/designee, to be informed of the basis for the charges and to present his/her version of the events and any defense. The informal hearing will typically occur immediately after the student is informed of the charges, but may be delayed until after the start of the short-term suspension if the student's continued presence on campus is a safety concern or substantially disrupts or interferes with the education of the other students or the maintenance of discipline at the school.
- Step 3:** The principal/designee shall make a decision as to whether or not a student is guilty of the misconduct, and if so, what disciplinary response will be imposed. Initial notices to impose suspension may be communicated orally to the parent; written notification must follow.
- Step 4:** The principal/designee shall report each suspension in writing to the student's parent/guardian. This report shall be sent to the parent by email, regular mail or other reliable means by the end of the day of the suspension when reasonably possible. Otherwise, it must be sent no more than 2 days later. Reasonable efforts shall be made to contact parents or guardians prior to the start of the suspension. If parents or guardians cannot be reached prior to the start of the suspension, the principal/designee may start the suspension without contacting them. In this event, the principal must continue efforts to reach the parent/guardian.
- Step 5:** At the discretion of the principal, a written behavior contract may be required upon the return of the student to school.

## Appeal of Short-term Suspensions

Parents may appeal the imposition of any short-term suspension of three (3) days or more. The parental appeal will require designated staff to promptly review the suspension and render a decision to uphold or modify the suspension. The principal will review the suspension if it was imposed by a principal designee. The superintendent/designee will review the suspension if it was imposed or upheld by the principal. The decision of the superintendent/designee is final and may not be appealed to the superintendent or the Board. (CMS Board of Education Policy S-SUSP) The written request may be in the form of a letter, an email, or by utilizing the form in this book (page 41). The written request must be completed within three (3) days or the decision becomes final. We do not accept these notices by telephone. In your notice, you must include the reasons you believe this disciplinary action is not appropriate for your child. In addition, please include a current telephone number and/or email address. The OSS shall not be postponed pending the outcome of the appeal.

Students are not entitled to appeal a principal's decision to impose a short-term suspension to the superintendent or the Board of Education.

## Procedures for Long-term Suspensions (more than 10 days) or 365-day Suspensions and Disciplinary Reassignments

A student accused of a willful violation of the *Code of Student Conduct* which, in the opinion of the principal/designee, may require a long-term suspension or 365-day suspension from school, shall be afforded the procedural safeguards described below. A suspension of more than 10 days is appropriate only when the student willfully engages in conduct that threatens the safety of students, staff or school visitors, or threatens to substantially disrupt the educational environment. The procedures for a short-term suspension must be employed, as well as the following additional steps, prior to the imposition of a long-term suspension. Only the superintendent or his/her designee may impose a period of long-term suspension or 365-day suspension. A student serving a long-term suspension will not be provided assignments or permitted to take tests/exams missed during the period of suspension. Students covered under the Individuals with Disabilities Education Act (IDEA) will continue to receive special education services.

- 1. Notice of Long-Term Suspension:** When a principal decides to recommend that a long-term suspension be imposed, parents must be provided written notice of the recommendation by the end of the workday (when reasonably possible; otherwise as soon as is practicable).
- 2. Discipline Team Meeting:** Except for serious violations of the *Code of Student Conduct* for which the superintendent may recommend that the student be expelled, a Discipline Team Meeting (DTM) conducted by a Problem Solving Team, which consists of the principal/designee, the learning community administrator, the parent/guardian and the student, may be

convened at a designated location within the 10-day short-term suspension. The Superintendent/designee has the discretion to approve a DTM to be held after the 10-day short-term suspension. The purpose of this meeting is for the team to review the investigation completed by the school, the principal's recommended consequences, the due process procedures afforded, and any information provided by the student and the parent/guardian. Neither attorneys nor non-attorney advocates are permitted to attend. During the DTM, the community administrator may recommend that additional consequences be imposed. At this point the community superintendent will make a preliminary decision about the disciplinary consequence. Parents will be informed in writing of the community superintendent's decision.

3. **Disciplinary Reassignment:** If the decision of the Problem Solving Team is to make a disciplinary reassignment of the student to an alternative school without any additional days of suspension, the student is not entitled to a due process hearing. Disciplinary reassignments are not long-term suspensions. After being assigned to Turning Point Academy, the student is required to attend school there. Each day the student does not attend will be counted as an unexcused absence. A parent may be prosecuted in a criminal action if a student between the ages of 7 and 16 has more than 10 unexcused absences. In addition, the student could be referred by the school to the Department of Juvenile Justice for the filing of a petition asking the court to find him or her to be undisciplined. The student may request an appeal of the school assignment to the Board by contacting the Student Discipline and Behavior Support Department. A form for this purpose is in the back of this book. The assignment will be immediately effective pending the appeal and remains in effect until a decision is rendered in the appeal. As provided in Board Policy S-RASG, a student may not be represented by an attorney at the Board hearing at which the student appeals a disciplinary reassignment.
4. **Due Process Hearing:** For serious rule violation for which a decision to impose a long-term suspension is being considered a Due Process Hearing will occur. The hearing will be scheduled within the initial 10 days of suspension. If the hearing takes place after the initial 10-day suspension, then the Superintendent/designee shall impose the long-term suspension before the hearing occurs.

*Notice:* Written notice will be sent to parents/guardians advising them of the date, time and location of the hearing. The notice will describe the hearing process and advise parents/guardians of the student's rights under law. Details of the notice are provided in Policy S-SUSP. The notice will be sent by email, US mail, hand delivery or other reliable means. For children in foster care, notice must also be sent to the foster parents and the Youth and Family Services (DSS) guardian. If neither the student nor parent appears at the scheduled hearing, they will have waived the right to the hearing and the superintendent will proceed with imposing the disciplinary consequences.

*At the Hearing:* The due process hearing will be held at a designated location and the student will be able to exercise the rights identified in the notice, including the right to have an opportunity to present his/her version of the events, provide witnesses (or written witness statements) on his/her behalf, question the witnesses presented by the school administration and be represented by counsel (at the parent's own expense). Students shall also have the right to review before the hearing the evidence that may be presented by the district, as allowed by federal and NC law. The hearing officer shall make a written determination of the facts, based on substantial evidence presented at the hearing.

*Decision Following the Hearing:* The superintendent/designee shall make a final decision regarding the disciplinary consequences after the due process hearing has occurred. The superintendent/designee will not review the initial 10-day (short-term) suspension. A student shall be informed of the determination promptly.

5. **Appeal of Long-Term Suspension:** If the student disagrees with the decision of the superintendent/designee to impose a suspension of more than 10 days, he/she is entitled to appeal to the Board of Education. This appeal must be submitted in writing within 10 days of receiving the superintendent's decision. The disciplinary consequence remains in effect throughout all appeals. The student may appeal to the Board even if he/she did not request a due process hearing. A form for this purpose is located in the back of this book. Students under a long-term suspension from another district, who are seeking admission to CMS, may not appeal their long-term suspension through the CMS process.
6. **Board Hearing:** The Board hearing will be conducted and a decision rendered within 30 days of receiving the notice of the appeal, unless the student requests that the hearing be delayed. Students are entitled to be represented by counsel (at the parent's own expense) at hearings appealing a long-term suspension.

## Procedures for Suspension of Students with Disabilities

Please see the *Handbook on Parents Rights* for the additional procedural safeguards to be followed for students with disabilities. Parents or students who need a copy of this handbook may contact the principal or obtain a copy through the learning community offices.

## Procedures for Expulsion

N.C.G.S. § 115C-390.11 gives the Board of Education authority to expel any student over 14 years of age whose behavior indicates that the student's continued presence in the school constitutes a clear threat to the safety of other students or employees.

- Step 1:** After the due process hearing has occurred or is waived, the superintendent/designee may make a recommendation to the Board of Education that the student be expelled. A period of long-term suspension may also be imposed by the Superintendent pending the Board decision on the expulsion recommendation.
- Step 2:** The parent/guardian will receive written notice of the hearing before a panel of the Board of Education. The notice shall include the date, time, location of the hearing, and a summary of the charge against the student, and the student's rights at this proceeding.
- Step 3:** A hearing will be held at the offices of the Board of Education, where the student will be able to exercise the rights identified in the notice. The student will have the opportunity to explain why his/her presence is not a clear threat to the safety of others, provide statements or documents on his/her behalf, and question the information presented by the superintendent/designee. The student has the right to be represented by counsel at this hearing, at the parent's expense.
- Step 4:** The Board of Education will determine whether the statutory requirements were met and if there are alternative programs that would meet the needs of the student and maintain the safety of the educational environment.
- Step 5:** The decision of the Board of Education will be provided to the parent/guardian in writing within 7 to 10 days of the hearing.

## Procedures for Re-entry or Enrollment of Expelled Students or Students Suspended for 365 days

Following the Board of Education's decision to expel a student, the student shall have no right to attend Charlotte-Mecklenburg Schools until such time as the student can demonstrate that he/she no longer constitutes a threat to the safety of other students and staff. The student shall have a right to request that the Board of Education readmit the student any time after 180 calendar days from the date of the expulsion decision. Similarly, students subject to a 365-day suspension may request readmission after 180 days from the start of the suspension. The Board will schedule a hearing to consider these requests. Students will be notified of the date of the hearing. If a decision to allow the student to re-enter is made, the CMS triage process will be utilized. Students who have a 365-day suspension or expulsion from another district can seek entrance in CMS, utilizing the procedures for re-entry. If a student is denied admission, the student may request the board to reconsider the decision after 180 days from the date of the 365-day suspension or expulsion.

## Procedures for Re-entry or Enrollment of Students from Alternative Settings

Alternative settings are considered by CMS to be incarceration settings, previous/current alternative education programs, and group homes. Mental health treatment facilities and foster placements are not considered by CMS to be an alternative setting.

Students transitioning into CMS who have not been in a traditional school setting for 30+ calendar days or have been in an alternative setting will be referred to the triage interview process facilitated by the Student Discipline and Behavior Support department. The triage interview process includes a face-to-face interview with the student and his/her parent/guardian where information is collected about the student's circumstances. The parent or student may provide a letter of support from an advocate, previous placement, or a community support person. There is no right for representative counsel to attend a triage meeting. The information gathered in this process will be compiled and forwarded to the superintendent/designee. The superintendent/designee will make the decision regarding where the student will be assigned to school. Within five business days (or as close thereto as feasible), the learning community will send the decision to the parent/guardian and will notify identified school staff and the Student Discipline and Behavior Support department. Assignment decisions made through this process may be appealed to the Board.

Students charged with a violent criminal offense (identified by CMS) will be referred to the triage interview process regardless of the setting from which they are returning, including if they are returning from a mental health setting.

## Point of Exit is Point of Entry

Withdrawing from and later re-enrolling in Charlotte-Mecklenburg Schools will not circumvent a reassignment to an alternative school for disciplinary purposes. Students who are reassigned to an alternative school or mandatory program for a specified amount of time must regularly attend and successfully complete this reassignment before returning to the regular school environment. Students who leave CMS while assigned to an alternative school and return at a later date will automatically be assigned to the alternative school or program upon re-enrolling in CMS.

## Procedure for Expungement of Long-term and Short-term Suspension Records

As required by North Carolina law, all suspensions and expulsions must be included in a student's education record. These records may be expunged if all the following conditions have been met: 1) the parent or student (age 16 or over) make such a request in writing to the Student Discipline and Behavior Support Department located at the 1901 Herbert Spough Lane Charlotte, NC

28208; and 2) the student graduates high school or is not expelled or suspended again during the 2-year period starting on the date of the student's return to school after the expulsion or suspension; and 3) the superintendent (or designee) determines that the maintenance of the record is not necessary to maintain safe and orderly schools and the records are no longer needed to adequately serve the student. Student records in the current school year cannot be expunged before June 30th of that school year due to North Carolina discipline reporting procedures.

**Alternative Discipline Programs** *\*Assignment to any of the programs listed below is based upon availability.*

**Student Assistance Program (SAP):** The Student Assistance Program focuses on prevention and brief intervention for students with known or suspected substance related challenges. SAP counselors can provide, or provide referrals for: screening, assessment, brief intervention, and treatment. They also provide consultation and workshops for school staff and parent groups, and prevention lessons for students. All students referred to SAP due to a Code of Conduct violation will have a substance misuse screening. Based on the results of the screening, the SAP counselor will recommend interventions which may include individual or small group psycho-education, the Positive Options Program (POP), individual counseling or therapy, substance abuse treatment, etc. Students and parents can refer themselves to the Student Assistance Program in the absence of any rule violations by contacting the SAP counselor assigned to their school or by contacting the CMS Mental Health Program Manager at 980-344-0414.

Upon referral, SAP counselors conduct assessments to determine level of student risk and need associated with substance usage. All students referred to SAP due to a Code of Conduct violation will be subject to a substance abuse screening. Further assessment, conducted with the student and parent or guardian, may result in a referral to POP or other community-based resources. The SAP counselor may also provide short-term direct support to students and families.

**Short-Term Suspension Centers:** Parents/guardians of students who have received a referral for a level II or III offense warranting an out-of-school suspension will be given the option to attend one of the short-term suspension centers. Students suspended for a period of one to ten days will receive the option of attending a short-term suspension center where they can complete their school assignments and receive credit for attending school. It is also designed to provide a structured, restorative, and individualized learning environment. This is a voluntary placement; therefore, transportation will not be provided. At the discretion of the Superintendent, or designee, certain offenses may exclude a student from being able to attend a short-term suspension center. A form with additional information is located in the back of this book.

**Positive Options Program (POP):** POP is one of the interventions that may be recommended by the Student Assistance Program counselor. POP is an eight-hour class for students, and guardians of students, with known or suspected substance misuse. The classes cover topics such as decision making, risk-taking behaviors, boundaries, communication skills, and substance misuse and addiction. The student and guardian must attend the POP class together, and failure to attend POP may result in additional disciplinary consequences.

**Turning Point Academy (High School):** Turning Point Academy is available as an alternative education option for students with long-term or 365-day suspensions and/or as a disciplinary reassignment for students who have committed serious violations of the *Code of Student Conduct*. Compass: A minimum 15-day alternative learning reassignment program through Turning Point Academy for students who violate a rule with a Level III response in the Code of Student Conduct. Students would be re-assigned following a Discipline Team Meeting. The purpose of the program is to provide a layer of consequences between home schools and long-term reassignments, to support scholars with positive decision making prior to returning to their home schools, and to support scholars with social, emotional, and academic support. Course offerings and programs at Turning Point Academy are not as inclusive as those in students' home schools. Staff works with students, their families and the student's home school to develop a personal behavior plan and curriculum to be implemented during the assignment to Turning Point Academy. Students are assigned to Turning Point Academy for a determined period of time or until they meet stated goals and then return to the home school. Parent/guardians are expected to participate in parent engagement activities for the duration of the student's assignment. Transportation will be provided.

**Turning Point Academy (Middle School):** Turning Point Academy is available as an alternative education option for students with long-term or 365-day suspensions and / or as a disciplinary reassignment for students who have committed serious violations of the *Code of Student Conduct*. Compass: A minimum 15-day alternative learning reassignment program through Turning Point Academy for students who violate a rule with a Level III response in the Code of Student Conduct. Students would be re-assigned following a Discipline Team Meeting. The purpose of the program is to provide a layer of consequences between home schools and long-term reassignments, to support scholars with positive decision making prior to returning to their home schools, and to support scholars with social, emotional, and academic support. The focus of the middle school is the social-emotional development of students through a prescribed social-emotional curriculum. Course offerings and programs by Turning Point Academy are not as inclusive as those in the students' home schools. Staff work with students, their families and the students' home school to develop a personal behavior plan, extend counseling services and determine curriculum to be implemented during the assignment to Turning Point Academy. Students are assigned to Turning Point Academy for a determined period of time or until they meet stated goals and then return to the home school. Parent/guardians are expected to participate in parent engagement activities for the duration of the student's assignment. Transportation will be provided.

**Violence Interventions Program (VIP):** VIP is an intervention aimed at helping students involved in aggressive behaviors that disrupt the school’s learning environment. The program requires the involvement of the student’s parent or guardian as a collaborative effort to provide a wrap-around for impacted students. VIP focuses on raising awareness of youth violence through group discussion, providing interventions to modify inappropriate behavior, and exploring the effects of youth violence on students’ emotional and social well-being. VIP aims to help students by providing a safe and supportive learning environment where they can explore how to deal with their emotions and behaviors healthily. The program seeks to partner with students and families to maintain safe schools and positive learning environments conducive to their academic success and personal growth.

**Sexual Harassment Interventions Program (SHIP):** SHIP supports students in group discussions on relationship boundaries, digital citizenship, responsible decision-making, and understanding district expectations and federal law concerning sex discrimination and sexual misconduct. The program requires the involvement of the student’s parent or guardian as a collaborative effort to provide a wrap-around for impacted students. SHIP aims to create awareness of the types of sexual harassment and its impact on students’ emotional and social well-being. SHIP explores inappropriate sexual behavior’s effects on others while teaching social and self-awareness competencies. The program aims to partner with students and families to maintain safe schools and positive learning environments conducive to their academic success and personal growth.

**Social Media Awareness Responsibility Training (SMART):** SMART is an intervention designed for students that promotes digital citizenship, social awareness, and self-management while engaging in online activity. SMART engages students and families in focused discussions, teaching responsible decision-making skills to deter behavior negatively impacting their school environment. The program requires the involvement of the student’s parent or guardian as a collaborative effort to provide a wrap-around for affected students. SMART provides interventions for inappropriate behavior and explores the impact of cyberbullying on students’ emotional and social well-being. The program aims to provide education and intervention to help students and their families understand and address the issue of cyberbullying responsibly and constructively.

**Community Service Program:** Community Service is designed to allow the student an opportunity to work at a school and/or in the community. Each student and parent/guardian will receive a consent form explaining the rules, expectations, and parameters of the community service assignment. In addition to providing an alternative for students who are in violation of the *Code of Student Conduct*, performing community-service hours helps to educate the students on the value of service and boost their social capital.

## Section VI - Definitions

**365-day suspension:** A disciplinary exclusion from school for 365 calendar days.

**Alternative School:** full-time educational program that meets the academic requirements of the NC Standard Course of Study and provides the student with the opportunity to make timely progress towards graduation and grade promotion.

**Board:** Charlotte-Mecklenburg Board of Education.

**Bullying:** Bullying is defined in CMS Regulation S-BULY/R as a physical act or gesture or a verbal, written, or electronically communicated expression directed at one or more persons that:

1. Creates an actual and reasonable expectation that the conduct will
  - A. cause physical harm or emotional distress to a person or damage his or her property, or
  - B. place a person in reasonable fear of physical harm, emotional distress or damage to his or her property; or
2. Creates or is certain to create an intimidating, hostile educational environment for the person at whom the conduct is directed, such that it substantially interferes with or impairs the student’s educational performance.

**Destructive Device:** An explosive, incendiary, or poison gas, including 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 previously listed devices.

**Disciplinary Reassignment:** Assignment to an alternative school imposed as a consequence for violating the *Code of Student Conduct*. These assignments are not long-term suspensions.

**Exclusion:** The removal of a student from school for disciplinary purposes.

**Expulsion:** The indefinite exclusion of a student from school enrollment for disciplinary purposes; may be imposed only by the Board, and the student must be 14 years old.

**In School Suspension (ISS):** In-school suspension is an intervention for minor violations of the *Code of Student Conduct* in which students are removed from the regular classroom setting but allowed to remain at the school. ISS provides the opportunity to redirect student behavior and to restore an orderly environment that is conducive to effective teaching and learning.

**Long-term suspension:** The disciplinary exclusion from school of a student for more than 10 school days. For offenses occurring during the first, second and third quarters, the term may not exceed the end of the school year; for offenses occurring during the fourth quarter, the term may be through the end of the first semester of the following school year. May be imposed by the superintendent or designee.

**MTSS:** Multi-Tiered Systems of Support (MTSS) is a three-tiered instructional framework for both academics and behavior. Disruptions in instruction are prevented by teaching students the expected behaviors for the campus and classroom. If students demonstrate a pattern of problem behavior, they are considered for a range of behavioral support interventions in addition to other discipline responses.

**Principal:** The school principal or any school professional to whom the principal may officially delegate authority.

**Parent:** Natural parent, adoptive parent, legal guardian (including foster parent) or other caregiver adult who is acting in the place of a parent and is entitled to enroll the student in school under NC law.

**Restorative Justice:** Restorative Justice is reactive in nature. It consists of formal and informal responses to wrongdoing. These responses are introduced in an effort to avoid the reoccurrence of the wrongdoing and to begin to rebuild relationships where there has been harm.

**Restorative Practice:** Restorative Practices are proactive in nature. They consist of formal and informal processes put in place to create positive school climate. These processes precede any wrongdoing, provide expectation clarity for all involved and have a strong focus on building relationships and a sense of community.

**Service Learning:** Service Learning involves students in community service activities and applies the experience to personal and academic development. Service Learning occurs when there is “a balance between learning goals and service outcomes” (Furco 3). Service Learning differs from internship experience or volunteer work in its “intention to equally benefit the provider and the recipient of the service as well as to ensure equal focus on both the service being provided and the learning that is occurring” (Furco 5). Service Learning course objectives are linked to real community needs that are designed in cooperation with community partners and service recipients. In Service Learning, course materials inform student service and service informs academic dialogue and comprehension. Service Learning engages students in a three-part process: classroom preparation through explanation and analysis of theories and ideas; service activity that emerges from and informs classroom context; and structured reflection tying service experience back to specific learning goals (Jeavons 135).

**Short-term suspension:** A disciplinary exclusion of a student from school for 10 or fewer school days may be imposed by a principal or assistant principal.

**Student:** Any person attending any school in Charlotte-Mecklenburg Schools.

**Suspension:** The temporary exclusion of a student from the regular school program.

## References

**Charlotte-Mecklenburg Board of Education** (Policies of the Board of Education are available on the CMS Web site located at [www.cmsk12.org](http://www.cmsk12.org))

### North Carolina General Statutes

- §§ 1-538.3(b), 20-11(n1), 115C-378 & 380, 115C-288, 115C-307, 115C - 390.1 - 390.12 and 115C-391.1.

### Other References

- **Handbook on Parents’ Rights**
- Title IX of the 1972 Education Amendments
- Section 504 of the Rehabilitation Act
- Title II of the Americans with Disabilities Act of 1990 (ADA)
- Individuals with Disabilities Education Improvement Act of 2004 (IDEA)
- McKinney-Vento Homeless Assistance Act of 1987 (McKinney-Vento)
- Family Educational Rights and Privacy Act (FERPA)
- Charlotte-Mecklenburg Schools Parent-Student Handbook and Forms Handbook
- Defining Restorative by Ted Wachtel, IIRP President and Founder
- Defining Restorative by Ted Wachtel, IIRP President and Founder
- Definition on Service Learning, Colorado State University ([http://writing.colostate.edu/guides/teaching/service\\_learning/definition.cfm](http://writing.colostate.edu/guides/teaching/service_learning/definition.cfm))
- CMS would like to thank the Student Advisory Council and other Mecklenburg County entities for their Code of Student Conduct recommendations.

## Section VII - DPI Crime Definitions

### Crime Definitions

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

1. ***Assault Resulting in Serious Personal Injury (G.S. §14-32.4)***: An intentional offer or attempt by force or violence to do injury to the person of another that causes reasonable apprehension of immediate bodily harm resulting in one of the following: (1) substantial risk of death, (2) serious permanent disfigurement, (3) a coma, (4) a permanent or protracted condition that causes extreme pain, (5) permanent or protracted loss or impairment of the function of any bodily member or organ, or (6) that results in prolonged hospitalization.
2. ***Assault Involving Use of a Weapon, Firearm, or Powerful Explosive (G.S. §14-32 through 14-34.10 and G.S. 14-34 through 14-34.10 and 14-49 through 14-50.1)***: An intentional offer or attempt by force or violence to the person of another that causes reasonable apprehension of immediate bodily harm through the use of any firearm or other dangerous weapon, implement or means, any explosive or incendiary device or material, or discharges or attempts to discharge a firearm into occupied property, from within an enclosure to incite fear, or from an enclosure toward a person(s) outside enclosure as part of gang activity.
3. ***Assault on School Officials, Employees, and Volunteers (G.S. §14-33(c)(6))***: An intentional offer or attempt by force or violence to do injury to a school official, employee, or volunteer that causes reasonable apprehension of immediate bodily harm while the school official, employee, or volunteer is discharging or attempting to discharge his/her duties.
  - The "duties" of a school official, employee, or volunteer include the following: (1) all activities on school property, (2) all activities during a school authorized event or the accompanying of students to or from that event, and (3) all activities relating to the operation of school transportation.
  - An "employee" includes (1) one who is employed by a local board of education, (2) one who is employed by a charter school, (3) one who is employed by a nonpublic school that operates under Part 1 or Part 2 of Article 39 of Chapter 115C of the General Statutes, or (4) an independent contractor if the independent contractor or employee of the independent contractor carries out duties customarily performed by employees of the school.
  - A "volunteer" is one who volunteers his/her services or presence at any school activity and is under the supervision of an employee.
  - This offense includes assaults on school personnel that do not involve the use of a weapon and do not result in apparent serious injury.
4. ***Making Bomb Threats or Engaging in Bomb Hoaxes (G.S. §14-69.2)***: A person who, with intent to perpetrate a hoax, conceals, places, or displays in or at a public building any device, machine, instrument, or artifact, so as to cause any person reasonably to believe the same to be a bomb or other device capable of causing injury to persons or property.
  - A "public building" encompasses all educational property, as defined in G.S. 14-269.2, including: (1) any school building or bus, and (2) school campus, grounds, recreational area, athletic field, or other property owned, used, or operated, by any board of education or school board of trustees or directors for the administration of any school.
  - "Public buildings" also include: (1) hospitals, and (2) buildings that house only State, federal, or local government offices, or the offices of the State, federal, or local government located in a building that is not exclusively occupied by the State, federal, or local government.
  - This offense includes when a person communicates a bomb threat by any means.
5. ***Willfully Burning a School Building (G.S. §14-60)***: A person who wantonly and willfully sets fire to, burns, causes to be burned, or aids, counsels, or procures the burning of any schoolhouse or building owned, leased, or used by any public school, private school, college, or educational institution.
6. ***Homicide (G.S. §14-17 and 14.18)***: A murder which is perpetrated by one of the following means: (1) nuclear, biological, or chemical weapon of mass destruction, (2) poison, (3) lying in wait, (4) imprisonment, (5) starving, (6) torture, (7) any other kind of willful, deliberate, and premeditated killing, (8) during the perpetration or attempted perpetration of an arson, rape, sex offense, robbery, kidnapping, burglary, or other felony committed or attempted with the use of a deadly weapon, (9) the unlawful distribution of opium, opiate, or opioid or any other synthetic or natural salt, compound, derivative, or preparation of opium, cocaine or other substance described in G.S. §90-90(1)d., methamphetamine, or a depressant described in G.S. 90-92(a)(1) and ingestion by the user results in, or (10) all other types of murder.

7. ***Kidnapping (G.S. §14-39):*** A person who unlawfully confines, restrains, or removes from one place to another, any other person 16 years of age or over without the consent of such person, or any other person under the age of 16 years old without the consent of a parent or legal guardian of such person, shall be guilty of kidnapping if such confinement, restraint, or removal is for the purposes of one of the following: (1) holding such other person for a ransom, as a hostage, or using such other person as a shield, (2) facilitating the commission of any felony or facilitating the flight of any person following the commission of a felony, (3) doing serious bodily harm to or terrorizing the person so confined, restrained, or removed by any other person, (4) holding such other person in involuntary servitude, (5) trafficking another person with the intent that the person be held in involuntary servitude or sexual servitude, or (6) subjecting or maintaining such other person for sexual servitude.
8. ***Unlawful, underage sales, purchase, provision, possession, or consumption of alcoholic beverages:*** It shall be unlawful for a person younger than 21 years of age to possess, sell, give, or purchase any alcoholic beverages. It is also unlawful for any person to aid and abet a person under the age of 21 years old in his/her attempt to obtain an alcoholic beverage.
- An “alcoholic beverage” includes the following: (1) malt beverage, (2) fortified wine, (3) unfortified wine, (4) spirituous liquor, (5) mixed beverages, or (6) beer.
9. ***Possession of Controlled Substance in Violation of Law (G.S. §90-86 through 90-113.8):*** It is unlawful for a person to possess or have in his/her immediate control any of the following: Marijuana, Heroin, LSD, Methamphetamine, Cocaine, or any other drug, substance, or immediate precursor included in Schedules I - VI of the North Carolina Controlled Substances Act. (G.S. §90-89 through 90-94.)
- The unauthorized possession of a prescription drug is included under this offense.
  - The principal should confer with law enforcement personnel if there is doubt as to whether or not a certain drug is considered a controlled substance.
10. ***Possession of a Firearm or Powerful Explosive (G.S. §14-269.2):*** It is unlawful for any person to possess or carry, whether openly or concealed, 1) any gun, rifle, pistol, or other firearm of any kind and 2) any dynamite cartridge, bomb, grenade, mine, or powerful explosive as defined in G.S. §14-284.1 on educational property or to a curricular or extracurricular activity sponsored by a school.
- This offense does not apply to a BB gun, stun gun, air rifle, air pistol or fireworks.
  - No person shall be guilty of a criminal violation so long as both of the following apply: (1) The person comes into possession of a weapon by taking or receiving the weapon from — 119— Return to Table of Contents another person or by finding the weapon and (2) the person delivers the weapon, directly or indirectly, as soon as practical to law enforcement authorities.
  - Persons authorized to carry weapons on school property are individuals carrying a concealed handgun with a permit as authorized by Chapter 14, Article 54B of the NC General Statutes as amended by Session Law 2013-369, and law enforcement officers, firefighters, and emergency service personnel when discharging their official duties.
11. ***Possession of a Weapon on Campus or Other Educational Property (G.S. §14-269.2, G.S. §14-269.2(d)):*** It is unlawful for any person to possess or carry, whether openly or concealed, any of the following weapons on campus or other educational property: (1) any BB gun, (2) stun gun, (3) air rifle, (4) air pistol, (5) bowie knife, (6) dirk, (7) dagger, (8) slungshot, (9) leaded cane, (10) switchblade knife, (11) blackjack, (12) metallic knuckles, (13) razors and razor blades (except solely for personal shaving), (14) fireworks, or (15) any sharp-pointed or edged instrument except instructional supplies, unaltered nail files, clips, and tools used solely for preparation of food, instruction, and maintenance.
- “Switchblade knife” is defined as “a knife containing a blade that opens automatically by the release of a spring or a similar contrivance”.
  - “Educational Property” refers to any school building or bus, school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by any board of education or school board of trustees, or directors for the administration of any school.
  - No person shall be guilty of a criminal violation so long as both of the following apply: (1) The person comes into possession of a weapon by taking or receiving the weapon from another person or by finding the weapon and (2) the person delivers the weapon, directly or indirectly, as soon as practical to law enforcement authorities.
  - Persons authorized to carry weapons on school property are individuals carrying a concealed handgun with a permit as authorized by Chapter 14, Article 54B of the NC General Statutes as amended by Session Law

2013-369, and law enforcement officers, firefighters, and emergency service personnel when discharging their official duties.

**12. Rape (G.S. § 14-27.21 through 14 -27.25):** A person is guilty of rape if that person engages in vaginal intercourse with another person by force and against the will of the other person, or if the person being assaulted is mentally disabled, mentally incapacitated, or physically helpless and the person performing the act knows or should reasonably know that the other person is mentally disabled, mentally incapacitated, or physically helpless.

- First-degree forcible rape: a person is guilty if the person engages in vaginal intercourse with another person by force and against the will of the other person, and does any of the following: 1) uses, threatens to use, or displays a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous weapon, 2) inflicts serious injury on the victim or another person, and/or 3) the person commits the offense aided and abetted by one or more other persons.
- Second-degree forcible rape: a person is guilty if the person engages in vaginal intercourse with another person by force and against the will of the other person OR a person is guilty if the person engages in vaginal intercourse with another person who has a mental disability, is mentally incapacitated, or physically helpless and the person performing the act knows or should reasonably know that the other person has a mental disability, is mentally incapacitated, or physically helpless.
- Statutory rape of a child by an adult: a person is guilty if the person is at least 18 years of age and engages in vaginal intercourse with a victim who is a child under the age of 13 years.
- First-degree statutory rape: if the defendant engages in vaginal intercourse with a victim who is a child under the age of 13 years and the defendant is at least 12 years old and is at least four years older than the victim.
- Statutory rape of person who is 15 years of age or younger: if the defendant engages in vaginal intercourse with another person who is 15 years of age or younger and the defendant — 120— Return to Table of Contents is at least 12 years old and at least six years older than the person, except when the defendant is lawfully married to the person.

**13. Robbery With a Dangerous Weapon, Firearm, or Powerful Explosive (G.S. §14-87):** Any person or persons who, having in possession or with the use or threatened use of any firearms or other dangerous weapon, implement or means, whereby the life of a person is endangered or threatened, unlawfully takes or attempts to take personal property from another or from any place of business, residence, or banking institution or any other place where there is a person or persons in attendance, at any time, either day or night, or who aids or abets any such person or persons in the commission of such crime.

**14. Sexual Assault (Sexual Battery, Sexual Activity and Contact and Penetration under Pretext of Medical Treatment (G.S. 14-27.31 and G.S. 14-27.33)):**

- Sexual battery: A person is guilty of sexual battery if he/she, for the purpose of sexual arousal, sexual gratification, or sexual abuse, engages in sexual contact with another person by force and against the will of the other person, OR A person is guilty of sexual battery if he/she, for the purpose of sexual arousal, sexual gratification, or sexual abuse, engages in sexual contact with another person if the person being assaulted is mentally disabled, mentally incapacitated, or physically helpless and the person performing the act knows or should reasonably know that the other person is mentally disabled, mentally incapacitated, or physically helpless.
  - G.S. § 14-27.20(5) defines “sexual contact” as A) touching the sexual organ, anus, breast, groin, or buttocks of any person, B) a person touching another person with their own sexual organ, anus, breast, groin, or buttocks, C) a person ejaculating, emitting, or placing semen, urine, or feces upon any part of another person.
  - G.S. § 14-27.20(6) defines “touching” as “physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim.”
- Sexual activity by a substitute parent or custodian: If a defendant who has assumed the position of a parent in the home of a minor victim engages in vaginal intercourse or a sexual act with a victim who is a minor residing in the home, OR If a person having custody of a victim of any age or a person who is an agent or employee of any person, or institution, whether such institution is private, charitable, or governmental, having custody of a victim of any age engages in vaginal intercourse or a sexual act with such victim.

- Sexual activity with a student: If a defendant, who is a teacher, school administrator, student teacher, school safety officer, or coach, at any age, or who is other school personnel, engages in vaginal intercourse or a sexual act with a victim who is a student, at any time during or after the time the defendant and victim were present together in the same school, but before the victim ceases to be a student, the defendant is guilty of a Class G felony, except when the defendant is lawfully married to the student.
  - The term “same school” means a school at which the student is enrolled and the defendant is employed, assigned, or volunteers.
- Sexual contact or penetration under pretext of medical treatment: Unless the conduct is covered under some other provision of law providing greater punishment, a person who — 121— Return to Table of Contents undertakes medical treatment of a patient is guilty if the person does any of the following in the course of that medical treatment:
  - Represents to the patient that sexual contact between the person and the patient is necessary or will be beneficial to the patient’s health and induces the patient to engage in sexual contact with the person by means of the representation.
  - Represents to the patient that sexual penetration between the person and the patient is necessary or will be beneficial to the patient’s health and induces the patient to engage in sexual penetration with the person by means of the representation.
  - Engages in sexual contact with the patient while the patient is incapacitated.
  - Engages in sexual penetration with the patient while the patient is incapacitated.
    - Sexual contact is defined as “the intentional touching of a person’s intimate parts or the intentional touching of the clothing covering the immediate area of the person’s intimate parts, if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification, done for a sexual purpose, or done in a sexual manner.” • Sexual penetration is defined as “sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person’s body or of any object into the genital or anal openings of another person’s body, regardless of whether semen is emitted, if that intrusion can reasonably be construed as being for the purpose of sexual arousal or gratification, done for a sexual purpose, or done in a sexual manner.”

**15. Sexual Offense (G.S §14-27.26 through 14-27.30):**

- First-degree forcible sexual offense: A person is guilty of a sexual offense in the first degree if the person engages in a sexual act with another person by force and against the will of the other person, and does any of the following: 1) uses, threatens to use, or displays a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous weapon, 2) inflicts serious injury on the victim or another person, and/or 3) the person commits the offense aided and abetted by one of more other persons.
- Second-degree forcible sexual offense: if the person engages in a sexual act with another person by force and against the will of the other person OR if the person engages in a sexual act with another person who has a mentally disability, is mentally incapacitated, or physically helpless and the person performing the act knows or should reasonably know that the other person has a mentally disability, is mentally incapacitated, or physically helpless.
- Statutory sexual offense of a child by an adult: if the person is at least 18 years of age and engages in a sexual act with a victim who is a child under the age of 13 years.
- First-degree statutory sexual offense: if the defendant engages in a sexual act with a victim who is a child under the age of 13 years and the defendant is at least 12 years old and is at least four years older than the victim.
- Statutory sexual offense of person who is 15 years of age or younger: if the defendant engages in a sexual act with another person who is 15 years of age or younger and the defendant is at least 12 years old and at least six years older than the person, except when the defendant is lawfully married to the person.
- Definition of sexual act (G.S § 14-27.20): Sexual act is defined as “cunnilingus, fellatio, anilingus, or anal intercourse, but does not include vaginal intercourse. Sexual act also means the penetration, however slight, by any object into the genital or anal opening of another person’s body.
- The difference between a sexual assault/battery and a sexual offense is that the sexual assault involves forcible and intentional touching without penetration, and a sexual offense involves penetration of a sex organ or anus by any object or touching another’s mouth or anus by the male sex organ.

**16. Taking Indecent Liberties With A Minor (G.S. §14-202.1, 14-202.2 and 14-202.4):**

- Taking indecent liberties with children: A person is guilty of taking indecent liberties with a child if, being 16 years of age or more and at least five years older than the child in question, he/she either: (1) willfully takes or attempts to take any immoral, improper, or indecent liberties with any child of either sex under the age of 16 years for the purpose of arousing or gratifying sexual desire, or (2) willfully commits or attempts to commit any lewd or lascivious act upon or with the body or any part or member of the body of any child of either sex under the age of 16 years.
- Indecent liberties between children: A person who is under the age of 16 years is guilty of taking indecent liberties with children if the person either: (1) willfully takes or attempts to take any immoral, improper, or indecent liberties with any child of either sex who is at least three years younger than the defendant for the purpose of arousing or gratifying sexual desire, or (2) willfully commits or attempts to commit any lewd or lascivious act upon or with the body or any part or member of the body of any child of either sex who is at least three years younger.
- Indecent liberties with a student: A person is found guilty of taking indecent liberties with a student if a defendant, is a teacher, school administrator, student teacher, school safety officer, or coach, at any age, or other school personnel, takes indecent liberties with a victim who is a student, at any time during or after the time the defendant and victim were present together in the same school but before the victim ceases to be a student. Consent is not a defense. A person is not guilty of taking indecent liberties with a student if the person is lawfully married to the student.

**Section VIII - Forms**

- Title IX Incident Report
- Appeal to the Board of Education: Disciplinary Reassignment Form
- Appeal to the Board of Education: Long-Term Suspension
- Student Behavior Contract
- Request for Conference and Review of a Short-Term Suspension
- Principal’s Response to the Review of a Short-Term Suspension
- Short-Term Out-of-School Suspension Contacts





**Appeal to the Board of Education: Disciplinary Reassignment**

*Use this form to appeal to the Board only after the superintendent/designee has made a decision to make a disciplinary reassignment to an alternative school. Submit to Student Discipline and Behavior Support Department within 10 days. Students are not permitted to be represented by an attorney at the Board hearing.*

**TO:** Student Discipline and Behavior Support Department  
Charlotte-Mecklenburg Schools  
1901 Herbert Spaug Lane  
Charlotte, NC 28208  
Fax: 980-343-3796  
BOEdisciplineappeal@cms.k12.nc.us

**DATE:** \_\_\_\_\_

**FROM:** \_\_\_\_\_ *Parent*  
\_\_\_\_\_ *Student*  
\_\_\_\_\_ *Mailing Address*  
\_\_\_\_\_  
\_\_\_\_\_ *Telephone Number*  
\_\_\_\_\_ *Email Address*  
\_\_\_\_\_ *School*

I wish to appeal the decision of the superintendent/designee of reassignment to an alternative school for the following reasons:  
  
Charlotte-Mecklenburg Schools procedures, as outlined in the *Code of Student Conduct*, were not followed by the school. Please explain.

The disciplinary assignment is not appropriate. Please explain.

Other. Please explain.

This appeal form must be submitted within 10 days of the decision or the decision becomes final. Your child's disciplinary assignment remains in effect pending the outcome of the appeal hearing.



## Appeal to the Board of Education: Long-Term Suspension

*Use this form to appeal a superintendent/designee final decision to impose a long-term suspension. Submit to the Board of Education within 10 days.*

**TO:** Chairperson  
Charlotte-Mecklenburg Board of Education  
P.O. Box 30035  
Charlotte, North Carolina 28230-0035

**DATE:** \_\_\_\_\_

**FROM:** \_\_\_\_\_ *Parent*  
\_\_\_\_\_ *Student*  
\_\_\_\_\_ *School/grade*  
\_\_\_\_\_ *Address*  
\_\_\_\_\_ *Telephone number*

I wish to appeal the decision of the superintendent/designee for the following reasons:

Charlotte-Mecklenburg Schools procedures, as outlined by the *Code of Student Conduct*, were not followed by the school. Please explain.

The level of disciplinary action was not consistent with the *Code of Student Conduct*. Please explain.

The evidence does not support the claim that my child actually committed this violation. Please explain.

Other. Please explain.

This appeal form must be submitted to the Board of Education within 10 days of the superintendent/designee decision or the decision becomes final.



## Student Behavior Contract

\_\_\_\_\_ *Student*

\_\_\_\_\_ *School/grade*

\_\_\_\_\_ *Administrator*

Description of the unacceptable behavior:

Description of the desired replacement behavior:

Strategies that will be used to teach the replacement behavior:

Reinforcements/rewards for appropriate behavior:

Consequences for violation of this Behavior Contract:

My administrator has reviewed with me the *Code of Student Conduct* and the behavior expectations of my school. I acknowledge that my behaviors were not consistent with the expectations of my school. I agree to abide by the terms of the *Code of Student Conduct* and any additional behavior guidelines developed by my school. Most importantly, I will not engage in the inappropriate behavior listed above. When I feel that I am unable to adhere to the behavior standards discussed today, I will seek the assistance of a staff member. I understand the consequences for violating this Behavior Contract.

Date: \_\_\_\_\_

Student signature: \_\_\_\_\_

Administrator signature: \_\_\_\_\_



## Request for Conference and Review of a Short-Term Suspension

Submit to School Principal within three (3) days

TO: \_\_\_\_\_ *Principal*  
\_\_\_\_\_ *School*

DATE: \_\_\_\_\_

FROM: \_\_\_\_\_ *Parent/Guardian*  
\_\_\_\_\_ *Student*  
\_\_\_\_\_ *Grade*  
\_\_\_\_\_ *Address*  
\_\_\_\_\_ *Phone*  
\_\_\_\_\_ *Email*

I wish to review the short-term suspension imposed by the school for the following reason(s):

Charlotte-Mecklenburg Schools procedures, as outlined by the *Code of Student Conduct*, were not followed. Please explain.

The level of disciplinary action was not consistent with the *Code of Student Conduct*. Please explain.

The evidence does not support the claim that my student committed this rule violation. Please explain.

I am requesting a conference and a review of the decision to suspend my student.

This review form must be submitted to the principal within three (3) days or the decision becomes final. Within three (3) days of the receipt of your request, the principal will meet with the parent and report the decision of the review in writing.

*If a parent disagrees with the Principal decision, the parent(s) may request, in writing, a review of the suspension to the superintendent/designee. This form can be utilized to request the review and should be mailed to Student Discipline and Behavior Support Department at 1901 Herbert Spaug Lane Charlotte, NC 28028.*



## Principal's Response to the Review of a Short-Term Suspension

**TO:** \_\_\_\_\_ *Parent/Guardian*

\_\_\_\_\_ *Student*

\_\_\_\_\_ *Grade*

\_\_\_\_\_ *Address*

**FROM:** \_\_\_\_\_ *Principal*

**DATE:** \_\_\_\_\_

I have reviewed the decision to suspend your student and made the following decision:

Uphold the suspension because:

Modify the suspension by:

Additional Recommendations:

*This form can be utilized by the superintendent/designee.*



## Short-Term Out of School Suspension Centers Contact Information for Parents

### Student Discipline and Behavior Support Department 980-343-3768

Site (Mecklenburg County Parks & Recreation Building)	Grades	Address	Center Phone
Elon Park	6-12	11401 Ardrey Kell Rd. (behind Elon Park Elementary – Drive down the long path to the recreation building)	704-576-2456
Ivory Baker	K-8	1920 Stroud Park Court 28206	980.242.9318
Arbor Glen	K-8	1520 Clanton Road 28208	980-406-9237
Methodist Home	6-8	3200 Shamrock Drive 28205	980-406-9833
Sugaw Creek	9-12	943 W. Sugar Creek Road 28213	980-406-9907
Tuckaseegee	9-12	4820 Tuckaseegee Road 28208	980-406-1115
Marie G. Davis	K-12	3351 Griffith Street 28203 Directions to MGD Short Term Center from South Tryon: Take Griffith Street to Bank Street and make a right onto MGD lower campus.	980-406-9084

- On the first day of enrollment, parents and students must report for orientation at 7:50 a.m. Orientation start promptly at 8am daily.
- Each center follows the traditional CMS school calendar operating on CMS school days from 8:30 a.m.- 3:00 p.m.
- Each student/family must bring their suspension paperwork with them to the center they plan to attend on the first day.
- Enrollment is on a first-come-first-served basis. Once maximum capacity is reached at a center, on-site staff will work with the parent to communicate between centers to find space.
- Parents may choose the site of their child’s attendance but must attend orientation at 7:50 a.m. on the first day of enrollment for each assigned suspension.
- Students will not be admitted after 8:30 a.m. following the first day of enrollment.
- As enrollment is voluntary, transportation will not be provided.
- Meals will be provided (lunch and breakfast) at the same cost as at your child’s homeschool (meal accounts will be charged) courtesy of CMS Child Nutrition.
- Each center is equipped with CMS technology. Students are permitted to bring CMS issued technology, that may only be used for academic purposes.
- Home schools must provide class/homework to students upon suspension (hardcopy and/or electronic), and students are required to have this work with them before being admitted.
- Each center is staffed with certified CMS staff.



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