

The board will not tolerate anti-social behavior from any student. Any student exhibiting such behavior will be removed from the classroom or school environment for as long as necessary to ensure a safe and orderly environment for learning.

PROHIBITED BEHAVIOR

Any behavior that may cause property damage or physical or psychological harm to others is considered anti-social. The following list is not inclusive but is intended to reflect the types of behaviors that are considered anti-social and are prohibited:

1. Assault, Injury

Students are prohibited from assaulting, physically injuring, attempting to injure or intentionally behaving in such a way as could reasonably cause injury to any other person. Assault includes engaging in a fight.

2. Weapons and Weapon-Like Items

Students are prohibited from possessing, handling, or transmitting any weapon, or any instrument that reasonably looks like a weapon or could be used as a weapon. Weapons include all of the following:

- loaded or unloaded firearm, including a gun, pistol or rifle; explosives, including a bomb, grenade or mine; knife, including a pocket knife, bowie knife, switchblade, dirk or dagger;
- slingshot or slungshot;
- leaded cane;
- blackjack;
- metal knuckles;
- BB gun;
- air rifle or air pistol;
- stun gun or other electric shock weapon;
- ice pick;
- razor or razor blade (except solely for personal shaving); and
- any sharp pointed or edged instrument except unaltered nail files and clips and tools used solely for preparation of food, instruction and maintenance.

No student will knowingly or willfully cause, encourage or aid any other student to possess, handle or transmit any of the weapons or weapon-like items listed above.

This section will not apply to pupils who are members of the Reserve Officer Training Corps and who are required to carry arms or weapons in the discharge of their official class duties; nor does this section apply to weapons used in school-approved instruction or ceremonies.

3. Threatening Acts

Students are prohibited from directing toward any other person any language which threatens force, violence or disruption, or any sign or act which constitutes a threat of force, violence or disruption.

4. Harassment

Students are prohibited from engaging in or encouraging any form of harassment against students, employees or any other individuals on school grounds or at school-related functions. As used in this Article, “bullying or harassing behavior” is any pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication, that takes place on school property, at any school-sponsored function, or on a school bus. Harassment is unwanted, unwelcome and uninvited behavior that demeans, threatens or offends the victim and results in a hostile environment for the victim. The hostile environment can be created through pervasive or persistent misbehavior or a single incident if sufficiently severe. Harassment is further defined in policy 1735, Harassment Defined. Sexual harassment is further defined in policy 1736, Sexual Harassment Defined.

Complaints of harassment will be investigated pursuant to policy 1740/4010, Student and Parent Grievance Procedure or policy 1745, Sexual Harassment Complaint Procedure for Students. Incidents of misbehavior that do not rise to the level of harassment may violate board policy 4310, Standards of Expected Student Behavior which establishes an expectation that students will demonstrate civility and integrity in their interactions with others. The consequences for harassment should be more severe than for violation of the standards of behavior.

5. Theft or Damage to Property

Students are prohibited from stealing or attempting to steal school or private property, including but not limited to computer hardware, software, networks and web sites, and/or from knowingly being in possession of stolen property. Students are prohibited from damaging or attempting to damage any school property or private property at any time when board policies are applicable as defined in board policy 4300, Student Behavior Policies. In addition to other disciplinary consequences, restitution will be required from students violating this policy.

CONSEQUENCES MANDATED BY LAW1. Firearms

As required by law, a student who brings a firearm or powerful explosive onto school property will be suspended for 365 days, unless the superintendent recommends and the board approves a modification. A firearm includes any gun, rifle, pistol or other weapon used for firing a projectile by means of an explosive charge. A powerful explosive includes a dynamite cartridge, blasting cap, trinitrotoluene (TNT), nitroglycerin, grenade or mine. A student who brings a firearm or powerful explosive to school also will be referred to the criminal justice or juvenile delinquency system.

2. Serious Assaults on Personnel

Any student who is found by the board to be at least 13 years of age and to have physically assaulted and seriously injured school personnel will be removed to an alternative educational setting in accordance with G.S. 115C-391(d2). If an appropriate alternative educational setting is not available, the board will suspend the student for no less than 300 days but no more than 365 days. The superintendent will make recommendations to the board regarding placement decisions and the recommended length of the placement or the suspension, within the limits established by law, based at least in part upon recommendations of the principals of the alternative school and the base school.

CONSEQUENCES DIRECTED BY THE BOARD

Violation of this policy may result in long-term suspension, 365 days suspension or expulsion. The procedures for suspension or expulsion are provided in board policy 4353, Long-Term Suspension, 365 Days Suspension, Expulsion. A determination of the appropriate consequence will be made in accordance with the provisions below. Placement in an alternative educational setting may be made instead of suspension in accordance with policy 3470/4305.

Kindergarten and Elementary Schools

Except where certain consequences for misbehavior are required by law, principals in the elementary grades are expected to use good judgment and reasonable discretion in determining the appropriate consequence for violation of board policies, school standards or rules. The criteria established for middle and high schools can be reviewed to assist in uniformly applying policies.

Middle and High Schools

- Long Term Suspension

Long term suspension (suspension for over 10 days and up to the remainder of the school year from school and all school activities) is presumed to be an appropriate consequence for a student who has engaged in anti-social behavior unless the law has otherwise directed the consequence. (For bringing firearms or explosives onto school property or for serious assaults, see “Consequences Mandated by Law” and the next section on 365 days suspension.) However, after considering and documenting the culpability of the student, the danger the student presents and the harm caused by the student, the principal may choose a consequence other than long-term suspension. In making a long-term suspension recommendation to the superintendent, the principal will propose the length of the suspension based upon a documented review of the student’s culpability, potential danger presented by and the harm caused by the student.

1. Culpability of Student - The culpability of the student for his or her behavior will be assessed by considering criteria such as:
 - a. the student’s age;
 - b. the intent to cause harm that occurred or could have occurred; and
 - c. evidence of the student’s intent in engaging in the conduct.
2. Potential Danger Presented by Student - The potential danger presented by the student will be assessed by considering criteria such as:
 - a. student discipline record or criminal record related to anti-social behavior or drugs and alcohol;
 - b. whether any weapon was involved and the capacity to inflict serious injury or death with it; and
 - c. any evidence of the student’s capability to cause the harm intended or that occurred.
3. Harm Caused by the Student - The severity of harm caused by the student will be assessed by considering criteria such as whether any of the following occurred:
 - a. anyone was physically injured or killed;
 - b. anyone was directly threatened or property extorted by the use of the weapon;
 - c. anyone was directly harmed emotionally or psychologically;
 - d. school property or personal property of others was damaged; or

- e. students, school employees or parents were aware of the presence of the weapon or other behavior.

- Alternative Educational Setting/365 Days Suspension

Certain Physical Assaults - Upon the recommendation of the superintendent, the board may remove a student to an alternative educational setting if the student is at least 13 years of age and has:

1. physically assaulted a teacher or other adult who is not a student;
2. physically assaulted another student if the assault is witnessed by school personnel;
or
3. physically assaulted and seriously injured another student.

If no appropriate alternative educational setting is available, the board may suspend the student for up to 365 days. The superintendent will make recommendations to the board regarding placement decisions and the recommended length of the placement or suspension, within the limits established by law.

If the student is under age 13, the consequences for assault will be determined in accordance with the general guidelines in this policy for determining appropriate consequences.

- Expulsion

Expulsion is the permanent removal of a student from school. Upon the recommendation of the superintendent, the board may expel a student who is fourteen years of age or older if the student's behavior indicates that his or her continued presence in school constitutes a clear threat to the safety of other students or employees. Depending on the culpability of the student, the potential danger of the student and the harm caused by the student (see factors above), the following behavior may result in expulsion regardless of whether it occurs on school property:

1. Theft or attempted theft by a student from another person by using, or threatening to use, a weapon.
2. The intentional and malicious burning of any structure or personal property, including vehicles.
3. An attack, or threatened attack, by a student against another person wherein the student uses a weapon or displays it in a manner found threatening to that person.

4. An attack by a student on any employee, adult volunteer, or another student which does not result in serious injury but which is intended to cause or reasonably could cause serious injury.
5. An attack by a student upon another person whereby the victim suffers obvious severe or aggravated bodily injury such as broken bones, loss of teeth, possible internal injuries, laceration requiring stitches, loss of consciousness, significant bruising or pain, or the victim requires hospitalization or treatment at a hospital emergency room as a result of the attack.
6. Any intentional, highly reckless or negligent act that results in the death of another person.
7. Confining, restraining, or removing another person from one place to another, without the victim's consent, or the consent of the victim's parents, for the purpose of committing a felony, or for the purpose of holding the victim as a hostage or for ransom or for use as a shield.
8. Possession of a weapon on any school property, including in vehicles.
9. The taking or attempting to take anything of value from the care, custody or control of another person or persons, by force, threat of force, or violence, or by putting the victim in fear.
10. Any unauthorized and unwanted intentional touching, or attempt to touch, by one person of the sex organ of another. The sex organs are the breasts of the female and the genital areas of the male and female.
11. The possession, manufacture, sale, or delivery, or any attempted sale or delivery, of a controlled substance in violation of Chapter 90 of the General Statutes.
12. Any behavior resulting in a felony conviction on a weapons, drug, assault or other charge that threatens the safety of other persons.
13. Any other behavior that demonstrates a clear threat to the safety of others in the school environment.

The superintendent is responsible for ensuring that consequences for anti-social behaviors are uniformly applied throughout the school district.

Legal References: Gun-Free Schools Act of 1994, 20 U.S.C. § 8921, 8922; G.S. 14-33, -34, to -34.2, -60, -69.1, -69.2, -132, -132.2, -269.2; 105.47(b); 115C-47, -276(r), -288, -307, -390, -391; State Board of Education Guidelines of Acts and Conduct That Are A Clear Threat to the Safety of Students and Others

Cross References: Sexual Harassment Defined (policy 1736), Student and Parent Grievance Procedure (policy 1740/4010), Discrimination Complaint Procedure for Students (policy 1741), Standards of Expected Student Behavior (policy 4310), Criminal Behavior (policy 4335), Long-Term Suspension, 365 Days Suspension, Expulsion (policy 4353)

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