

# Cherokee County Schools



## Code of Student Conduct

*This Code of Student Conduct is developed in compliance with NCGS 115C-390 and applicable Cherokee County Board of Education Policy*

*R-06-13-2019*

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**School – Family Compact**  
**Parents-Student-Teacher Agreement**  
**Sharing responsibilities for high student academic achievement**

**Parents Pledge: I will**

- Check and sign my child's School Planner each day.
- Let the teacher know if my child has any problems with learning.
- Use reading and math materials the school sends home each week to help my child.
- Help my child see how to use reading and math to pursue his/her interests and goals.
- Listen to my child read 20 minutes each day.
- Limit my child's TV viewing/computer and video games and help select worthwhile programs.
- Encourage my child to do his/her best each day.

**Students Pledge: I will**

- Take my School Planner home daily with written assignments, and do my homework every day, and turn it in when it's due.
- Have my School Planner signed by parents/guardian each day.
- Let my teacher and family know if I need help.
- Read 20 minutes every day.
- I will limit my TV watching and computer, and video games time.

**Teachers Pledge: We will**

- Create a partnership with every family in my class. Treat each student and parent/family with dignity and respect and maintain confidentiality at all times.
- Check School Planner for parent/guardian signatures and provide positive communication with parents.
- Monitor student progress and update parents monthly.
- Assign homework that is worthwhile homework. Make sure students understand the assignment and what they'll learn from it.
- Make sure all students get help as soon as it's needed.
- Strengthen the partnerships among students, parents/families with the teachers.

# Disciplinary Responses

*Reference*  
*4300 Student Behavior Policies*

All decisions related to student behavior are guided by the board's educational objective to teach responsibility and respect for cultural and ideological differences and by the board's commitment to creating safe, orderly and inviting schools. Student behavior policies are provided in order to establish (1) expected standards of student behavior; (2) principles to be followed in managing student behavior; (3) consequences for prohibited behavior or drug/alcohol policy violations; and (4) required procedures for addressing misbehavior.

Students must comply with the Code of Student Conduct in the following circumstances:

1. while in any school building or on any school premises before, during or after school hours
2. while on any bus or other vehicle as part of any school activity
3. while waiting at any school bus stop
4. during any school-sponsored activity or extracurricular activity
5. when subject to the authority of school employees
6. 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

Students who break rules are subject to disciplinary action by teachers, administrators or other school personnel. There are eight levels of disciplinary actions.

## **Level 1**

- a) Conference—parental involvement
- b) Isolation or time-out for short periods of time
- c) Instruction in conflict resolution and anger management
- d) Academic intervention

## **Level 2**

- a) Intervention
- b) Contract with Student/Parent: A statement is written listing steps to be taken to improve behavior. The statement also describes the support to be provided by school staff and/or parent/guardian as well as the date when the contract will be reviewed.
- c) Detention: Detaining a student for disciplinary reasons before or after school hours (including Saturdays).
- d) In-School Intervention: May include but not limited to Saturday School, work assignment, behavior essays, transportation restriction, and/or academic intervention.
- e) Mediation: Referral to conflict mediation, peer mediation, or instruction in conflict resolution and anger management.
- f) Probationary Period: A write-up for the discipline offense with a defined period of good behavior to prevent suspension.
- g) Referral: School Counselor, Student Assistance Team, Child Student Team, Student Services Team, Attendance Staff, Alternative School, Other.
- h) Removal for Conference: Separation of student from class to contact parent for conference.
- i) Restricted Activity: The denial of participation in school activities and extra-curricular events or the use of common areas or other parts of the school.
- j) Substance Abuse Education
- k) Time-Out: The temporary denial of a student's right to attend class.

## **Level 3**

- a) In or Out of School Suspension or Detention
  - i. 1 to 2 days for Truancy/Tardiness
  - ii. 1 to 5 days for other

## **Level 4**

- a) Community service
- b) Exclusion from graduation ceremonies

- c) Exclusion from extracurricular activities
- d) Suspension from bus privileges
  - i. The parent or guardian is responsible for transportation that may be required to carry out a consequence. With the exception of suspension from bus privileges, if a parent or guardian is unable to provide transportation, another consequence will be substituted.

**Level 5**

- a) Short-term Suspension for 6 to 10 days. A short-term suspension is the disciplinary exclusion of a student from attending his or her assigned school for up to 10 school days. A student who is placed on a short-term suspension will not be permitted to be on school property or to take part in any school function during the period of suspension without prior approval from the principal.

**Level 6**

- a) Short-term Suspension for 10 days which may include behavioral contract.

**Level 7**

- a) Long-term Suspension for 11 to 180 days. This response level may include the denial of a student's right to attend school or school-sponsored activities for a period of not less than 11 days no more than 180 days and may contain a re-entry contract

**Level 8**

- a) 365-Day Suspension. A 365-day suspension is the disciplinary exclusion of a student from attending his or her assigned school for 365 calendar days. The superintendent may impose a 365-day suspension only for certain firearm and destructive device violations, as identified in policy 4333, Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety.
- b) Expulsion. An expulsion is the indefinite exclusion of a student from school enrollment for disciplinary purposes. Upon the recommendation of the superintendent, the board may expel a student who is 14 years of age or older for certain types of misbehavior as provided in policy 4325, Drugs and Alcohol, policy 4330, Theft, Trespass, and Damage to Property, policy 4331, Assaults, Threats, and Harassment, and policy 4333, Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety, if the student's continued presence in school constitutes a clear threat to the safety of other students or employees. Additionally, a student who is subject to policy 4260, Student Sex Offenders, may be expelled if the student's continued presence in school constitutes a clear threat to the safety of other students or employees. During the expulsion, the student is not entitled to be present on educational property and is not considered a student of the school system.

**Level 9 Removal from the General Education Environment to serve In School Suspension (ISS) at a designated off-campus site.**

- a) **Phase I:** Immediate (same day) assignment to ISS at a designated off-campus site for a maximum of 5 school days, suspension from all interscholastic activities for duration of ISS assignment (suspension of interscholastic activities terminates the day after the last day of ISS), mandatory Drug & Tobacco Cessation class (if implementation of Level 9 disciplinary action warrants such cessation class), and warning of second offense consequences (This phase of Level 9 *may* be used when dealing with tobacco violations).
- b) **Phase II:** Suspension **or** ISS assignment at a designated off-campus site for a maximum of 10 days, and suspension from all interscholastic activities for the duration of the suspension or ISS, (suspension of interscholastic activities terminates the day after the last day of suspension or ISS), mandatory Drug & Tobacco Cessation class (if implementation of Level 9 disciplinary action warrants such cessation class), and warning of third offense consequences. (This phase of Level 9 is used when dealing with tobacco, drug, or alcohol violations.)
- c) **Phase III:** Immediate assignment to The Oaks Academy for 9-weeks, suspension from all interscholastic activities, and restriction from attending graduation ceremony for senior students, and mandatory attendance of a Drug & Tobacco Cessation class to be paid for by the student (if implementation of Level 9 disciplinary action warrants such cessation class). (This phase of Level 9 is used when dealing with tobacco, drug, or alcohol violations.)

# Attendance Violations

*References*  
4400 Attendance

## **Rule 01 Attendance**

A student is to attend school (including all classes) each day of the school year. In addition, a student is to report to school and all classes on time. A student of compulsory school age who does not attend school is in violation of the law and the student and his/her parent(s) or guardians are subject to its penalties. A student tardy to school or classes will be treated in the same manner as a truant. Efforts will be made to communicate with parents of absent and truant students.

*Disciplinary Action Rule 01.a—01.c:*    PK-5: 1—2  
    6-8: 1—3  
    9-12: 1—3  
    6-12: Level 9: Phase I

*Reference*  
4400 Attendance

## **Rule 01.a Tardies and Early Dismissals**

Failure to be in a place of instruction at the assigned time without valid excuse.

## **Rule 01.b Class Cutting**

Failure to report to class without proper permission, knowledge, or excuse by the school or teacher.

## **Rule 01.c School Cutting**

Failure to report to school without prior permission, knowledge, or excuse by the school or the parent.

## **Rule 01.d Leaving Campus Without Permission**

Once a student arrives at school, (s)he will remain at school for the entire school day unless (s)he has properly obtained an early dismissal.

*Disciplinary Action:*    PK-5: 2—7  
    6-8: 2—7  
    9-12: 2—6  
    6-12: Level 9: Phase I

## **Rule 01.e Leaving Campus with a Minor**

No student(s) 16 years of age or older shall leave campus with student(s) less than 16 years of age without all students having properly obtained an early dismissal. The minor student(s) must also have obtained permission of his/her parent/guardian to leave campus with the older student(s). Likewise, the older students must also have obtained permission of his/her parent/guardian for the younger student(s) to leave campus with the younger student(s). Further, this permission must be communicated to the school principal or his/her designee. Failure to follow this policy will result in one or both categories of students being punished per section D above and the elder student(s) shall be turned over to the proper legal authorities and following investigation may be charged with contributing to the delinquency of a minor or felonious restraint.

*Disciplinary Action:*    PK-12: 2—7  
    6-12: Level 9: Phase I

# Discipline Violations

*References*  
1710/4021/7230 Prohibition against Discrimination, Harassment & Bullying  
1720/4015/7225 Discrimination, Harassment & Bullying Complaint Procedures  
4205 Student Use of Cell Phones and Similar Electronic Devices  
4300 Student Behavior Policies  
4310 Standards of Expected Student Behavior  
4311 Dress Code  
4318 Use of Wireless Communication Devices  
4320 Tobacco Products—Students  
4325 Drugs and Alcohol  
6125 Administering Medicines to Students

## **Rule 02 Food/Beverages**

A student will not eat in unauthorized areas of the school.

*Disciplinary Action:* PK-12: 1—2

*Reference*  
*4300 Student Behavior Policies*

**Rule 03 Medication**

Students may not have in their possession any prescription and/or over-the-counter drugs at any time with the exception of items such as medically approved inhalers. Use of medically approved inhalers will be in accordance with policy 6125. All other medically approved and/or over-the-counter drugs will be administered in strict compliance with policy 6125, specifically: Only drugs clearly labeled and prescribed for the student may be administered by school personnel. (See Administering Medication to Students in the Medical Procedures Handbook available upon request from your school.) If school personnel have concerns regarding the appropriateness of a drug or dosage for a student, a confirmation should be obtained from the student's doctor or another doctor prior to administering the medicine or allowing a student to self-administer a medicine. The principal may authorize other lawful uses of substances that are otherwise prohibited by the referenced policy, such as for approved school projects.

*Disciplinary Action:* PK-5: 1—2  
6-8: 1—5  
9-12: 1—5  
6-12: Level 9: Phase I, II

*Reference*  
*4325 Drugs and Alcohol*  
*6125 Administering Medicines to Students*

**Rule 03.a Inappropriate Usage of Medical Supplies**

A student will not use medical supplies in an inappropriate or unauthorized manner, for example: sharing tongue depressors, lancets, syringes, etc., as such misuse may lead to the transmission of communicable diseases or cause injury to other students.

*Disciplinary Action:* PK-12: 2—7  
6-12: Level 9: Phase I, II, III

**Rule 03.b Willful and Malicious Transference of Bodily Fluids**

A student will not transfer saliva, excrement, blood, or any other potentially harmful biological bodily fluid, solid, etc., into or onto any substance, either solid or liquid, with the willful intent of said substance being ingested or otherwise brought into contact with another person.

*Disciplinary Action:* PK-12: 2—7  
6-12: Level 9: Phase I, II, III

**Rule 04 Student Dress**

The Board of Education respects a student's right to choose his or her style of dress or appearance. However, students are expected to adhere to standards of cleanliness and dress that are compatible with the requirement of a good school environment. If a student's dress or lack of cleanliness is such that it constitutes a threat to health or safety, the principal may require the student and the student's parent or guardian to take appropriate action to remedy the situation. In addition, if a student's dress or appearance is so unusual, inappropriate or lacking in cleanliness that it clearly and substantially disrupts class or learning activities, the student may be required to change his or her dress or appearance.

*Disciplinary Action:* PK-12: 1—3  
6-12: Level 9: Phase I

*Reference*  
*4311 Dress Code*  
*4315 Orderly Environment*

**Rule 05 Personal Property**

A student will not bring or possess any object that has no educational purpose and may distract from teaching and learning.

*Disciplinary Action:* PK-12: 1—6

*Reference*  
*4300 Student Behavior Policies*

**Rule 05.a Toys**

Possession of any toys, games, etc., without permission of the administration is prohibited. Skateboards, roller blades and shoes with wheels are prohibited.

*Disciplinary Action:* PK-5: 1—2



6-8: 1—3

9-12: 1—3

**Rule 05.b Student Use of Cell Phones and Similar Electronic Devices**

The term “cell phone and similar electronic devices” means any portable communication device that is capable of sending and/or receiving audio, video, picture, electronic mail or text messages. Such devices shall include, but not be limited to, any beeper, cell phone, game boy, iPad, or other similar device. While on any campus of Cherokee County Schools, students may not use cell phones or other similar electronic devices during regularly scheduled school hours. Cell phones shall be turned off at all times during regularly scheduled school hours. Cell phones shall not be visible during regularly scheduled school hours. The use of cell phones will be permitted during athletic events and other non-instructional school activities.

*Disciplinary Action:* PK-12: 1—3

6-12: Level 9: Phase I

*Reference*

*1710/4021/7231 Prohibition Against Discrimination, Harassment, and Bullying*

*3225/7320 CCSNet Acceptable Use Policy*

*4205 Student Use of Cell Phones and Similar Electronic Devices*

*4318 Use of Wireless Communication Devices*

*4342 Student Searches*

**Rule 06 Minor Violations**

Minor violations of the Code of Student Conduct are those less severe infractions involving a lower degree of dangerousness and harm. Examples of minor violations include the use of inappropriate or disrespectful language, noncompliance with a staff directive, dress code violations and minor physical altercations that do not involve a weapon or an injury. Aggravating circumstances, however, may justify treating an otherwise minor violation as a serious violation.

*Disciplinary Action Rule 06a—06.e.xii:* PK-12: 1—6

6-12: Level 9: Phase I, II, III

*Reference*

*1710/4021/7230 Prohibition against Discrimination, Harassment & Bullying*

*4300 Student Behavior Policies*

*4310 Standards of Expected Student Behavior*

**Rule 06.a Misrepresentation**

A student will not lie or cheat. Examples of this are:

**Rule 06.a.i Altering Report Cards or Notes**

Tampering with report cards, official passes, or notes in any manner, including changing grades, or forging names.

**Rule 06.a.ii False Information**

Making false statements, written or oral, to any one in authority.

**Rule 06.a.iii Cheating**

Cheating, including the actual giving or receiving of any unauthorized assistance or the actual giving or receiving of an unfair advantage on any form of academic work; plagiarizing, including copying the language, structure, idea and/or thought of another and representing it as one’s own original work; violating copyright laws, including the unauthorized reproduction, duplication and/or use of printed or electronic work, computer software, or other copyrighted material.

**Rule 06.b Disrespect**

A student will behave in a respectful manner. Examples of disrespectful behavior are:

**Rule 06.b.i Walking away**

Leaving while a staff member is talking to the student.

**Rule 06.b.ii Talking back**

Responding orally in a rude manner to a staff member.

**Rule 06.c.v Refusal to participate in in-school alternatives**

Failure to report to in-school alternatives as directed by a staff member.

**Rule 06.d Profanity/Obscenity**

Cursing or using vulgar, abusive or demeaning language toward another person. For example:

**Rule 06.d.i Swearing**

Saying anything that conveys an offensive, racial, obscene, or sexually suggestive meaning.

- Rule 06.d.ii**    **Obscene/Offensive Gestures**  
Making any sign that conveys an offensive, racial, obscene or sexually suggestive message.
- Rule 06.d.iii**    **Derogatory Written or Electronic Communication**  
Having any written material or pictures that convey an offensive, racial, obscene or sexually suggestive message.
- Rule 06.d.iv**    **Directed at Staff Member**  
Any communication, electronic or otherwise, that conveys an offensive, racial, obscene, or sexually suggestive message toward a staff member.
- Rule 06.e**        **Disruption**  
No student may disrupt the class, school, or bus activity. For example:
- Rule 06.e.i**      **Chronic talking**  
Repeated talking in the classroom without permission.
- Rule 06.e.ii**    **Throwing objects**  
Throwing any object in any part of the school, bus, or school grounds, unless directed by a staff member pursuant to instructional purposes.
- Rule 06.e.iii**   **Horse playing**  
Rough or noisy play or pranks, to include playing abusive or dangerous tricks or otherwise subjecting a student or an employee to personal indignity.
- Rule 06.e.iv**    **Bullying/Harassing/Teasing**  
Pestering or tormenting other students, or directing degrading remarks at other students such as name-calling.
- Rule 06.e.v**     **Refusing to remain in seat**  
Getting out of seat or moving seat without permission of a staff member.
- Rule 06.e.vi**    **Rude noises**  
Making any unnecessary noise.
- Rule 06.e.vii**   **Leaving without permission**  
Leaving a classroom, building, or assigned area without obtaining approval of the teacher and/or administrator.
- Rule 06.e.viii**   **Chronic lack of supplies**  
Repeatedly reporting to class lacking necessary material such as books, class supplies, etc.
- Rule 06.e.ix**    **Shoving and/or kicking**  
Willfully pushing and/or kicking anyone.
- Rule 06.e.x**     **Throwing objects at someone**  
Willfully throwing anything that could serve to harass or harm another.
- Rule 06.e.xi**    **Actions that cause harm**  
Hitting, biting, or spitting at a student or adult for the purpose of harassment, or which could cause harm.
- Rule 06.e.xiii**   **Chronic Actions that cause harm or disruptive behavior**  
Any occasion of hitting, biting, spitting, or any other disruptive behavior that occurs on multiple, documented occasions and is determined by the Administration to be a distinct pattern of misconduct or a behavioral problem will be a violation of this rule.
- Rule 06.e.xii**   **Other**  
Any other action that disrupts or interferes with educational activities or the school environment.

**Disciplinary Measures/Responses for violations of Rule 06a—06.e.xii:**

Minor violations of the Code of Student Conduct may result in disciplinary measures or responses up to and including short-term suspension. Further information regarding the procedures for short-term suspensions is provided in policy 4351, Short-Term Suspension. Other disciplinary measures or responses may include, but are not limited to, the following:

- parental involvement, such as 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;
- detention before and/or after school or on Saturday;
- community service;
- exclusion from graduation ceremonies;
- exclusion from extracurricular activities;
- suspension from bus privileges; and
- placement in an alternative school.

The parent or guardian is responsible for transportation that may be required to carry out a consequence. With the exception of suspension from bus privileges, if a parent or guardian is unable to provide transportation, another consequence will be substituted.

*Reference*

*4300 Student Behavior Policies*

*4310 Standards of Expected Student Behavior*

*1710/4021/7230 Prohibition against Discrimination, Harassment & Bullying*

**Rule 07 Tobacco**

In support of the board’s commitments and state and federal law, students are prohibited from using or possessing any tobacco product, or simulated tobacco product: (1) in any school building, on any school campus, and in or on any other school property owned or operated by the school board, including school vehicles; (2) at any school-related activity, including athletic events; or (3) at any time when the student is subject to the supervision of school personnel, including during school trips. For the purposes of this restriction of the use of tobacco products, items that may be used to ingest nicotine or other controlled substances such as JUUL pens, E-cigarettes, pocket vapes, pen vaporizers, box mod vaporizers, POD MODS, etc., will be considered a violation of this rule.

*Disciplinary Action:* PK-12: 2—8  
6-12: Level 9: Phase I, II, III

*Reference*

*4311 Dress Code*

*4320 Tobacco Products—Students*

**Rule 08 Threatening**

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

*Disciplinary Action Rule 08a—08c:* PK-5: 2—6  
6-8: 3—8  
9-12: 5—8  
6-12: Level 9: Phase I, II, III

*Reference*

*1710/4021/7230 Prohibition against Discrimination, Harassment & Bullying*

*3225/4312/7320 Technology Responsible Use*

*4300 Student Behavior Policies*

*4328 Gang-related Activity*

*4331 Assaults, Threats and Harassment*

*4333 Weapons, Bomb threats, Terrorist Threats, and Clear Threats to Safety*

*4335 Criminal Behavior*

*5027/7275 Weapons and Explosives Prohibited*

**Rule 08.a Against a staff member**

Threatening to strike, attack or harm any staff member.

**Rule 08.b Against another individual on school property or at any school function**

Threatening to strike, attack or harm any individual.

**Rule 08.c Against school property**

Threatening to destroy school property by any means.

**Rule 08.d Against a student**

Threatening to strike or harm any student or other person.

*Disciplinary Action:* PK-5: 2—6

- 6-8: 3—8
- 9-12: 3—8
- 6-12: *Level 9: Phase I, II, III*

**Rule 09**

**Fighting**

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, exchanging mutual physical contact by pushing, shoving, or hitting with or without injury. These acts are prohibited.

- Disciplinary Action:*
- PK-5: 2—6
  - 6-8: 2—8
  - 9-12: 2—8
  - 6-12: *Level 9: Phase I, II, III*

*Reference*

*4331 Assault, Threats, and Harassment  
1710/4021/7230 Prohibition against Discrimination, Harassment & Bullying*

## Law Violations

Parents Notified – Police May Be Called

*References*

*1710/4021/7230 Prohibition Against Discrimination, Harassment & Bullying  
4206 Student Driving Privileges  
4300 Student Behavior Policies  
4315 Orderly Environment  
4325 Drugs and Alcohol  
4328 Gang Related Activity  
4330 Theft, Trespass, and Damage to Property  
4331 Assaults, Threats, and Harassment  
4333 Weapons, Bomb Threats, Terrorist threats, & Clear Threats to Safety  
4335 Criminal Behavior  
4350 Summary Suspension  
4351 Short-Term Suspension  
4352 Removal of Student During the Day  
4353 Long-Term Suspension, 365 Day Suspension, Expulsion  
6550 Vandalism*

**Rule 10**

**Trespassing**

Students are prohibited from trespassing on school property. A student will be considered a trespasser and may be criminally prosecuted in any of the following circumstances.

- Disciplinary Action Rule 10.a—10.d:*
- PK-5: 1—5
  - 6-8: 1—6
  - 9-12: 1—6
  - 6-12: *Level 9: Phase I, II, III*

*Reference*

*4315 Orderly Environment  
4330 Theft, Trespass and Damage to Property*

**Rule 10.a**

**Trespassing**

The student is on the campus of a school to which he or she is not assigned during the school day without the knowledge and consent of the officials of that school;

**Rule 10.b**

**Trespassing**

The student is loitering at any school after the close of the school day without any specific need or supervision;

**Rule 10.c**

**Trespassing**

The student has been suspended from school but is on the property of any school during the suspension period without the express permission of the principal.

**Rule 10.d**

**Trespassing**

A student will not interfere with the operation of school buses, including delaying the bus schedule, getting off at an unauthorized stop, and willfully trespassing upon a school bus.

**Rule 11****Reckless Vehicle Use**

Only high school students with valid drivers' licenses may operate motor vehicles on the campuses of Cherokee County Schools. At the discretion of the principal, a student's driving privilege may be revoked for failing to follow established school rules for operating a motor vehicle on school property. The only exception to this policy will be for student drivers who are under the direction of a drivers' education teacher. A student will not operate any motorized (unless student is driving with a driver education teacher) or self-propelled vehicle on school grounds in a manner that is a threat to health, safety, or a disruption to the educational process. No vehicle use will be allowed by Middle School students. Skateboards, roller blades or roller skates are prohibited.

*Disciplinary Action:* PK-5: 1—5  
 6-8: 1—6  
 9-12: 1—6  
 6-12: Level 9: Phase I, II, III

*Reference*  
 4206 Student Driving Privileges  
 4300 Student Behavior Policies

**Rule 12****Vandalism**

A student will not willfully or maliciously damage or destroy property belonging to another, including school or private property. A student or parent/guardian will be held financially responsible, as allowed by North Carolina Law, for willful or malicious destruction of property.

*Disciplinary Action Rule 12a—13:* PK-5: 1—5  
 6-8: 2—8  
 9-12: 2—8  
 6-12: Level 9: Phase I, II, III

*Reference*  
 4300 Student Behavior Policies  
 4330 Theft, Trespass and Damage to Property  
 6550 Vandalism

**Rule 12.a****Writing on:**

walls, mirrors, desks, lockers or any other school equipment.

**Rule 12.b****Damaging:**

another person's clothing.

**Rule 12.c****Graffiti**

Willful or malicious defacing of public or private property.

**Rule 13****Gambling**

A student will not play games of skill or chance for money or property. Cards and dice are prohibited.

**Rule 14****Theft/Burglary**

Students are prohibited from stealing or attempting to steal school or private property and/or from knowingly being in possession of stolen property. *Disciplinary Action Rule 14.a—14.d:* PK-5: 2—5

6-8: 2—8  
 9-12: 2—8  
 6-12: Level 9: Phase I, II, III

*Reference*  
 4330 Theft, Trespass and Damage to Property  
 4335 Criminal Behavior  
 6550 Vandalism

**Rule 14.a****School property**

Unlawfully taking and/or carrying away property belonging to Cherokee County Schools.

**Rule 14.b****Staff Property**

Unlawfully taking and/or carrying away property belonging to a staff member.

**Rule 14.c****Student Property**

Unlawfully taking and/or carrying away property belonging to another student.

**Rule 14.d****Student Locker**

Removing any property from a locker other than the one assigned.

**Rule 14.e****Possession of Stolen Property**

Having in one's possession property obtained without the permission of the owner.

*Disciplinary Action:* PK-5: 1—5  
6-8: 1—8  
9-12: 1—8  
6-12: Level 9: Phase I, II, III

**Rule 15 Sexual Offenses**

A student will not engage in sexual behavior.

*Reference*  
*1710/4021/7230 Prohibition Against Discrimination, Harassment, and Bullying*  
*3225/4312/7320 Technology Responsible Use*  
*3226/4205 Internet Safety*  
*4300 Student Behavior Policies*  
*4335 Criminal Behavior*

**Rule 15.a Kissing or Embracing**

*Disciplinary Action:* PK-5: 1—4  
6-8: 1—8  
9-12: 1—8  
6-12: Level 9: Phase I, II, III

**Rule 15.b Offensive Touching**

Inappropriate fondling – placing of hands on another person’s private parts.

*Disciplinary Action:* PK-5: 2—5  
6-8: 3—8  
9-12: 3—8  
6-12: Level 9: Phase I, II, III

**Rule 15.c Sexual Harassment**

Verbal or physical abuse of a sexual nature.

*Disciplinary Action:* PK-5: 2—5  
6-8: 3—7  
9-12: 5—8  
6-12: Level 9: Phase I, II, III

**Rule 15.d Consensual Sex**

Sexual activity involving willing participants.

*Disciplinary Action:* PK-5: 3—8  
6-8: 5—8  
9-12: 5—8  
6-12: Level 9: Phase I, II, III

**Rule 15.e Indecent Exposure**

Intentional exposure of private parts of one’s body (including “mooning”).

*Disciplinary Action:* PK-5: 2—5  
6-8: 3—7  
9-12: 5—8  
6-12: Level 9: Phase I, II, III

**Rule 15.f Rape or Attempted Rape**

Unlawful sexual intercourse or attempted sexual intercourse by force, threat, or fear.

*Disciplinary Action:* PK-5: 3—8  
6-8: 7—8  
9-12: 7—8  
6-12: Level 9: Phase I, II, III

**Rule 15.g Sexting**

The deliberate transmission, or soliciting, of nude, semi-nude, or lewd, suggestive images or language, via electronic means of one’s self or others with or without consent to any other individual or group of individuals or to possess such images on one’s electronic device(s).

*Disciplinary Action:* PK-5: 3—8  
6-8: 7—8  
9-12: 7—8  
6-12: Level 9: Phase I, II, III

- Rule 16**      **Initiating a Riot**  
A student will neither create nor attempt to create a public disturbance.
- Reference*  
**4300 Student Behavior Policies**
- Rule 16.a**      **Attempted**  
Attempting to create a public disturbance involving violence, confusion, or disorder in the school or on school grounds, or at any school function.  
*Disciplinary Action:*    PK-5: 2—6  
   6-8: 3—8  
   9-12: 3—8  
   6-12: Level 9: Phase I, II, III
- Rule 16.b**      **Actual**  
Creating a public disturbance involving violence, confusion, or disorder in the school, on school grounds, or at any school function.  
*Disciplinary Action:*    PK-5: 2—7  
   6-8: 7—8  
   9-12: 7—8  
   6-12: Level 9: Phase I, II, III
- Rule 17**      **Robbery**  
A student will not take another person’s property by force or violence.
- Reference*  
**4330 Theft, Trespass and Damage to Property**  
**4335 Criminal Behavior**  
**6550 Vandalism**
- Rule 17.a**      **Attempted**  
Attempting to take property from a person by force or violence.  
*Disciplinary Action:*    PK-5: 2—5  
   6-8: 3—8  
   9-12: 3—8  
   6-12: Level 9: Phase I, II, III
- Rule 17.b**      **Actual**  
Taking property from a person by force or violence.  
*Disciplinary Action:*    PK-5: 2—8  
   6-8: 3—8  
   9-12: 3—8  
   6-12: Level 9: Phase I, II, III
- Rule 18**      **Extortion**  
A student will not take or threaten to take the property of others through intimidation.  
*Disciplinary Action Rule 18a—18b:*    PK-5: 2—5  
   6-8: 3—8  
   9-12: 6—8  
   6-12: Level 9: Phase I, II, III
- Reference*  
**1710/4021/7230 Prohibition Against Discrimination, Harassment & Bullying**
- Rule 18.a**      **Attempted**  
Use of threats or intimidation in an attempt to obtain money or property from another.
- Rule 18.b**      **Actual**  
Use of threats or intimidation to obtain money or property from another.
- Rule 19**      **False Alarm/Bomb Threats**  
Calling 911 or signaling or setting off an automatic signal falsely indicating the presence of an emergency is prohibited. This includes making statements or phone calls that such an emergency exists in the school.  
*Disciplinary Action:*    PK-12: 3—8  
   6-12: Level 9: Phase I, II, III

*Reference*  
**4300 Student Behavior Policies**

**Rule 20 Arson**

A student will neither set fire nor attempt to set fire to school property.

*Disciplinary Action:* PK-5: 3—8  
6-8: 3—8  
9-12: 7—8  
6-12: *Level 9: Phase I, II, III*

*Reference*  
*4335 Criminal Behavior*

**Rule 21 Alcohol and Other Drugs**

Students are prohibited from possessing, using, transmitting, selling or being under the influence of any of the following substances:

- narcotic drugs;
- hallucinogenic drugs;
- amphetamines;
- barbiturates;
- marijuana or any other controlled substance;
- synthetic stimulants, such as MDPV and mephedrone (e.g., “bath salts”), and synthetic cannabinoids (e.g., “Spice,” “K2”);
- any alcoholic beverage, malt beverage, fortified or unfortified wine or other intoxicating liquor; or
- any chemicals, substances or products procured or used with the intention of bringing about a state of exhilaration or euphoria or of otherwise altering the student’s mood or behavior.
- being in possession of items that may be used to ingest nicotine or other *controlled substances* such as JUUL pens, E-cigarettes, pocket vapes, pen vaporizers, box mod vaporizers, POD MODS, etc., will be considered a violation of this rule.
- students also are prohibited from possessing, using, transmitting or selling drug paraphernalia or counterfeit (fake) drugs. Students may not participate in any way in the selling or transmitting of prohibited substances, regardless of whether the sale or transmission ultimately occurs on school property. Being in possession of JUUL pens, E-cigarettes, pocket vapes, pen vaporizers, box mod vaporizers, POD MODS, etc., is considered a violation of this restriction.

*Disciplinary Action:* PK-12: 3—8  
6-12: *Level 9: Phase I, II, III*

*Reference*  
*4300 Student Behavior Policies*  
*4311 Dress Code*  
*4325 Drugs and Alcohol*  
*4326 Student Drug Testing*  
*4335 Criminal Behavior*  
*5025 Prohibition of Alcoholic Beverages*  
*6125 Administering Medicines to Students*

**Rule 22 Assault and Battery**

A student will not assault and/or commit a battery upon another person (student, staff member, or any other person).

*Disciplinary Action Rule 22.a—22c:* PK-12: 3—8  
6-12: *Level 9: Phase I, II, III*

*Reference*  
*1710/4021/7230 Prohibition against Discrimination, Harassment & Bullying*  
*4331 Assault, Threats, and Harassment*  
*4335 Criminal Behavior*

**Rule 22.a Against Student**

Any physical force or violence against another student to include tearing clothes, striking another student, either alone or in combination with another student(s).



**Rule 22.b Against Staff**

Any physical force or violence against a staff member, to include tearing clothes or striking a staff member.

**Rule 22.c Other**

Any physical force or violence against any other person while under the jurisdiction of school authority including tearing clothes or striking.

**Rule 23 Weapons and Weapon-like Items**

Students are prohibited from possessing, handling, using or transmitting, whether concealed or open, any weapon or any instrument that reasonably looks like a weapon or could be used as a weapon.

Weapons include all of the following:

- a) loaded and unloaded firearms, including guns, pistols and rifles;
- b) destructive devices as described in subsection B.2 of policy 4333, including explosives, such as dynamite
- c) cartridges, bombs, grenades and mines;
- d) knives, including pocket knives, bowie knives, switchblades, dirks and daggers;
- e) slingshots and slungshots (aka Monkey's Fist);
- f) leaded canes;
- g) blackjacks;
- h) metal knuckles;
- i) BB guns;
- j) air rifles and air pistols;
- k) stun guns and other electric shock weapons, such as tasers;
- l) icepicks;
- m) razors and razor blades (except those designed and used solely for personal shaving);
- n) fireworks, ammunition; and
- o) any sharp pointed or edged instruments except unaltered nail files and clips and tools used solely for preparation of food, instruction and maintenance; and
- p) mace, pepper spray, and other personal defense sprays

Examples of other objects that may be considered weapons are box cutters and other types of utility blades and blowguns.

No student may knowingly or willfully cause, encourage or aid another student to possess, handle or use any of the weapons or weapon-like items listed above. A student who finds a weapon or weapon-like item, who witnesses another student or other person with such an item, or who becomes aware that another student or other person intends to possess, handle or use such an item must notify a teacher or the principal immediately. This section does not apply to board-approved and -authorized activities for which the board has adopted appropriate safeguards to protect student safety.

*Disciplinary Action:* PK-12: 2—8  
6-12: Level 9: Phase I, II, III

*Reference*  
*4300 Student Behavior Policies*  
*4333 Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety*  
*4335 Criminal Behavior*  
*5027/7275 Weapons and Explosives Prohibited*

## Specific Consequences Mandated by Law

As required by law, a student who brings or possesses a firearm or destructive device on school property or at a school-sponsored event must be suspended for 365 days, unless the superintendent modifies, in writing, the required 365-day suspension for an individual student on a case-by-case basis. The superintendent shall not impose a 365-day suspension if the superintendent determines that the student (1) took or received the firearm or destructive device from another person at school or found the firearm or destructive device at school, (2) delivered or reported the firearm or destructive device as soon as practicable to a law enforcement officer or school personnel and (3) had no intent to use the firearm or destructive device in a harmful or threatening way.

For the purpose of this subsection, a firearm is (1) a weapon, including a starter gun that will, is designed to or may readily be converted to expel a projectile by the action of an explosive, (2) the frame or receiver of any such weapon or (3) any firearm muffler or firearm silencer. A firearm does not include an inoperable antique firearm, a BB gun, a stun gun, an air rifle or an air pistol. For the purposes of this subsection, a destructive device is an explosive, incendiary or poison gas (1) bomb, (2) grenade, (3) rocket having a propellant charge of more than four ounces, (4) missile having an explosive or incendiary charge of more than one-quarter ounce, (5) mine or (6) similar device. A student may not be suspended for 365 days for a weapons violation except in accordance with this subsection.

*Disciplinary Action:* PK-12: 2—8  
6-12: Level 9: Phase I, II, III

*Reference*

*4333 Weapons, Bomb Threats, Terrorist threats, & Clear Threats to Safety*

**Rule 24** **Gang Activity**

Gang-related activity is strictly prohibited within the schools. For the purposes of this policy, “gang-related activity” means: (1) any conduct that is prohibited by another board policy and is engaged in by a student on behalf of an identified gang or as a result of the student’s gang membership; or (2) any conduct engaged in by a student to perpetuate, proliferate or display the existence of any identified gang. Conduct prohibited by this policy includes:

*Disciplinary Action Rule 24.a—24.f:* PK-5: 2—8  
6-8: 3—8  
9-12: 3—8  
6-12: Level 9: Phase I, II, III

*Reference*

*4328 Gang-Related Activity*

*4330 Theft, Trespass and Damage to Property*

*4331 Assaults, Threats and Harassment*

**Rule 24.a** **Gang Membership or affiliation**

Wearing, possessing, using, distributing, displaying or selling any clothing, jewelry, emblems, badges, symbols, signs or other items with the intent to convey membership or affiliation in a gang

**Rule 24.b** **Conveyance of membership or affiliation in a gang**

Communicating either verbally or non-verbally (gestures, handshakes, slogans, drawings, etc.) with the intent to convey membership or affiliation in a gang;

**Rule 24.c** **Tagging, Gang related**

Or otherwise defacing school or personal property with symbols or slogans intended to convey membership or affiliation in a gang

**Rule 24.d** **Requiring payment, Gang related**

Of protection, insurance or otherwise intimidating or threatening any person related to gang activity

**Rule 24.e** **Inciting others, Intimidation, Gang related**

To intimidate or to act with physical violence upon any other person related to gang activity

**Rule 24.f** **Soliciting others, Gang related**

For gang membership; and committing any other illegal act or other violation of school system policies in connection with gang-related activity.

**Rule 25** **Serious or repeated violations**

of one or more rules requires a need for strong parent-administrator communication, coordination, consideration of outside assistance and will result in suspension and/or possible exclusion.

*Disciplinary Action:* PK-5: 2—8  
6-8: 5—8  
9-12: 5—8  
6-12: Level 9: Phase I, II, III

*Reference*

*4300 Student Behavior Policies*

# Reporting Requirements of Serious Offenses

*(Reference: NCGS 115C-288(g); 4335 Criminal Behavior)*

Principals must immediately report to law enforcement the following acts when they have personal knowledge or actual notice from school personnel that such acts have occurred on school property, regardless of the age or grade of the perpetrator or victim:

- 1) assault resulting in serious personal injury
- 2) sexual assault
- 3) sexual offense
- 4) rape
- 5) kidnapping
- 6) indecent liberties with a minor
- 7) assault involving the use of a weapon
- 8) possession of a firearm in violation of the law
- 9) possession of a weapon in violation of the law
- 10) possession of a controlled substance in violation of the law

A principal who willfully fails to make a required report to law enforcement will be subject to disciplinary action, up to and including dismissal.

### ***Additional General Statute Information***

- For purposes of this legal requirement, "school property" shall include any public school building, bus, public school campus, grounds, recreational area, or athletic field, in the charge of the principal.
- The principal or the principal's designee shall notify the superintendent or the superintendent's designee in writing or by electronic mail regarding any report made to law enforcement under this subsection. This notification shall occur by the end of the workday in which the incident occurred when reasonably possible but not later than the end of the following workday. The superintendent shall provide the information to the local board of education.
- Nothing in this legal requirement shall be interpreted to interfere with the due process rights of school employees or the privacy rights of students.