

## **Policy Code: 4300 Code of Student Conduct**

The primary purpose of the Lee County Schools is to promote learning for all students. Good teachers, a good learning environment and regular attendance by students are all necessary to accomplish this goal. 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; and (4) required procedures for addressing misbehavior. Teachers, school-based administrators, parents, and law enforcement will be consulted when existing student behavior policies are revised or new such policies are created.

In order to promote a good learning environment, the Lee County Board of Education establishes this Code of Student Conduct as a guide to students, parents and staff in meeting expected standards of student behavior both at school and in attendance at all school-sponsored activities. The superintendent is responsible for supervising the enforcement of the Code of Student Conduct to ensure that school disciplinary policies are uniformly and fairly applied throughout the school district.

### **A. Principles**

The reasons for managing student behavior are to (1) create an orderly environment in which students can learn; (2) teach expected standards of behavior; (3) help students learn to accept the consequences of their behavior; and (4) provide students with the opportunity to develop self-control. The following principles apply in managing student behavior.

1. Student behavior management strategies will complement other efforts to create a safe, orderly and inviting environment.
2. Positive behavioral interventions will be employed as appropriate to improve student behavior.
3. Responsibility, integrity, civility and other standards of behavior will be integrated into the curriculum.
4. Disruptive behavior in the classroom will not be tolerated.
5. Consequences for unacceptable behavior will be designed to help a student learn to comply with rules, to be respectful, to accept responsibility for his or her behavior and to develop self-control.
6. Strategies and consequences will be age and developmentally appropriate.

## **B. Communication of Policies**

Board policies related to student behavior are codified mainly in the 4300 series. The superintendent shall incorporate information from such policies into a Code of Student Conduct that notifies students of the behavior expected of them, conduct that may subject them to discipline and the range of disciplinary measures that may be used by school officials. At the discretion of the superintendent, the Code of Student Conduct may include additional rules needed to implement the board's student behavior policies. To elaborate further on processes for addressing student misbehavior and the use of intervention strategies and consequences each school will create a student behavior management plan that is consistent with the law, board policies, and the Code of Student Conduct (see policy 4302), School Plan for Management of Student Behavior). The Code of Student Conduct must incorporate by reference any additional student behavior standards, prohibited conduct or disciplinary measures identified in student behavior management plans developed in accordance with policy 4302, provided such measures are consistent with law and board policy. The Code of Student Conduct must not impose mandatory long-term suspension or expulsion for specific violations unless otherwise provided in state or federal law.

At the beginning of each school year, principals shall make available to each student and parent all of the following: (1) the Code of Student Conduct; (2) any board policies related to behavior that are not part of the Code Conduct; (3) any related administrative procedures; (4) any additional discipline-related information from the school's student behavior management plan, including behavior standards, prohibited conduct or disciplinary measures; and (5) any other school rules. This information must be available at other times upon request and must be made available to students enrolling during the school year and their parents or guardians.

## **C. Applicability**

The purpose of this code is to present in a single document system-wide policies on the proper conduct and behavior of students in the Public School. At the beginning of each school year, the principal is responsible for providing each student and his or her parent(s) or guardian with a copy of the Code of Student Conduct and any other school rules and procedures. Students enrolling during the school year and their parent(s) or guardian(s) shall receive a copy of the information upon enrollment.

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

1. before, during and after school hours at school in any school building or on any school premises;



2. while on any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities;
3. while waiting at any bus stop;
4. during any school function, extracurricular activity or other activity or event;
5. during any period of time when students are subject to the authority of school personnel; and
6. at any other 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.

Notwithstanding the foregoing, students will not be disciplined for constitutionally protected behavior. School officials are encouraged to consult with senior administrators before regulating student expression that may be protected by the [First Amendment to the U.S. Constitution](#).

#### **D. Authority of School Personnel**

This code is not intended to restrict in any way the authority of principals or teachers to make such rules, not inconsistent with this code, as they are authorized by law to make for the operation of their respective schools or classes. The board encourages and supports the right of principals to employ a variety of disciplinary actions which may include but are not limited to in-school suspension, suspension from school events and activities, after-school detention and out-of-school suspension.

The principal has the authority and responsibility to investigate and take appropriate action regarding any prohibited or criminal student behavior and any other behavior appropriately referred to him or her. The principal is responsible for informing students and parents of any standards or rules that, if violated, could result in short-term or long-term suspension or expulsion.

The teacher has the authority and responsibility to manage student behavior in the classroom and when students are under his or her supervision. The teacher is expected to implement the student behavior management plan and any other school standards or rules. The teacher may develop other standards or rules consistent with the direction provided by the board, superintendent and school principal. Every teacher, student teacher, substitute teacher, voluntary teacher, teacher assistant or other school employee is required to report to the principal all acts of violence occurring in school, on school grounds or at any school-sponsored activity.

Teachers and other school personnel have the authority to manage or remove disruptive or dangerous students from the classroom and other locations within the school building. School personnel may use reasonable force to control behavior or to remove a person from the scene in those situations when necessary:

1. to correct students;
2. to quell a disturbance threatening injury to others;
3. to obtain possession of a weapon or another dangerous object on the person, or within the control, of a student;
4. for self-defense;
5. for the protection of persons or property; or
6. to maintain order on school property, in the classroom, or at a school-related activity whether on or off school property.

Except as restricted by [G.S. 115C-391.1](#), school personnel may use appropriate seclusion and restraint techniques reasonably needed in the circumstances described above as long as such use is consistent with state law and applicable board policies and procedures. (See policy 4302, School Plan for Management of Student Behavior.)

Students must comply with all directions of principals, teachers, substitute teachers, student teachers, teacher assistants, bus drivers and all other school personnel who are authorized to give such directions during any period of time when they are subject to the authority of such personnel. Any student who refuses to comply with rules, regulations or reasonable directives imposed by any principal, assistant principal, teacher or authorized school employee shall be held in violation of this code of conduct.

## **E. Consequences for Violations**

Violations of the Code of Student Conduct must be dealt with in accordance with the guidelines established in the school's behavior management plan (see policy 4302, School Plan for Management of Student Behavior).

### **1. 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.

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:

- a. parental involvement, such as conferences;
- b. isolation or time-out for short periods of time with supervision;
- c. behavior improvement agreements;
- d. individual or small group sessions with the school counselor;
- e. in-school suspension;
- f. detention before and/or after school or on Saturday;
- g. community service on school grounds with supervision;
- h. exclusion from extracurricular activities;
- i. suspension from bus privileges;
- j. placement in an alternative school;
- k. instruction in conflict resolution and anger management;
- l. peer mediation;
- m. academic intervention
- n. exclusion from graduation ceremonies

## **2. Serious Violations**

Serious violations of the Code of Student Conduct may result in any of the consequences that may be imposed for minor violations. In addition, serious violations that threaten to substantially disrupt the educational environment may result in long-term suspension, and serious violations that threaten the safety of students, school employees or school visitors may result in long-term suspension or expulsion. Certain violations involving firearms or

explosive devices may result in a 365-day suspension. Further information regarding the standards and procedures for long-term suspension, 365 day suspensions and expulsions is provided in policies 4351, Short-Term Suspension, and 4353 Long-Term Suspension, 365 Day Suspension, Expulsion. (See also policy 4333, Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety, for information regarding 365 day suspensions for certain violations involving firearms or explosive devices).

Principals are expected to use good judgment and reasonable discretion in applying board policies and in determining the appropriate consequences for violation of board policies or school standards or rules. The student's parent is responsible for transportation as may be required to carry out the consequence. With the exception of suspension from bus privileges, if a parent is unable to provide transportation, another consequence shall be substituted.

#### **F. Disciplinary Action for Exceptional Children/Disabled Students**

Disciplinary actions for students identified as exceptional children according to North Carolina guidelines shall conform to Procedures Governing Programs and Services for Children with Special Needs as adopted by the State Board of Education. If the Procedures manual does not fully address a particular issue, the director of exceptional children, if it is a Section 504 student, shall develop any necessary protocols consistent with state and federal law.

All disabled children shall be accorded all rights as required by state and federal law. See also board policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities.

#### **G. Definitions**

1. Student - any person attending any school that is part of the Lee County Schools.
2. Classroom - any location over which school officials have supervising responsibility.
3. Principal - the school principal or any school professional to whom the principal may officially delegate authority.
4. School Personnel - any principal, teacher, substitute teacher, student teacher, instructional assistant, supervisor, director, coordinator, administrator and all other personnel paid or unpaid working under the supervision and direction of the Lee County Schools.



5. Parent - natural parent, legal guardian, legal custodian, or person serving *in loco parentis*.

6. Board - Lee County Board of Education.

## **H. Conduct Rules**

The Lee County Schools will annually adopt a "Student Code of Conduct" listing rules and consequences. This Student Code of Conduct will be distributed to students, staff, and parents annually and will be made available on the Lee County Schools website.

## **I. Enforcement**

The superintendent is responsible for supervising the enforcement of the Code of Student Conduct to ensure that school disciplinary policies are uniformly and fairly applied throughout the school system and consistent with students' constitutional rights.

Legal References: [U.S. Const. amend. I](#); [Mahanoy Area School Dist. V. B.L.](#), 594 U.S. \_\_\_, 141 S.Ct 2038 (2021); [G.S. 115C-47](#), [-276\(r\)](#), [-288](#), [-307](#), [-390.1](#), [-390.2](#), [-390.3](#)

Cross References: Goals and Objectives of the Educational Program (policy 3000), Counseling Program (policy 3610), Domicile or Residence Requirement (policy 4120), Student Behavior policies (4300 series)

Issued: October 9, 2000

Revised: May 17, 2004; December 6, 2004; March 14, 2005; February 11, 2008; June 9, 2008; June 30, 2010; July 19, 2011; January 11, 2022; April 11, 2023

Edited: August 9, 2006

The February 11, 2008 and April 10, 2008 revisions to this policy will be effective at the beginning of the 2008-2009 school year.

**Lee County Schools**

## **Policy Code: 4302 School Plan for Management of Student Behavior**

Each school must have a plan for managing student behavior that incorporates effective strategies consistent with the purposes and principles established in policy 4300, Code of Student Conduct. School officials are encouraged to implement a system of positive behavior support and to seek other positive, innovative and constructive methods of correcting and managing student behavior in an effort to avoid repeated misbehavior and suspension.

### **A. Components of the Plan**

The plan should address (1) the process by which student behavior will be addressed, including any use of the Student Services Team committee and the means by which students at risk of repeated disruptive or disorderly conduct are identified, assessed, and assisted; (2) positive behavioral interventions and possible consequences that will be used; and (3) parental involvement strategies that address when parents or guardians will be notified or involved in issues related to their child's behavior (see policy 4341, Parental Involvement in Student Behavior Issues.)

No school plan for managing student behavior may authorize the use of corporal punishment. Corporal punishment is the intentional infliction of physical pain on the body of a student as a disciplinary measure. It includes, but is not limited to, spanking, paddling and slapping. The board prohibits corporal punishment, believing that other consequences are more appropriate and effective for teaching self control. No teacher, substitute teacher, student teacher, bus driver, or other employee, contractor or volunteer may use corporal punishment with any student. Reasonable force that is necessary to protect oneself or others is not considered corporal punishment.

Principals shall avoid removing students from the classroom for a long period of time, including in-school or out-of-school suspension unless necessary to provide a safe, orderly environment that is conducive to learning. The principal is authorized to remove students in accordance with board policies for prohibited or criminal conduct or for other behavior that interferes with a safe, orderly environment.

### **B. Process for Developing and Evaluating the Plan**

Principals are encouraged to use a team approach in developing and evaluating the school's plan to manage student behavior. On at least an annual basis, the plan should be evaluated based upon data on disciplinary actions taken and the impact on student academic performance. Principals shall report on at least an annual basis to the superintendent and the board on the effectiveness of the plan in minimizing classroom disruptions, referrals to the principal's office and the use of out-of-school suspension. The report also will address the plan's effect on academic performance.

The superintendent also is encouraged to consider, develop and propose new and alternative discipline programs to the board.



Legal References: [G.S. 115C-47](#), [-288](#), [-307](#), [-309.1](#), [-309.2](#), [-390.3](#), [-391.1](#), [-397.1](#)

Cross References: Student Behavior Policies (4300 series), Parental Involvement in Student Behavior Issues (policy 4341)

Issued: October 9, 2000

Revised: January 9, 2007; December 9, 2008; September 8, 2009; January 11, 2011; July 19, 2011

**Lee County Schools**

## **Policy Code: 4303 Fair and Consistent Discipline Administration**

The board intends that student discipline policies, procedures, and practices be applied fairly, impartially, and consistently in accordance with law, without regard to a student's race, color, national origin, disability, gender, status as an English Language Learner, or other characteristic protected by federal law. 4300, Student Behavior Policies, the superintendent is responsible for supervising the enforcement of the Code of Student Conduct to ensure that school disciplinary policies are uniformly and fairly applied throughout the school system.

The board recognizes the negative effects of exclusionary discipline on a range of student outcomes and therefore has reserved the sanctions of suspension and expulsion for only the most serious violations of the Code of Student Conduct, as provided in policy 4300. The board further recognizes that disproportionality (overrepresentation of a particular group of students in relation to their population in a school or across the school system) in exclusionary discipline may sometimes be the result of inconsistent application of discipline to similar offenses and may be a barrier to the board's overall objective of promoting successful educational outcomes for all students. Therefore, the board will monitor the administration of its discipline policies to determine whether disciplinary and other behavior management practices are affecting groups of students disproportionately and, if so, whether the disproportionality results from inconsistencies in the application of discipline to similar offenses.

### **A. SUPERINTENDENT'S REVIEW OF STUDENT DISCIPLINE ADMINISTRATION**

1. The board directs the superintendent to regularly review the administration of student discipline and behavior management policies across the school system to evaluate whether: (1) disciplinary practices and approaches are consistent with board policies; (2) disciplinary sanctions are consistent with the Code of Student Conduct; (3) routine misbehavior is handled consistently within each school as well as across the school system; (4) more extraordinary behavior situations are handled fairly and quickly to protect the welfare of students and employees in a manner that promotes learning and respect for others; (5) discipline policies are applied fairly and consistently to all students regardless of their race, color, national origin, disability, gender, status as an English Language Learner, or other protected personal characteristic.

2. The superintendent's review shall include consideration of the school system discipline data submitted to the North Carolina Department of Public Instruction for inclusion in the State Board of Education's Consolidated Data Report to the General Assembly and in the Civil Rights Data Collection conducted by the U.S. Department of Education, Office for Civil Rights.

### **B. SUPERINTENDENT'S REPORT TO THE BOARD**

1. Annually, the superintendent shall provide to the board a report of the discipline data submitted to the North Carolina Department of Public Instruction as described in



paragraph A.2, above. The data must be reported both system-wide and separately for each school and must be disaggregated on the basis of race/ethnicity, gender, disability, English Language Learner status, and/or such other basis as the board may specify.

2. At its discretion, the board may request additional data or analysis of data to assess whether disciplinary and other behavior management practices in the schools are affecting groups of students disproportionately and, if so, whether the disproportionality is the result of the inconsistent application of discipline or other behavior management practices to similar offenses.

3. If the data provided to the board reveals a pattern of discipline or disciplinary practices within or across schools that affects students disproportionately due to inconsistent discipline or disciplinary practices based on race, gender, ethnicity, disability, English Language Learner status, or other personal characteristic, the superintendent shall present to the board any recommendations for changes to discipline policies or practices to reduce the potential for unjustifiable disproportionate outcomes.

#### C. PROFESSIONAL DEVELOPMENT TO SUPPORT EQUITABLE DISCIPLINARY PRACTICES

The superintendent shall provide a program of professional development that prepares employees to apply school discipline policies and practices in a fair and equitable manner so as not to disproportionately impact students of color, students with disabilities, English Language Learners, or other groups of students on the basis of their personal characteristics.

Legal References: Americans with Disabilities Act, [42 U.S.C. 12101 et seq.](#), [28 C.F.R. pt. 35](#); Individuals with Disabilities Education Act, [20 U.S.C. 1400 et seq.](#), [34 C.F.R. pt. 300](#); McKinney-Vento Homeless Assistance Act, [42 U.S.C. 11431 et seq.](#); Title IV of the Civil Rights Act of 1964, [42 U.S.C. 2000c et seq.](#); Title VI of the Civil Rights Act of 1964, [42 U.S.C. 2000d et seq.](#), [34 C.F.R. pt. 100](#); Title IX of the Education Amendments of 1972, [20 U.S.C. 1681 et seq.](#), [34 C.F.R. pt. 106](#); Rehabilitation Act of 1973, [29 U.S.C. 705\(20\)](#), [794](#), [34 C.F.R. pt. 104](#)

Cross References: Student Behavior Policies (policy 4300), School Plan for Management of Student Behavior (policy 4302), Disciplinary Action for Exceptional Children/Students with Disabilities (policy 4307)

Other References: Civil Rights Data Collection, available at <http://ocrdata.ed.gov/>

Adopted: December 8, 2015

## **Policy Code: 4328 Gang-Related Activity**

The board strives to create a safe, orderly, caring and inviting school environment. Gangs and gang-related activities have proven contrary to that mission and are prohibited within the schools. A gang is any ongoing organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of criminal acts and having a common name or common identifying sign, colors, or symbols. The violence and crime that accompany gangs pose a serious threat to the safety of students and employees of the school district. Even absent acts of violence or crime, the existence of gang-related activity within the schools creates an atmosphere of fear and hostility that obstructs student learning and achievement. Thus, the board condemns the existence of gangs and will not tolerate gang-related activity in the school district.

### **A. Prohibited Behavior**

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;

1. 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;
2. communicating either verbally or non-verbally (gestures, handshakes, slogans, drawings, etc.) with the intent to convey membership or affiliation in a gang;
3. tagging, or otherwise defacing school or personal property with symbols or slogans intended to convey membership or affiliation in a gang (see policy 4330, Theft, Trespass and Damage to property);
4. requiring payment of protection, insurance or otherwise intimidating or threatening any person related to gang activity (see policy 4331, Assaults and Threats);
5. inciting others to intimidate or to act with physical violence upon any related to gang activity (see policy 4331);
6. soliciting others for gang membership; and



7. committing any other illegal act or other violation of school district policies in connection with gang-related activity.

## **B. Notice**

The superintendent or designee shall regularly consult with law enforcement officials to maintain current examples of gang-related activities, including but not limited to gang names and particularized examples of potential gang indicators including symbols, hand signals, graffiti, clothing, accessories and behaviors. Each principal shall maintain a list of current examples of gang-related activities to assist students, parents and teachers in identifying gang symbols and practices. The list shall be available in an easily accessible location in the main office of the school. Parents, students and school employees may, upon request, access the list, which shall include a warning that wearing or displaying clothing, hand signs or symbols identified in the list with the intent to convey membership or affiliation in any gang may subject a student to discipline under this policy.

In addition, the Code of Student Conduct and all student handbooks (or such other similar materials distributed to parents and students in lieu of a student handbook) shall contain notice that (1) current information on gang-related activities is maintained in the main office at each school; (2) information on gang-related activities is subject to change and the principal should be consulted for updates; and (3) wearing or displaying clothing, hand signs or symbols identified in the list with the intent to convey membership or affiliation in any gang may subject a student to discipline under this policy. The Code of Student conduct and student handbook (or such other similar materials) also shall provide the addresses of websites that contain additional information identifying gang signs, symbols, clothing and other gang indicators.

In providing this information for students and parents, the board acknowledges that not all potential gang indicators connote actual membership in a gang.

## **C. Consequences**

Before receiving disciplinary consequences for a violation of subsection A.1 or A.2, above, a student shall receive an individualized warning as to what item or conduct is in violation of this policy and shall be permitted to immediately change or remove any prohibited items. A student may be disciplined only if he or she previously received notice that the specific item or conduct is prohibited.

Disciplinary consequences for violations of subsections A.1, A.2 and A.6, above, shall be consistent with Section D of policy 4300, Code of Student Conduct. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of these subsections.

Violations of subsections A.3, A.4, A.5 and A.7, above, are violations of both this policy and other board policies. Disciplinary consequences for such violations shall be consistent with Section E of policy 4300 and the specific range of consequences listed in the Code of Student Conduct for the other board policy violated. That the violation was gang-related shall be an aggravating factor when determining the appropriate consequences.

In a situation where a student has violated this policy or is otherwise suspected of gang affiliation through other circumstantial evidence, the principal shall conduct an intervention involving the principal, and/or assistant principal, the student and the student's parent. Such intervention also may include the school resource officer and others as appropriate. The purpose of an intervention is to discuss school officials' observation and concerns and to offer the student and his or her parent's information and an opportunity to ask questions or provide other information to the school officials.

This policy shall be applied in a non-discriminatory manner based on the objective characteristics of the student's conduct in light of the surrounding circumstances.

Legal References: [G.S. 115C-390.2](#)

Cross References: Code of Student Conduct (policy 4300), Student Dress and Appearance (policy 4301), Theft, Trespass and Damage to Property (policy 4330), Assaults and Threats (policy 4331), Criminal Behavior (policy 4335)

Issued: July 19, 2011

Revised: June 12, 2018; December 8, 2020

**Lee County Schools**



## **Policy Code: 4329/7311 Bullying and Harassing Behavior Prohibited**

The board is committed to providing a safe, inviting, and civil educational environment for all students, employees, and other members of the school community. The board expects all students, employees, volunteers, and visitors to behave in a manner consistent with that goal. The board recognizes that bullying and harassing behavior creates an atmosphere of intimidation and fear, detracts from the safe environment necessary for student learning, and may lead to more serious misconduct or to violence. Accordingly, the board prohibits all forms of bullying and harassing behavior, including encouragement of such behavior, by students, employees, volunteers, and visitors. "Visitors" includes parents and other family members and individuals from the community, as well as vendors, contractors, and other persons doing business with or performing services for the school system.

This policy prohibits bullying and harassing behavior, or the encouragement of bullying or harassing behavior, that takes place (1) in any school building or on any school premises before, during or after school hours; (2) on any bus or other vehicle as part of any school activity; (3) at any bus stop; (4) during any school-sponsored activity or extracurricular activity; (5) at any time or place when the student, employee, or other person is subject to the authority of school personnel; or (6) at any time or place when the bullying has a direct and immediate effect on maintaining order and discipline in the schools.

This policy is not intended to prohibit expression of religious, philosophical, social, or political views, provided that the expression does not substantially disrupt the educational environment.

### **A. Relationship to Other Policies**

This policy applies to bullying and harassing behavior that is not otherwise prohibited by the following board policies that address discriminatory harassment in violation of federal law:

- Discrimination and Harassment Prohibited by Federal Law, policy 1710/4020/7230 (prohibiting harassment based on race, color, national origin, disability, or religion)
- Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, policy 1725/4035/7236 (prohibiting sexual harassment)
- Discrimination and Harassment in the Workplace, policy 7232 (prohibiting harassment of employees and applicants based on race, color, national origin, sex, age, disability, military affiliation, or genetic information)

Individuals who wish to report bullying or harassing behavior that is based on sex, race, color, national origin, disability, religion, or other personal characteristic addressed by the policies above should refer to and follow the reporting processes provided in those policies.

Conduct that may constitute discriminatory harassment under federal law must be addressed first in accordance with the requirements of the applicable policy(ies) listed above. If subsequently, the conduct is determined not to rise to the level of discriminatory harassment prohibited by those policies, the conduct may be addressed under this policy. Conduct that does not rise to the level of bullying or harassing behavior as defined and prohibited in this policy may nevertheless violate other board policies or school rules.

## **B. Conduct that is Considered Bullying or Harassing Behavior**

1. Bullying is deliberate conduct intended to harm another person or group of persons. It is characterized by repeated unwanted aggressive behavior that typically involves a real or perceived imbalance of power, such as a difference in physical size, strength, social standing, intellectual ability, or authority. It may consist of either physical, verbal, or nonverbal behavior. Cyberbullying is a form of bullying that is carried out using electronic communication media, such as words, action, or conduct conveyed through email, instant messages, text messages, tweets, blogs, photo or video sharing, chat rooms, or websites, and may exist in the absence of a power imbalance typical of other forms of bullying.
2. Harassing behavior is conduct that is intimidating, hostile, or abusive, or is unwelcome conduct of a sexual nature. Harassing behavior may violate this policy even if no harm is intended to the target and no power imbalance is evident.
3. Bullying or harassing behavior includes conduct that is, or reasonably appears to be, motivated by actual or perceived differentiating personal characteristics, or by a person's association with someone who has or is perceived to have a differentiating personal characteristic. Differentiating personal characteristics include, but are not limited to race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability. Bullying and harassing behavior can violate this policy regardless of a student's motivation.
4. Examples of behavior that may constitute bullying or harassing behavior are repeated acts of disrespect, intimidation, or threats, such as verbal taunts, name-calling and put-downs, epithets, derogatory or lewd comments, spreading rumors, extortion of money or possessions, implied or stated threats, assault, offensive touching, physical interference with normal work or movement, visual insults, such as derogatory posters or cartoons, and sharing intimate photos or video of a person or sharing photos or videos that may subject a person to ridicule or insult.



5. Other behaviors that may constitute bullying or harassing behavior under this policy are deliberate, unwelcome touching that has sexual connotations or is of a sexual nature, pressure for sexual activity, offensive sexual flirtations, advances or propositions, verbal remarks about an individual's body, sexually degrading words used toward an individual or to describe an individual, or the display of sexually suggestive drawings, objects, pictures, or written materials.

6. These examples are not exhaustive but are intended to illustrate the wide range of behavior that may constitute bullying and harassing behavior.

7. Conduct such as the following is not considered bullying or harassing behavior: legitimate pedagogical techniques, the exercise of legitimate authority, and academic or work performance monitoring and evaluation.

### **C. When Bullying or Harassing Behavior Violates this Policy**

Not all conduct that may be described as bullying or harassing behavior violates this policy. Bullying or harassing behavior violates this policy when any pattern of repeated gestures or written, electronic, or verbal communications, or any physical act or threatening communication:

1. places a student, an employee, or other person in actual and reasonable fear of harm to their person or property; or
2. creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities, or benefits.

"Hostile environment" means that the victim subjectively views the conduct as bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior.

The definition of bullying and harassing behavior in this section is intended to be no less inclusive than the definition of bullying and harassing behavior in [G.S. 115C-407.15](#).

Bullying or harassing behavior based on sex, race, color, national origin, disability, or religion may also constitute discriminatory harassment in violation of federal law and other board policies as described in Section A, above.

### **D. Reporting Bullying and Harassing Behavior**

1. Reports by Students and/or Parents and Guardians
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- a. The board encourages students or parents/guardians of students who have been the victim of or who have witnessed bullying or harassing behavior in violation of this policy to immediately report such incidents to a teacher, counselor, coach, assistant principal, or the principal.
- b. Reports may be made orally or in writing and may be made anonymously.
- c. All reports of serious violations and complaints made under this policy will be investigated expeditiously. Anonymous reports will be investigated to the extent reasonably possible under the circumstances.
- d. If, at any time, school officials determine that the alleged bullying or harassing behavior appears to be based on sex, race, color, national origin, disability, or religion, the matter will be investigated in accordance with the applicable policy listed in Section A above.

## 2. Mandatory Reporting by School Employees

An employee who witnesses or who has reliable information that a student or other individual has been bullied or harassed in violation of this policy must report the incident to his or her supervisor or to the building principal immediately. If sexual harassment is suspected, the employee also must report the incident to the Title IX coordinator. An employee who does not promptly report possible bullying or harassing behavior will be subject to disciplinary action.

## 3. Reporting by Other Third Parties

Other members of the school community may report incidents of bullying or harassment to the school principal or the superintendent or designee.

## 4. Reporting False Allegations

It is a violation of board policy to knowingly report false allegations of bullying or harassing behavior. A student or employee found to knowingly report or corroborate false allegations will be subject to disciplinary action.

## **E. Reports of Bullying or Harassing Behavior Based on Sex, Race, Color, National Origin, Disability, or Religion**

Bullying or harassing behavior that is based on sex, race, color, national origin, disability, or religion may constitute discriminatory harassment that is a violation of the individual's civil rights. A school employee who receives a report of bullying or



harassing behavior that may constitute sexual harassment must immediately contact the Title IX coordinator. If the reported behavior appears to be based on any other such personal characteristic, the employee must immediately notify the appropriate civil rights coordinator designated in policy 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law. Uncertainty as to whether alleged bullying or harassing behavior is based on sex, race, color, national origin, disability, or religion should be resolved by notifying the Title IX Coordinator

## **F. Response to Reports of Bullying or Harassing Behavior**

1. Reports of bullying and harassing behavior or the encouragement of such behavior under this policy will be investigated promptly by the principal or the principal's designee and addressed in accordance with this policy and policy 4340, School-Level Investigations. If the principal is the alleged perpetrator, the superintendent will designate an appropriate investigator.
2. If at any time before, during, or after the investigation under this policy, the principal or designee determines or suspects that the alleged bullying or harassing behavior is based on sex, race, color, national origin, disability, or religion, the principal or designee shall notify the appropriate civil rights coordinator and proceed in accordance with the applicable board policy as described in Section A, above. However, referral to the civil rights coordinator will not preclude appropriate disciplinary consequences for a violation of this policy if, following the designated investigation and resolution process under the appropriate board policy, the behavior is determined not to constitute discriminatory harassment in violation of federal law.
3. No reprisals or retaliation of any kind are permitted as a result of good faith reports of bullying or harassing behavior. An employee who engages in reprisal or retaliation will be subject to disciplinary action, up to and including dismissal. A student who does so is subject to disciplinary consequences as provided in Section G, below.

## **G. Consequences**

### **1. Students**

The disciplinary consequences for violations of this policy should take into consideration the frequency of incidents, the developmental age of the student involved, and the severity of the conduct and must be consistent with the Code of Student Conduct. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy.

A student who is convicted under [G.S. 14-458.2](#) of cyberbullying a school employee will be transferred to another school. If there is no other appropriate school within the school system, the student will be transferred to a different class or assigned to a teacher who was not involved as a victim of the cyberbullying. The superintendent may modify the required transfer of an individual student on a case-by-case basis and shall provide a written statement of this modification in the student's record.

## **2. Employees**

Employees who violate this policy will be subject to disciplinary action, up to and including dismissal.

## **3. Others**

Volunteers and visitors who violate this policy will be directed to leave school property and/or reported to law enforcement, as appropriate, in accordance with policy 5020, Visitors to the Schools. A third party under the supervision and control of the school system will be subject to termination of contracts/agreements, restricted from school property, and/or subject to other consequences, as appropriate.

## **H. Other Interventions**

Interventions designed to remediate the impact of a violation of this policy and to restore a positive school climate will be provided as determined necessary by school officials.

## **I. Notice**

This policy must be provided to employees, students, and parents, guardians, and caregivers at the beginning of each school year. Notice of this policy must be included in the Code of Student Conduct and in all student and employee handbooks. Principals are encouraged to post a copy or summary of this policy in each classroom and in a prominent location within the school building and to make an age-appropriate summary of the policy available to elementary students. Information about this policy must also be incorporated into employee training programs.

## **J. Records**

The superintendent or designee shall maintain confidential records of complaints or reports of bullying or harassing behavior under this policy. The records must identify the names of all individuals accused of such offenses and the resolution of such complaints or reports. The superintendent also shall maintain records of any



remedial interventions or other steps taken by the school system to provide an environment free of bullying.

Legal References: [G.S. 14-458.2](#); [115C-105.51](#), [-366.4](#), [-407.15 through -407.18](#)

Cross References: Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Title IX Sexual Harassment – Prohibited Conduct and Reporting Process (policy 1725/4035/7236), School-Level Investigations (policy 4340), Visitors to the Schools (policy 5020), Discrimination and Harassment in the Workplace (policy 7232)

Adopted: August 11, 2020, October 19, 2021

**Lee County Schools**

## **Policy Code: 4345 Student Discipline Records**

### **A. Retention of Records and Report of Data**

The principal shall retain in each student's file, either in paper or electronic form, all records related to violations of board policies, the Code of Student Conduct, school standards or school rules.

As required by law, the superintendent shall maintain the following data on each student who was suspended for more than 10 days, reassigned for disciplinary reasons, expelled or to whom corporal punishment was administered: race, gender, age, grade level, ethnicity, disability status, type of incident or offense, duration of the suspension, whether alternative education services were provided, and whether the student had multiple suspensions in that academic year.

As secretary to the board, the superintendent also shall maintain records from the board's consideration of 365 day suspensions and expulsions and any readmission reconsiderations of 365 day suspensions and expulsions.

The superintendent shall ensure that data on disciplinary incidents is reported using the state student information system application in accordance with State Board of Education policies and procedures.

### **B. Disclosure of Records**

Confidential student records concerning conduct that posed a significant safety risk to the student or others in the school community may be disclosed to teachers and school officials, including teachers and school officials in other schools, who have legitimate educational interests in the behavior of the student.

### **C. Removal of Records**

#### **1. End of Year Removal**

The following types of discipline records may not be removed from student records, electronic files and databases at the end of the school year:

- a. notice of any suspension for a period of more than 10 days and the record of the conduct for which the student was suspended;
- b. notice of any expulsion under [G.S. 115C-390.11](#) and the record of the conduct for which the student was expelled; and
- c. any records (including of in-school suspension or short-term suspensions) that need to be maintained in order to be able to serve the student appropriately or to protect the safety of others.



## 2. Expunging Records

The superintendent or designee shall expunge any records of suspensions for a period of more than 10 days or expulsion if the following criteria are met:

- a. a request that the record be expunged is made to the superintendent or designee by the student's parent or guardian, or by the student if the student is at least 16 years old or is emancipated;
- b. the student either graduates from high school or is not suspended or expelled again during the two-year period commencing on the date of the student's return to school after the expulsion or suspension; and
- c. the superintendent or designee determines that the maintenance of the record is no longer needed to adequately serve the child or to maintain safe and orderly schools.

In addition, the superintendent may expunge any notice of suspension or expulsion from a student's official record provided that criteria b, and c, above are met.

This section is not intended to limit parents' right to request removal of information from a student's record under board policy 4700, Student Records.

Legal References: Family Educational Rights and Privacy Act, [20 U.S.C. 1232g\(h\)](#); [34 C.F.R. 99.31](#), [99.36](#); [G.S. 115C-47](#), [-276\(r\)](#), [-390.4](#), [-390.7](#), [-390.8](#), [-390.10](#), [-390.11](#), [-390.12](#), [-402](#)

Cross References: Code of Student Conduct (policy 4300), Theft, Trespass and Damage to Property (policy 4330); Assaults and Threats (policy 4331); Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety (policy 4333), Long-Term Suspension, 365 Day Suspension, Expulsion (policy 4353), Student Records (policy 4700)

Other Resources: *North Carolina Discipline Data Reporting Procedures*, N.C. Department of Public Instruction Safe and healthy Schools Support Division, available at <https://www.dpi.nc.gov/data-reports/discipline-alp-and-dropout-data>

Issued: October 9, 2000

Revised: October 14, 2008; July 19, 2011; June 3, 2014; June 9, 2020; December 8, 2020

## **Policy Code: 4370 Student Discipline Hearing Procedures**

### **A. ADMINISTRATIVE HEARINGS**

The rules set out below will govern hearing held by the superintendent or the administrative hearing panel in assessing misbehavior and appropriate consequences. The purpose of the hearing will be to determine the facts relevant to the alleged misbehavior and the credibility of witnesses, based on the evidence presented at the hearing.

1. The hearing will be informal and will be conducted in private.
2. Prior to the hearing, the student and his or her parents and representative will have an opportunity to review any audio or video recordings of the incident and, consistent with federal and state student records laws and regulations, the information may be presented as evidence against the student, including statements made by witnesses whose names are withheld in accordance with number 5, below.
3. The hearing must be attended by the superintendent, the members of the administrative hearing panel, the principal and assistant administrators, and any persons the superintendent deems necessary. The student has the right to be present at the hearing, to be accompanied by his or her parents and to be represented by an attorney or non-attorney advocate. Witnesses should be present only when providing information.
4. The school representatives have the burden of proving the misbehavior; the violation of board policy, the Code of Student Conduct, school standards or school rules, and the appropriateness of the recommended consequence for the violation.
5. The school representatives will present the witnesses and documentary evidence against the student first. School officials may withhold witness names or other identifying information if identification of a witness could threaten the witness's safety.
6. After the school representatives have presented their evidence, the student or his or her representative may present evidence relating to the alleged disciplinary infraction, the student's intent at the time of the incident, any mitigating or aggravating factors involved, the disciplinary and academic history of the student and the potential benefits to the student of alternatives to suspension. Such evidence may include oral testimony by the student or witnesses, written statements and other documents.
7. Both school representatives and the student or his or her parent or representative may examine the witnesses presented by the other side. The



superintendent has the authority to limit questioning by any person, if the questioning is unproductive, unnecessarily lengthy, repetitive or irrelevant.

8. In reaching a determination in the matter, the superintendent shall consider the documents produced in the hearing, the testimony of the witnesses and other evidence presented at the hearing. If the superintendent determines that a violation occurred, the superintendent also shall determine the appropriateness of the recommended consequences for the violation. Formal rules of evidence do not apply, and the superintendent may rely on evidence that a reasonably prudent person would consider in the conduct of serious affairs.

9. Following the hearing, the superintendent shall render a written decision based on substantial evidence presented at the hearing and shall notify the student and parent of that decision in accordance with the requirements of policy 4353, Long-Term Suspension, 365 Day Suspension, Expulsion.

10. The superintendent or designee or the panel shall provide for making a record of the hearing, including any findings or conclusions made by the superintendent. The student will have the right to make his or her own audio recording of the hearing.

## B. BOARD HEARINGS

### 1. Appeal of Long-Term or 365 Day Suspension

The board will provide the opportunity for a hearing that follows the procedures established for administrative hearings, except that (1) the superintendent or designee will represent the school district and the board or a panel of the board will be the decision maker, and (2) unless the board requests otherwise or doing so would create a substantial threat of unfairness, the board will limit presentations of testimony to the student, the student's parent and representative, and the school district's representative and will limit documentation to the records and evidence presented at the administrative hearing. The board, at its discretion, may request additional information or evidence.

The board will review any records created by the superintendent's decision and the record created from any administrative hearing held. The board will review the superintendent's decision to ensure that: (1) there was a reasonable basis for determining that the student engaged in the specified misbehavior; (2) a board policy, the Code of Student conduct, a school standard or a school rule was violated; (3) the consequence for the violation was reasonable; and (4) procedures established by board policy were followed.

### 2. Board Decision on Expulsion

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The board will provide an opportunity for a hearing to review the superintendent's recommendation for expulsion. The rules established for administrative hearings will be followed except that the superintendent or designee will represent the school district and the board will be the decision maker. The board may request additional records or witnesses. A decision will be made on the superintendent's recommendation following the standards for expulsion established in policy 4353, Long-Term Suspension, 365 Day Suspension, Expulsion.

Legal References: [G.S. 115C-45](#), [-47](#), [-276](#), [-288](#), [-390.1](#), [-390.2](#), [-390.7](#), [-390.8](#)

Cross References: Long-Term Suspension, 365 Day Suspension, Expulsion (policy 4353)

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**Lee County Schools**