# BETHEL HILL CHARTER SCHOOL

Student Code of Conduct

*(Adopted 10/16/2014, Revised 2/12/2025)*

## I. Purpose and Description of the School's Code of Conduct

Bethel Hill Charter School (BHCS) is committed to allowing every student to reach his or her full potential by providing a rigorous academic program, character education, and meaningful parental participation. We must provide a positive, safe, and orderly environment for our students, staff, and families to fulfill this mission. BHCS believes that a consistent code of conduct is critical in building that environment. It reflects what the school believes to be reasonable expectations of conduct for all members of our student body.

The importance of a code of conduct is reinforced in North Carolina state law NC§115C-288, stating, "The principal shall have the authority to exercise discipline over the pupils of the school under policies adopted by the local board of education in accordance with NC§115C-390.11 through NC§115C-390.12."

BCHS's code of conduct identifies behaviors detrimental to our goal of a positive, safe, and orderly environment. Specifically, it identifies behaviors that interfere with the learning process or disrupt the educational environment for any student at any time. The identified consequences are designed to deter students from engaging in behavior that is counter to the school's mission, and, in the event that violations do occur, discourage students from committing further violations.

The code of conduct is divided into five classes of violations. The classes are groupings of violations of similar severity. Because of their similarity, each class of violations contains comparable consequences. While these consequences reflect what BHCS believes to be fair and reasonable for that class of violations, the school also recognizes that there are times when mitigating or aggravating factors may result in a change in consequences. The school director or their designees have the authority to assign any alternate reasonable consequence based on either mitigating or aggravating factors. Finally, engaging repeatedly in behaviors in any single class of violations will result in consequences from a higher class. This is intended to reinforce the importance of learning from mistakes.

## II. General Information

The information contained in this section is designed to address common questions and confusions regarding the code of conduct. Further clarifying these issues will help parents and students successfully navigate the BHCS Code of Conduct requirements.

The Code of Conduct applies to all students at any time they are present on the school campus, at any school event, or during any school-sponsored activity, including school events or activities held off campus. Additionally, it applies to students at any time or location whose behavior interferes with the learning process, causes serious safety concerns, or disrupts the educational environment. Specific rules apply specifically to different grade levels. If that is the case, it is noted in the violation. Otherwise, the violations apply to all students.

Administration will follow investigatory procedures and make a reasonable attempt to contact parents after it has been concluded that a violation has occurred. During the investigation, students will be interviewed to determine what may have occurred. A student will be notified of the consequences of a violation, as long as notification of the student does not pose a risk to the safety and security of other individuals on campus.

If a student is suspended from school, the student may not be present on the campus of BHCS, at any school function, or at any school-sponsored event, whether on or off campus, without the permission of the school administration.

Unfortunately, during the school year, conflict will arise between students. It is the expectation of BHCS that students will not settle conflicts through physical altercation. If there is a fight between two students, both students will be held accountable for the incident. If a student is attempting to engage another student in a fight, it is our expectation that the other student will make every reasonable attempt to walk away and notify a school employee.

Lockers, desks, school-issued technology, and other school property remain at all times the property of BHCS. They are subject to search at the discretion of the school principals, director, or their designee.

***Corporal punishment is not permitted at BHCS***, but there may be times when school employees need to use reasonable force to control behavior or to remove a person from the scene. These situations include:

- To quell a disturbance threatening injury to others.
- To obtain possession of weapons or other dangerous objects on the person or within a student's control.
- For self-defense.
- For the protection of persons or property.
- To maintain order on school property, in the classroom, or at a school-related activity on or off school property.

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

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

**Truancy**
Students between the ages of 7 and 16, as well as students younger than 7 who are enrolled in school, are required by law to attend school. For students with more than 10 unexcused absences, the student and/or parent may be referred for prosecution.

**Possession of Illegal Substances**
The unlawful possession, use, or distribution of illicit drugs and/or alcohol by students on school property or at any school function is prohibited. In addition to school consequences, such actions will be

reported to local law enforcement and may be required to be reported to the Department of Motor Vehicles.

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

**Reports to Law Enforcement Agencies**
As required by North Carolina law, principals are required to report the following acts to law enforcement when they have personal or actual notice of the incident and the acts occurred on the school campus: "assault involving serious personal injury, sexual assault, sexual offense, rape, kidnapping, indecent liberties with a minor, assault involving the use of a weapon, possession of a firearm in violation of the law, possession of a weapon in violation of the law or possession of a controlled substance in violation of the law." NC§115C-288(g).

**Reports and Investigations of Child Abuse**
Pursuant to state law, school personnel are required to report any suspected cases of child abuse, neglect, dependency, or maltreatment. Suspected child abuse, neglect, dependency, or death as a result of maltreatment by parents or other caretakers must be reported to the Department of Social Services. Suspected human trafficking, involuntary servitude, and sexual servitude of a child are special forms of child abuse. They must be reported to the Department of Social Services regardless of the relationship between the victim and perpetrator. Suspected child maltreatment by a caregiver in a child care facility, including in a licensed preschool classroom, camp, after-school program, or other licensed classroom or program operated by the School, must be reported to the Department of Health and Human Services, Division of Child Development and Early Education. Where the source of the child abuse, neglect, dependency, or maltreatment is uncertain, a report should be made to these agencies. Please follow the School's Child Abuse Reporting Procedures and applicable state reporting requirements.

**Reports to the Department of Motor Vehicles**
Pursuant to state law, the School is required to report the following acts to the Department of Motor Vehicles if the student is the minimum age of 14 and is in the 8th grade or above: possession or sale of alcoholic beverages or illegal controlled substances; bringing, possessing or using a weapon or firearm on school property; and physical assault on school staff when the conduct results in a suspension in excess of 10 days or the student is assigned exclusion.

**Personal Technology Devices**
A personal technology device (PTD) is a portable Internet-accessing device that is not the property of the School. A PTD can transmit communications by voice, written characters, words, or images, share information, record sounds, process words, and/or capture images, such as a laptop computer, tablet, smartphone, cellphone, personal digital assistant, or E-Reader. To the extent students are permitted to possess and/or use a PTD on school property, at after-school activities, and at school-related functions, the student is prohibited from doing so during school hours and must make sure that the PTD is not activated, used, displayed, or visible. Administrators may authorize individual students to use the devices for personal purposes when there is a reasonable need for such communication. Teachers and administrators may authorize individual students to use the devices for instructional purposes, provided that they supervise them during such use. However, students are not required to use PTDs for instructional purposes. Possession of a PTD by a student is a privilege that may be revoked for

violations of the *Code of Student Conduct.* Violations may result in confiscation of the PTD (to be returned only to a parent) and/or other disciplinary actions. The School is not responsible for theft, loss, or damage to PTDs or other electronic devices brought onto School property. Students permitted to use PTDs during school must follow all school rules/policies.

## III. Definitions

**365-Day Suspension** - This is an out-of-school suspension for 365 calendar days. It is the maximum allowed by North Carolina law.

**After-School Detention** - This consequence is a period of thirty to forty-five minutes of supervised study after the conclusion of the school dismissal.

**Aggravating Factors** - Facts of a discipline incident that suggest consequences beyond what is recommended in the Code of Conduct. These are determined by the school principal or director, and may include, but are not limited to, repeated violations, lying or refusing to cooperate with school officials in an investigation, severity of any injury sustained during the incident, and imminent danger to self or others.

**Exclusion** - This consequence prohibits a student from continuing to attend the School, although the student may attend another school.

**Expulsion**- This is the permanent termination of the student-school relationship. This applies only to students 14 years of age or older whose continued presence constitutes a clear threat to the safety of other students or school staff. Students considered for expulsion are entitled to a hearing before the school's Board of Directors as set forth in North Carolina statutes.

**Long-Term Suspension** - This is an out-of-school suspension lasting greater than 10 consecutive days, but less than 365 days.

**In-School Suspension** - This consequence is an alternative to a student's suspension from school. It is the supervised removal of a student from educational activities to another location on school property.

**Short-Term Suspension** –An out-of-school suspension lasting no longer than 10 consecutive days.

**Mitigating Factors** - Facts of a disciplinary incident that suggest consequences that are less severe than what is recommended in the Code of Conduct. These may include, but are not limited to, self-defense, provocation, student record, and other factors identified by the school principal or director.

**Out of School Suspension** - This consequence is the prohibition of a student from being on the school campus, at school events, or participating in school functions, whether on or off campus.

## IV. Code of Conduct

| Class 1 | |
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| **Violations Include:** | **Disciplinary Measures** |
| 1. Disobeying any teacher-established classroom rules. | · In-Class disciplinary measures<br>· Conference with an Administrator |

| Class 2 | |
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| **Violations Include:** | **Disciplinary Measures** |
| 1. Repeated violations of classroom rules.<br>2. Being late for the start of the day or the beginning of classes.<br>3. Unauthorized use or possession of a cell phone or electronic device on campus or during instructional time.<br>4. Being absent from class without permission.<br>5. Being out of dress code at any time not authorized by the school administration.<br>6. Being in possession of any personal item that distracts from teaching and learning in the classroom.<br>7. Minor incidents of hitting, shoving, kicking, horseplay, etc., which do not result in physical harm.<br>8. Threatening another student or staff member in a way that is unrealistic, vague, or poses minimal risk.<br>9. Lying to school personnel.<br>10. Cheating on school tests, quizzes, or other school assignments.<br>11. Plagiarizing school assignments.<br>12. Inappropriate display of affection.<br>13. Disrespectful words or actions. | · After-School Detention<br>· 1 Day of ISS |
| 1. Repeated violations of the above categories. | · 2-3 Days ISS |

# Class 3

| Violations Include: | Disciplinary Measures |
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| 1. Repeated violations of Class 2.<br>2. Possession of prescription or non-prescription medications on one's person without permission from the school administration.<br>3. Altering any official school document, including report cards, transcripts, and notes from teachers.<br>4. Failing to comply with directives provided by school personnel.<br>5. Addressing staff members disrespectfully.<br>6. Using obscene, offensive, or derogatory language or pictures in reference to a staff member while on school property or during school functions.<br>7. Using obscene, offensive, or derogatory language or pictures in reference to a student while on school property or during school functions.<br>8. Acting in a way that either causes or has the potential to cause harm to oneself or others.<br>9. Stealing or taking without permission any possession of a student or staff member.<br>10. Being in possession of property stolen from a student or staff member.<br>11. Fighting.<br>12. Using the internet to search for obscene, offensive, or derogatory material during the school day, or at any time on a school-owned device. | ▪ 1-3 days of OSS |
| 1. Repeated violations of the above categories.<br>2. Directing offensive, obscene, or derogatory language toward staff members.<br>3. Directing offensive, obscene, or derogatory language toward other students.<br>4. Threatening or facilitating threats against another student or school employee in a direct way, with the result of forethought, and can be carried out. While it is possible, it may not be realistic.<br>5. Gambling for money on school property.<br>6. Possession of a vape, lighter, or matches.<br>7. Bullying.<br>8. Using force or violence towards another student for any reason.<br>9. Sexual Harassment.<br>10. Misuse of Technology, including recording audio or video using cell phones on campus. | ▪ 4-10 Days OSS with possible recommendation for exclusion |

| Class 4 | |
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| **Violations Include:** | **Disciplinary Measures** |
| 1. Repeated violations of any of the above Classes.<br>2. Entering school property after hours without proper authorization.<br>3. Smoking or vaping on the school campus, at school events, or during a school-sponsored activity.<br>4. Possession of offensive, obscene, or derogatory pictures, including electronically, while on the school campus, participating in school events, or during school-sponsored activities.<br>5. Intentional unnecessary activation of a fire alarm.<br>6. Violations of Title IX.<br>7. Making a false statement or providing false information to law enforcement concerning the school, other students, families, its board, employees, contractors, and/or volunteers.<br>8. *The following offense is reportable to law enforcement:* Possession or consumption of alcohol while on the school campus, at school events, or during a school-sponsored activity. | ▪ 10 Days OSS with possible recommendation for exclusion |

| Class 5 | |
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| **Violations Include:** | **Disciplinary Measures** |
| 1. Repeated violations of any of the above Classes.<br>2. Sharing or posting offensive, obscene, or derogatory pictures, including online, of students, school employees, or volunteers, without permission at any time, interfering with the learning process or disrupting the educational environment.<br>3. Using force or violence to take, or attempt to take, someone's property.<br>4. Inciting or engaging in behavior that either results in or is intended to result in widespread disruption to the educational process.<br>5. Participating in lewd, illegal, or sexual acts while on the school campus, attending school events, or during school functions.<br>6. A logical, specific, and realistic threat of serious violence to a student or school employee.<br>7. Assault or attempted assault on a student or employee.<br>8. Inappropriate sexual touching of a student or employee.<br>9. Conduct that is a felony or serious misdemeanor under NC law where the student would present a safety risk to student health or safety or cause a disruption to the learning environment. No conviction or arrest is required to fall under this provision. | ▪ 10 days OSS with recommendation for exclusion |

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| 10. Special Offenses*<br>a. Assault resulting in serious injury<br>b. Assault involving the use of a weapon<br>c. Assault on school officials, employees, and volunteers<br>d. Making bomb threats or engaging in bomb hoaxes<br>e. Willfully burning a school building<br>f. Unlawful, underage sales, purchase, or provision of alcoholic beverages<br>g. Possession of a controlled substance in violation of the law<br>h. Possession of a weapon, including a knife or gun<br>i. Robbery with a dangerous weapon<br>j. Sexual offense<br>k. Bullying<br>l. Hazing | |
| 1. Offenses*:<br>a. Homicide<br>b. Kidnapping<br>c. Possession of a firearm<br>d. Rape<br>e. Sexual Assault<br>f. Taking indecent liberties with a minor | · 365-Day Suspension<br>· 10-day suspension with a recommendation for a Long-Term Suspension<br>· Exclusion<br>· Expulsion |

**** These offenses are also reportable to law enforcement.***

## V. Procedures for Disciplinary Process and Short-Term Suspension

Upon receiving a report of a potential occurrence of any of the above violations, school administration will conduct an investigation. An investigation may include interviewing witnesses, reviewing camera footage, speaking with staff members, and searching a student, a student's locker, or a student's belongings. Refusal to permit the search will result in the assignment of consequences commensurate with the suspected violation.

Upon completion of the investigation, school administration will determine if the preponderance of the evidence weighs in favor of the violation occurring. This means that it is more likely than not that the student committed the violation. If that is the conclusion, the student will be notified of the consequences of the violation, as long as notification of the student does not pose a risk to the safety and security of other individuals on campus. If the violation is an offense that requires a report to law enforcement, the appropriate agency will be notified. The school administrator will make a reasonable attempt to contact the student's parent or guardian by telephone to communicate the results of the investigation and the assigned consequences.

## Due Process Procedures for Short-Term Suspensions (1-10 days)

A student accused of misconduct, which in the opinion of the principal (including the principal's designee) would require a short-term suspension from school, shall be afforded the procedures below. A student must be given an opportunity to complete assignments, take textbooks home, and take major tests or exams missed during the period of suspension.

**Step 1:** The student must be told by the principal/designee why suspension is being considered.

**Step 2:** The student must be given the opportunity to have an informal hearing with the principal/designee, present his/her version of the events, and identify witnesses to the incident. The informal hearing will typically occur immediately after the student is informed of the charges, but may be delayed if the student's continued presence on campus is a safety concern.

**Step 3:** The principal/designee shall make a determination as to whether or not a student is guilty of the misconduct, and if so, what disciplinary response will be imposed. Initial notices to impose suspension may be communicated orally to the parent; written notification must follow.

**Step 4:** The principal/designee shall report each suspension in writing to the student's parent/guardian by fax, email, or any other reasonable method to give actual notice. Reasonable effort shall be made to contact parents/guardians prior to the start of the suspension. If parents/guardians cannot be reached prior to the start of the suspension, the principal/designee may start the suspension without contacting them. In this event, the principal must continue efforts to reach the parent/guardian.

**Step 5:** At the discretion of the principal, a written behavior contract may be required upon the student's return to school.

**Step 6:** There is no appeal of an out-of-school suspension of 10 days or less. Students are not entitled to appeal a principal's (or their designee's) decision to impose a short-term suspension to the school's Board of Directors.

If a student is determined to have committed a violation for which the possible consequence is long-term suspension, exclusion, or expulsion, the school principal will follow the procedures outlined in the section below.

## Due Process Procedures for Long-Term Suspension, Exclusion, and Expulsion

A student accused of a willful violation of the Code of Student Conduct, which, in the opinion of the principal/designee, may require a 365-day suspension, long-term suspension, or exclusion from the school, shall be afforded the procedural safeguard described below. The procedures for a short-term suspension must be employed, as well as the following additional steps, prior to the imposition of a 365-day suspension, long-term suspension, or exclusion. The Principal may recommend a 365-day suspension, long-term suspension, exclusion, and/or participation in a Behavioral Contract. Where exclusion, long-term suspension, or a 365-day suspension is recommended, the parent(s)/guardian(s) will be notified in writing within two school days or as soon as possible.

The notification of the recommendation for long-term suspension or exclusion shall be consistent with NC§115C-390.8 and include the following:

1. The conduct that violated the School's Code of Conduct;
2. The relevant provision in the School's Code of Conduct that was violated;
3. A deadline for the parents or guardians to request a hearing;
4. A deadline for the parent to notify the school as to whether they are bringing an advocate and the role of such advocate;
5. The right to review and obtain copies of your child's educational records before the hearing;
6. The time frame or date when the hearing will be held, if one is requested;
7. The right to question the witnesses who appear at the hearing;
8. The right to present evidence on your child's behalf, which can include written or oral statements relating to the incident leading to the suspension and any of the factors listed in NC§115C-390.2(g);
9. The right to have a record made of the hearing. We will record the hearing and make a copy available at your request. You also have the right to make your audio recording of the hearing;
10. Notice that the School follows the procedures set forth in NC§ 115C-402 with regard to the expungement of discipline records; and
11. The right to a written decision, based on substantial evidence presented at the hearing, that upholds, modifies, or rejects the principal's recommendation of suspension and/or exclusion and that contains at least the following information:
    a. The basis for the decision, including a reference to any policy or rule that the student is determined to have violated;
    b. Notice of what information will be included in the student's official record pursuant to NC§115C-402; and
    c. The student's right to appeal the decision and notice of the procedures for such appeal.

**The School will follow one of the following processes for Exclusion, Long-Term Suspension, and 365-Day Suspension:**

***Option 1:***

If the Principal determines that an infraction falls into the category for which a long-term suspension and/or exclusion or a 365-day suspension is appropriate, they will notify the parent(s)/guardian(s) of the recommendation for long-term suspension or exclusion. If the parent(s)/guardian(s) request a hearing, it will be conducted by the Principal, and additional appropriate staff. At the conclusion of the hearing, the Principal will determine whether to uphold, modify, or overturn the recommendation for the long-term suspension or exclusion.

If the student is assigned exclusion or a long-term suspension or a 365-day suspension by the Principal, the parent or guardian has two school days to appeal the decision to a panel of the Board of Directors. This request must be submitted in writing to the Board. The panel will review the appeal based on the record and make a decision. A hearing before the Board panel is at the discretion of the Board and is not required. The Board panel decision is final, and there is no appeal to the full Board. BHCS will follow the requirements set forth in North Carolina's General Statutes for any such appeal and hearing.

If the parent or guardian either refuses the hearing or fails to attend the hearing, the Principal will make the determination on whether to uphold the recommendation of a 365-day suspension, long-term suspension, or exclusion. Such a decision shall be final.

***Option 2:***
For any offense where a Long Term Suspension, Exclusion, or a 365-Day Suspension is recommended, the Principals may recommend a 365-day suspension, long-term suspension, or exclusion. Where: (1)the school does not employ the process set forth in Option 1, (2)the Principal is involved in the investigation of the disciplinary incident or the recommendation for long-term suspension, or (3)the Principal wishes to have a board panel hear any appeal, then any hearing shall be conducted by a panel of three board members appointed by the board chair or their designee. Decisions of the Board Panel shall be final, and there will be no further appeal to the full Board of Directors. The school will follow the requirements set forth in North Carolina's General Statutes for any such appeal and hearing.

If the parent or guardian either does not request a hearing or fails to attend the hearing, the Principal will make the determination on whether to uphold the recommendation of a 365-day suspension, a long-term suspension, or exclusion. Such a decision shall be final.

**Procedures for Expulsion**
NC§115C-390.11 gives the School's Board of Directors authority to expel any student over 14 years of age whose behavior indicates that the student's continued presence in the school constitutes a clear threat to the safety of other students or employees or who is subject to the Jessica Lundsford Act (which applies to certain registered sex offenders). The school will follow legally required procedures for Expulsion. Details of the procedures to be followed for expulsion are provided in NC§115C-390.11.

## VI. Offense Definitions

1. **ATTENDANCE (Citizenship/Responsibility/Self-Discipline)**
   ***Excessive Tardiness, Leaving School without Permission, Leaving Class without Permission, Truancy, Skipping School, Skipping Class, Cutting Class, Late to Class***
   A student must attend every class every day unless there is a lawful reason for the absence. Students who are tardy, cut school or class, or have excessive unexcused absences are in violation of this rule. Repeated violations of this rule, if other interventions have been tried, may also result in Class 2 consequences, with the condition that any out-of-school suspension imposed for conduct related solely to violation of this rule is limited to 2 days per violation.

2. **STUDENT DRESS (Responsibility/Respect/Citizenship)**
   A student will maintain personal attire and grooming standards that promote safety, health, and acceptable standards of social conduct, and are not disruptive to the educational environment. The board prohibits substantially disruptive clothing that is provocative, revealing, profane, vulgar, offensive, or obscene, or endangers the health or safety of the student or others. For more details, please see the Student Dress Code Policy.

3. **PERSONAL PROPERTY (Responsibility/Self-Discipline)**
   A student is permitted to bring or possess only objects that have an educational purpose and will not distract from teaching or learning. Students are permitted to sell items on campus only as part of an approved school activity. (All other items will be confiscated and returned to the parent at a mutually

agreed upon time, not to exceed one calendar week.) The following are among the list of prohibited items:

a. **Personal Technology Devices/Cell Phone Use:**
A personal technology device (PTD) is a portable Internet-accessing device that is not the property of the district that can be used to transmit communications by voice, written characters, words or images, share information, record sounds, process words, and/or capture images, such as a laptop computer, tablet, smartphone, cellphone, personal digital assistant or E-Reader. A student may possess and use a PTD on school property, at after-school activities, and at school-related functions, provided that the PTD is not activated, used, displayed, or visible during school hours. Administrators may authorize individual students to use the devices for personal use when there is a reasonable need for such communication. Teachers and administrators may authorize individual students to use the devices for educational purposes, provided that they supervise them during such use. "Educational purposes" include student education, research, and career development. Possession of a PTD by a student is a privilege that may be revoked for violations of the *Code of Student Conduct.* Violations may result in confiscation of the PTD (to be returned only to a parent) and/or other disciplinary actions. The School is not responsible for theft, loss, or damage to PDTs or other electronic devices brought onto school property. Students permitted to use PTDs during the school day must follow all school rules and policies.

b. **Toys, games (electronic and other), electronic smoking devices, pagers, personal media devices, other electronic equipment, and any devices that create noise and disturbance:** Possession of these or any similar devices without permission from the administration is prohibited. Possession of a toy gun that could be mistaken for an actual weapon is a violation of the Offenses pertaining to Weapons and Dangerous Objects.

**4. MISREPRESENTATION (Honesty)**

A student will be honest and submit his/her own work.

a. **Altering Report Cards or Notes*:*** Tampering with report cards, official passes, notes, or other school documents, in any manner, including changing grades or forging names to excuses, is prohibited.
b. **False Information*:*** Making false statements, written or oral, to anyone in authority is prohibited.
c. **Cheating/*Honor Code Violation:*** Violating rules of honesty and Honor Codes, including but not limited to plagiarism, violating copyright laws, or copying another student's test or assignment, is prohibited. The superintendent has the discretion to punish violations of this rule as a Class 3 violation if the student's actions have a profound, detrimental effect on other students or staff.

**5. INSUBORDINATION (Responsibility/Respect)**

A student will obey the lawful direction of any authorized staff member while in school, participating in a school activity, or on school property. All students are expected to behave in a respectful manner. This includes, but is not limited to, complying with the direction or instruction of a staff member, not walking away from a staff member while being spoken to, speaking to staff in an appropriate manner, and completing all assigned work.

**6. TRESPASSING (Citizenship/Responsibility/Respect)**

A student will not enter school property or a school facility without proper authority. This rule includes being on the campus of a school to which the student is not assigned during the school day without the knowledge and consent of school administrators; loitering at any school after the close of the school day without any specific need or supervision; or being on the property of any school

during a period of suspension or expulsion without the express permission of the Principal. A student who is trespassing on school property may be criminally prosecuted.

7. **MEDICATION (Responsibility/Honesty/Good Judgment)**
   Students shall not transport prescription medication to or from school or possess prescription medication at school unless authorized in accordance with the School's medication procedures, required physician authorization forms, and any applicable Individual Health Plan (IHP). A student who is allowed to self-administer medicine pursuant to this policy will be subject to disciplinary action if the student uses his or her prescribed medication in a manner other than as prescribed. Elementary students are not permitted to self-administer medication, whether prescribed or non-prescribed, under any circumstances. Distribution and/or consumption of medication may result in an immediate Class 3 consequence. Violation of this rule may also be treated as a violation of drug policies, including possession, use, sale, or distribution.

8. **GENERALLY DISRUPTIVE BEHAVIOR (Responsibility/Respect/Citizenship/Self-Discipline)**
   A student will maintain appropriate behavior so as to refrain from disrupting class, school, or bus activity and be prepared for instruction at all times. A student shall not talk out in class or move from his/her assigned seat/area without permission, throw objects (except as directed by staff for an instructional purpose), engage in horseplay, harass, tease, or make rude noises. Repeated incidents of generally disruptive behavior may be considered a Class 3 infraction.

9. **UNSAFE ACTION (Good Judgment/Citizenship/Responsibility/Respect)**
   A student shall not commit any action that has the potential to cause danger or physical harm to himself or others, to include but not limited to: exiting a moving school bus, exiting a school bus by way of the emergency exit absent an emergency, attempting to elude school officials by running through a parking lot or a traffic area, climbing on the roof of buildings, construction areas, boiler rooms, attics or elevator shafts, or any action that has the potential for physical harm to self or others. This includes striking matches, flicking cigarette lighters, or using any instrument capable of producing fire on school property or at a school-sponsored or school-related activity that is on or off school property. This rule applies only when the unsafe behavior does not meet the standards of any other violation.

10. **BULLYING/CYBERBULLYING, PROFANITY, OBSCENITY, AND/OR DEROGATORY LANGUAGE**
    Bullying and/or harassing behavior are strictly prohibited. It is the policy of the Board of Directors to maintain learning environments that are free from harassment or bullying. Students are expected to use appropriate conduct and language at school and school functions, and possess only relevant materials. This rule applies to cursing, possessing, sending, or receiving written materials or electronic text and/or images that convey an offensive, racial, derogatory, bullying, or obscene message to another person. This includes but is not limited to references to race, color, ancestry, national origin, gender, gender identity expression, sexual orientation, religion, and/or physical or sensory disability, physical appearance, or making offensive statements or gestures. In addition, as with other disciplinary violations, any manner of bullying that occurs off campus may violate the *Code of Student Conduct* if it has a direct and immediate impact on the orderly and efficient operation of the school or the safety of individuals in the school environment.

**11. GAMBLING (Responsibility/Self-Discipline)**
A student will not play games of skill or chance for money or property.

**12. VANDALISM (Responsibility/Citizenship/Good Judgment)**
A student will not willfully, with or without malice, act alone or participate with others to damage or destroy property of another, including property belonging to the school or the district, staff, students, or other adults on campus or at a school-sponsored or school-related activity on or off school property. A student or parent/guardian will be held financially responsible, as allowed by law, for the willful or malicious destruction of property.

**13. USE OF FIRE**
A student will neither set fire nor attempt to set fire to anything on school property nor participate with others to damage or destroy school property through the use of fire. (This violation does not include any smoking violations covered under another provision.)

**14. THEFT (Responsibility/Respect/Citizenship/Self-Discipline)**
A student will not steal or possess stolen property, or participate with others to do so. Stolen property includes any object possessed without the owner's permission. In some instances, violations of this rule may be a Class 2 infraction.

**15. BREAKING AND ENTERING (Responsibility/Respect/Citizenship/Self-Discipline)**
A student will not break into any district property. This will include any unauthorized entry into school property with or without destruction to the property.

**16. BREAKING AND ENTERING WITH THE INTENT TO COMMIT A FELONY OR THEFT (Responsibility/Respect/Citizenship/Good Judgment)**
A student will not unlawfully enter any district property with the intent of committing a felony, to steal and/or take and carry away the property of another, or to attempt to commit the taking of property.

**17. ROBBERY (Responsibility/Respect/Citizenship/Self-Discipline)**
A student will not take or attempt to take another person's property by force or violence.

**18. EXTORTION (Responsibility/Respect/Citizenship/Self-Discipline)**
A student will not take, threaten, or attempt to take the property (including but not limited to money) of others through intimidation.

**19. UNAUTHORIZED USE OF TECHNOLOGY DEVICES (Honesty)**

a. **School-owned property:** A student shall refrain from inappropriate use of school system computers/technology devices or from using the School's electronic communications and wireless connection network without proper authority. This includes unauthorized use of sign-on codes and the school telephone system, communication of threats or implied threats, bullying or harassment, and unauthorized attempts to contact any BCS computer site from any computer station.

b. **Personal technology devices:** A student will refrain from any activity or distribution of information from personal technology devices that would constitute a violation of a rule under the *Code of Student Conduct* or a violation of law, as, but not limited to, bullying or harassment on social media or other sites if the conduct has or may have a direct and immediate impact on the orderly and efficient operation of the schools or the safety of individuals in the school

environment. Publication of information on the Internet is considered distribution regardless of the location of the technology device from which the offending content was published.

**20. FALSE ALARM (Responsibility/Good Judgment)**

In the absence of an emergency, a student shall not call 911 or signal or set off an automatic signal indicating the presence of an emergency.

**21. PORNOGRAPHIC, PROFANE, AND/OR VIOLENT MATERIAL (Responsibility/Respect/Citizenship/Self-Discipline)**

A student shall refrain from having any pornographic or profane material in his/her possession, including but not limited to pictures, magazines, CD's, DVD's, electronic text or images and sexually explicit or graphically violent materials (including but not limited to documents or instructions concerning the creation and/or the use of weapons. Unclothed (fully or partially) pictures/images of any minor are also not permitted and are covered by this provision.

**22. BOMB THREAT (Responsibility/Respect/Self-Discipline/Good Judgment)**

A student shall not make any report or notification, knowing or having reason to know the report is false (verbal or written), indicating the presence of a bomb or explosive device on school grounds, school bus, or at any school activity.

**23. AGGRESSIVE PHYSICAL/VERBAL ACTION (Responsibility/Respect/Kindness/ Self Discipline)**

A student shall not exhibit any form of aggressive physical or verbal action against another student, staff member, or any other adult at school. Minor incidents of hitting, biting, spitting, shoving, kicking, or throwing objects at a student or adult may be a Class 1 or 2 infraction. A student shall not approach another person in a confrontational, provocative, or bullying manner. This will include attempts to intimidate or instigate another person to fight or commit other acts of physical aggression.

**24. FIGHTING**

The exchange of mutual aggressive physical contact between students, with or without injury, is prohibited. A student who is physically attacked may act in self-defense without consequence. **Self-defense is defined as the act by a non-aggressor victim using reasonable force to avoid being hit in order to enable oneself to get free from the attacker and notify school authorities. It is not self-defense to participate in the fight. Students who exceed reasonable force in protecting themselves will be disciplined for violating this rule, even though another person provoked the fight.** Administrators will have discretion to recognize the need for self-defense on an incident-by-incident basis.

**25. THREATENING/INTIMIDATING**

A student shall not threaten to strike, attack, or harm any person, or cause another person to become fearful by intimidation, through any medium, including threats made in person, through another person at the request of the perpetrator, on the telephone, in writing, through the use of gang paraphernalia, or by any digital communication (cyber-bullying) that pose a safety risk to the school environment. The Class will be determined by the level of risk presented by the threat, whether the threat could have reasonably been carried out, and whether the threatened person was made fearful.

**26. ASSAULT ON A STUDENT**

A student shall not physically attack another student. See self-defense as defined above.

**27. MULTIPLE ASSAULTS**

A student shall not act in concert to physically attack another student.

**28. ASSAULT ON A STAFF MEMBER**

A student shall not physically attack a staff member or adult. See self-defense as defined above.

**29. MULTIPLE ASSAULTS**

A student shall not act in concert to physically attack a staff member or other adult.

**30. HAZING**

In addition to any definiatnion set forth in the School's Policy Against Bullying, Harassment, and Discrimination, Hazing also includes: any activity that may demean, disgrace, or embarrass a person or that risks endangering the mental, physical, or emotional health of a person, regardless of whether such person has agreed to participation in the hazing activity.

**31. SEXUAL BEHAVIOR, *including harassment, indecent exposure, consensual activity, and battery* (Responsibility/Respect/Self-Discipline/Kindness)**

A student shall not engage in any sexual behavior on school property or at a school-sponsored activity. A student shall not engage in unwanted touching of an offensive or sexual nature. A student shall not engage in unwanted verbal or physical (e.g., gesturing) conduct of a sexual nature which may reasonably be regarded as intimidating, hostile, or offensive. This includes the communication of (by digital or other means) or the intentional display of sexually explicit material. A student shall not intentionally expose private body parts, including but not limited to the display of the buttocks (mooning). A student shall not engage in consensual sexual activity. "Consensual" means all parties are willing participants in the activity. A student shall not engage in or attempt to engage in sexual activity with another person by force, threat, or fear.

**32. ALCOHOL, TOBACCO, AND OTHER DRUGS (Responsibility/Citizenship)**

A student shall not use, purchase, sell, distribute, be under the influence of, or possess any kind of tobacco, alcoholic beverage, paraphernalia, controlled substance (as defined by state law), or illegal or counterfeit substance. A student shall not use, sell, distribute, or possess any kind of tobacco product on school property or at a school function. A student shall not possess, use, or be under the influence of alcohol on school property or at a school function. A student shall not possess, use, or be under the influence of marijuana on school property or at a school function. "Marijuana" is defined to also include synthetic cannabinoids and substances intended to mimic the effects of marijuana. Possession of large amounts or of more than one individually wrapped package of marijuana will be deemed to be a violation of Drug Distribution. A student shall not use, possess, or distribute any drug-related paraphernalia, including but not limited to: rolling papers, cigar wrappers, e-cigarettes, vaping/hookah devices, bongs, pipes, or any item intended for the use, storage, or distribution of alcohol, tobacco, marijuana, or other drugs**.** For drugs other than marijuana, a student shall not use or be under the influence of illegal or controlled substances or possess illegal, counterfeit, or controlled substances (including prescription drugs without a doctor's order filed with the school) on school property or at a school function. Example items include, but are not limited to: Acid, Ecstasy/MDMA, Heroin/Opiates, Cocaine, Xanax/Benzodiazepines.

## 33. SALE/DISTRIBUTION (ATTEMPT OR ACTUAL)

A student shall not distribute, sell, attempt to sell, or possess with intent to sell any illegal, counterfeit, or controlled substance. Possession of a large amount of or more than one individually wrapped package of a controlled or illegal substance will be considered evidence that the student intended to sell or distribute the product.

## 34. WEAPONS AND DANGEROUS OBJECTS – NOT INCLUDING FIREARMS **(Responsibility/Citizenship/Good Judgment)**

A student will not possess, handle, transport, or use any weapon, object that can be reasonably considered a weapon, dangerous object, or substance that could cause harm or irritation to another individual on school property or at any school function. All items will be confiscated and will not be returned except with the mutual agreement of law enforcement. This rule does not apply to school supplies (e.g., pencil, laser pointer) unless used as a weapon. Note: Any item thrown from a school bus will be treated as a weapon for the purpose of this rule.

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

a. Toy knife or look-alike knife
b. Toy gun or look-alike gun
c. Weapon not capable of propelling a missile
d. Knife, switchblade knife, Bowie knife
e. Box cutter/razor blade
f. Camouflaged weapon
g. Object thrown from a bus
h. Gun powder, ammunition, bullets
i. Fireworks
j. Bomb (includes destructive devices such as an explosive, incendiary, or poison gas, grenade, rocket having a propellant charge of more than 4 ounces, or missile with an explosive charge of more than ¼ ounce, mine or similar device
k. Airsoft gun, BB gun, pellet gun, air rifle
l. Any object or substance that could cause injury, including but not limited to, slingshots, ice picks, multi-fingered rings, metal knuckles, nun chucks, dirks, daggers, lead canes, clubs, stun guns, flare guns, paint ball guns, mace, pepper spray, fire extinguishers and/or the use of any object or any substance that will potentially cause harm, irritation or bodily injury.

## 35. GANG AND GANG-RELATED ACTIVITIES **(Responsibility/Respect/Citizenship/Good Judgment)**

No student shall commit any act that furthers gangs or gang-related activities. 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, or the purposeful violation of any district policy, and having a common name or common identifying sign, colors, or symbols.

**"Gang-Related Activity" includes:**

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

c. **Vandalism or Destruction of Property:** Tagging, or otherwise defacing school or personal property with gang or gang-related symbols or slogans;
d. **Intimidation/Threats:** Requiring payment for protection, money, or insurance, or otherwise intimidating or threatening any person related to gang activity;
e. **Coercion:** Inciting other students to intimidate or to act with physical violence upon any other person related to gang activity;
f. **Solicitation:** Soliciting others for gang membership;
g. **Conspiracy:** Conspiring to commit any violation of this policy or committing or conspiring to commit any other illegal act or other violation of school district policies related to gang activity.

**36. FIREARMS (Loaded or Unloaded) (Responsibility/Respect/Self-Discipline/Good Judgment)**
A student shall not possess, handle, or transport any handgun, rifle, starter gun, shotgun, or any other weapon that will or is designed to or may be readily converted to expel a projectile by action of an explosion, including camouflaged guns or any firearm muffler or silencer. By law, students violating this rule are subject to a 365-day mandatory suspension.

**37. PERSISTENTLY DANGEROUS STUDENTS (Responsibility/Caring/Justice and Fairness)**
Students who are 14 years of age or older shall not frequently engage in conduct that is in violation of other code of conduct rules and is a danger to others in the school environment. Targeted conduct for this rule is multiple events over an extended period of time, including previous school years. Examples of misconduct under this rule include, but are not limited to, multiple rule violations for assault, the sale or distribution of illegal drugs, gang-related activities, the possession of weapons, and inappropriate sexual behavior.

## VII. Discipline of Students with Disabilities

The obligation and the responsibility to attend school regularly and to comply with the school's code of conduct apply to all students. When appropriate, a principal or designee may discipline a student with a disability who has not complied with the school's code of conduct. Exceptional Children's education services will be provided to a student with a disability if the student has been removed from school for more than ten school days. If a student with a disability is removed for less than ten cumulative days, educational services will be provided only if such services are provided to students without disabilities who have been similarly removed. The school will follow all applicable state and federal laws when disciplining students with disabilities.

### Special Education Services

BHCS employs certified Special Education Resource and Inclusion Teachers to provide consultation services to classroom teachers who serve special education students, as needed. BHCS shall comply with federal and state law to ensure that all students with disabilities will be provided with a free appropriate education (FAPE).

Students with special needs have safeguards and rights under federal and state laws and cannot be excluded from their educational programs without following federally mandated procedures. The School recognizes the importance of working with students early to prevent misbehavior and to provide appropriate behavioral intervention plans and goals through the IEP process.

Students with special needs cannot be suspended from school for more than 10 cumulative days in a school year without following specific procedures. Services must be provided starting on day 11, and the IEP team must meet to determine if a manifestation determination has occurred.

The school will first try to intervene with student behavior in the school setting. Repeated problematic behavior will be addressed early through the IEP process; teams will analyze the behavior through a Functional Behavior Analysis (FBA) and then develop a Behavior Intervention Plan (BIP) and/or behavioral goals.

***When Exclusion Is Required***

If a student's behavior is so severe that the student needs to be removed from school, the school may exercise the following options:

- BHCS Administrators may suspend a special needs student for up to 10 school days in a school year, just like any student. Suspension day 11 will trigger a Manifestation Determination meeting.

- Students considered for long-term suspensions, exclusion, expulsion, or for whom a pattern is determined must have a Manifestation Determination.

- If the behavior is unrelated to the disability, the student may receive standard disciplinary action (suspension, exclusion, expulsion). However, the student must continue with special education services when required by law.

- If the behavior is related to the disability, the student may NOT be suspended, excluded, or expelled.

- At all stages, the IEP team may meet to determine an alternative placement. The new placement would then not be considered as a removal or suspension. When or if a change is warranted, the team will need to meet again to change placement back to the original school setting.

All disciplinary removals are counted as suspensions unless the IEP team meets for that situation and changes the student's special education placement.

***Change of Placement***

A Change in Placement for Disciplinary Reasons Occurs if:

- The removal is for more than 10 consecutive school days; **or**
- The student has been subjected to a series of removals that constitute a pattern (students sent home early) that totals more than 10 school days per school year.

On the date of the decision to remove a student, which is a change of placement for disciplinary reasons, the school must notify parents of that decision and provide due process. A manifestation determination must be completed within 10 school days. An FBA and BIP must be completed or reviewed if already completed. *Changes in special education placements are NOT suspensions.*

Any change in special education placement must be documented on:

1. IEP: either by addendum or a new IEP (Re-evaluation); and
2. Prior Written Notice

When a special education placement changes through the IEP process (for example, to modified day or homebound), the new placement does not count as a school removal or a suspension. If a student has a change in placement, the IEP team is required to meet every 30 days to ensure the placement is still appropriate.

The student will need the same process (IEP addendum and Prior Written Notice) to return to the original placement when or if appropriate.

Examples of changes that might be considered by the IEP team based on behavior:
- Separate to modified day;
- Regular to homebound services;
- Homebound services to regular; or
- Separate to regular (when students are placed from max-resource to inclusion support).

***Manifestation Determination***
The Manifestation Determination is to be completed by the student's IEP Team and must occur within 10 school days of removal when there has been a change of placement.

After reviewing all relevant information in the student's file (IEP, observations, parent information), the team must decide if the behavior was a manifestation of the disability by determining:
- If the child's disability caused the conduct, and
- If the conduct resulted from the School's failure to implement the IEP, then the School must take immediate steps to remedy those deficiencies.

***Day 11 Requirements***
Starting with the 11th day of removal, the school must:
- Provide services. **No exceptions.** Which services are provided and who determines appropriate services depend upon IEP contents, whether there has been a change of placement for disciplinary reasons, and the results of any manifestation determination.
- Determine if a change of placement is for disciplinary reasons.

If the change in placement is due to disciplinary reasons:
- On the day of the incident, the School must follow the Student Discipline Polilcy set forth above.
- Conduct a Manifestation Determination.

If the behavior is not a manifestation of the disability based on the Manifestation Determination:
- The student may be suspended, excluded, expelled, similar to a general education student.

If the behavior is a manifestation of the disability based on the Manifestation Determination:
- The student must be returned to the placement from which the student was removed unless the parent and school agree to a change of placement.
- Conduct a Functional Behavioral Assessment (FBA) unless it is completed (current IEP and current school year). If completed, review as needed.
- Develop a Behavior Intervention Plan (BIP) designed to address the behavior violation. If the BIP has already been developed, review it and modify it to address the behavior.

***Weapons/Drugs/Serious Bodily Injury:***
If the offense involves weapons, drugs, or serious bodily injury, proceed using the 11-day requirements. These violations are clearly defined; the standard for serious bodily injury is very high. The only difference in procedure is that if the manifestation determination shows the relationship between the behavior and the disability, the Head of School or their designee may remove the student to an alternative setting for up to 45 school days. If the behavior is not related, the student may be removed similar to a regular student. In both cases, Manifestation Determination, FBA, BIP, and services defined by IEP are required.

***Functional Behavioral Assessment (FBA)***
Functional Behavior Assessments are to be completed on all students with special needs with behavior difficulties. This is required if a change of placement is for disciplinary reasons. If an FBA has already been developed, review and modify it as necessary to address the behavior.

The School will be proactive and perform an FBA before the student accumulates the 10th day of removal. If there is a disciplinary change of placement and an FBA has already been completed, a new FBA is not required for each removal; however, the FBA needs to be reviewed regularly.

***Behavioral Intervention Plans (BIP)***
Behavior Intervention Plans are to be completed for all students with special needs with behavior difficulties. This is required if a change of placement is for disciplinary reasons. If a BIP has already been developed, review and modify it as necessary to address the behavior.

The most practical way to deal with repetitive, inappropriate behavior is to develop a behavioral intervention plan as part of the IEP. Behavioral plans are recommended for any student with special needs who has problems with behavior, even if the behavior is not judged to be related to the disability.