

WINSTON-SALEM/FORSYTH COUNTY SCHOOLS
 ARTICLE 5 STUDENTS (Series 5000)
 1. Elementary and Secondary
 AR 5131 Code Of Student Conduct

AR 5131 Code Of Student Conduct

June 2015

I. Introduction.

The purpose of this Code of Student Conduct is to notify students and parents of the standards of behavior expected of students, conduct that may subject students to discipline, and the range of disciplinary measures that may be used by school officials in enforcing board policies, administrative regulations, school rules, and classroom rules. It is important parents, students and school officials understand these are guidelines and not prescribed actions that must be followed in each and every instance of student misconduct. School administrators may impose more or less severe disciplinary actions based on mitigating and aggravating factors and in keeping with the principals set out in [Policy 5131](#).

Students with Disabilities. The procedures set forth in the Individuals with Disabilities Act (IDEA) and its implementing regulations, [Article 9 of Chapter 115C of the North Carolina General Statutes](#) and its implementing regulations, and [AR 5131.25](#) shall be followed when disciplining students with disabilities.

II. Definitions.

A. Aggravating factors. Factors that may be considered by a school official which would increase the severity of a student's punishment for violating the Code of Student Conduct.

B. Alcoholic beverage. Includes malt beverage, fortified wine, unfortified wine, spirituous liquor, mixed beverages, or beer.

C. Alternative education services. Part or full time programs, wherever situated, providing direct or computer-based instruction that allows a student to progress in one or more core academic courses. Alternative education services include programs established by the local board of education in conformity with [N.C.G.S. § 115C-105.47A](#) and [Administrative Regulation 5117.5](#).

D. Controlled substance. Includes marijuana, heroin, LSD, methamphetamine, cocaine, or any other drug listed in schedules I – VI of the N.C. Controlled Substances Act. ([N.C.G.S. §§ 90-89 through 90-94](#).)

E. Corporal punishment. The intentional infliction of physical pain upon the body of a student as a disciplinary measure.

F. Educational property. Any school building or bus, school campus, grounds, recreational area, athletic field, or other school property under the control of the Winston-Salem/Forsyth County Board of Education.

G. Expulsion. The indefinite exclusion of a student from school enrollment for disciplinary purposes.

H. Firearm. Any of the following:

- a. A weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive.
- b. The frame or receiver of any such weapon.
- c. Any firearm muffler or firearm silencer.
- d. A firearm does not include an inoperable antique firearm, a BB gun, stun gun, air rifle, paintball gun, or air pistol.

I. Long-term suspension. The exclusion for more than ten (10) school days of a student from school attendance for disciplinary purposes from the school to which the student was assigned at the time of the disciplinary action.

J. Mitigating factors. Factors that may be considered by a school official which would decrease the severity of a student's punishment for violating the Code of Student Conduct.

K. Narcotic. Any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

- a. Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.
- b. Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause a, but not including the isoquinoline alkaloids of opium.
- c. Opium poppy and poppy straw.
- d. Cocaine and any salt, isomer, salts of isomers, compound, derivative, or preparation thereof, or coca leaves and any salt, isomer, salts of isomers, compound, derivative or preparation of coca leaves, or any salt, isomer, salts of isomers, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, except that the substances shall not include decocanized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine.

L. Parent. Includes a parent, legal guardian, legal custodian, or other caregiver adult who is acting in the place of a parent and entitled to enroll a student in school.

M. Destructive device. An explosive, incendiary, or poison gas:

- a. Bomb.
- b. Grenade.
- c. Rocket having a propellant charge of more than four ounces.
- d. Missile having an explosive or incendiary charge of more than one-quarter ounce.
- e. Mine.
- f. Device similar to any of the devices listed in this subsection.

N. Principal. Includes the principal and the principal's designee.

O. School official. The Superintendent, Assistant Superintendent for elementary, middle or high schools, principals, and assistant principals.

P. School personnel. Includes any of the following:

- a. An employee of the Board of Education.
- b. Any person working on school grounds or at a school function under a contract or written agreement with the public school system to provide educational or related services to students..
- c. Any person working on school grounds or at a school function for another agency providing educational or related services to students.
- d. Any school volunteer.

Q. Serious personal injury. Includes, (1) substantial risk of death, (2) serious permanent disfigurement, (3) a coma, (4) a permanent or protracted condition that causes extreme pain, (5) permanent or protracted loss or impairment of the function of any bodily member or organ, or (6) an injury that results in prolonged hospitalization.

R. Short-term suspension. The exclusion of a student from school attendance for disciplinary purposes for up to ten (10) school days from the school to which the student was assigned at the time of the disciplinary action.

S. Substantial evidence. Such relevant evidence as a reasonable person might accept as adequate to support a conclusion; it is more than a scintilla or permissible inference.

T. Superintendent. Includes the Superintendent and the Assistant Superintendent for elementary, middle and high schools.

U. Tobacco Products. Includes cigarettes, cigars, blunts, bidis, pipes, chewing tobacco, snuff, tobacco products, and products reasonably resembling tobacco or tobacco products (such as electronic cigarettes and "vape" products).

III. Disciplinary Measures that May be Used for Violating the Code of Student Conduct. When considering the appropriate disciplinary measure for a student, school officials should *impose* sanctions authorized by the Code of Student Conduct for the given offense. Sanctions are organized by level as described herein. Guideline sanctions are found in section VI below, however, school officials may aggravate or mitigate sanctions as described in section V below. Corporal punishment is not authorized as a disciplinary measure in the WS/FCS. The procedures for disciplining regular education students are found in [policy 5131.5](#), Procedures for Student Discipline. The procedures for disciplining EC or 504 students are found in [AR 5131.25](#), Discipline of Students with Disabilities.

A. Level I: Discipline that does not remove a student from the classroom for an extended period of time.

These interventions are not appealable pursuant to the student discipline appeal procedures found in [Policy 5131.5](#).

1. parental involvement, such as conferences;
2. positive behavior interventions;
3. time-out for short periods of time;
4. behavior improvement agreements;
5. reduction in student's grade (for academic misconduct);
6. instruction in conflict resolution and anger management;
7. peer mediation;
8. individual or small group sessions with the school counselor;
9. academic intervention;
10. detention before and/or after school or on Saturday;
11. silent lunch;
12. community service;
13. loss of parking privileges;
14. exclusion from graduation or promotion ceremonies;
15. exclusion from extracurricular activities;
16. suspension from bus privileges;
17. participation in a gang awareness program;
18. submission to random, mandatory drug tests for one calendar year; and/or
19. participation in a drug, alcohol and/or tobacco treatment or education program.

B. Level II. In-school Suspension. In-school suspension ("ISS") is a form of discipline in which a student maintains classroom assignments and remains in school but is in a separate location than the student's regular classroom. The student's teacher will continue to provide coursework for the student to complete while in ISS. Period ISS is preferred to day-long ISS; ISS should be used as a short-term solution. ISS is not appealable pursuant to the student discipline appeal procedures found in [Policy 5131.5](#).

C. Level III. Short-term Suspension. A student may be short-term suspended out-of-school between 1 and five days (at a time) for willfully engaging in conduct that violates the Code of Student Conduct. Students shall not be short-term suspended for truancy or tardiness offenses.

1. A student subject to short-term suspension shall be provided the following:
 - i. The opportunity to take textbooks home for the duration of the suspension;
 - ii. Upon request, the right to receive all missed assignments, and to the extent practicable, the materials distributed to students in connection with the assignment; and
 - iii. The opportunity to take any quarterly, semester, or grading period examinations missed during the suspension period.
2. If a student's short-term suspensions accumulate more than ten (10) days in a semester, to the extent the principal has not already done so, he or she shall invoke the mechanisms provided for in school plan for

management of student behavior adopted pursuant to Board [Policy 5131](#)(IV).

3. Short-term suspensions are not appealable pursuant to the student discipline appeal procedures found in [Policy 5131.5](#).

D. Level IV. Alternative Learning Center Assignment. Alternative Learning Center (“ALC”) assignment is a form of discipline in which a student is removed from the classroom for up to ninety (90) days, but remains in the school building. Students will be taught by the ALC teacher and may also do coursework online. A student with excellent behavior, attendance and academic work as described in [AR 5117.5](#) may return to regular classes before the end of 90 days. Such assignments are not appealable pursuant to the student discipline appeal procedures found in [Policy 5131.5](#).

E. Level V. Alternative School Assignment. The Board of Education runs several alternative schools, as described in [AR 5117.5](#), which are full-time educational programs. Students assigned to these programs will be provided opportunity to make timely progress towards graduation and grade promotion.

1. A school official may recommend to the Assistant Superintendent that a student receive a disciplinary assignment to an alternative school, and the Assistant Superintendent will decide which alternative school would best meet the needs of the student.

2. Before approving the recommendation, the Assistant Superintendent should consider whether other disciplinary interventions have been used by the school and/or would be successful in improving the student’s behavior.

3. Alternative school assignments are not appealable pursuant to the student discipline appeal procedures found in [Policy 5131.5](#).

F. Level VI. Long-term suspension. A principal may recommend to the Superintendent the long-term suspension of any student who has committed a serious violation of the Code of Student Conduct that either threatens the safety of students, staff, or school visitors or threatens to substantially disrupt the educational environment.

1. The Superintendent delegates to the Assistant Superintendents for the Primary and Secondary Schools the authority to long-term suspend a student.

2. If the offense leading to the long-term suspension occurs before the final quarter of the school year, the exclusion shall be no longer than the remainder of the school year in which the offense was committed.

3. If the offense leading to the long-term suspension occurs during the final quarter of the school year, the exclusion may include a period up to the remainder of the school year in which the offense was committed and the first semester of the following school year.

4. Students who are long-term suspended shall be offered alternative education services unless the Assistant Superintendent provides a significant or important reason for declining to offer such services. Depending on the circumstances, the following may be considered significant or important reasons to decline alternative education services:

i. The student exhibits violent behavior.

ii. The student poses a threat to staff or other students.

iii. The student substantially disrupts the learning process.

iv. The student otherwise engaged in serious misconduct that makes the provision of alternative educational services not feasible.

v. The student failed to comply with reasonable conditions for admittance in to an alternative education program.

5. If a teacher is assaulted or injured by a student and as a result the student is long-term suspended or reassigned to alternative education services, the student shall not be returned to that teacher’s classroom unless the teacher consents.

6. A long-term suspension is appealable pursuant to [Policy 5131.5](#), Procedures for Student Discipline, however, an alternative education assignment in lieu of long-term suspension is not appealable pursuant to [Policy 5131.5](#).

G. Level VII. 365-day suspension. A 365-day suspension is required when a student has brought or been in

possession of a firearm or destructive device on educational property, or to a school-sponsored event off of educational property.

1. The Assistant Superintendent may modify, in writing, the 365-day suspension for an individual student on a case-by-case basis.
2. The Assistant Superintendent shall not impose a 365-day suspension if he or she determines that the student took or received the firearm or destructive device from another person at school or found the firearm or destructive device at school, provided that the student delivered or reported the firearm or destructive device as soon as practicable to a law enforcement officer or a school employee and had no intent to use such firearm or destructive device in a harmful or threatening way.
3. Students who are suspended for 365 days shall be offered alternative education services unless the Assistant Superintendent provides a significant or important reason for declining to offer such services, as described in section III(F)(2) above.
4. A 365-day suspension is appealable pursuant to [Policy 5131.5](#), Procedures for Student Discipline.

H. Level VIII. Expulsion. Upon recommendation of the Superintendent or Assistant Superintendent,, the Board of Education may expel any student 14 years of age or older whose continued presence in school constitutes a clear threat to the safety of other students or school staff. Some of the behaviors constituting a clear threat to the safety of other students are described in Board [Policy 5131](#)(IX)(42).

1. The decision to expel a student must be based on clear and convincing evidence.
2. During the expulsion the student is not entitled to be present on any Winston-Salem/Forsyth County School property and is not considered a student of the WS/FCS.
3. An expulsion is appealable pursuant to [Policy 5131.5](#), Procedures for Student Discipline.
4. A student with disabilities may be expelled only if the student's IEP team determines the student's misconduct was not caused by or related to the student's disability as required by state and federal law. If a student with a disability is lawfully expelled, the school system shall continue to provide the student a FAPE, in a homebound or alternative school or program setting as required by state and federal regulations.

I. Lose Control/Lose your License. As allowed by [N.C.G.S. 20-11](#)(n1), if a student is expelled, suspended for more than ten (10) consecutive days, or assigned to an alternative educational setting for more than ten (10) consecutive days, his/her drivers license or permit will be suspended for one year for any of the following offenses.

- a. The possession or sale of an alcoholic beverage or an illegal controlled substance on school property or at a school activity off campus.
- b. The bringing, possession, or use on school property or at a school activity off campus of a weapon or firearm resulting in disciplinary action under [N.C.G.S. § 115C-391](#)(d1) or that could have resulted in that disciplinary action if the conduct had occurred in a public school.
- c. The physical assault on a teacher or other school personnel on school property or at a school activity off campus.

IV. Aiding or Assisting. A student shall not aid or assist another student to violate board policy, administrative regulation, school rules, or classroom rules. A student commits this offense if he or she knowingly advises, induces, encourages, aids or assists another student to commit an offense OR shares in the purpose of the act (to commit the offense) and aids or is in a position to aid the other student when the offense is committed. A student committing this offense may be disciplined in the same manner as those students actively committing the offense.

V. Aggravating and Mitigating Circumstances. When considering the appropriate sanction for specific student conduct, the Principal, Assistant Principal, or teacher should consider circumstances relating to the offense, including but not limited to the following:

1. The student's age;
2. The student's mental capacity;
3. The student's intent;
4. The student's disciplinary history;

5. The student's academic history;
6. The potential benefits to the student of alternatives to suspension;
7. How the student's misconduct impacted others;
8. Whether the student displayed an appropriate attitude and gave respectful cooperation during the investigation and/or after the offense occurred;
9. What other consequence(s) the student may be experiencing outside of school;
10. What action the student and/or the student's parent(s) have taken since the offense occurred.

VI. Guideline Sanctions.

Guideline Sanctions for Violations of the Code of Student Conduct

The following guidelines are recommendations for discipline and should not be construed as mandatory disciplinary actions. Administrators may combine sanctions from different levels where appropriate (i.e. a short-term suspension and a recommendation for long-term suspension). See Policy [5131](#) for full offense descriptions.

LEVEL 1: Discipline that does not remove a student from the classroom for an extended period of time.

- Appropriate for violations of the Code of Student Conduct
- Appropriate for minor acts of misconduct, first time offenses, or when mitigating factors apply to a more serious offense.
- If aggravating factors apply, consider Level II or Level III discipline
- If mitigating factors apply, no discipline should be issued

Being in an Unauthorized Area (UB)	Honor Code Violation (Academic Misconduct) (UB)
Bus Misbehavior (UB)	Late to Class (UB)
Cell Phone Use (UB)	Leaving Class Without Permission (UB)
Cutting Class (UB)	Other (minor offense) (UB)
Disruptive Behavior (UB)	Other School Defined Offense (UB)
Dress Code Violation (UB)	Possession of Counterfeit Item (money) (UB)
Excessive Display of Affection (UB)	Possession of Student's own Rx Drug (UB)
Excessive Tardiness (UB)	Skiping Class (UB)
Falsification of Information (UB)	

LEVEL II: In-school Suspension

- Appropriate for violations of the Code of Student Conduct
- Appropriate for minor acts of misconduct, first time offenses, or when mitigating factors apply to a more serious offense.
- If aggravating factors apply, consider a longer ISS or Level III discipline
- If mitigating factors apply, consider Level I discipline or no discipline

Aggressive Behavior (UB)	Misuse of School Technology (UB)

Disrespect of Faculty/Staff (UB)	Possession of Tobacco (UB)
Gambling (UB)	Repeat Offender (minor disruptions) (UB)
Inappropriate Items on School Property (UB)	Skipping School (UB)
Inappropriate Language/Disrespect (UB)	Truancy (UB)
Insubordination (UB)	Use of Counterfeit Item (money) (UB)
Leaving School Without Permission (UB)	Use of Tobacco (UB)

LEVEL III: Short-term Out-of-School Suspension

- Appropriate for violations of the Code of Student Conduct
- Appropriate for repeated minor offenses, first time offenses, or when mitigating factors apply to a more serious offense
- Short-term suspensions should generally be for no more than five (5) days at a time
- If aggravating factors apply, consider a longer short-term suspension or Level IV discipline
- If mitigating factors apply, consider Level I, Level II, or no discipline

Affray (UB)	Harassment – Sexual (UB)
Assault on Non-student (without weapon and not intended to cause or causing serious injury) (UB)	Harassment – Verbal (UB)
Assault – Other (UB)	Hazing (UB)
Assault on Student (without weapon and not intended to cause or causing serious injury) (UB)	Mutual Sexual Contact Between Students (UB)
Bullying (UB)	Other (serious offense) (UB)
Communicating Threats (N.C. Gen. Stat. 14-277.1)	Possession of Alcoholic Beverage (includes possession, sale or distribution) (RO)
Cyber-bullying (UB)	Possession of Another Person's Prescription Drug (Not a Controlled Substance or Narcotic)
Discrimination (UB)	Possession of Chemical or Drug Paraphernalia (UB)
Disorderly Conduct (N.C. Gen. Stat. 14-288.4)(UB)	Possession of Counterfeit Item (drug or weapon) (UB)
Extortion (UB)	Possession of a Weapon (without intent to use or risk of harm; excluding firearms or destructive devices) (RO)
False Fire Alarm (UB)	Property Damage (UB)
Fighting (UB)	Theft (UB)
Gang Activity (UB)	Unlawfully Setting a Fire (UB)

LEVEL IV: Alternative Learning Center Assignment

- Appropriate for violations of the Code of Student Conduct
- Appropriate for students who repeatedly commit Level I, II, and III offenses, and/or when other interventions do

<p>not improve the student's behavior</p> <ul style="list-style-type: none"> • Appropriate when aggravating factors apply to less serious offenses • Appropriate when mitigating factors apply to more serious offenses • Alternative education placement must be considered in lieu of long-term suspension 	
Repeat Offender (serious disruptions) (UB)	Use of Controlled Substance (RO)
Under the Influence of Alcohol (UB)	Use of Counterfeit Item (i.e. counterfeit controlled substance or weapon) (UB)
Under the Influence of a Controlled Substance (UB)	Use of Narcotics (RO)
Use of Alcoholic Beverage (RO)	
<p>LEVEL V: Alternative School Assignment</p> <ul style="list-style-type: none"> • Appropriate for violations of the Code of Student Conduct • Appropriate for students who repeatedly commit Level I, II, and III offenses, and/or when other interventions do not improve the student's behavior • Appropriate when aggravating factors apply to less serious offenses • Appropriate when mitigating factors apply to more serious offenses • Alternative education placement must be considered in lieu of long-term suspension 	
Assault on School Personnel (without weapon and not intended to cause or causing serious injury) (RO)	Violent Assault Not Resulting in Serious Injury (an attack that is intended to cause or reasonably could cause serious injury) (UB)
Robbery Without a Weapon (UB)	
<p>LEVEL VI: Long-term Out-of-school Suspension</p> <ul style="list-style-type: none"> • Appropriate for violations of the Code of Student Conduct • Appropriate when the student's conduct threatens the safety of students, staff, or school visitors or threatens to substantially disrupt the educational environment • Appropriate when there is a significant or important reason to decline alternative education services, such as: <ul style="list-style-type: none"> vi. The student exhibits violent behavior. vii. The student poses a threat to staff or other students. viii. The student substantially disrupts the learning process. ix. The student otherwise engaged in serious misconduct that makes the provision of alternative educational services not feasible. x. The student failed to comply with reasonable conditions for admittance in to an alternative education program • Generally, a long-term suspension lasts between 11 days and the remainder of the school year (unless the offense is committed during the last quarter as provided in section III(F) above) • Alternative education placement must be considered in lieu of long-term suspension • If mitigating factors apply, consider fewer suspension days or alternative education placement • If aggravating factors apply, consider more suspension days or a Level VIII sanction 	

Bomb Threat (RO)	Sale/Distribution of Controlled Substance in Violation of Law – Cocaine (RO)
Burning of a School Building (RO)	Sale/Distribution of Controlled Substance in Violation of Law – Marijuana (RO)
Possession of Controlled Substance in Violation of Law-Cocaine (RO)	Sale/Distribution of Controlled Substance in Violation of Law – Other (RO)
Possession of Controlled Substance in Violation of Law-Marijuana (RO)	Sale/Distribution of Controlled Substance in Violation of Law – Ritalin (RO)
Possession of Controlled Substance in Violation of Law-Other (RO)	Sale/Distribution of a Prescription Drug (Not a Controlled Substance or Narcotic) (RO)
Possession of Controlled Substance in Violation of Law-Ritalin (RO)	
LEVEL VII: 365-day Suspension Out-of-school	
<ul style="list-style-type: none"> • Appropriate only for the offenses identified in this level • Only the Assistant Superintendent can mitigate a recommendation for a 365-day suspension 	
Possession of Firearm or Powerful Explosive (see definitions for “firearm” and “destructive device” in section II above) (RO)	
LEVEL VIII: Expulsion	
<ul style="list-style-type: none"> • Appropriate when school officials can show by clear and convincing evidence that a student, 14 years of age or older, constitutes a clear threat to the safety of other students or school staff when he or she is in school • The student does not have to be arrested or charged with a crime to be recommended for expulsion • If mitigating factors apply, consider Level IV, or V, or VI sanction 	
Assault Involving the Use of a Weapon (RO)	Rape (PD)
Assault Resulting in Serious Injury (PD)	Robbery with a Dangerous Weapon (PD)
Homicide (PD)	Sexual Assault Not Involving Rape or Sexual Offense (see AR 5131.7 for definition) (PD)
Kidnapping (PD)	Sexual Offense (see AR 5131.7 for definition) (PD)
Possession of a Weapon (with intent to use or risk of harm; excluding firearms and powerful explosives) (RO)	Taking Indecent Liberties with a Minor (see AR 5131.7 for definition) (PD)

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